

TITLE 9

COMMUNITY DEVELOPMENT

CHAPTER 905

LAND USE ELEMENT CODE

TABLE OF CONTENTS

Section Title

I. INTRODUCTORY PROVISIONS

- 905.010 Title
- 905.020 Land use element; generally

II. AGRICULTURAL RESOURCE LANDS

- 905.100 Agricultural resource lands; background
- 905.110 Issues for agricultural resource lands
- 905.120 Policies for agricultural resource lands

III. FOREST RESOURCE LANDS

- 905.200 Forest resource lands; background
- 905.210 Issues for forest resource lands
- 905.220 Policies for forest resource lands

IV. FARM/FOREST LANDS

- 905.300 Farm/Forest lands; background
- 905.320 Issues for farm/forest lands
- 905.330 Policies for farm/forest lands; implementation

V. RURAL RESIDENTIAL LAND

- 905.400 Rural residential land; exceptions and background
- 905.410 Goals for rural residential lands
- 905.420 Policies for rural residential lands

VI. RURAL CENTERS

- 905.450 Rural centers; background
- 905.460 Goals for rural centers
- 905.470 Policies for rural centers

VII. COMMERCIAL LANDS

- 905.500 Commercial land; background
- 905.510 Goals for commercial lands
- 905.520 Policies for commercial lands

VII. INDUSTRIAL LAND

- 905.560 Goals for industrial lands
- 905.570 Policies for industrial lands

IX. URBANIZATION

- 905.600 Urbanization; background
- 905.610 Policies and policy implementation for urbanization

X. WILLAMETTE RIVER GREENWAY

- 905.700 Willamette River Greenway; background
- 905.710 Goal for Willamette River Greenway
- 905.720 Policies for Willamette River Greenway
- 905.730 Policy implementation for the Willamette River Greenway

XI. AGGREGATE RESOURCES

- 905.800 Aggregate resources; background
- 905.810 Goals for aggregate resources
- 905.820 Policies for aggregate resources

XII. NON-RESOURCE LANDS

- 905.900 Non-resource lands; background
- 905.910 Resource lands; description
- 905.920 Non-resource lands; description
- 905.930 Location of non-resource lands
- 905.940 Planning of non-resource lands
- 905.950 Goals for non-resource lands
- 905.960 Policies for non-resource lands

Statutory References and Other Authorities

Legislative History of Chapter 905

Appendix 1 – Implementation Matrix

Appendix 2 — Exception Areas

- Rural Residential Exceptions
 - Albany Planning Area
 - Central Linn Planning Area
 - Lebanon Planning Area
 - North Santiam Planning Area
 - Sweet Home Planning Area
- Rural Center Exceptions
- Commercial Exceptions
- Industrial Exceptions
- Agribusiness Exceptions

Appendix 3 — Inventory of Possibly Significant Sites (Formerly “1B” Sites)

Appendix 4 — Inventory of Non-significant Sites (Formerly “1A” Sites)

Appendix 5 — Inventory of Significant Sites Without Conflicting Uses (Formerly “2A” Sites)

Appendix 5A — Analyses Justifying a Classification as a Significant Site Without Conflicting Uses

Appendix 6 — Inventory of Significant Sites With All Conflicts Minimized

Appendix 6A — Analyses Justifying a Classification as a Significant Site With All Conflicts Minimized

Appendix 7 — Inventory of Significant Sites Protected by Goal 5 and Approved for Mining Pursuant to an ESEE Analysis (Formerly “3A” and “3C” Sites)

Appendix 7A — ESEE Analyses Justifying Protection of a Significant Site By Goal 5 and Approving Mining Pursuant to an ESEE Analysis (Formerly “3A” or “3C” Sites)

Appendix 8 — Inventory of Significant Sites Not Protected by Goal 5 and Not Approved for Mining Pursuant to an ESEE Analysis (Formerly “3B” Sites)

Appendix 8A — ESEE Analyses Justifying Not Protection of a Significant Site By Goal 5 and Not Approving Mining Pursuant to an ESEE Analysis (Formerly “3B” Sites)

I. INTRODUCTORY PROVISIONS

905.010 Title

This Chapter, LCC 905.010 to 905.999, shall be known and may be cited as the “Linn County Land Use Element Code” or simply as the “Land Use Element Code.”

[Adopted 99-190 §6 eff 5/19/99]

905.020 Land use element; generally

(A) The Land Use Element is the nucleus of the *Comprehensive Plan*, since it includes the *Plan* map and policies addressing each *Plan* designation. This provides a general framework for the future use of land in Linn County.

(B) Within this framework, zones will be applied to lands according to their *Plan* designation. These zones will specifically prescribe the uses that will be allowed on the land and the property sizes that must be maintained in order to make these uses feasible. In other words, the Land Development Code (LCC Chapters 920 to 939) “implements” the intent of the *Plan* map and the policies by translating them into specific terms.

(C) The Land Use Element Code, in addition to an introductory section, includes 11 sections describing land use elements, eight of which correspond to the *Plan* designations.

(1) The eight *Plan*-designation sections are:

- (a) Agricultural Resource Lands,
- (b) Forest Resource Lands,
- (c) Farm/Forest Lands,
- (d) Rural Residential Lands,
- (e) Rural Centers,
- (f) Non-resource Lands;
- (g) Commercial Lands, and
- (h) Industrial Lands.

(2) The other three sections are:

- (a) the Willamette Greenway,
- (b) Aggregate Resources, and
- (c) Urbanization.

(3) Explanations of these sections are included with each set of policies.

(D) The Land Use Element addresses many of the Statewide Land Use Goals.

(1) The resource lands sections (Agricultural Resource Lands, Forest Resource Lands, and Farm/Forest Lands) address Goals #3, #4, and #5.

(2) The Willamette Greenway section addresses Goal #15.

(3) The other sections of this element represent various types of development rather than resource land preservation. These sections address several of the Goals, including Goals #2, #5, #9, #10, #13, and #14.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 04-041 §1 eff 4/28/04]

II. AGRICULTURAL RESOURCE LANDS

905.100 Agricultural resource lands; background

(A) Throughout Linn County history, farming has shaped the County's economy and culture. Located in the heart of the Willamette Valley, the rich soils, mild climate, wealth of waterways, and promise of bountiful farming contributed to the agricultural production in the area and attracted early settlers.

(B) Oregon was originally inhabited by Native Americans, then by settlers throughout the 1800s. In the early 1800s, the abundance of wildlife made Oregon a prime spot for trapping and attracted settlers to the area. In 1850, the Donation Land Claim Act began giving 320 acres of land to each white male citizen over 20 settling in Oregon and an additional 320 acres if they were married for their spouse. Parts of these original land claims still appear today as outlines of farms. This act prompted tens of thousands of people to migrate to Oregon from the east coast during the 1850s and 1860s.

(C) Since the Donation Land Claim Act, crops grown in Linn County have varied from animal-based products to grains and grass. Original settlers used the abundance of grass to feed livestock, then processed livestock as the primary agricultural product. As time passed, farmers increased the amount of grains and grass grown for their own profitability. Currently, grass seed is the County's primary crop. Other crops currently in production include fruits, grains, nursery stock, and various livestock products including wool and dairy. Currently, nearly 25 percent of Linn County lands are designated in the Comprehensive Plan as Agricultural Resource. These lands comprise 72 percent of county lands outside of the Forest Resource areas in the eastern portion of the county. According to the United States Department of Agriculture, National Agriculture Statistics Service, Census of Agriculture for 1997, Over 5,100 people were employed in agricultural services in Linn County in 1997. The market value of

all agricultural products sold in 1997 exceeded \$174,000,000, nearly doubling the value in 1980. Grass seed dominates the agricultural economy of the County, accounting for over \$117,000,000 in 1999 according to the Linn County Agriculture Report published by the Oregon State University Extension Service. This report also estimates the total value of all agriculture production at \$203,000,000 in 1999; livestock products accounted for 19 percent and grass seed products accounted for 58 percent of agriculture sales.

(D) The U. S. Census of Agriculture defines 'farm' as a place which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during the study year. According to the Census of Agriculture, the number of acres in farm production in Linn County has increased since 1974 (the approximate inception date of the Oregon Statewide Planning Goals) from 356,533 acres to 393,393 acres, an increase of ten percent. The number of farms increased 106 percent from 975 farms in 1974 to 2,009 farms in 1997. However, the average farm size decreased from 218 acres in 1974 to 196 acres in 1997. The number of mid-sized farms (50 to 999 acres) decreased by 20 percent, while the number of small farms (up to 50 acres) increased by 93 percent. Additionally, the number of large farms (greater than 1,000 acres) increased 31 percent from 74 to 97 farms.

(E) The definition of a 'farm' by the U. S. Census of Agriculture differs from the State of Oregon definition of 'farm use.' Whereas the U.S. Census of Agriculture defines "farm" as a place that sells or produces more than \$1000 in good in a year, 'farm use' as defined in ORS 215.203 means "...the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. " Farm use also includes the preparation, storage and disposal by marketing or otherwise of

the products or by-products raised on such land for human or animal use. Stabling or training equines and raising aquatic and bird species are considered farm use.

(F) The State of Oregon, in the Statewide Planning Goals developed in the 1970s, clearly impressed the importance of agriculture lands to the State. Statewide Planning Goal 3 states: "Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700". ORS 215.243 states: "Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic, and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state."

(G) Linn County's *Comprehensive Plan* supports this statewide goal and provides guidelines for implementation while the Linn County Land Development Code (LCC) provides standards, regulations, and requirements for reviewing proposed development in farm zones. The Linn County *Comprehensive Plan* also seeks to promote flexibility in use while maintaining and enhancing the productive capacity of the land for agricultural use and providing for facilities and services integral to continued commercial agriculture. Together, the Oregon Administrative Rules (OAR), ORS and LCC direct land use planning decisions countywide. Countywide planning was adopted in March 1972 and was updated most recently in 2000.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

905.110 Issues for agricultural resource lands

(A) Land use planning laws are in effect to regulate how development occurs, and in the context of agriculture lands, protect and preserve resources. Planning helps assure that tracts of land remain large by setting a minimum size standard. Planning also regulates the type of uses that may occur on farmland. By ensuring that farm tracts

stay in large parcels, the County assures that commercial farming operations can occur with fewer restrictions and more efficiently contribute to the local economy. Given the growing population in Oregon and in the mid-Willamette Valley specifically, there is demand to convert agriculture lands to residential use. With land use laws protecting this farmland, conversion to non-resource uses is minimized.

(B) Land use laws also regulate the establishment of dwellings in the Agricultural Resource area. New non-farm dwellings are perceived as a potential conflict to the predominant purposes of the Agricultural Resource district and are only permitted when locational and siting criteria are met. The conditional use review process provides an opportunity for surrounding property owners and effected agencies to comment on the proposed application; responses are considered when making a decision. Farm related dwellings are allowed when shown to meet farm income criteria, or other criteria as specified in Oregon State statutes.

(C) The process of establishing a dwelling in the Agricultural Resource area examines the type of soils on the property, the length of single-ownership, the use of the property and if there is already a dwelling on the property or tract. A proposed dwelling may be reviewed as a primary farmer residence, a residence for someone critical for farming operations or a farmer's relative. If a person has continuously owned a property since before 1985, the property may qualify for a lot-of-record dwelling. Last, if a property is composed of soils considered Class IV or worse, a person may pursue a conditional use permit for a non-farm residence. Approval of this type of dwelling requires that the property be removed from farm tax deferral. For all these potential residences, excluding the farmer relative dwelling, the soils classification plays a pivotal role in determining if a dwelling is permissible and which decision criteria to apply to the review. Soils classifications come from the U. S. Department of Agriculture,

Natural Resources Conservation Service (NRCS), *Soil Survey of Linn County Area, Oregon*.

(D) Linn County designates land as Exclusive Farm Use to maintain land suitable for agricultural production, whether in large or small blocks. “**Agricultural lands**” are defined in the OAR and Statewide Planning Goal 3 as Class I through IV lands in the Willamette Valley; lands in other soil classes that is suitable for farm use as defined in ORS 215.203 (2) (a) taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, and accepted farming practices. It also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in capability classes other than I – IV that is adjacent to or intermingled with lands in capability classes I – IV within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural Land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Statewide Planning Goals 3 or 4.

(E) Soils classifications are specified by the NRCS of the U.S. Department of Agriculture. Changing the *Comprehensive Plan* designation of agricultural lands (designated as Agricultural Resource on the *Comprehensive Plan* map) to a development designation requires taking exception to Statewide Planning Goal 3 since these lands are specifically protected by the state.

(F) In addition to the NRCS soils classification system, the County implements a rating of High Value Farm Land (HVFL) Class I and II, and non-HVFL for classifying soils as outlined in ORS 215.710. These soils classifications play a critical role in determining developments in the resource areas of Linn County. Different land uses are permitted on properties depending on the soil quality.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01]

905.120 Policies for agricultural resource lands

(A) Linn County will protect and maintain the farm orientation of the Agriculture Resource areas. Uses will be permitted according to applicable statutes, administrative rules and local code.

(B) Linn County will use the land use planning process to minimize conflicts between agriculture uses and other non-resource land. Proposed development in the Exclusive Farm Use zone will be assessed and mitigated to minimize potential conflicts.

(C) The public review process assesses proposed land use activities in the farm zone. Notices of pending land use action are sent to surrounding property owners, government agencies and other interested parties for comments for discretionary land use decisions. Responses help the county determine if the decision criteria can be met.

(D) New residences in the EFU zone are permitted in limited circumstances. The ORS, OAR and LCC provide guidelines for these conditional use reviews.

(E) Commercial activities conjunction with farm use are regulated as outlined in the ORS.

(F) Agriculture Resource lands will be kept in large tracts to ensure farming can occur and the land is being used for its intended purposes. The minimum lot size is set by statute to ensure the land base continues to be suitable for resource production. The partition, land division and property line adjustment sections of the LCC establish standards for reducing the size of a parcel and creating new parcels.

(G) Conversion of a tract or parcel that is designated as “Agricultural Resource” on the *Comprehensive Plan* map to a different *Comprehensive Plan* designation requires an exception to Statewide Planning Goal 3 and a *Comprehensive Plan* amendment. These reviews are difficult since they propose to remove land from agriculture production. This public process entails a hearing before the Planning Commission and the Board of Commissioners. This process

provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land.

(H) Linn County recognizes the value of the Agricultural Land Evaluation and Site Assessment (LESA) system as a planning tool. This system aids in rating the agricultural value of land and determining its relative suitability for agricultural use. The LESA system is described in a Western Rural Development Center publication No. 26, dated February 1984, and entitled, *Adapting the Agricultural Land Evaluation and Site Assessment (LESA) System in the Pacific Northwest*. The LESA methodology used is described in an unpublished paper entitled “*The Use of Agricultural Land Evaluation and Site in Linn County, Oregon*” by Pease, et. al. This paper is included as an appendix to the Agricultural Lands Background Report. The county will use the LESA system as a means to analyze agricultural land issues in current and long-range planning cases.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

III. FOREST RESOURCE LANDS

905.200 Forest resource lands; background

(A)

(B) Linn County encompasses both the rich agricultural lands of the Willamette Valley and the productive forested mountainsides of the Cascade Range. Much of the area in the eastern portion of Linn County is classified as Forest Resource in the *Comprehensive Plan* with the majority of this in the Cascade mountain range. The topography, sparse population and high precipitation of this region make it a prime location for forestry.

(C) Over 900,000 acres, nearly 65 percent of Linn County, is forested. Much of the forested land is held in large-acre ownership with the Willamette National Forest managed by the U.S. Forest Service as one of the largest holdings. The Bureau of Land Management (BLM) in the U.S. Department of the Interior administers lands under its jurisdiction. These lands include public domain

lands and Oregon and California Railroad lands. Many private corporations such as Weyerhaeuser, Timber Service Company and Willamette Industries own large-tract forested properties and have interest in the health and activities of the forest resource lands. The public and industrial forestlands comprise the majority of the Forest Resource designation on the *Comprehensive Plan* map. Although most forestlands are held in larger tracts, the pattern of ownership is more of a checkerboard pattern with ownership alternating between United States agencies and private landholders on adjacent tracts.

(D) The forested lands play a critical role in the economic, environmental and social vitality of Linn County. Historically, forestry has been one of the primary industries in Oregon and it still plays an important role in county economics. Both the primary industry of forestry and secondary industries, such as wood processing, contribute to the economic diversity of Linn County. According to the State of Oregon Employment Department, 2,920 people were employed in the lumber and wood products industry in Linn County in February 2001.

(E) Uses of forested lands consistent with Statewide Planning Goal 4 include providing wildlife habitat, watershed areas and riparian habitat. Certain wildlife habitats are protected through the Endangered Species Act (ESA) administered through the Fish and Wildlife Service and the 4(d) Rules administered through the National Marine Fisheries Service. The ESA protects and reduces the harm to threatened and endangered species, including salmon and steelhead, by influencing how forestry practices occur. These programs are intended to protect habitat and waterways where protected species live. Additionally, the Oregon Department of Forestry implements the Oregon Forest Practices Act to regulate forest practices in a way that minimizes adverse impacts to wildlife habitat.

(F) Many people in Linn County and throughout Oregon enjoy forestland for recreational purposes. Hunting, hiking, camping and fishing are some of the recreational

opportunities available in the expansive forested lands of Linn County. Green Peter Reservoir, Foster Reservoir and Detroit Reservoir offer opportunities for these activities. These reservoirs also play a key role in managing the Middle, South and North Santiam Rivers.

(G) The State of Oregon in Statewide Planning Goal Four seeks "...to conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture." The Forest Resource *Comprehensive Plan* designation has been applied to the mostly public and corporate held forestlands in Linn County and is implemented by the Forest Conservation and Management zoning regulations in the Linn County Land Development Code (LCC).

(H) Statewide Planning Goal 4 identifies forest uses as:

- (1) uses related to and in support of forest operations;
- (2) uses to conserve soil, water and air quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;
- (3) locationally dependent uses; and
- (4) dwellings authorized by law.

(I) Statewide Planning Goal 4 defines **forest lands** as "... those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources."

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

905.210 Issues for forest resource lands

(A) Given the importance of forested lands to Oregon and Linn County, the County seeks to preserve forest resources for forest products, recreational uses and environmental enhancement. The Forest Resource designation recognizes the economic and environmental contributions of these lands. Land uses that may conflict with forest practices are discouraged. Land uses that do not conflict with forested lands include: practicing forestry, recreational activities and farming. The Forest Conservation and Management zone in the LCC implements this designation to ensure the resource orientation of the land.

(B) Conflicting land uses are an issue and hinder forestry from operating as efficiently and economically as possible. Consequently, Linn County does not permit new permanent dwellings and other potentially conflicting land uses locating in the Forest Resource area. The Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) establish the regulatory framework for development in the forest resource area.

(C) The LCC together with the ORS and the OAR regulate the use of land in the Forest Resource area. Maintaining large-acre tracts is important to ensuring the commercial feasibility of forestry and the ORS provide a minimum parcel size for new forest pieces of 80 acres. This helps to ensure that commercial forestry practices remain feasible.

(D) In addition to land use restrictions on forested lands, forestry practices in Oregon must comply with the Oregon's Forest Practices Act, administered by the State Forestry Department and enacted in 1972. The goal of this act is to promote effective and efficient forest management, sustain healthy forests, maintain the continuous growing and harvesting of trees, protect soil productivity, protect wildlife habitat and environmental quality and foster other forestland values and benefits.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01]

905.220 Policies for forest resource lands

(A) Linn County uses the Forest Conservation and Management (FCM) zoning

designation in the LCC to maintain the resource orientation and capacity of forestlands. This zoning designation cannot be changed without a *Comprehensive Plan* and map amendment. This also requires taking an exception to Statewide Planning Goal 4. Land divisions will be regulated under the guidelines of the OAR, ORS, and LCC and administered by LCC 924 (Partitioning Code).

(B) Forest Resource lands will be kept in large tracts to ensure forestry can occur and the land is being used for its intended purposes. The minimum lot size is set by statute to ensure the land base continues to be suitable for forestry production. The partition and property line adjustment sections of the LCC establish standards for reducing the size of a parcel and creating new parcels.

(C) Linn County prohibits establishing new permanent dwellings in the Forest Resource area. However, existing dwellings may be replaced and temporary labor camps may be established in conjunction with forest practices on Forest Resource lands.

(D) Linn County shall seek input from relevant agencies when a pending land use action is proposed. A proposed action may conflict with the resource nature of this designation and interagency communication may highlight conflict and inform the decision-making process.

(E) Linn County recognizes the Oregon Forest Practices Act (ORS 527.610 to 527.770) as a guide to the best management practices on Forest Resource lands.

(F) Linn County shall designate contiguous public and forest industry forest lands as Forest Resource on the *Plan* map.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

IV. FARM/FOREST LANDS

905.300 Farm/Forest lands; background

(A) Between the farmlands in the west and the mountainous forests in the east is an area that blends the character of the two major geographic regions of Linn County. In the foothills of the

Cascade Range, spanning from the northern to the southern border of the county are hilly lands with many streams. These lands may be forested, may be cleared for farm production or may be suitable for either type of resource-related land use. These lands have rural residential development that is more dense than in either the EFU or FCM zones of the county. These lands are designated Farm/Forest, a hybrid of the agricultural lands and the forestlands and comprise approximately seven percent of Linn County.

(B) The purpose of the Farm/Forest designation is threefold:

(1) it identifies land suitable for timber production that is generally not held in commercial ownership;

(2) it recognizes areas where either farm or forest uses are suitable given the soil quality and topography; and

(3) it maintains resource uses by placing certain regulations on land uses.

(C) Some typical land uses in the Farm/Forest area include farming, livestock grazing and small-scale timber operations. These lands contribute to the strength of the largest economic bases of Oregon – forestry and farming.

(D) Given that the Farm/Forest designation is a hybrid of agriculture and forestry uses, Statewide Planning Goals 3 and 4 apply to these lands. Farm/Forest lands aim to preserve and maintain agricultural and forest lands and to conserve soil, water, air and wildlife resources. Resource land uses permitted in both the EFU and the FCM zones are allowed in the Farm/Forest zone given the same regulations that exist in the other resource zones. Uses permitted conditionally in either the Agricultural or Forest Resource plan designation are also permitted conditionally in the Farm/Forest zone under similar regulations.

(E) The Farm/Forest lands of Linn County are located primarily in the foothills of Linn County while the EFU and the FCM lands are typically concentrated in the western and eastern areas of the county respectively. Though Farm/Forest lands are a hybrid of the other two resource designations of the *Comprehensive Plan*,

the nature of Farm/Forest lands makes regulation of them different and perhaps more difficult than the other zones. The mixed-use Farm/Forest zone is characterized by smaller parcel sizes and more residential development. Though there is an eighty-acre minimum size for new properties in the Farm/Forest designation, many properties were created at a smaller size under previous zoning laws or prior to the initiation of zoning laws.

(F) Dwellings exist throughout the Farm/Forest zone of Linn County. New dwellings are not allowed outright in this zone but may be pursued through a conditional use permit. The existing development pattern in the forested areas of the Farm/Forest zone may be conducive in allowing more residential development since one of the current criteria for siting new dwellings inquires about the number of residences in the immediate area.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

905.320 Issues for farm/forest lands

(A) Similar to the Agriculture Resource and Forest Resource land designations, the county administers the Farm/Forest (F/F) designation in a manner that enhances natural resources and the productive capacity of the land. The Farm/Forest lands are important to maintaining water and air quality and some of these lands coincide with wildlife habitats. Land use regulations are in place to manage conflicting land uses that may hinder the primary activities on Farm/Forest lands.

(B) The *Comprehensive Plan* encourages the use of Farm/Forest lands for resource purposes. Permitted land uses in the Farm/Forest areas include timber production, agriculture and livestock grazing. Provision of wildlife habitat consistent with Statewide Planning Goals 3 and 4 is another role of the Farm/Forest lands. Habitats may be for threatened and endangered species and may protect pigeon springs, osprey nests, riparian corridors, salmon habitat and big game habitat. The Endangered Species Act and the 4(d) Rules administered by the Fish and Wildlife Service and the National Marine Fisheries Service are intended to protect endangered species and their habitats.

(C) Coordination of land use regulations between the three main governing legislative schemes – the Oregon Revised Statutes (ORS); the Oregon Administrative Rules (OAR); and the Linn County Land Development Code (LCC chapters 920 to 939) – is central to the effective implementation of land use law. A standard established in the ORS must be supported in the LCC. The LCC also provides processes for implementation of the ORS and OAR.

(D) The establishment of dwellings in the Farm/Forest zone is another issue in the administration of the Farm/Forest district. Non-resource dwellings are perceived as a conflict to the resource orientation of the Farm/Forest district. Proposed dwellings are reviewed through a conditional use process with notice sent to surrounding property owners and effected agencies to obtain comments about the development. The land use review process of establishing a dwelling in the forested areas of this zoning district examines the capacity for timber production, then establishes required densities of housing and units of land in the surrounding area in order to qualify for a dwelling. Timber production capacity is based upon the soil productivity data maintained by the NRCS.

(E) The Oregon Forest Practices Act, discussed in the Forest Resource section of the *Comprehensive Plan*, specifically regulates forest practices. Properties approved for a dwelling that are greater than ten acres in size are required to stock the property with trees for future harvests. Several state, federal and private programs provide incentives for farm and forest landowners to maintain or increase timber production on their land. These include the Western Oregon Forest Land and Privilege Tax, forest land classification, federal cost share programs for timber stand improvement, educational programs through the OSU Forestry Extension Service and technical service programs sponsored by the Oregon Department of Forestry and private industries. The farm deferral program for Farm/Forest land in farm use encourages the retention of farmland by

valuing and taxing it at its true cash value for farm use rather than at its market value.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

905.330 Policies for farm/forest lands; implementation

(A) Linn County establishes policies, standards and regulations to maintain the resource orientation and capacity of Farm/Forest lands.

(B) The minimum lot size for new parcels is set by statute to insure that the land base continues to be suitable for resource production. The partition and land division ordinance in the LCC implements state standards.

(C) Linn County regulates the establishment of new permanent dwellings in the Farm/Forest area through a conditional use review process. The criteria in this process requires that the proposed development will not force a significant change in or significantly increase the cost of farm or forest practices on nearby lands.

(D) Linn County will seek input from effected agencies when an applicant proposes a *Comprehensive Plan* amendment, zone change or other pending discretionary land use action. This input assists in the evaluation of a proposed land use change.

(E) As part of the future *Comprehensive Plan* review process, land designated Farm/Forest may be considered for Rural Residential designation, such as the Hardscrabble Hill and Hale Butte areas. Factors to be considered for a plan amendment include detailed soils information and need for additional rural residential land at that time.

(F) In the Farm/Forest zoning district, parcels and tracts that are predominantly in farm use shall be reviewed under farm land use criteria. Parcels and tracts that are predominantly forested shall be reviewed under forest land use criteria. If the predominant use of a parcel or tract is unclear, the surrounding properties will be examined to provide guidance in determining the land use pattern.

(G) Conversion of lands designated as Farm/Forest in the *Comprehensive Plan* to a

different plan designation requires a *Comprehensive Plan* amendment and a goal exception. Both Statewide Planning Goals 3 and 4 shall apply unless the applicant submits evidence that the property is clearly not protected by one of the goals. This evidence must be part of any application. If sufficient evidence is submitted to indicate that either Goal 3 or 4 does not apply, the applicant shall still be required to take exception to the other applicable goal in the Farm/Forest zone. This *Plan* amendment process entails a hearing before the Planning Commission and the Board of Commissioners and is open to the public. This process provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land.

(H) Linn County recognizes the value of the Agricultural Land Evaluation and Site Assessment (LESA) system as a planning tool. This system aids in rating the agricultural value of land and determining its relative suitability for agricultural use. The LESA system is described in a Western Rural Development Center publication No. 26, dated February 1984, and entitled, *Adapting the Agricultural Land Evaluation and Site Assessment (LESA) System in the Pacific Northwest*. The LESA methodology used is described in an unpublished paper entitled “*The Use of Agricultural Land Evaluation and Site in Linn County, Oregon*” by Pease, et. al. This paper is included as an appendix to the Agricultural Lands Background Report. The county will use the LESA system as a means to analyze agricultural land issues in current and long-range planning cases.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

V. RURAL RESIDENTIAL LAND

905.400 Rural residential land; exceptions and background

(A) The first Linn County settlers came mostly from Tennessee, Virginia, Kentucky and Missouri. They built settlements near Knox Butte, Lebanon, Brownsville, Oakville and Albany and by 1850, census information indicated a population of

173. According to Floyd Mullen in his book the *Land of Linn*, early settlers located their claims either in the foothills or on the banks of some stream. The open, flat land was the last to be settled because of poorly drained soils. The foothills were ready to plow and had plenty of timber for buildings and fences.

(B) In 1850, Congress passed the Donation Land Claim law which granted each white male citizen over 18 years old, 320 acres if single and 640 acres if married. The Donation Land Claim offer brought many people west. These people found fertile land, plenty of water and large forests. These amenities along with hard work produced the necessities for survival and eventual prosperity.

(C) The many towns and settlements in the county supported post offices, stores, flour mills, saw mills and railroad stops. The diversity of the county provided settlers many opportunities to make a living and eventually result in 13 incorporated communities and eight unincorporated communities. The beautiful and bountiful countryside is one of the main reasons over 30,000 people live in the rural areas of Linn County. The demand for rural home sites is greatest in the scenic foothill areas.

(D) It is estimated that more than 10,000 rural residents live in areas which are designated Rural Residential on the *Plan* and zoning maps. There are over 14,000 acres zoned for residential development in five rural planning areas. The following table shows the existing amount of development for each of the planning areas.

Planning Area and Designation Code in Appendix 2	Area Acres	Existing Residences
Albany (A)	2700	1020
Central Linn (C)	1725	230
Lebanon (L)	4722	965
North Santiam (N)	2247	504
Sweet Home (S)	3052	767
Total	14446	3486

(E) The purpose of the Rural Residential *Plan* designation is to direct all non-resource related housing to suitable locations. Four zoning districts have been adopted to implement the Rural

Residential *Plan* designation; they are identified as RR-1, RR-2 ½, RR-5 and RR-10. A ten acre rural residential minimum property size zoning district has been created for application under certain circumstances. The RR-10 zone is intended for exception areas which may consist of one or more larger properties that, when divided, would generate a higher level of development than is appropriate for a rural location. The RR-10 district is also appropriate as a transition buffer between smaller residential properties size development and land which is used for various resource purposes. The larger properties size standard will reduce potential resource/residential conflicts while allowing development to occur on qualifying residential land.

(F) The RR-10 district can be used in residential areas where conditions do not permit denser development patterns. Groundwater limitations, poor septic suitability or access difficulties are the types of conditions which should result in a lower residential density. Other factors which may require larger property development include the lack of fire protection, steep slope conditions or the presence of important natural features.

(G) The RR-5 district has been applied to areas which are located adjacent to an urban growth boundary (UGB) or are considered to be within an urban influence area. An urban influence area is located close to an UGB and may be included in an UGB in the future. The five acre minimum property size standard is applied to these areas in order to maintain a rural development pattern which is convertible to urban densities at some time in the future. The five acre minimum property size standard permits rural development to occur without hindering future urban scale development and provision of public facilities once the land is within an UGB. Urban influence areas may not be rezoned to a higher density without an exception to the Urbanization Goal (Goal 14). Urban influence areas are identified in the exception document.

(H) The RR-5 zone is also applied to exception areas which are located near agricultural

and forest resource areas. There is a need to reduce potential conflicts between residential and resource land uses. Certain exception areas are bordered by large properties zoned Exclusive Farm Use or Farm/Forest. If these exception areas are developed at higher densities it is possible that nearby resource activities may be adversely impacted. Most of the areas designated RR-5 are already developed at or near that density. In many of the RR-5 exception areas, topography and other physical boundaries will limit the number of future residences and reduce the potential conflict with resource uses.

(I) Some urban influence exception areas were zoned RR-1 or RR-2½ in 1980 and have not been amended to a lower residential density as described above. These areas do not have very much vacant land and are already developed at a RR-1 or RR-2½ density. The only development that will occur will be on a lot-of-record. A lot-of-record may be developed in any residential zone if site development standards are met. The re-designation of these exception areas to lower densities would not have a bearing upon the number of future residences.

(J) The other rural residential exception areas have been zoned RR-2½ acre minimum. The RR-2½ minimum provides for a rural level of development and will not result in the need for urban types of services such as public sewer and water systems. Topography, other physical boundaries and the small number of future residences in these exception areas combine to maintain a rural level of development and not adversely impact resource uses. Public sewer and water systems are not permitted outside of an UGB. All new rural development must be supported by on-site sewage disposal systems. Water must be supplied by wells which may be shared by no more than three residences. Other primary rural services include public roads and fire protection. The county road network provides access to most of the exception areas. There are about 1 100 miles of county roads of which 73 per cent are paved. All county roads are maintained by the county road department. It is estimated that 90 per cent of the roads serving

exception areas are paved. The roads which are not paved are mostly public or private roads which are not maintained by the county. These roads consist of rock base and in some instances are maintained by the surrounding property owners. State highways provide access to many of the exception areas.

(K) Future development in the exception areas is not expected to exceed the capacity of the existing road network. The county road system is capable of serving the anticipated development for two reasons. The dispersed location of the exception areas effectively distributes traffic over a wide area. No single road will be receiving a significant amount of additional traffic. Second, there is a fixed amount of additional development that will occur. This amount of development is not going to create traffic problems on the county road system. More than three-fourths of all exception properties are developed. This means that on average, each exception area will be developed with about 25 per cent more residences. Additional traffic generated from this increase will be distributed throughout many areas and will not adversely impact the county road system.

(L) Nearly all of the exception areas are located within a rural fire protection district. The three exception areas which are not within a fire protection district are designated RR-5 to limit the number of additional residences. Areas outside of a rural fire protection district will be required to annex to a district when annexation requirements can be met.

(M) According to groundwater reports published by the water resources department in cooperation with the United States Department of the Interior Geological Survey, the lower Santiam River basin generally provides sufficient quantities of water for domestic use. The lower Santiam River basin includes most of four planning areas (Albany, Lebanon, North Santiam and Sweet Home) and 88 of the 104 exception areas. Groundwater is directly related to the geology of the County. It is primarily the Little Butte Volcanic series and Columbia River Basalt group which underlay the exception areas. Although

these formations do not always produce enough water for irrigation, the amount of groundwater produced is adequate for household purposes. Based upon the best available information, there is adequate groundwater to support the anticipated level of rural residential development in the exception areas.

(N) The water resources department has been studying the management and protection of groundwater. In some areas of the state, groundwater resources have declined creating water management problems for many users. There is a need to prevent excessive water level declines and to restore aquifer storage in these areas and perhaps in other areas which have not yet been identified. One water management area exists in the county in the Kingston area. While it is expected that groundwater resources are adequate to support rural residential development, it is the intent of this land use *Plan* to be responsive to groundwater problems. The county will work with the water resources department in obtaining groundwater availability information and correlating it to residential areas. If it is determined that there is inadequate groundwater available to support proposed rural residential development in an exception area, then the county will lower the residential density standard. In order to maintain a rural scale of development, public water systems are not permitted. Residential development must be supported by on-site water producing and delivery systems. Wells which are shared by three or fewer residences are not considered public water systems. Existing public water systems may be used to provide water to subdivision lots or to lots which are entitled to service through previously recorded agreements. Additionally, when the governing body determines there is a health hazard, public water systems may be used to alleviate the hazard.

(O) Approval to locate an on-site sewage treatment disposal systems is required before a residential development permit will be issued. Each site is inspected and must qualify under rules established by the Oregon Department of Environmental Quality (DEQ). The DEQ rules

establish standards for setbacks from water sources, wells and property lines. A site that is approved must have an area large enough for two drainfields in the event the initial drainfield must be replaced.

(P) The county environmental health program administers the DEQ subsurface sewage disposal system requirements. Before a new system can be located on rural property, a registered sanitarian will inspect and analyze the soil and determine whether a sewage system can be installed. If the soils are suitable and the necessary setbacks can be met, the sanitarian will map the location of the septic tank, drainfield and repair area (second drainfield) and inspect the installation. This process ensures that rural housing will be supported by a professionally evaluated and inspected disposal system which should not fail if properly maintained. In the event of system failure, there is a repair area which will be improved and then connected to the septic tank.

(Q) There have been problems with failing sewage disposal systems in older housing developments located on small properties. These problems have been hard to solve because there is not enough land area to repair or replace existing systems. Expensive extensions of public water and sewer services have been needed in order to eliminate health hazards. The developments requiring these services were built before there were planning or sewage disposal system requirements. State and local regulations have been developed to prevent health hazard situations in the future.

(R) The RR-1 acre minimum property size which was applied to most of the exception areas has been retained only for exception areas which are already developed at a one acre density. There are undeveloped lots-of-record in the RR-1 sites that would be developed under any minimum property size standard. This is because a lot-of-record in a residential zone is entitled to development permits if property development standards can be met. The RR-1 zone cannot be applied without an exception to the Urbanization Goal (Goal 14).

(S) Two *Plan* designation have been established to identify areas suitable for future rural residential development:

Rural Residential Reserve–Agricultural Resource
Rural Residential Reserve–Farm Forest

The reserve designation may be applied through the *Plan* amendment process when the rural residential locational criteria are met. The criteria generally consider resource potential, property sizes, level of development, surrounding land uses and suitability for development.

(T) When a Rural Residential Reserve *Plan* designation is applied, the underlying zoning shall be Exclusive Farm Use or Farm/Forest. Before a Rural Residential zone can be applied, an exception to the applicable Statewide Goals must be approved or it must be shown that the area is committed to development.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

905.410 Goals for rural residential lands

To provide for the orderly development of rural home sites in suitable locations.

[Adopted 80-335 eff 9/2/80]

905.420 Policies for rural residential lands

(A) The policies for Rural Residential Lands are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County shall provide an adequate supply of buildable land for rural residential use in order to accommodate future rural population growth.

(2) Land designated for rural residential use shall, whenever possible, have a minimum of adverse site characteristics such as steep slopes or exposure to flooding.

(3) Linn County shall consider the availability of facilities and services such as roads and fire protection when designating land for residential use.

(4) Linn County shall seek to maintain the rural character of development within rural residential designations.

(5) The Rural Residential *Plan* designation is implemented with four rural

residential zones which are distinguished only by minimum property size standards. The RR–2½ acre minimum property size zone, for reasons established in the text of this section, is considered a rural designation. The RR–2½ designation has been applied to exception sites which are capable of supporting additional development without adversely impacting rural services and urbanization plans of the cities in the county. A Goal 14 exception has been taken for rural residential urban influence areas which are zoned RR–2½.

(6) The RR–10 acre minimum property size zone may be established on larger size properties where development limitations exist. Such limitations may include limited groundwater quantity, poor septic suitability, access difficulties, steep slopes, important natural features or the lack of fire protection.

(7) The RR–10 zone may also be applied to land that will provide a buffer between smaller residential property size development and farm and forest resource uses. The RR–10 zone may be changed to either a RR–2½ or RR–1 with a zone amendment and an exception to Goal 14. A change from RR–10 to RR–5 requires a zone amendment only.

(8) The RR–5 acre minimum property size zone has been applied to areas which are considered to be urban influence areas, subject to development limitations or located near resource activities. Some exception areas have been designated RR–5 based upon the potential number of residences that could be built. It is the intent of the *Plan* not to permit large, rural communities in the exception areas. The RR–5 zone may not be changed to another rural residential designation without a zone amendment and an exception to Goal 14.

(9) A fourth property size designation, the RR–1 acre minimum zone has been applied to exception areas which are already developed at a one acre density. The RR–1 zone is not considered a rural zoning designation and can only be applied through an urban exception and zone amendment.

(10) Public sewer and water systems are not permitted in the county in areas outside of an

urban growth boundary except under the circumstances described in policy 12.

(11) Public water and sewer systems may be established or extended in a rural residential area when the governing body determines that a health hazard exists pursuant to DEQ or Oregon Health Division procedures and criteria. A new or extended public water or sewer system is appropriate in the rural areas only when needed to protect the public's health and safety. Municipal water or waste disposal systems cannot be extended to a rural residential area unless the health hazard area is included within an urban growth boundary.

(12) Existing public water and sewer systems may be used to provide service to properties which are entitled to service through previously recorded agreements.

(13) The county will work with the water resources department in obtaining groundwater availability information and correlating it to residential areas. If it is determined that there is inadequate groundwater available to support proposed rural residential development in an exception area, then the county will lower the residential density standard to that which can be accommodated by the groundwater resource.

(14) Properties existing as of the effective date of this *Plan* provision with more than one residence may be divided into units which are less than the minimum property size for the purpose of putting the residences on separate properties. The residences must have been lawfully sited and considered permanent under Land Development Code (LCC Chapters 920 to 939) provisions. Property development standards and the requirements of the environmental health program must be met. Property boundaries of properties existing as of the effective date of this *Plan* provision may be adjusted when the result is a property less than the minimum property size standard. The property boundary adjustment may be approved when no additional properties parcels are created and other requirements established in

the Land Development Code (LCC Chapters 920 to 939) are met.

(15) Within an urban influence area, the minimum property size standard will generally be five acres. In areas which are predominately developed at greater densities, the minimum property size will be either one or two and one-half acres depending upon the level of development. In order to recognize that the one or two and one-half acre areas are different than the other urban influence exception sites, an urban exception will be taken. An urban influence area may be rezoned to another minimum lot size consistent with provisions in OAR 660-004-0040. Urban influence areas are identified in Appendix 2 following this chapter.

(16) Land partitions for residential use shall not be permitted until it can be shown that there is an acceptable and approved method of sewage disposal for each proposed property which meets the rules and regulations of the state department of environmental quality.

(17) Subdivision approval shall require findings that adequate public facilities such as schools, fire protection and roads exist or will be available.

(18) Infill of existing manufactured home parks, when located in rural residential areas, is desirable for the following reasons:

(a) It is the intent of Linn County to allow in-filling of existing manufactured home parks where they are located in rural residential areas;

(b) By allowing in-filling of existing manufactured home parks, Linn County will not need to approve new mobile home parks unless they comply with planned unit development criteria;

(c) Existing manufactured home parks commit the mobile home park tax-lot to a non-resource land use, and it is unlikely that undeveloped manufactured home park land could ever become productive resource land. In-fill of vacant lands within manufactured home parks is an efficient use of such land;

(d) Expanding existing manufactured home parks will satisfy Linn County's desire to provide for variety in housing types in rural residential areas, while ensuring minimum conflict between resource and non-resource lands; and

(e) Existing manufactured home park facilities can be expanded and provide for more efficient utilization of such facilities.

(19) Existing manufactured home parks shall be allowed to in-fill to their service capacity in accordance with the following criteria:

(a) New spaces added will result in total manufactured home park tax-lot density of not more than four spaces per acre;

(b) Where an existing manufactured home park exceeds four spaces per acre, it shall not be allowed to expand. Such parks will be allowed to retain all existing spaces as a conforming use within Rural Residential districts;

(c) Adequate facilities for water and utilities exist or will be available to serve additional spaces;

(d) New spaces shall be provided with approved sanitation;

(e) Expansion plans shall be approved by the Building Codes Division and applicable provisions of the Land Development Code (LCC Chapters 920 to 939); and

(f) The manufactured home park was licensed by state commerce department, real estate division prior to January 1, 1975.

(20) A *Plan* map designation of Agricultural Resource or Farm/Forest-Rural Residential Reserve has been applied to areas meeting the rural residential housing locational criteria. A *Plan* amendment and Statewide Goal exception to the applicable Goal(s) must be approved before a Rural Residential designation can be applied. Until an amendment and exception are approved, only uses permitted in the Farm/Forest or Exclusive Farm Use zones shall be allowed.

(a) *Rural Residential Reserve Locational Criteria:*

(i) The combination of soil types, property sizes, ownership patterns,

topography and existing development may preclude commercial farm or forest practices.

(ii) Nearby commercial farm, forest, or other resource activities would not appear to be adversely affected by residential development.

(iii) There are minimal development limitations present including flood or geologic hazards.

(iv) Necessary facilities and services are available including:

(I) Roads

(II) Water

(III) Septic tank

sites

(IV) Fire protection

(21) Land that is committed or developed with rural residential uses may be designated Rural Residential if the applicable requirements in Oregon Administrative Rules Division 4 can be met. A *Comprehensive Plan* amendment is required before the Rural Residential *Plan* designation can be applied.

(22) A lot-of-of record may be developed in the Rural Residential zone with a permitted use if the applicable property development standards are met.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

VI. RURAL CENTERS

905.450 Rural centers; background

(A) Rural centers are small towns that have never incorporated. They are similar to small towns in that they have residential areas, businesses, industry, churches, fraternal lodges, schools and post offices. There are eight places which are identified as rural centers in the *Comprehensive Plan*:

(1) Cascadia;

(2) Crabtree;

(3) Crawfordsville;

(4) Holley;

(5) Lacombe;

(6) Peoria;

- (7) Shedd; and
- (8) West Scio.

(B) These eight rural centers were established because they were trading and employment centers. As pointed out by Floyd Mullen in the *Land of Linn*, in the settlement period a store and post office were located about seven miles apart. This was the distance that could be traveled in a day on an ox drawn cart.

(C) The number of businesses declined as roads were improved and rail service began. Access to bigger trading centers reduced the need for numerous country stores. Although many of the trading centers quickly vanished, many have survived into the present. The following summary from the *Land of Linn*, describes the origins of seven of the rural centers.

(D) Cascadia began as a stage stop and Cascade recreation resort. In 1898, a post office and 30 room hotel were built for travelers crossing the mountains or visiting the mineral spring. In 1940, this site was sold to the State of Oregon and developed as Cascadia State Park. Presently, there are about 60 dwellings, three businesses and a church in Cascadia.

(E) Crabtree was established in 1880 and is home to about 200 people. In Crabtree there are several small businesses and a school, fire station, tavern and two churches. According to Mullen, Crabtree was named after either John Crabtree the first recorded land settler in Linn County or Fletcher Crabtree another early settler.

(F) In 1870, Crawfordsville had a flour mill, saw mill, a shoe manufacturer and steel knife maker. The largest sawmill and planing mill in the county was located in Crawfordsville in 1906. There are about 250 people in Crawfordsville as well as a market, a tavern, a school, fire station, a church and a seed plant.

(G) There are no records to tell us when Holley was established. There was a mill in Holley in 1861 and a post office, general store and shingle mill in 1890. There are about 150 residents, several businesses, a school and a church in Holley today.

(H) A post office was established in Lacombe in 1889 after settlement began in the 1860s. Formerly the strawberry growing center in Oregon, Lacombe now has about 180 residents. There is a school, fire station and several businesses in this community.

(I) The town of Peoria was established in 1857 as a steamboat landing site. Before the railroad, wheat was shipped from Peoria and a variety of cargo unloaded. Today, the small community is home to about 90 people. There is also a church and fire station in Peoria.

(J) Shedd was established when the railroad was extended through the area in 1870. According to Floyd Mullen, Captain Frank Shedd donated the land for the new town which became a wheat and cattle shipping point. Located on Highway 99E, Shedd is home to about 150 people, some businesses, a school, fire station a church and two grass seed warehouses.

(K) West Scio was also established when the Oregon Railway Limited was built in 1880. West Scio has about 100 residents, a grocery store, a tavern and several industries. The amount of industrial development is greater in West Scio than in any other rural center.

(L) The future of most of the rural centers will largely be to provide additional housing opportunities. Vacant land may be developed with residences or limited number of small scale commercial uses. Additional rural industrial land uses may be appropriate in Shedd and West Scio. Other uses in the Rural Center (RCT) zone include utility facilities, farm and forest activities, community facilities and recreation facilities. The minimum property size for each rural center is based upon the level of development, land division , groundwater, soil suitability for sewage disposal, the presence of natural hazards and fire protection. The table below sets out the minimum property size standard for each rural center.

RURAL CENTER MINIMUM PROPERTY SIZE STANDARD	
Rural Center	Property Size
Cascadia	5 acres

Crabtree	1 acre
Crawfordsville	2.5 acres
Holley	2.5 acres
Lacomb	2.5 acres
Peoria	1 acre
Shedd	1 acre
West Scio	2.5 acres

Most of the rural centers have commercial and/or industrial land uses. These businesses serve the local community and tourists but are not large enough to be considered regional trade centers. The existing commercial and industrial uses in the RCT zone will be zoned to reflect the existing development. The designations will either be Rural Commercial or Limited Industrial.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

905.460 Goals for rural centers

(A) Enhance community identity in rural centers.

(B) Maintain rural character in rural centers.

[Adopted 80-335 eff 9/2/80]

905.470 Policies for rural centers

(A) The policies for Rural Centers are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Eight rural centers have been identified on the *Plan* map. Each of these rural centers meet criteria (a) to (c) in this paragraph. The identification of other rural centers shall be based upon the criteria below and also upon findings which demonstrate there is a concentration of residential use; an active school, church, post office, grange hall or community center, and existing commercial and/or industrial use.

(a) Demonstrates residential, commercial and/or industrial character;

(b) Exhibit community identity; and

(c) Provide locally important commercial services and community facilities.

(2) Linn County shall establish maximum densities in rural center areas that are appropriate to the considerations pertaining to the individual areas. Such considerations include

development limitations, availability of services and the nature and extent of existing development.

(3) The Rural Center *Plan* designation is implemented with three rural center zones which are distinguished only by different minimum property size standards. Each rural center designation has been assigned a minimum property size standard based upon the criteria established in policy 2. The three minimum property size standards which have been applied are 1, 2½ and 5 acre.

(4) The Rural Center 1 acre minimum zone has been applied to rural centers which are already developed at a one acre density. The RCT-1 zone is not considered a rural zoning designation and can only be applied through an urban exception and zone amendment.

(5) Public sewer and water systems are not permitted in the county in areas outside of an urban growth boundary.

(6) Public water and sewer systems may be established or extended in a rural center area when the governing body determines that a health hazard exists pursuant to DEQ or Oregon Health Division criteria. A new or extended public water or sewer system is appropriate in the rural areas only when needed to protect the public’s health and safety. Municipal water or waste disposal systems cannot be extended to a rural center unless the health hazard area is included within an urban growth boundary.

(7) Existing public water and sewer systems may be used to provide water to properties which are entitled to service through previously recorded agreements.

(8) The county will work with the state water resources department in obtaining groundwater availability information and correlating it to residential areas. If it is determined that there is inadequate groundwater available to support proposed rural center development, then the county will lower the residential density standard to that which can be accommodated by the groundwater resource.

(9) Parcels existing as of the effective date of this *Plan* provision with more than one

residence may be divided into properties which are less than the minimum property size for the purpose of putting the residences on separate properties . The residences must have been lawfully sited and considered permanent under Land Development Code (LCC Chapters 920 to 939) provisions. Property development standards and the requirements of the environmental health program must be met. Property boundaries of properties existing as of the effective date of this *Plan* provision may be adjusted when the result is a property less than the minimum property size standard. The property boundary adjustment may be approved when no additional properties are created and other requirements established in the Land Development Code (LCC Chapters 920 to 939) are met.

(10) Commercial land use in rural center shall be primarily for the purpose of providing goods and services to residents and businesses in its vicinity.

(11) Individual rural center community plans may be developed where sufficient citizen interest exists.

(12) In rural centers, new commercial and industrial development should be located within or adjacent to the principal area of existing commercial and industrial development. A *Plan* and zoning map amendment and new exception must be approved before a Rural Commercial or Limited Industrial zone may be applied in a rural center.

(13) A lot-of-record may be developed in the RCT zone with a permitted use if the applicable property development standards are met.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

VII. COMMERCIAL LANDS

905.500 Commercial land; background

(A) Commerce began to develop in Linn County in the last part of the 1840s and early 1850s. Postal service was established in 1847, the first sawmill was built in 1850 near Crawfordsville, and in 1851 a steamboat docked at Corvallis.

During the California gold rush, about twenty gristmills were established. Existing and historic towns such as Scio, Boston and Jordan became local trading centers after gristmills were established. Sawmills helped create the rural communities of Holley and Larwood.

(B) Many river towns were established and flourished until the railroad was established in 1870. Towns such as Albany, Harrisburg, Peoria, Burlington and Orleans were trade centers which had low wharves on the Willamette. Other towns and trading places were established along the wagon road which crossed the Cascades and was used to drive cattle to Central Oregon pasture in the summer. Cascadia and Upper Soda (home of the Mountain House) were popular stopovers for travelers crossing the Cascades.

(C) When the railroad was extended into Linn County in 1870, the use of the steamboat for trade diminished and so did many of the river towns. Current and historic towns such as Millersburg, Tangent, Shedd, Halsey and Muddy Station (later renamed Alford) developed when the Oregon and California Railroad constructed rail lines in the county. A narrow gauge railroad built between Albany and Lebanon established shipping points and trade centers such as Shelburn, West Scio, Gilkey, Crabtree and Tallman.

(D) Trading centers were established throughout the county as roads were established. After the region was settled, a store and post office were located every seven to eight miles apart. Over the next 100 years, some of the first settlements grew into large communities and cities. However, most of the historic trading centers no longer exist and remain only as a place name on maps.

(E) When the county was being settled in the 1850s through the 1870s, the steamship, wagon road and railroad transportation network provided the opportunity for commerce. Now, it is the network of county, state and federal roads which have created the opportunities for commercial development in Linn County. While there are still several rail lines in the county, many of the rural routes have been abandoned. Most rural residents

now travel by car to the nearest large community for consumer goods. The regional mall, generally located next to or near a freeway, has replaced downtown as the trading center. The rural trading post and post office have been replaced by gas stations and repair facilities, restaurants, mini-markets, and campgrounds. Rural centers such as Lacombe, Crawfordsville, Shedd and Crabtree remain as a link to early Linn County trading centers.

(F) In the future, rural commercial land uses will serve primarily rural residents and highway travelers. Small stores, restaurants and car and truck repair shops are examples of rural commercial uses. It is expected that most of these uses will occur at freeway interchanges to complement existing businesses and because the location will attract the most customers. Existing rural commercial zoning which is located on the primary arterial highways will provide opportunities for commercial services similar to those found at the interchanges.

(G) It is the intent of the *Comprehensive Plan* to support the location of most commercial uses within an urban growth boundary. This is a better location since necessary urban services are available and most customers and employees live nearby. Better use of transportation and other public facilities is possible with properly planned urban commercial development. Urban scale commercial uses should not be located in a rural area in order to prevent conflicts with farming and to decrease the possibility of a sprawl development pattern.

(H) There are two commercial zones and one commercial *Plan* designation in the Linn County land use *Plan*.

(1) The Freeway Interchange Commercial (FIC) zone has been applied to the freeway interchanges identified above and to a service station located at Hoefer Road and the freeway.

(2) The Rural Commercial (RCM) zone has been applied to fourteen sites mostly in the Lebanon, Sweet Home and Cottonwoods areas. Most of the RCM uses are “neighborhood-

oriented”; the customers live in the area or drive by the business on the way to rural homes. Several of the rural commercial sites have locations on major arterials and are able to draw additional business from highway motorists who are not rural residents.

(I) There are eighteen commercial exception areas consisting of about 174 acres and 48 commercial uses.

(1) Most of the commercial development (25 uses) is clustered at the freeway interchanges of:

(a) Highway 34 (Corvallis and Lebanon);

(b) Highway 228 (Halsey and Brownsville); and

(c) Diamond Hill Road (Harrisburg).

(2) The Cottonwoods area located on Highway 20 and Knox Butte Road east of Albany; and

(3) the area south of Lebanon have the most RCM development (ten uses).

(4) The other thirteen rural commercial uses are located throughout the county.

(J) The present amount of commercially zoned land is probably adequate for the near future. There is land available for development or redevelopment at the Highway 34 and Diamond Hill interchanges. These appear to be the most likely sites for future transportation dependent commercial development because of the freeway location and expected increases in tourism and traffic. The FIC zoned area at the Highway 228 interchange (Brownsville, Halsey and Sweet Home access) is almost completely developed, but may be subject to additional development pressure because of location and existing development. Additional rural commercial development is not anticipated on RCM sites except perhaps at the three sites located on Highway 20 between Cottonwoods and Sweet Home.

(K) The RCM and FIC zones have been written in a manner that permits a level of development which is appropriate for rural locations and freeway interchanges. The uses

permitted in the two commercial zones are considered rural because the businesses will be primarily serving rural residents and the traveling public. None of the commercial uses is intended to provide commercial services for an urban population. The commercial uses located on freeway interchanges and arterials will provide service to the motorists already on the road and will not generate additional traffic. Rural commercial uses are small scale, local service businesses generating limited amounts of traffic and creating no demand for public water or public sewage treatment systems. None of the rural commercial or freeway commercial sites is located next to an urban growth boundary.

(L) The most likely types of uses in rural commercial and freeway interchange commercial zones in the future will be restaurants, mini-markets, repair facilities and tourist shops. These types of businesses have been constructed in Linn County since the freeway was constructed and are also located on primary arterials, such as Highway 20. The exception sites where most of these businesses are located are:

EXCEPTION AREA	#
Cottonwoods	C-3
Farmer's Market	C-4
Hwy. 34/I-5	C-8
Shirley's Tavern	C-9
I-5/Hwy. 228	C-18
I-5/Diamond Hill	C-19

(M) The average size of the largest businesses located at these exception sites is 3,835 square feet (eight business in buildings totaling 30,684 square feet; the largest building is 6,522 square feet and the smallest 3,025 square feet). With one exception, these businesses are the most recently constructed of those in the commercial zones.

(N) In order to ensure that the uses permitted in the RCM zone do not exceed the intended scale of operation, a building size limitation has been established. New commercial uses must be located within a building no greater than 3,750 square feet in size. This figure is based on an inventory of existing uses and buildings in

the commercial zones and the needs of future uses. The inventory which is included in the *Plan* background reports shows that there is a wide range of building sizes, but that the most recently developed uses in the two commercial zones have the largest buildings. A 3,750 square foot building will be large enough for commercial activities and still be considered a rural size structure.

(O) Expansion of an existing building may result in a building exceeding the size standard (3,750 square feet). It is not the intent of the *Comprehensive Plan* to create a hardship for existing businesses. Without the opportunity for expansion or replacement of existing structures, a business may not be able to continue. To meet this need, a fifty percent expansion of an existing building is permitted. For those buildings which are less than the permitted building size standard, an expansion to 3,750 square feet or fifty percent of the existing building size is permitted.

(P) In addition to the building size standard, a limit of three separate, freestanding businesses per exception site, or one business per property (as mapped on the effective date of this amendment) has been established for thirteen commercial exception sites. This standard has been imposed to restrict cluster development and prevent the establishment of an urban type "mini-mall" development outside of an UGB. A separate, freestanding business is one that operates in a building by itself. A single building may be used by one or more businesses and still count as a single, freestanding business. An example of a single, freestanding businesses with multiple uses would be a service station that also has a mini-market and video rental business located within a single building no larger than 3,750 square feet. The intent of this standard is that no more than three freestanding, businesses can operate at an exception site (e.g., C-1; Stayton Phone), but that every property in an exception area is entitled to at least one rural commercial development. Therefore, if there are two existing businesses on two properties and there is one undeveloped property left in the exception area, then a separate, freestanding business can be added to the

undeveloped property and no more to the two previously developed parcels.

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

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

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

(S) The county considers state Highway 34, between the Interstate and the Willamette River, as an area of special concern. This area is characterized by a mixture of agricultural, residential, industrial and commercial uses. Further development along this corridor may be proposed because of the proximity to Corvallis, Albany,

Tangent and the freeway; the presence of a five lane state highway; visibility to a high volume of traffic and the nature of existing development.

(T) It is the intent of this *Plan* to maintain the present supply of RCM zoning and to discourage the conversion of agricultural, residential and industrial land to commercial uses. The *Plan* is discouraging more commercial development because it will create traffic conflicts on the highway and will be inconsistent with planning efforts in Albany, Tangent and Corvallis. Highway 34 has been designed to move a high volume of traffic at fast speeds and additional highway commercial development will be inconsistent with the function of the highway because of increased turning movements on and off the highway. Because commercial services are available nearby in Albany, Corvallis and Tangent, there is little need to provide additional rural commercial zoning on Highway 34.

(U) Land which is not now designated for commercial uses may at some time be needed for rural commercial development. There may be an unforeseen need for a rural commercial service which cannot be met elsewhere. Although the need for additional freeway commercial land is not apparent now, future needs are unpredictable. In either case, whether there is a need for additional rural or freeway commercial zoning, the process to designate additional land for commercial use is the same. A *Comprehensive Plan* amendment and an exception to the Statewide Goals may be proposed for review by the planning commission and board of commissioners. This is a rigorous review which requires extensive findings proving that there are no other locations available within an UGB or in the county and that the proposal is consistent with *Plan* policies and all of the applicable Statewide Goals. If a *Comprehensive Plan* amendment is approved, then the property would be rezoned to either the RCM or FIC zoning designation.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

905.510 Goals for commercial lands

(A) Provide for rural commercial and freeway related commercial uses which are needed for rural residents, tourists and motorists.

(B) Ensure that commercial development is compatible with farming and forestry practices on nearby land.

(C) Integrate rural commercial development opportunities with rural development strategies such as tourism and resource related industries.

(D) Ensure that commercial development will not create traffic safety concerns or reduce the carrying capacity of state highways and county roads.

[Adopted 80-335 eff 9/2/80]

905.520 Policies for commercial lands

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

(B) *Policies.*

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

(2) The Rural Commercial (RCM) zone is intended to provide for a restricted scale of commercial development for rural residents and highway motorists. The RCM zone has been applied to existing commercial sites and to property already committed to commercial development. New RCM sites may be appropriate to meet a need in an area which does not have commercial zoning. A *Plan* amendment and exception would have to be approved before property could be zoned RCM.

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

development in the incorporated communities in the county.

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

(5) In order to ensure that the permitted commercial uses do not exceed the intended scale of operation, a building size limitation has been established. New commercial uses must be located within a building no greater than 3,750 square feet in size. The building size standard is based on existing commercial building sizes and the need to ensure that new businesses can operate efficiently by having adequate space for customers and storage. Businesses in existing buildings (as of the date of adoption of this policy) are permitted to expand the building size up to 3,750 square feet or by up to fifty per cent of existing building size, whichever is greater. In no case, may the expansion result in a building which exceeds the greater of 3,750 square feet or a fifty percent expansion of the existing building size.

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

from the limitation are already developed with three or more commercial uses.

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

(8) It is the intent of the *Plan* to maintain the present supply of RCM zoned land between the Willamette River and the Interstate freeway and to discourage the conversion of agricultural, residential and industrial land to commercial uses. The *Plan* is discouraging more commercial development because it will create traffic conflicts on the highway and will be inconsistent with planning efforts in Albany, Tangent and Corvallis. Highway 34 has been designed to move a high volume of traffic at fast speeds and additional highway commercial development will create more turning movements on and off the highway. Because commercial services are available nearby in Corvallis and Albany there is little need to provide additional rural commercial zoning on Highway 34.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

VII. INDUSTRIAL LAND

905.550 Industrial land; background

(A) Early manufacturing in the county consisted of saw and grist mills. Flour mills served a large area and the saw mills served a local population because of poor roads and the difficulty of transporting lumber. In 1850, the U.S. Census reported that eighteen people were employed in manufacturing products worth \$189,000. By 1890, there were 69 industries employing about 407 people.

(B) Mining, in addition to agriculture and lumber was a dynamic industry during the early 1860's. At that time, the Quartzville mining district was established in order to mine gold and silver. However, by the end of the decade interest waned when riches were not realized. The mines were

reopened in 1887, but were closed permanently by 1900. Mining in the Calapooia River drainage started in 1890 with the opening of the Lucky Boy mine. By 1912, the Lucky Boy mine closed and so did most of the other mining activity in the area.

(C) As would be expected, many of the early industries were started to produce the necessities of pioneer life. Chairs were made in Syracuse, the first town in Linn County. Plows, wagons and pottery were produced for early settlers in Brownsville and Harrisburg. Most industries were operated out of the settlers' homes and the manufactured goods were traded locally because the roads were not suitable for transporting finished products.

(D) The Lebanon Paper Mill was opened early in 1890 after residents of Lebanon put up \$5,000 to help get the plant started. Straw paper used for wrapping was produced in 1892 and later wood pulp was used to make manila paper. The paper mill was sold in 1906 and merged into the Crown Zellerbach Corporation in 1937. Although paper is no longer manufactured at the site, some buildings remain.

(E) Farm and forest related industries were integral to the growth and development of the county. Sheep raising in the valley led to the construction of four Linn County wool processing plants, the first of which was built in Brownsville in 1862. The Nebergall Packing Plant, built in 1915, became a regional processing plant for cattle and hogs. Each community had a dairy and in 1896 a cheese factory was started in Lebanon. The Albany Creamery Associated was incorporated in 1895, the Bohle Creamery in Lebanon started in 1913 and a condensery was built in Scio in 1921.

(F) The forest industry has provided the backbone of the Linn County economy for over 50 years. The early days of logging with cross-cut saws and skidding logs with oxen or floating logs to streamside mills provided wages and a way of life that continues into the 1990's. Modern logging and milling techniques are based on years of experience and research, but still require the hard work of the labor force.

(G) Starting in the late 1970s changes in the timber industry left mill sites abandoned or operating below capacity. The decline in this industry adversely affected the local economy and communities in Linn and other timber producing counties.

(H) Linn County needs to have a diversified economy and to provide opportunities for new jobs. One way to accomplish this goal is through maximizing the use of land zoned for industrial use. Identifying industrial sites that have fewer land use barriers can enhance development opportunities.

(I) Industrial land sites are referred to as project-ready when they are appropriately zoned, have access to necessary public facilities, and have no environmental or other concerns that would cause undue delay to an industry wanting to develop the site. The lack of available project-ready industrial sites in Linn County makes it difficult to attract new industries and the jobs they bring with them.

(J) Linn County's current industrial base is still dependent upon agriculture and forestry. The value of forest and agricultural products exceeds other products of manufacturing. Numerous resource related industries have located in the county to provide support services such as machine shops, truck and equipment repair and heavy construction. In fact, of the approximately 95 industrial land uses located outside of an urban growth boundary, nearly 40% involve the manufacturing, processing, selling or servicing of products related to agriculture or forestry. A complete inventory of industrial uses and location is included in the exception statement.

(K) In addition to resource related industrial land uses, there are many businesses which provide services for rural and urban areas. Examples of these industries are construction related services and the sale and service of cars, trucks, recreational vehicles and boats. Most of the heavy industrial sites are located in the eastern part of the county with the lighter industrial uses located closer to Albany and Corvallis. The most intensive area of industrial development occurs on Highway 34 between Corvallis and Oakville Road and on

Highway 20 between Lebanon and Sweet Home. These two areas contain about 60% of all the industrial uses outside urban growth boundaries.

(L) The county land use *Plan* is designed to ensure that farm and forest land is used in a manner that enhances the productivity of the land. Farm and forest industries have provided many opportunities to develop agriculture and timber resources into products which are used throughout the region, other parts of the country and in many parts of the world. The inventory of industrial land uses shows the very significant role that farm and forest products have in the Linn County economy. For that reason, land has been zoned for industrial use to permit the expansion of rural based industries whenever possible.

(M) It is expected that most new industrial uses will locate within one of the urban growth boundaries (UGB) in Linn County. Important public facilities, including water and sewer systems are more economically and efficiently provided by the cities. The labor force is also close by. Further, within the context of land use regulations, cities are able to plan for future industrial development by zoning undeveloped land for industrial use. A county cannot zone undeveloped land for industrial use unless that land is already committed to development or "needed" for a specific type of use.

(N) However, it is not always feasible nor desirable to locate industrial uses within an urban growth boundary. A rural setting is more appropriate for land uses which need to be isolated from conflicting uses. Also, proximity to raw materials, other industrial uses, key transportation networks or an energy supply may provide comparative advantages not available elsewhere. The two primary industrial zones in the Land Development Code permit rural limited industrial and heavy industrial uses. The Limited Industrial zone is generally applied to activities which are conducted inside of a building. In the Limited Industrial zone, manufacturing or processing is to occur inside with outdoor activities limited to equipment or material storage. The Heavy Industrial zone is applied to manufacturing

activities which include outside processing or require a more isolated location. Heavy industrial uses are generally more intensive than limited industrial uses. This is because most heavy industrial uses have operational characteristics which are more likely to have a negative impact on other land uses in the area. Examples of heavy industrial land uses include saw mills and the manufacture of paper products..

(O) Some existing industrial uses cannot be classified as rural. Under the context of the Statewide Goals, uses which are not rural must be labeled “urban” and planned for in a different manner. In many cases, urban types of development in areas outside of an urban growth boundary require an exception to Goal 14 (Urbanization). This is what has been done for about 320 acres which are already developed or committed to urban uses. The area which is developed or committed to urban types of development has been established in the exception. In both the LI and HI zones there are several existing urban uses which are specifically identified and permitted as outright uses. The expansion of these uses is permitted on land which is already committed or developed to the listed use.

(P) Requiring goal exceptions to make an abandoned or diminished mill site ready for and attractive to industry can discourage redevelopment of the site. Such sites should be eligible to be quickly approved for redevelopment, or connected to public sewer services. To that end, the 2003 Legislature adopted measures (HB 2614) to allow counties to identify, rezone as necessary, and permit the development of abandoned or diminished mill sites, including connections to public sewer systems, without requiring an exception to existing Statewide Planning Goals, including Goal 3, Goal 4, Goal 11 and Goal 14.

(Q) As used in this *Plan*, “abandoned or diminished mill site” means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that: (a) is located

outside of urban growth boundaries; (b) was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and (c) contains or contained permanent buildings used in the production or manufacturing of wood products.

(R) To encourage industrial development and job creation, the *Plan* and the Land Development Code allows the industrial development, and rezoning as needed, of abandoned or diminished mill sites consistent with the provisions of HB 2614.

(S) The county does not have adequate information to identify abandoned or diminished mill sites that qualify for rezoning or redevelopment under HB 2614. The county will work with individual property owners to facilitate the identification of qualifying mill sites through the *Plan* amendment, Land Development Code amendment, and specific conditional uses procedures in the Land Development Code.

(T) As previously described, properties adjacent to Highway 34 are developed with numerous industries. Most of this development is located within two clusters; one near Oakville Road and the other near Peoria Road. The diversity of these two areas is recognized by an Urban Development (UD) zoning designation which has been applied only to these two areas. The purpose of the UD zone is to permit the continuation and expansion of existing uses and their replacement with similar uses. The UD zoning district will be restricted to two intensively developed areas on Highway 34. A description of the areas zoned UD is found in the Highway 34 exception.

(U) Other industrially zoned land on Highway 34 will be limited to rural types of industrial development. This is because the county considers state Highway 34, between the Interstate Freeway (I-5) and the Willamette River, as an area of special concern. This area is characterized by a mixture of agricultural, residential, industrial and commercial uses. Further development along this corridor is likely to be proposed because of the proximity to Corvallis, Albany, Tangent and the

freeway; the presence of a five lane state highway; visibility to a high volume of traffic; and the nature of existing development.

(V) It is the intent of the *Comprehensive Plan* to maintain the present supply of land zoned for limited industrial uses between the Willamette River and the Interstate freeway and to discourage the conversion of agricultural, residential and commercially zoned property to industrial uses. The *Plan* is intended to discourage more industrial development because it will create traffic conflicts on the highway and will be inconsistent with planning efforts in Albany, Tangent and Corvallis. Highway 34 has been designed to move a high volume of traffic at fast speeds and additional industrial development will create more turning movements on and off the highway. Because industrial land is available nearby in Corvallis, Albany, Tangent and Millersburg, there is little need to provide additional locations for industrial development opportunities on Highway 34.

(W) Several rural industrial sites have been identified on the *Plan* map as Industrial Reserve. The Industrial Reserve *Plan* designation is intended to provide identification of future industrial sites which will be included in an UGB at some time in the future. The Industrial Reserve designation may only be applied with the consent of the affected city and to property which is adjacent to a growth boundary or is in the path of urbanization.

(X) Property designated Industrial Reserve will have locational qualities such as:

- (1) Access to transportation networks.
- (2) Generally flat topography which is well drained.
- (3) Limited, if any, physical limitations such as the presence of natural hazards.
- (4) Adequate size and shape.
- (5) Limited exposure to existing or future conflicting uses.
- (6) Future availability of water, sewer, fire protection and utilities.
- (7) Proximity to a labor market.
- (8) Adjacent to an urban growth boundary or within a path of urbanization.

(Y) Any Industrial Reserve site shall be zoned with an appropriate resource designation (Exclusive Farm Use, Farm/Forest or Forest Conservation and Management) until needed for development. A resource zone will protect the site(s) from potentially conflicting uses and will maintain consistency with agricultural and forest lands Statewide Goals.

(Z) When the site is to be included within an urban growth boundary, a zone amendment and review specified in Goal #14 (Urbanization) will be needed. A *Plan* amendment is required to place land under an Industrial Reserve designation.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 04-055 §1 eff 3/31/04]

905.560 Goals for industrial lands

(A) Provide for the orderly development of land for rural industrial uses.

(B) Recognize identified industrial operations as viable county land uses.

(C) Provide opportunities for diverse rural economic development.

(D) Facilitate the identification and development of qualifying abandoned or diminished mill sites where development permits and rezoning, as needed, may be obtained without taking exceptions to land use planning goals regarding agricultural lands, forestlands, public facilities and urbanization.

[Adopted 80-335 eff 9/2/80; amd 04-055 §1 eff 3/31/04]

905.570 Policies for industrial lands

(A) The policies for industrial lands are set forth in subsection (B) of this section.

(B) *Policies.*

(1) The Urban Development district may be applied to property with an Industrial *Plan* designation when a zone amendment and Goal 14 exception are approved. The two Urban Development district sub-zones are intended for two specific existing exception sites on Highway 34 which are identified in a separate exception document. No other sites have been considered as suitable for the Urban Development designation. Any future application of the UD district will require a Land Development Code text amend-

ment to establish uses appropriate for the site. Additionally, a Goal 14 exception is required prior to application of the UD district.

(2) A zone amendment from one of the two rural industrial zones (LI & HI) to the other may be approved if the zone amendment decision criteria are met as well as the requirements of Planning and Zoning for Exception Areas in OAR 660-004-0018.

(3) Expansion or replacement of an urban industrial use is permitted if an urban exception has been adopted and if applicable property development standards are met. If an existing development is not included as an urban exception, alterations and/or expansions may be permitted only through a nonconforming use review.

(4) The majority of new industrial sites will be located within an urban growth boundary to take advantage of public facilities and utilities. The county supports the efforts of the various cities to plan and prepare land for industrial development.

(5) The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products. Further, they may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses.

(6) The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned.

(7) The on-site primary processing of forest resources in the Forest Resource *Plan* designation shall be considered compatible with other permitted uses. Temporary on-site processing of forest resources may be permitted in Agricultural Resource, Farm/Forest, Rural Residential, and Urban Growth Management designations through a conditional use process. Other temporary industrial activities involving primary processing of natural resources in

conjunction with farm and forest uses may be permitted in Agricultural Resource, Farm/Forest, and Forest Resource *Plan* designations.

(8) The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the *Plan* amendment and exception process.

(9) Industrial activities and associated waste discharges shall comply with the environmental quality standards of the Department of Environmental Quality.

(10) Expansion of the James River/Pope and Talbot paper plant shall be encouraged. An additional 280 acres has been rezoned to Heavy Industrial in anticipation of the plant expansion.

(11) An Industrial Reserve *Plan* designation may be applied, after an approved *Plan* amendment, to land which is desirable and suitable for future industrial development. Property designated for Industrial Reserve will have locational qualities such as:

(a) Access to transportation networks.

(b) Generally flat topography which is well drained.

(c) Limited, if any, physical limitations such as the presence of natural hazards.

(d) Adequate size and shape.

(e) Limited exposure to existing or future conflicting uses.

(f) Future availability of water, sewer, fire protection, and utilities.

(g) Proximity to a labor market.

(h) Adjacent to an urban growth boundary or within a path of urbanization.

(12) Land designated Industrial Reserve shall be zoned Exclusive Farm Use, Farm/Forest or Forest Conservation and Management. An industrial reserve site shall be included in an urban growth boundary before development may occur.

(13) Land divisions for property designated Industrial Reserve will only be approved when it is shown that future industrial development of the property will not be made more difficult.

(14) An Exclusive Farm Use-80 acre minimum property size zone designation may be applied to future industrial sites located within a city planning area or urban growth boundary. The intent of the designation is to retain properties for industrial uses requiring a large land area until the property can be incorporated.

(15) Development of a major facility shall be compatible with surrounding land uses and shall not have a significant negative impact on the overall land use pattern in the area.

(16) A Planned Unit Development (PUD) sub-district will overlay the entire 63 acres of the industrial portion of T11S, R4W, Section 34, Tax-lot 300. The boundaries are the northern line of the Oregon Electric Railroad easement extend southerly to the highway. Land divisions and uses in the PUD are as follows:

(a) While a partitioning may occur in the industrially designated portion of the site, minimum property size shall be 30 acres.

(b) If the industrially designated portion of the site is divided, final properties must be provided with rail and road access.

(c) Use of any and all properties will be limited to agricultural and forestry based activities which support local, rural resource industries. Development proposals will be reviewed through the provisions of the Land Development Code.

(d) No permanent non-resource related dwellings may be constructed on any portion of the total 98 acre site.

(e) Highway access shall be limited to the points previously approved by the state highway division. When any partitions are proposed, highway access shall be reserved and assured through review for appropriateness and location. Review shall be carried out by the division engineer or designated agent of the state highway division.

(f) Availability of potable water, water for wastewater treatment and on-site subsurface disposal must be proven prior to approval of any partitions or issuance of building permits.

(g) Any potentially adverse impacts on adjacent or nearby agricultural lands as a result of site development must be mitigated to the satisfaction of the planning commission prior to issuance of any approvals or development permits.

(17) It is the intent of the *Plan* to maintain existing LI zoning along Highway 34 between the Willamette River and the Interstate Freeway and to discourage the conversion of agricultural, residential and commercial land to industrial zoning. The intent of the *Plan* is to discourage more industrial zoning because it will create traffic conflicts on the highway and will be inconsistent with planning efforts of Albany, Tangent and Corvallis. Highway 34 has been designed to move a high volume of traffic at fast speeds. As an "Access Oregon Highway," it is intended to be a limited access, high volume arterial. Additional highway based industrial development will create more turning movements on and off the highway. Because industrial land is available nearby in Corvallis, Tangent and Albany, there is little need to provide for additional industrial zoning designations on Highway 34.

(18) Future consideration should be given to construction of frontage roads along Highway 34 between the Willamette River and Oakville Road in order to reduce traffic conflicts. A specific plan for this policy would be appropriate, but can be accomplished only with financial and technical assistance which is not available as of the date of this policy statement (1991).

(19) The existing Limited Industrial and Heavy Industrial zones have been retained for application within an urban growth boundary. The zones have been retitled to UGB-Limited Industrial and UGB-Heavy Industrial. Neither of these zones may be applied to areas outside of an urban growth boundary.

(20) As used in this *Plan*, "abandoned or diminished mill site" shall mean a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of

plywood, veneer, hardboard, panel products, pulp and paper, that:

(a) Is located outside of urban growth boundaries;

(b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(21) Notwithstanding statewide land use planning goals protecting agricultural lands (Goal 3) or forestlands (Goal 4), or administrative rules implementing those goals, an exception to statewide land use planning goals is not required to amend the *Plan* and Land Development Code to allow an abandoned or diminished mill site to be zoned for industrial use.

(22) Notwithstanding a statewide land use planning goal relating to urbanization, or administrative rules implementing that goal, an exception to statewide land use planning goals is not required to amend the *Plan* and Land Development Code to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(23) Notwithstanding a statewide land use planning goal relating to public facilities and services, or administrative rules implementing that goal, an exception to statewide land use planning goals is not required for the county to approve:

(a) The extension of sewer facilities to lands that on June 10, 2003 were zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003 was zoned for industrial use and that contains an abandoned or diminished mill site, or

to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(24) The county may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of an abandoned or diminished mill site or the industrial zone containing the mill site, unless a goal exception is approved as provided under a statewide land use planning goal relating to public facilities and services under ORS 197.732.

(25) Sewer facilities approved under Policy 23 of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services, or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.

(26) The county shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is approved for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(27) For an abandoned or diminished mill site subject to Policy 21, Policy 22 or Policy 23 of this section, the county may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The county may not approve a permit for retail, commercial or residential development on the mill site.

(28) For land that on June 10, 2003 was zoned under statewide land use goals protecting agricultural lands or forestlands and that is rezoned for industrial use under Policy 21 or Policy 22 of this section, the governing body of

the county or its designee may not later rezone the land for retail, commercial or other non-resource use, except as provided under the statewide land use planning goals or under ORS 197.732.

(29) Notwithstanding the limits to the type and scale of industrial activities on rural zoned land in Linn County, a specific conditional use review process shall be established to facilitate the identification and development of abandoned or diminished mill sites that are exempt from statewide planning goal exception requirements associated with Goal 3, Goal 4, Goal 11, and Goal 14.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99; amd 04-055 §1 eff 3/31/04]

IX. URBANIZATION

905.600 Urbanization; background

(A) Linn County is a large, predominately rural county characterized by a dispersed settlement pattern and three main population centers—Albany, Lebanon and Sweet Home. The 2000 Census counted 103,069 people living in Linn County. About 67,000 reside within the incorporated boundaries of the thirteen communities in Linn County. There are about 36,000 people living in the unincorporated area of the county. By 2020, it is estimated that about 90,000 people will live in the incorporated areas and 44,000 in the county.

(B) It can be seen that most future growth is projected to occur inside the city limits. The two significant reasons for this trend are urban growth boundaries (UGBs) and the continued growth of cities. First, the establishment of UGBs has defined the path of urbanization and eventual annexation of formerly rural lands. The UGB lands surrounding cities are expected to develop during the planning period and provide most new home sites, and commercial and industrial opportunities. The urban growth area has been identified by the cities primarily on the basis of need and future serviceability. By establishing an outer limit of urbanization and providing for its modification over time, growth can be managed and directed to

suitable, pre-identified areas. The benefits of this process are:

- (1) a logical, cost-effective growth pattern;
- (2) the retention of resource lands for resource uses; and
- (3) long term planning opportunities for public facilities, including transportation systems.

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

(D) It is important not to create a development pattern within or on the fringe of the UGB which could be detrimental to long-range community planning goals. An inefficient use of land within the UGB has two negative effects. First, a sprawling development pattern results in higher costs when services such as sewer, water and utilities are extended, and followed by underutilization of the same services. Underutilization of services occurs because the random land use and ownership pattern is not easily converted to a denser, and more economical service area. Second, a poorly managed UGB will result in the need for additional land to accommodate community growth. The expansion of an UGB may result in the loss of productive resource lands. Therefore, the wise use of an UGB is critical because of its relationship to resource land, cost of services, and community planning. Urban growth management agreements have been have been adopted by the county and each incorporated community. The agreements establish a process for the cities and the county to review and coordinate development, transportation, annexation and other growth issues. The county and Lebanon recently updated the UGB agreement in order to improve

coordination efforts. As time permits, it would be worthwhile to review UGB agreements with other cities and determine if the agreements should be revised to improve management of the urban growth area.

[Adopted 80-335 eff 9/2/80; amd 01-627 §1 eff 11/20/01]

905.610 Policies and policy implementation for urbanization

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

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

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

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

(2) Need for housing, employment opportunities, and livability.

(3) Orderly and economic provision for public facilities and services.

(4) Maximum efficiency of land uses within and on the fringe of the existing urban area.

(5) Environmental, energy, economic and social consequences.

(6) Retention of agricultural land as defined, with class I being the highest priority for retention and class VI the lowest priority.

(7) Compatibility of the proposed urban uses with nearby agricultural activities.

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

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

[Adopted 80-335 eff 9/2/80]

X. WILLAMETTE RIVER GREENWAY

905.700 Willamette River Greenway; background

(A) The Willamette River Greenway is the embodiment of the desires of the people of Oregon to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. It is not the intention of the greenway program to take land away from private riparian owners or to create a corridor of public land. Indeed, the continued use of greenway land for such purposes as farming is encouraged. However, it is recognized that our ability to protect this heritage for future generations is greater now than it will ever be again. In a valley with high economic growth, the pressures to convert riverside lands to uses which would detract from

the rich and unique river environment will be great.

(B) Much of the land within the greenway is restricted from developmental uses by the nature of the land and by present uses. In Linn County 95 percent of greenway lands are in the Agricultural Resource designation. In addition, over 82 percent of the river bank is within the floodplain and is not suitable for most forms of development.

(C) The Willamette River Greenway is a means for achieving local control of some land use decisions. For a greenway landowner, this means any proposed development, change or intensification of use must be compatible with greenway goals. It does not change the landowner's right to prevent trespass. For greenway users, this program insures continued enjoyment of a precious resource while emphasizing responsibility to the greenway environment and landowners. While the public use of private lands is forbidden, there have been numerous units of greenway land purchased, or identified for purchase, from willing sellers. These will be developed in a variety of ways for public use.

(D) The idea of a greenway was first formalized into state law in 1967. In 1973, the state legislature gave responsibility to the Oregon Department of Transportation for writing a plan. They also gave responsibility to the Land Conservation and Development Commission (LCDC) for evaluation and much of the administration of this plan. In 1975, the LCDC established Goal #15, the Willamette River Greenway Goal. After extensive public hearing, LCDC adopted the greenway boundary in 1977. Maps with the exact boundaries are available in the Linn County Planning and Building Department.

(E) Linn County adopted its "Criteria and Standards for Willamette River Greenway Conditional Use Permits" in 1978. In 1979, a background report was written describing cultural and natural greenway resources. The Central Linn-Harrisburg and Albany Planning Advisory Committees developed greenway policies for Linn County. A county ordinance was then developed

establishing the Willamette River Greenway Management Overlay zone.

[Adopted 80-335 eff 9/2/80]

905.710 Goal for Willamette River Greenway

Protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River.

[Adopted 80-335 eff 9/2/80]

905.720 Policies for Willamette River Greenway

(A) The policies for the Willamette River Greenway are set forth in subsection (B) of this section.

(B) *Policies.*

(1) The continued private use of greenway land for such purposes as farming is encouraged and consistent with the goals and objectives of the greenway. The majority of these lands shall remain in private ownership. Scenic easements shall be encouraged.

(2) Most public access should be in urban areas and public parks. Only limited public access shall be provided in rural areas.

(3) All public access and recreational facilities shall be located, designed, and operated so as to minimize adverse effects including trespass and vandalism to adjacent property or farm use.

(4) Preservation, restoration, or enhancement of areas of ecological, scientific, historical, or archeological significance shall be considered if affected by development proposals.

(5) Conditional uses in the greenway shall be consistent with the purposes of the greenway.

(6) Any proposed development, change, or intensification of use shall be compatible with the site, the surrounding areas, and the environment. It shall provide for the public safety and protection of property, especially from vandalism and trespass, to the maximum extent practicable.

(7) Recreational facilities shall be provided without substantially affecting the long-term capacity of the land for farm use.

(8) A minimum building setback line of 100 feet from the ordinary high water line of the Willamette River (usually represented by the line of permanent vegetation) shall be established for all structures not water related or water dependent.

(9) Development shall be located away from the river to the greatest possible extent.

(10) Development, change, or intensification of use shall provide the maximum possible landscaped area, aesthetic enhancement, open space, or vegetation between the activity and the river.

(11) Sensitive fish and wildlife habitat, as identified by the Oregon Department of Fish and Wildlife, shall be protected. This shall include, but not be limited to, fish spawning sites, fresh water marshes, great blue heron, osprey, and eagle nest trees and an adjacent zone of trees around these nest trees.

(12) The natural vegetative fringe along the river shall, to the maximum extent practicable, be maintained for the purposes of assuring scenic quality, protecting fish and wildlife, protecting the bank from erosion, and screening uses from the river.

(13) Scenic qualities and viewpoints shall be preserved.

(14) The partial harvest of timber shall be permitted beyond the vegetative fringes in areas not covered by a scenic easement when the harvest is consistent with an approved plan under the Forest Practices Act, or, if not covered by the Forest Practices Act, then with an approved plan under the greenway compatibility review provisions. The plan shall insure that the natural scenic qualities of the greenway shall be maintained to the greatest extent practicable, or restores within a brief period of time.

(15) The quality of air, water, and land resources in or adjacent to the greenway shall be preserved in the development, change, or intensification of use of land within the green way.

(16) Extraction of aggregate deposits shall be conducted in a manner designed to encourage multiple use. Extraction shall minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety. Necessary reclamation shall be guaranteed.

(17) The development of areas acquired for public use shall be reviewed by the county through public hearings to determine compatibility with other activities along the river.

(18) The county shall designate the site for Bowers Rock State Park as Agricultural Resource on the *Plan* map and Exclusive Farm Use on the zoning map. Development of the park is not supported at this time, it is recognized that Oregon laws and the greenway goal require that county land use designations and ordinances permit the development, use and maintenance of Bowers Rock State Park.

(a) The greenway portion of the Bowers Rock park site may be developed by the state for park use.

(b) The following development considerations shall be reviewed in accordance with the conditional use provision in the zoning ordinance:

(i) Access, including ingress and egress and overall road improvements;

(ii) Parking;

(iii) Regulation of any nuisances to surrounding property;

(iv) Collection and disposal of solid waste; and

(v) Minimizing loss of agricultural land.

(19) Stream bank stabilization as recommended by the U.S. Army Corps of Engineers shall be considered a high priority need for Linn County and shall include the use of riprap, gravel bar removal, and dredging as appropriate means.

(20) The Willamette River Greenway boundaries shall be shown on county zoning maps. The official boundary shall be that boundary as provided by the Oregon Department of

Transportation, of the Land Conservation and Development Commission's order approving the Linn County segment of the Willamette River Greenway.

(21) The greenway boundary in Linn County shall be subject to review and possible revision at the time the county *Comprehensive Plan* is reviewed and updated.

(22) Within an urban area designated on the Willamette Greenway boundary maps, the siting of uses which are neither water dependent or water related within the setback area may be permitted if the exception criteria in OAR 660-04-020 (2) and OAR 660-04-022 (4) are met.

905.730 Policy implementation for the Willamette River Greenway

(A) The policy set forth in LCC 905.720 (B) (1) shall be implemented by the following:

(1) The majority of the greenway is zoned Exclusive Farm Use (EFU)

(B) The policies set forth in LCC 905.720 (B) (2) to (17) shall be implemented by the following:

(1) The greenway management overlay zone contains provisions for review of impacts associated with development proposals

(C) The policy set forth in LCC 905.720 (B) (18) shall be implemented by the following:

(1) Development of a park would require a public hearing.

[Adopted 80-335 eff 9/2/80; amd 99-190 §6 eff 5/19/99]

XI. AGGREGATE RESOURCES

905.800 Aggregate resources; background

(A) Sand, gravel, crushed rock and riprap are vital elements in the economy of any region. Road, bridge, and home construction rely on a steady, dependable, low-cost supply of these aggregates. It has been estimated that for every housing unit built in the Linn-Benton region during the 1960-70 period, 176 cubic yards of concrete was needed for the structure and for associated facilities such as streets, sewers, libraries, schools and shopping centers.

(B) Per capita aggregate consumption tends to be higher in rural areas than in cities. Road maintenance, nonresidential construction and farm-related use account for a significant percentage of aggregate consumption. Per capita consumption of aggregate in Oregon in 1993 was 17.5 tons, or approximately 12.28 cubic yards. Total aggregate demand will increase as the population of the region continues to grow.

(C) The weight and bulk of aggregates makes sand, gravel, and crushed rock prices especially sensitive to transportation costs. Shipping costs are directly related both to travel time and distance to market, and normally account for more than one-quarter of the cost of aggregates delivered within 10 miles of the source. At 20 miles from the source, transportation costs typically double the delivery price of the aggregate material.

(D) The quality of aggregate materials affects how and where materials are used, and to what use the materials are best suited. Supplies of high-quality aggregates are limited by geology and competing land uses. Land containing aggregates that can be economically and safely mined and that are located close to where the resource can meet future needs must be set aside for future mining. Numerous extraction sites that provide a range of materials relatively near urban centers are necessary for urban development to occur at a reasonable cost.

(E) Existing and potential aggregate resource sites are being lost and threatened primarily due to the encroachment of urban and rural residential development and a lack of knowledge about the resource base. Conflicts often arise between aggregate operations and area residents as a result of long operating hours, noise and dust, heavy truck traffic, visual unattractiveness and blasting, activities that are necessary if these materials are to be produced. Existing extraction sites and potential resource areas need protection from land uses that result in compatibility problems. Similarly, existing residential areas should be protected from significant impacts that may be associated with aggregate mining.

(F) Aggregate resources are included in Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). Aggregate resources must be inventoried and significant resource sites must be protected for use by future generations. If there are significant conflicts between a resource extraction and processing site and nearby land uses, the County must determine the level of protection to give the resource site.

(G) In Linn County an Aggregate Resource Overlay (ARO) is established in the Agricultural Resource, Farm/Forest and Forest Resource plan designations when a significant aggregate resource site qualifies for protection from conflicting land uses. This permits mining and processing of these resources to occur and, following mining, the return of these areas to open space uses. The Exclusive Farm Use, Farm/Forest and Forest Conservation and Management zones shall be used to protect potential aggregate resources in these areas.

(H) Not all aggregate extraction areas are sufficiently important or isolated to permit extraction and processing as an outright use. Certain sites having access points or extraction areas too close to existing development, or too visible to the general public, can present a significant level of conflicts. Proposals to mine aggregate resources in such areas must be reviewed on a case-by-case basis to ensure that possible impacts are minimized.

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99]

905.810 Goals for aggregate resources

The goals shall be:

(A) Recognize aggregate resources as a non-renewable resource vital to community development.

(B) Promote the wise management and efficient use of aggregate resources to meet the present and future needs of people.

(C) Coordinate the development of mineral and aggregate resources with other uses of land to minimize conflicts.

(D) Minimize the environmental and aesthetic impact of extraction and processing areas.

(E) Develop means that will assure the protection and use of significant mineral and aggregate resource sites.

(F) Seek to make aggregate resources available at reasonable costs for the overall development of Linn County.

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99]

905.820 Policies for aggregate resources

(A) The policies for aggregate resources are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County shall consider mineral and aggregate resource extraction and processing as a resource use of the land in Agricultural Resource, Farm/Forest and Forest Resource plan designations.

(2) To identify and protect significant mineral and aggregate resources, Linn County shall follow the procedures and criteria in Statewide Planning Goal 5 and the Goal 5 administrative rule.

(3) Linn County shall maintain an inventory of identified aggregate resource sites. The inventory shall comprise four categories:

(a) *Sites the County has determined are not significant.* These sites are “non-significant” sites. Under the original Goal 5 rule these sites were referred to as “1A sites.” The sites determined to be non-significant are set forth in an inventory in Appendix 4 — entitled “Inventory of Non-significant Sites” (Formerly “1A” Sites) following this Chapter.

(b) *Sites for which insufficient information about the location, quality and quantity of the resource is provided to determine whether the site is significant.* These sites are “possibly significant” sites. Under the original Goal 5 rule these sites were referred to as “1B sites.” The sites determined not to have enough information to make a determination of significance are set forth in an inventory in Appendix 3 — entitled “Inventory of Possibly Significant Sites (Formerly “1B” Sites)” following

this Chapter. The inclusion of a site in this category will serve to notify the owner and all other persons of the need to assess and document the value of the resource before conflicting uses become established in the area. The Director will address each resource site pursuant to this Subchapter when an application is filed by the owner with the Director requesting approval of the site for mining. If the decision maker determines that the site needs reclassified, the site will be so reclassified and the appropriate inventory in LCC Chapter 905 (Land Use Element Code) will be amended to include the site.

(c) *Sites the County has determined are significant resources to be protected by Goal 5 and approved for mining pursuant to an ESEE analysis.* These sites are “significant” sites. Under the original Goal 5 rule these sites were referred to as “2A,” “3A,” and “3C” sites. The sites determined to be significant aggregate sites are set forth at the end of this Chapter in one of the following inventories:

(i) Appendix 5 — entitled “Inventory of Significant Sites Without Conflicting Uses (Formerly “2A” Sites),”

(ii) Appendix 6 — entitled “Inventory of Significant Sites With All Conflicts Minimized,” or

(iii) Appendix 7 — entitled “Inventory of Significant Sites Protected by Goal 5 and Approved for Mining Pursuant to an ESEE Analysis (Formerly “3A” and “3C” Sites).

(d) *Sites the County has determined are significant resources but not to receive Goal 5 protection and not approved for mining pursuant to an ESEE analysis.* These sites are “significant” sites. Under the original Goal 5 rule these sites were referred to as “3B” sites. These sites do not warrant the protections of Goal 5 and are not approved for mining pursuant to an ESEE analysis. A development permit may be issued under LCC 921.562 for a site described in this subparagraph. The sites determined to be significant aggregate sites but not receiving Goal 5 protection are set forth at the end of this Chapter in Appendix 8 — entitled “Inventory of Significant

Sites Not Protected by Goal 5 and Not Approved for Mining Pursuant to an ESEE Analysis (Formerly “3B” Sites).

(4) An aggregate resource site shall be considered significant if the site meets the significance criteria in the Goal 5 administrative rule.

(5) Linn County shall apply an Aggregate Resource Overlay to:

(a) significant aggregate resource sites where no conflicting uses are present; and

(b) significant sites that qualify under the Goal 5 planning process for full or partial protection from conflicting uses.

(6) The application of an aggregate resource overlay shall include the resource site and the surrounding land within an identified impact area.

(7) Where conflicts exist between a significant aggregate resource site and other land uses, and reasonable and practicable measures are identified to minimize the conflicts, Linn County shall adopt provisions to minimize the conflicts and allow mining.

(8) Where identified conflicts between a significant aggregate resource site and other land uses cannot be minimized, and the conflicting land use qualifies under the Goal 5 planning process for full protection from the impacts of developing the aggregate resource, mining and processing of the resource shall not receive Goal 5 protection.

(9) If an aggregate resource site is not significant, mining and processing may be permitted only through the conditional use permit process.

(10) Where a new aggregate extraction site or expansion of an existing site is proposed, a site development plan shall be submitted for review by Linn County. The County shall evaluate such proposals and attach operating conditions when necessary. The proposal shall include the following:

(a) Provision of buffering and visual screening throughout the extraction period, and other means designed to minimize existing or potential conflicts with surrounding land uses;

(b) Development, where necessary, of all-weather access roads. Access roads shall be developed in a location and maintained in a manner that will minimize the impacts on neighboring properties and existing residential structures;

(c) Analysis of the overlying soils capabilities for long-term agricultural or forest resource use;

(d) Mechanisms to minimize the impact on air, surface and ground water quality, fish and wildlife habitat and general environmental quality;

(e) Acceptable proposed final use;

(f) Reclamation plan approved by the Department of Geology and Mineral Industries that results in the final use;

(g) Provisions for public safety; and

(h) Other site development information required by the Land Development Code.

(11) Proposals for extraction and processing of aggregate resources in the Agricultural Resources, Farm/Forest and Forest Resource plan designations shall incorporate as a final use agricultural or forest resource production, recreational sites, wildlife habitat or other similar open space land uses. Linn County shall determine whether the proposed final use is an acceptable use.

(12) Linn County review of proposed aggregate extraction and processing sites and of proposed expansions to existing sites shall be coordinated with state agency review.

(13) Conditional use permits issued for aggregate extraction shall identify an area for extraction and standards for development. A proposed expansion beyond the identified extraction area shall require an evaluation of the operation's performance under the existing permit conditions.

(14) Aggregate and mineral resource sites shall comply with all applicable reclamation standards of federal and state agencies.

(15) Neither new aggregate resource extraction sites nor the expansion of existing extraction sites shall be permitted in areas designated Rural Residential or Rural Center.

(16) There is insufficient location, quantity, and quality information to determine the significance of numerous existing aggregate resource sites. When more complete information becomes available, the county will evaluate these sites for location, quantity, and quality and determine whether there are conflicting uses. Where an aggregate site is determined to be significant and conflicting uses are identified, then further application of the Goal 5 administrative rule will occur.

(17) Most aggregate extraction and processing sites are located in resource areas where potential conflicting land uses may occur. In order to minimize conflicts, additional property development standards, including increased setbacks and screening for residential structures, shall be incorporated into the Land Development Code. These standards shall be applied to new uses that are locating adjacent to identified aggregate resource sites.

(18) Information regarding potential sources of aggregate resources is not available. When potential aggregate sites are identified, the county will evaluate the location, quantity, and quality of the resource. Additional evaluation consistent with Goal 5 and the Goal 5 administrative rule will be performed.

(19) Existing aggregate resource sites that are in the Aggregate Extraction and Processing (AXP) zoning district shall be included in the inventory of significant aggregate resources as sites that qualify for full Goal 5 protection. These sites shall revert to the previous resource zoning designation when mining and reclamation are complete.

(20) Recording a waiver of remonstrance in compliance with LCC 933.150 (B), is evidence that a conflict has been minimized under LCC 939.140, or resolved under LCC 939.150 or 939.190.

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00]

XII. NON-RESOURCE LANDS

905.900 Non-resource lands; background

(A) Linn County's diverse landscape includes fertile bottom lands and terraces throughout the valley floor and abundant forests. These productive resource lands established Linn County's early settlement patterns and rural heritage. The farm and forest use of land continues to be of significant cultural and economic importance to the citizens of Linn County. The Agricultural Resource, Forest Resource and Farm/Forest elements of the Comprehensive Plan recognize the importance of farming and forestry to the county's history, culture and economy, and establish a framework to manage productive farm and forest land for future generations.

(B) Productive floodplains, terraces and foothills inspired settlers to build homes and make a life in Linn County. Unincorporated rural centers such as Holly, Lacombe, Jordan, Shedd, Crabtree, Peoria and Crawfordsville grew as farming and forest activity shaped Linn County's economy. As the county grew, rural settlements were established close to Lebanon, Sweet Home and Albany. Economic diversification, aided by the automobile and good roads allowed people to live in the country and work in the city. About 35 percent of the county's population resides in unincorporated areas. The option of living wherever one wanted continued until land use regulations were established in the early 1970's. Since that time, land use regulations adopted by the legislature and the Land Conservation and Development Commission (LCDC) for farm and forestland have limited the number of new homesteads that can be built on resource land.

(C) Long range planning for resource land evolved with the adoption of Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands). When Linn County adopted a new comprehensive plan on September 2, 1980, about 98% of unincorporated land was designated as Forest Resource, Agricultural Resource or Farm/Forest. The remaining land area was considered

"committed" to residential, commercial or industrial uses or designated as future city growth areas and zoned accordingly.

(D) The planning process leading up to the adoption of the 1980 plan did not include any discussion or evaluation of non-resource land. This was because at the time, land use regulations provided a process to evaluate and review poor or non-productive resource property on a case-by-case land use basis. A home could be built on low quality EFU or F/F zoned land if certain criteria were met. The land use system gave property owners an opportunity to obtain a conditional use permit for a non-resource dwelling so there was no need to determine whether there were non-resource lands in Linn County.

(E) Since the 1980 county land use plan was adopted, the statewide land use rules have changed. The opportunity to partition land or build homes on poor EFU and F/F zoned land has diminished. Maintaining a resource designation on property that is not productive is an unfair burden to the owner. It is appropriate to establish policies and procedures for the identification and possible conversion of some resource zoned land to a non-resource designation.

[Adopted 04-nnn §1 eff mm/dd/04]

905.910 Resource lands; description

(A) Resource lands are farm and forestlands that can support agricultural and forest production as defined in Statewide Planning Goals 3 and 4. Goal 3 defines agricultural land as predominantly Class I, II, III and IV soils as identified in the Soil Capability Classification System of the United States Natural Resources Conservation Service. Agricultural land includes other land that is suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices.

(B) Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in capability classes other than Class I

through IV soils that is adjacent to or intermingled with lands in capability Class I through IV soils within a farm unit are agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within urban growth boundaries or land within Goal 3 or Goal 4 exception areas.

(C) Land designated in the Agricultural Resource and Farm/Forest plan designations are zoned Exclusive Farm Use (EFU) and Farm/Forest (F/F). Approximately 400,000 acres are zoned for farm and other uses allowed in the EFU and F/F zones. EFU zoned land is located mostly on the valley floor and the F/F land is located more in the foothills.

(D) Linn County has mostly productive farm and forestland. Unproductive lands that are intermingled within a farm or forest unit or are necessary to support farm or forest practices are considered resource lands.

(E) As defined in Goal 4, forest resource lands are lands that are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices; and other forested lands that maintain soil, air, water and fish and wildlife resources. Nearly two-thirds of Linn County (approximately 930,000 acres) has a plan map designation of Forest Resource and is zoned Forest Conservation and Management (FCM). The United States government or forest industry corporations own most of the Forest Resource area. The FCM zone is applied almost exclusively to corporate and publicly owned forestland. County zoning regulations do not permit new dwellings on FCM land. A smaller area of privately owned forestland is designated and zoned F/F.

[Adopted 04-nnn §1 eff mm/dd/04]

905.920 Non-resource lands; description

(A) "Non-Resource" land in Linn County is land that is not subject to Statewide Planning Goal 3 or Goal 4 (OAR 660-04-005(3)). Non-resource land is not suitable for agricultural or forest use based upon the following criteria which are summarized from the goals and administrative rules:

(1) The land is not predominantly SCS Class I, II, III and IV soils.

(2) The land is not intermingled with or adjacent to SCS Class I-IV land within the same farm unit.

(3) The land is not suitable for farm use taking into consideration:

(a) Soil fertility;

(b) Suitability for grazing;

(c) Climatic conditions;

(d) Existing and future availability of water for farm irrigation purposes;

(e) Existing land use patterns;

(f) Technological and energy inputs required; or

(g) Accepted farming practices.

(4) The land is not necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

(5) The land is not suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices on commercial forest lands or other forested lands that maintain soil, air, water and fish and wildlife resources.

(B) Non-resource land does not include exception areas where the resource land goals (Goal 3 & 4) have already been found not to apply. Exception areas are designated Rural Residential, Rural Center, Commercial, Industrial, or Urbanization in the comprehensive plan. Non-resource land can be designated residential through a plan amendment process if it can be shown that the exception criteria (Goal 2 & administrative rules) are met. However, non-resource land is likely to be undeveloped land that would not qualify through the exception process.

(C) The changing nature of the land use regulatory system was not foreseen when the 1980 comprehensive plan was adopted. It is now appropriate to more carefully determine whether existing EFU or F/F zoned land is accurately designated. Amending the county land use plan by adding a non-resource map designation and policy section is the first step in this process. Non-resource Plan policies are intended to guide the

public and county decision makers through the review and possible identification of non-resource land. It is expected that a substantial amount of information will be needed to demonstrate that property presently designated either EFU or F/F should be rezoned to a non-resource designation. Based upon the number of acres zoned EFU and F/F and the complex resource land definitions, it is unrealistic to proactively study and identify which land may be non-resource. It is more practical for landowners to make application for a plan amendment to a non-resource designation. County planning staff can assist with the application process, but the applicant is responsible for providing adequate information to justify changing the plan map and zoning designations.

(D) An appropriate use for non-resource land is low-density rural residential development when it is shown that residential suitability characteristics are met. Low-density residential development means the opportunity to build homes on new five or ten acre parcels. Building homes on existing parcels is also appropriate on non-resource land. Suitability factors to be considered when designating non-resource land are:

- (1) Compatibility with the land use pattern in the surrounding area;
- (2) Subsurface sewage disposal suitability;
- (3) Domestic water supply availability;
- (4) Adequacy of road access;
- (5) Availability of fire protection service;
- (6) Limited exposure to natural hazards; and
- (7) No significant impact on resource lands in the surrounding area.

(E) The non-resource land amendment review process will consider whether the applicant's property is non-resource and if so whether it is appropriate to permit low-density residential development.

[Adopted 04-nnn §1 eff mm/dd/04]

905.930 Location of non-resource lands

(A) Non-resource land is most likely to be found in areas where there is poor soil or steep slopes. Old river beds, gravelly soils, buttes and basalt outcroppings are likely to be considered non-resource land. These conditions generally are not conducive for farming or forestry. Other areas that may qualify have not historically been in either farm or forest use nor used in conjunction with farming or forestry. Site specific conditions may exist that preclude farming or forestry on these sites.

(B) Other non-resource areas may exist near rural residential exception areas. Existing development may preclude farming or forestry practices. Non-resource lands may also occur in areas designated Agricultural Resource-Rural Residential Reserve or Farm/Forest-Rural Residential Reserve on the plan map. The reserve areas are identified as resource land on the plan map, but may be impacted by residential development or consist of poor, less productive soils. If all of the amendment criteria are met, it is appropriate to allow partitioning and further development on non-resource lands.

(C) It is not expected that many parcels will meet the criteria to be designated non-resource. Ideally, objective criteria would identify the location of non-resource land. Unfortunately, the identification of non-resource land is based largely on subjective criteria. This means the identification of non-resource lands can only be achieved on a case-by-case basis. Geographic information systems (GIS) mapping can identify parcels that do not have productive farm or forest soils. However, the definition of farm and forestland (previously cited) requires more analysis than just soil types. Soils maps can be an initial screening tool used to identify potential non-resource lands, but further study considering all of the resource land definition factors is required as part of an application to change a plan designation.

(D) Non-resource land is not likely to be found and should not be permitted in areas designated Forest Resource in the plan. The Forest Resource designation is for corporate and public

forest use. New residential development in the Forest Resource area is not permitted.

[Adopted 04-nnn §1 eff mm/dd/04]

905.940 Planning of non-resource lands

(A) The Linn County land use plan recognizes the economic importance of farming and forestry. To meet this goal, the Agricultural Resource, Forest Resource and Farm/Forest elements of the Comprehensive Plan establish plan designations and policies intended to protect resource lands for continued farm and forest use.

(B) A resource land plan designation means that existing or future uses are limited to mostly resource-related types of uses. However, the comprehensive plan also recognizes that within these resource plan designations all land may not be suitable for resource use. Applying the non-resource plan designation would permit a level of residential development that does not exceed the carrying capacity of the land and meets suitability factors.

(C) While the amount of non-resource lands is not expected to be substantial, preserving unproductive non-resource lands for resource use does not promote the economic, social or environmental interests of Linn County's citizens. Allowing for the beneficial use of non-resource lands, the county's land use regulations should provide property owners an opportunity to demonstrate that their land is not suitable for farm or forest use and that the land can support low density rural residential development that is compatible with nearby farming or forestry practices.

[Adopted 04-nnn §1 eff mm/dd/04]

905.950 Goals for non-resource lands

(A) The purpose of the Non-Resource Plan designation is to permit low-density residential development in suitable locations while minimizing potential conflicts with farming and forestry uses.

(B) The Non-Resource designation is intended to more accurately define the agricultural or forest capability of land presently identified as resource land.

(C) A Non-Resource Comprehensive Plan designation shall only be approved when adequate written evidence has been presented in a public hearing that demonstrates that all applicable criteria have been met.

[Adopted 04-nnn §1 eff mm/dd/04]

905.960 Policies for non-resource lands

(A) Linn County shall provide for the appropriate and orderly development of Non-Resource lands while minimizing potential conflicts with other land uses.

(B) Land designated Non-Resource should have conditions that permit development with a limited exposure to geological hazards or a 100-year flood.

(C) Land designated Non-Resource should be located or have the capability to be included in a rural fire protection district.

(D) Land designated Non-Resource should have favorable conditions for location of sub surface waste disposal systems and for supplying adequate amounts of potable water.

(E) Land designated Non-Resource should have access to a county road with sufficient capacity to accommodate additional development.

(F) The Non-Resource Plan designation is implemented with two Non-Resource zoning districts that are distinguished only by minimum property size standards. The NR-5 zone has a 5-acre minimum property size for new units of land and the NR-10 zone has a 10-acre minimum property size for new units of land.

(G) The NR-5 (5-acre minimum for new units of land) district is applied to suitable areas in order to maintain a rural development pattern reasonably compatible with nearby resource and non-resource lands. When applied near agricultural and forest resource areas, the 5-acre size standard will maintain an adequate buffer to minimize potential conflicts.

(H) The NR-10 (10-acre minimum for new units of land) district is applied to suitable areas where larger property sizes are necessary to maintain a rural development pattern reasonably compatible with nearby resource and non-resource lands, or where larger property sizes are necessary

to meet residential suitability characteristics such as groundwater availability, septic suitability, or access standards. When applied near agricultural and forest resource areas, the 10-acre size standard will maintain an adequate buffer to minimize potential conflicts.

(I) New public sewer and water systems may not be established within the NR zone unless the County determines that a health hazard exists pursuant to DEQ or Oregon Health Division procedures and criteria. A new or extended public water or sewer system is appropriate in the rural areas only when needed to protect the public's health and safety.

(J) A comprehensive plan and zoning map amendment must be approved before property designated Agricultural Resource or Farm/Forest can be amended to a Non-Resource Plan map designation. In addition to the LCC plan amendment criteria, the following criteria (State wide Planning Goal and Administrative Rule resource land definition) must be met:

(1) The land is not predominantly SCS Class I, II, III and IV soils.

(2) The land is not intermingled with or adjacent to SCS Class I-IV land within the same farm unit.

(3) The land is not suitable for farm use taking into consideration;

- (a) Soil fertility;
- (b) Suitability for grazing;
- (c) Climatic conditions;
- (d) Existing and future availability of water for farm irrigation purposes;
- (e) Existing land use patterns;
- (f) Technological and energy inputs required; or
- (g) Accepted farming practices.

(4) The land is not necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

(5) The land is not suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices on commercial forest lands

or other forested lands that maintain soil, air, water and fish and wildlife resources.

(K) An exception to Statewide Planning Goals 3 and 4 is not required to support a plan map amendment to a Non-Resource Plan designation when detailed and factual evidence shows that the lands are not farm or forest lands as defined in the Goals.

(L) Notwithstanding the provisions of LCC 905.120(G) and LCC 905.330(G), conversion of lands designated as Agricultural Resource or Farm/Forest in the Comprehensive Plan to a Non-Resource Plan designation does not require an exception to Statewide Planning Goal 3 or Goal 4.

(M) Applying the Non-Resource designation on isolated tracts surrounded by farm or forest lands shall be discouraged if it is shown that a non-resource designation would adversely affect existing farm or forest uses.

(N) Only land designated Agricultural Resource, Farm/Forest, Agricultural Resource-Rural Residential Reserve or Farm/Forest-Rural Residential Reserve are eligible for a map amendment to Non-Resource.

[Adopted 04-nnn §1 eff mm/dd/04]

Statutory References and Other Authorities:

ORS 203

Legislative History of Chapter 905:

Adopted 80-335 Exhibits A and E 8/27/80 eff 9/2/80

Amendments to

#1 1995-026 §? eff 2/1/95¹

#2 1995-398 §? eff 8/16/95²

¹Articles rewritten and replaced: "Transportation" section of the "Community Facilities and Development Element."

²Articles rewritten and replaced: "Introduction" and "Background and Summary Issues" in "Citizen Involvement" section.

- #3 1995-449 §? eff 12/13/95³
 - #4 1995-456 §? eff 12/13/95⁴
 - #5 1999-190 §6 eff 5/19/99
 - #6 1999-156 §1 eff 6/30/99
 - #7 2000-495 §1 – 6 eff 9/13/00
 - #8 2000-525 §1 eff 9/20/00
 - #9 2001-627 §1 eff 11/20/01
 - #10 2002-048 §§1-2 eff 2/5/02
 - #11 2002-398 §2 eff 10/8/02
 - #12 2004-041 §1 eff 04/28/04
 - #13 2004-042 §1 eff 04/28/04
 - #14 2004-055 §1 eff 3/31/04
 - #15 2005-036 §1 eff 2/2/05
-
-

³Articles rewritten and replaced: “Transportation” section of the
“Community Facilities and Development Element.”

⁴Articles rewritten and replaced: “Urbanization.”

APPENDIX 1 – IMPLEMENTATION MATRIX

Zoning Districts (columns) Allowed Within Each Comprehensive Plan Map Designation (rows)

	RRZ			RDZ										UGAZ			
	EFU	FCM	F/F	RR ¹	RCT	RCM	FIC	AB	NR	LI	HI	UD-I	UD-II	UGA-LI	UGA-HI	UGA ^{2,3}	UGM ⁴
Agriculture Resource	X		X					X									
Farm/Forest	X		X					X									
Forest Resource		X															
Rural Residential				X													
Rural Residential Reserve	X		X														
Rural Center					X			X		X	X						
Commercial						X	X	X									
Industrial										X	X	X	X	CITY	CITY	CITY	CITY
Industrial Reserve	X	X	X														
Urban Growth Area	X		X	X		X	X	X		X	X			X	X	X	X
Non-resource Lands									X								

Zoning districts

- EFU** Exclusive Farm Use
- F/F** Farm/Forest
- FCM** Forest Conservation and Management
- AB** Agribusiness
- RR⁵** Rural Residential (RR-10; RR-5; RR-2½; RR-1)
- RCT** Rural Center (RCT-5; RCT-2½; RCT-1)
- RCM** Rural Commercial
- FIC** Freeway Interchange Commercial
- LI** Limited Industrial
- HI** Heavy Industrial
- NR** Non-resource (NR-5; NR-10)
- UD – I** Urban Development – Eastgate
- UD – II** Urban Development – Highway 34

UGA⁶

- UGA-RR⁷** Urban Growth Area – Residential (UGA-RR-5; UGA-RR-2½; UGA-RR-1)
- UGA-LI** Urban Growth Area – Limited Industrial
- UGA-HI** Urban Growth Area – Heavy Industrial
- UGA-EFU-80** Lebanon Urban Growth Area; treat as EFU
- UGA-FF** Lyons Urban Growth Area; treat as FF
- UGA-RCM** Lebanon Urban Growth Area; treat as RCM

UGA-UGM⁸

Urban Growth Management (UGM-20; UGM-10; UGM-5; UGM-2½ – Halsey)

Overlays

- AO** Airport Overlay
 - ARO** Aggregate Resource Overlay
 - DAO** Delayed Annexation Overlay
 - HRO** Historic Resource Overlay
 - LUO** Limited Use Overlay
 - SBHO** Sensitive Bird Habitat Overlay
 - WRGO** Willamette River Greenway Overlay
- [Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; o4-042 §1 eff 4/28/04]

⁶including those UGA districts not shown on the matrix.

⁵all densities.

⁷all densities.

⁸all densities.

APPENDIX 2 — EXCEPTION AREAS

RURAL RESIDENTIAL EXCEPTIONS			
ALBANY PLANNING AREA			
A-1	Carvel Park		8
A-2	East Terra		10
A-3	Peoria Road & Highway 34		12
A-4	Colorado Lake Road		14
A-5	Hardscrabble Hill		16
A-6	Oakvilla (Mobile Home Park)		18
A-7	Riverview Acres		20
A-8	Cottonwoods		22
A-9	Ranchero Acres		24
A-10	Riverside School Area		26
A-11	Raymore Acres		28
A-12	Cline's Addition	UIA-2 ½	30
A-13	Pirtle Tracts		32
A-14	Peoria Road		34
A-15	Clover Ridge Acres		36
A-17	Does not exist		—
A-16	Riverside Drive		38
A-18	White Oak Road		42
A-19	Powell Subdivision		44
A-20	Simco Subdivision		46
A-21	Becker Drive/White Oak Drive		48
A-22	White Oak Drive & Highway 34		50
A-23	Clover Ridge-Hafez Subdivision	UIA-5	52
A-24	Kenworthy Road	UIA-5	54
A-25	McFarland Road	UIA-5	56

RURAL RESIDENTIAL EXCEPTIONS			
CENTRAL LINN PLANNING AREA			
C-1	Washburne Heights Subdivision		56
C-2	Powell Hills		58
C-3	Oakview Heights	UIA-5	60
C-4	Griffith Subdivision		62
C-5	Northernwood Park		64
C-6	Bush Gardens Subdivision		66
C-7	Wildwood Estates		68

RURAL RESIDENTIAL EXCEPTIONS			
LEBANON PLANNING AREA			
L-1	Fish Hatchery Drive and Richardson Gap Road		70
L-2	Providence Church		72
L-3	Crabtree Creek		74
L-4	Baptist Church Drive		76
L-5	Ramsey & Gregory Subdivision	UIA-1	78
L-6	Mt. Hope Drive		80
L-7	Lacomb & Kowitz		82
L-8	Berlin Road & Lebanon Heights	UIA-5	84
L-9	Hidden Valley Estates		86
L-10	Berlin Road	UIA-2 ½	88
L-11	Perkins Drive & River Drive	UIA-2 ½ UIA-5	90
L-12	Butte Creek Estates		92
L-13	Agate Hills		94
L-14	Tyler Heights, Fawn Hills, Ridgeview, Fir Hills Estates and adjacent areas		96
L-15	Middle Ridge Estates		98
L-16	Pioneer Acres Subdivision and adjacent areas	UIA-2 ½	100
L-17	Plagman Drive & River Drive		102
L-18	Pineway Vicinity		104
L-19	Southwest of Waterloo		106
L-20	McDowell Creek Road		108
L-21	Cascade Drive and Highway 20	UIA-1	110
L-22	River Road - Adopted in CP-4-80/81	UIA-2 ½	112
L-23	Rock Hill Road	UIA-5	114
L-24	Does not exist		—
L-25	Blueberry Hill		118
L-26	Does not exist		—
L-27	Harrington Drive		124
L-28	Brewster Road		126

RURAL RESIDENTIAL EXCEPTIONS			
NORTH SANTIAM PLANNING AREA			
N-1	Kingston		128
N-2	Weasel Flat Road		130
N-3	Kingston-Lyons Drive/Huntley Road		132
N-4	Shelburn & Cole School Roads		134
N-5	Sander Drive & Cole School Drive		136
N-6	Shelburn		138
N-7	Stayton-Scio Road & Schiling Drive		140
N-8	Cole School Road		142
N-9	Jordan		144
N-10	Garden Drive	UIA-2 ½	146
N-11	South Scio	UIA-2 ½	148
N-12	Hannah Bridge		150
N-13	Rogers Mountain		152
N-14	Farris Road		154
N-15	East of Lyons		156
N-16	N.E. of Lyons	UIA-2 ½	158
N-17	Fisherman's Bend		160
N-18	N.W. of Mill City	UIA-2 ½	162
N-19	South of Mill City	UIA-5	164
N-20	East of Mill City	UIA-5	166
N-21	Rock Creek Road & Pebble Drive		168
N-22	Gates School		170
N-23	S.E. Gates		172
N-24	Hungry Hill		174

RURAL RESIDENTIAL EXCEPTIONS			
SWEET HOME PLANNING AREA			
S-1	Liberty		177
S-2	Topview Acres		179
S-3	Marks Ridge		181
S-4	River Road	UIA-2 ½	183
		UIA-5	
S-5	North River Road (West)		185
S-6	North River Road (Central)		187
S-7	Green River Drive	UIA-2 ½	189
S-8	North River Road (East)		191
S-9	Sunnyside		193
S-10	Fern Ridge Road		195
S-11	Rowell Hill		197
S-12	Old Holley Road	UIA-5	199
S-13	Russell Road	UIA-5	201
S-14	Ames Creek		203
S-15	50th Avenue	UIA-5	205
S-16	Riggs Hill	UIA-1	207
		UIA-2 ½	
S-17	Crawfordsville Drive		209
S-18	Chink-A-Pin		301
S-19	Old Holley Road		3-3
S-20	Turbyne Road	UIA-2 ½	3-5
S-21	Russell Road		307
S-22	Highway 228	UIA-2 ½	309
S-23	Does not exist		—
S-24	Does not exist		—
S-25	Does not exist		—
S-26	Crawfordsville Drive & Highway 228		227

RURAL CENTER EXCEPTIONS		
RC-1	West Scio	231
RC-2	Crabtree	233
RC-3	Lacomb	235
RC-4	Shedd	237
RC-5	Peoria	239
RC-6	Crawfordsville	241
RC-7	Holley	243
RC-8	Cascadia	245

COMMERCIAL EXCEPTIONS		
C-1	Stayton Telephone Company	250
C-2	I-5 Hoefler Road	252
C-3	Cottonwoods	254
C-4	Farmers' and Florist	256
C-5	Bartels' Brewster Store	258
C-6	Eastgate Mini-Market/Cotner	260
C-7	Ogden	262
C-8	Highway 34	268
C-9	Shirley's Tavern	270
C-10	Self Storage	272
C-11	KFIR Radio Station	274
C-12	Sweet Home Nursery	276
C-13	Pleasant Valley Feed	278
C-14	Horels Wayside Market	280
C-15	Santiam Meat Packers	282
C-16	G 2 Electric	284
C-17	Mountain House	286
C-18	I-5 and Highway 228	288
C-19	I-5 and Diamond Hill Road as amended by 00-525 §1 eff 9/20/00	290
C-20	Awful Brothers Gas Station/Pineway Apartments	292
C-21	King/Sunnyside	294
C-22	Mackey	296

INDUSTRIAL EXCEPTIONS		
I-1	North Santiam Paving	300
I-2	Cedar Lumber, Inc	302
I-3	Brown's Slaughterhouse	305
I-4	Albany Salvage	307
I-5	Davcor Business Park/Highway 34	309
I-6	Highway 34/Riverside Drive	311
I-7	Rem Metals Corporation	313
I-8	Willamette Industries/Brewster Road	315
I-9	C & C Cedar Products	317
I-10	Dorsey Bus Company	319
I-11	Eastgate Center	321
I-12	Bunn's Warmer Wood Stoves	323
I-13	Linco Electric	325
I-14	Chemco Fertilizer	327
I-15	Simplot Fertilizer	328
I-16	Nordstrand Cedar Products	331
I-17	Garrison's Wholesale Meats	333
I-18	Willamette Industries/Cascade Auto Body	335
I-19	Willamette Industries	337
I-20	Welch/Alexander.	339
I-21	Echo Lumber Mill/Economy Lumber	341
I-22	MK Forest Products	343
I-23	Boise Cascade Plywood	345
I-24	White's Electronics	347
I-25	American Can Company/Pope & Talbot	349
I-26	Woodex/Plyboard Manufacturing Company	351
I-27	DG Shelter Products/DG Mouldings	353
I-28	Eugene Chemical and Rendering Works, Inc	355
I-29	Hanson Warehouse	357
I-30	Daniel's Field	359
I-31	H & H Cedar Products	361
I-32	Peabody Flomatcher	363
I-33	Morse Brothers	365
I-34	Jim's Auto Wrecking	367
I-35	Highway 99E-Dever Construction, Northrup King-Betaseed	369
I-36	Truck Repair	371

I-37	Relco Nevada Corporation	373
I-38	L & M Welding	375
I-39	Does not exist	—
I-40	Mitchell-Easdale	379
I-41	West Scio	381
I-42	Willamette Industries	383
I-43	Tangent	—
I-44	Linn Fiberglass	—
I-45	Triple T Studs	—
I-46	Cushman Road	309
I-49	Century Drive	—

AGRIBUSINESS EXCEPTIONS		
AB-1	Meeker Fertilizer Company	386
AB-2	Brennan	388
AB-3	Lebanon Bag Company	390
AB-4	Stanton's Slaughterhouse	392
AB-5	Farwest Farmers Co-op	394
AB-6	Valley Auction	396
AB-7	Emmons Meat Company	398
AB-8	McLagan Farms	400
AB-9	Boston Mill	402
AB-10	Parrott Irrigation	404
AB-11	Smith's Warehouse	406
AB-12	Belco Warehouse	408
AB-13	Fisher Implement	410

[Adopted 80-335 eff 9/2/80; amd 00-311 §1 eff 6/28/00; amd 00-525 §1 eff 9/20/00]

**APPENDIX 3 — INVENTORY OF POSSIBLY SIGNIFICANT SITES (FORMERLY “1B” SITES)
SITES NOT HAVING SUFFICIENT INFORMATION TO MAKE A DETERMINATION OF SIGNIFICANCE)**

AGGREGATE SITES

Name	Township	Range	Section	Tax-lot
Santiam Water Control Dist.	9S	1W	13	
North Santiam Sand & Gravel	9S	1W	14	
North Santiam Sand & Gravel	9S	1W	14	
Sidney Irrigation Company	9S	2W	34	1000
Young & Morgan Timber Company	9S	2E	21	
Timber	9S	2E	27	
Timber	9S	2E	36	
North Santiam Sand & Gravel	9S	3E	34	704, 705, 800
Linn County	10S	1W	05	
Linn County	10S	1W	08	
Downer	10S	1W	10	
OR Dept, of Fish & Wildlife	10S	2W	10	
E. Littau	10S	2W	13	201, 1200, 1201, 1501
Ortiz	10S	2W	27	1800, 1801, 1900
South Santiam W.C.D.	10S	2W	28	
Webb Rock Company	10S	2W	29	
Downer	10S	2W	30	300
Albany Sand & Gravel	10S	3W	10	201
Grand Prairie W.C.D.	10S	3W	33	
Strauss	11S	1W	01	
OR Dept. of Fish & Wildlife	11S	2W	03	
Hub City Sand & Gravel	11S	2W	04	
Hoag	11S	2W	04	200
Hub City Sand & Gravel	11S	2W	10	
Sorensen	11S	2W	24	600
Sullivan	11S	3W	04	
Karsten	11S	4W	11	
SP Rail	11S	4W	14	
Atkeson/Hub City S & G	11S	4W	20	600
Morse Brothers, Inc.	11S	4W	31	
OR Dept. of Fish & Wildlife	11S	1E	08	
OR Dept. of Fish & Wildlife	11S	7E	15	
Lovejoy	12S	1W	06	1700
Gindhart	12S	1W	07	300
Grahm	12S	1W	21	
Oregon Highway Division	12S	1W	30	1800
Gindhart	12S	2W	13	100
Slate	12S	2W	24	
McCallie	12S	2W	36	
Champion International Corp.	12S	3W	06	900
McEwen	12S	3W	33	
Morse Brothers, Inc.	12S	4W	08	700
J. C. Compton Company	13S	1W	06	400
Linn County	13S	1W	11	
Brubaker	13S	1W	26	300, 301
Milburn	13S	1W	26 (A)	400, 405
Smith	13S	2W	30	525,541
Pioneer	13S	2W	31	
Smith	13S	2W	31	
Morse Brothers, Inc.	13S	2W	35	
Deffenbaugh	13S	3W	26	401
Morse Brothers, Inc.	13S	3W	35	

Jensen	13S	1E	06	3000, 3004
Oregon Highway Division	13S	2E	36	
Federal Hwy. Administration	13S	3E	03	
Oregon Highway Division	13S	7E	23	
Wade	14S	1W	08	1200
Northern	14S	2W	02	200, 300
Northern	14S	2W	03	
Curtis	14S	2W	05	100,102
Commons S & G	14S	2W	06	100, 200
Howard	14S	2W	06	
Banta	14S	2W	24	
Smith/Ellefson	14S	3W	13	401, 402, 404
Rosss Brothers	14S	1E	30	
Federal Hwy. Administration	14S	2E	07	
Publishers Paper Company	15S	2W	19	3600
Lemon	15S	4W	08	
Morse Brothers, Inc.	15S	4W	09	400, 500, 600, 800, 900, 1000, 1200, 1202
Willamette Quarries, Inc.	16S	3W	04	316, 317

MINERAL SITES:

SEMI-PRECIOUS STONE SITES:

Owner/operator	Township	Range	Section	Tax-lot
Prospect Mt./Zeleny	10S	1E		5100
Prospect Mt./Zeleny	11S	1E	06	200
Drummond	12S	2W	26	1600
Moore	12S	2W	35	405

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99]

APPENDIX 4 — INVENTORY OF NON-SIGNIFICANT SITES (FORMERLY “1A” SITES)

AGGREGATE SITES

Name	Township	Range	Section	Tax-lot
Morse Bros. Inc.	9S	1W	15	2101 & 2301
Horn	9S	1E	19	210, 202, 701, 702
Johnston	9S	2E	19	100
North Santiam Sand & Gravel	9S	2E	19	204
Linn County	9S	2E	19	302
Capitol Crushing Company	9S	2E	20	800
Young & Morgan Timber	9S	2E	21	300
Champion International Corp.	9S	4E	31	1300
Phillips	10S	1W	07	500
Hamilton	10S	1W	24	300
OR & CA Railroad	10S	1W	25	400
Kihs	10S	2W	23	800
Vorderstrasse	10S	2W	25	500
Drushella	10S	2W	25	1100
Riverside Rock, Inc.	10S	2W	30	400
M. Knolt H	10S	3W	03	1700 & 1800
Stadeli	10S	3W	04	1400
Nissen Gravel Company	10S	3W	04	1500
Linn County	10S	3W	06	900
Hess	10S	3W	09	800
Morse Bros. Inc.	10S	3W	14	106
S. Yih	10S	3W	14	2004 & 2024
Oregon State Highway Division	10S	3W	16	100 & 101
Turnidge	10S	3W	16	1100
Parker	10S	3W	17	100
Oregon State Highway Division	10S	3W	33	1200
Holland	10S	1E	24	3400
Willamette Industries, Inc.	10S	1E	26	3700
Willamette Industries, Inc.	10S	1E	28	4200
Publishers Paper Company	10S	2E	10	3800
Champion International Corp.	10S	2E	10	4000
West	10S	2E	13	4700
Holland	10S	2E	16	5500
OR & CA Railroad	10S	2E	17	5800
West	10S	2E	20	6700 (2 sites)
Holland	10S	2E	20	6800 (2 sites)
West	10S	2E	21	7000
West	10S	2E	26	7900
West	10S	2E	27	8100
West	10S	2E	28	8200 (2 sites)
West	10S	2E	29	8300 (2 sites)
Willamette Industries, Inc.	10S	2E	30	8400
West	10S	2E	32	8800
West	10S	2E	33	9100
West	10S	2E	35	9500
West	10S	2E	36	9600 (4 sites)
Champion International Corp.	10S	3E	20	3100
Champion International Corp.	10S	3E	26	3600
Champion International Corp.	10S	3E	27	3700
Champion International Corp.	10S	3E	28	3800
Willamette Industries, Inc.	10S	3E	30	4300 (2 sites)
West	10S	3E	31	4600
Champion International Corp.	10S	3E	32	4700

Champion International Corp.	10S	3E	34	4900 (3 sites)
Champion International Corp.	10S	3E	34	9300
Champion International Corp.	10S	3E	36	5100
Champion International Corp.	10S	5E	13	400
Champion International Corp.	10S	5E	22	1700
Champion International Corp.	10S	5E	24	2100
Truax	11S	2W	10	400
State of Oregon	11S	2W	10	600
Langmack Seed Company	11S	2W	32	800
Linn County	11S	3W	28	300
Karsten	11S	4W	16	100
Oregon State Parks	11S	4W	20	301
Schroeder	11S	4W	23	2600
Derry	11S	4W	28	600
Wildish	11S	4W	31	1902
Willamette Industries, Inc.	11S	1E	04	600
Willamette Industries, Inc.	11S	1E	10	1800
Willamette Industries, Inc.	11S	1E	24	3800
Willamette Industries, Inc.	11S	1E	26	4100
OR & CA Railroad	11S	1E	35	6200
Willamette Industries, Inc.	11S	1E	35	6300
West	11S	2E	01	100
West	11S	2E	02	300
West	11S	2E	03	500
Willamette Industries, Inc.	11S	2E	08	1700
Willamette Industries, Inc.	11S	2E	11	2000 (2 sites)
Willamette Industries, Inc.	11S	2E	15	2500 (3 sites)
Willamette Industries, Inc.	11S	2E	16	2600, 2601 (3 sites)
Willamette Industries, Inc.	11S	2E	17	2700, 2701 (3 sites)
Willamette Industries, Inc.	11S	2E	20	3100
Willamette Industries, Inc.	11S	2E	22	3400 (2 sites)
Willamette Industries, Inc.	11S	2E	23	3600
Willamette Industries, Inc.	11S	2E	26	4000 (3 sites)
Willamette Industries, Inc.	11S	2E	35	6000 (2 sites)
Champion International Corp.	11S	3E	01	100 (2 sites)
Champion International Corp.	11S	3E	03	500
West	11S	3E	05	700 (3 sites)
Champion International Corp.	11S	3E	13	1700
Willamette Industries, Inc.	11S	3E	16	2000
Champion International Corp.	11S	3E	24	2800
Champion International Corp.	11S	4E	07	500 (2 sites)
Champion International Corp.	11S	4E	16	900 (2 sites)
Wilkinson Quarry	12S	1W	6	1200 (30 acre portion)
Brown Brothers Logging	12S	1W	06	1800
Weldon	12S	1W	16	200
Griffith	12S	1W	18	113
McDaniel	12S	1W	20	800
Morse Brothers, Inc.	12S	2W	02	2001, 2002, 2003
Morse Brothers, Inc.	12S	2W	12	1200,1300
Gates	12S	4W	08	300
Morse Brothers, Inc.	12S	4W	31	303
State of Oregon	12S	5W	01	800
Morse Brothers, Inc.	12S	5W	01	900
City of Corvallis	12S	5W	02	1200
Willamette Industries, Inc.	12S	1E	02	401
Timber Service Company	12S	1E	35	10500
Willamette Industries, Inc.	12S	2E	02	200

Willamette Industries, Inc.	12S	2E	08	1600
Willamette Industries, Inc.	12S	2E	10	1800 (2 sites)
Willamette Industries, Inc.	12S	2E	12	2100
Willamette Industries, Inc.	12S	2E	18	2800
Willamette Industries, Inc.	12S	2E	19	2900
Willamette Industries, Inc.	12S	2E	33	5600
Willamette Industries, Inc.	12S	2E	35	5900
Champion International Corp.	12S	3E	07	1000 (2 sites)
Champion International Corp.	12S	3E	08	1100
Weyerhaeuser Company	12S	3E	13	1900 (3 sites)
Weyerhaeuser Company	12S	3E	14	2000
Weyerhaeuser Company	12S	3E	24	4500 (2 sites)
Timber Service Company	12S	3E	31	5100
Timber Service Company	12S	3E	35	8700
Weyerhaeuser Company	12S	4E	03	300
Weyerhaeuser Company	12S	4E	06	600 (2 sites)
Weyerhaeuser Company	12S	4E	08	800
Weyerhaeuser Company	12S	4E	10	1000
Weyerhaeuser Company	12S	4E	12	1200 (3 sites)
Weyerhaeuser Company	12S	4E	13	1300 (5 sites)
Weyerhaeuser Company	12S	4E	14	1400
Weyerhaeuser Company	12S	4E	15	1500 (3 sites)
Weyerhaeuser Company	12S	4E	16	1600 (3 sites)
Weyerhaeuser Company	12S	4E	17	1700 (2 sites)
Weyerhaeuser Company	12S	4E	18	1800 (4 sites)
Weyerhaeuser Company	12S	4E	19	2100
Weyerhaeuser Company	12S	4E	20	2200
Weyerhaeuser Company	12S	4E	21	2300
Weyerhaeuser Company	12S	4E	23	2500
Weyerhaeuser Company	12S	4E	24	2600 (3 sites)
Weyerhaeuser Company	12S	4E	25	2700 (2 sites)
Simpson Timber Company	12S	4E	27	2900
Timber Service Company	12S	4E	29	3101
Timber Service Company	12S	4E	30	3200
Kellenberger	12S	4E	30	3500
Weyerhaeuser Company	12S	4E	32	4200
Weyerhaeuser Company	12S	4E	33	4600
Weyerhaeuser Company	12S	4E	36	4900
Timber Service Company	12S	5E	33	300
Timber Service Company	12S	6E	31	200
Timber Service Company	12S	7E	31	200
Timber Service Company	13S	1W	01	300
Linn County	13S	1W	13	100
Timber Service Company	13S	2W	09	1300
Timber Service Company	13S	2W	16	100 (2 sites)
Timber Service Company	13S	2W	22	100
Kirk	13S	2W	28	200
Manning	13S	2W	30	100
Willamette Quarries	13S	3W	09	100
Oregon State Highway Division	13S	3W	09	200
Glaser	13S	3W	28	300
Oregon Fish & Wildlife	13S	3W	33	400
Oregon State Parks	13S	4W	30	201
Timber Service Company	13S	1E	05	2500
Timber Service Company	13S	1E	16	7600
Stock	13S	1E	28	800
Tack Logging Inc.	13S	1E	29	3501

Timber Service Company	13S	2E	04	800
Timber Service Company	13S	2E	07	2000
Timber Service Company	13S	2E	09	2900
Timber Service Company	13S	2E	11	3400
Timber Service Company	13S	2E	11	3602
Timber Service Company	13S	2E	13	4100
Morse	13S	2E	19	901
Timber Service Company	13S	2E	29	9700
Timber Service Company	13S	2E	35	11400
Timber Service Company	13S	3E	04	1000
Timber Service Company	13S	3E	07	1600
Timber Service Company	13S	3E	16	4800
Timber Service Company	13S	3E	20	6000
Timber Service Company	13S	3E	28	7000
Horner	13S	3E	33	100
Tomco/Compton	13S	3E	33	100
Champion International Corp.	13S	4E	02	400
Timber Service Company	13S	4E	09	1400 (4 sites)
Champion International Corp.	13S	4E	12	1900
Timber Service Company	13S	4E	14	2700
Champion International Corp.	13S	4E	16	2900
Timber Service Company	13S	4E	17	3000 (3 sites)
Timber Service Company	13S	5E	01	100
Timber Service Company	13S	5E	05	500 (4 sites)
Timber Service Company	13S	5E	07	700 (2 sites)
Timber Service Company	13S	5E	09	900
Timber Service Company	13S	5E	13	1300
U.S.A.	13S	5E	14	1400
Timber Service Company	13S	5E	21	2100
Timber Service Company	13S	5E	23	2300
Timber Service Company	13S	5E	25	2600
Timber Service Company	13S	5E	27	2700 (2 sites)
Timber Service Company	13S	6E	05	400
Timber Service Company	13S	6E	07	600 (2 sites)
U.S.A.	13S	6E	18	1400
Timber Service Company	13S	6E	19	1500
Schilling	14S	1W	16	350
Northern	14S	2W	02	200
Curtis	14S	2W	04	100
Wheeler	14S	2W	04	800
Timber Service Company	14S	2W	12	201
Timber Service Company	14S	2W	13	501
Timber Service Company	14S	2W	14	200
Pearl	4S	2W	14	300
Williamson	14S	2W	21	100
Timber Service Company	14S	2W	23	1800
Timber Service Company	14S	2W	24	1900
Timber Service Company	14S	2W	33	7600
Bigelow	14S	3W	13	109
Ellefson	14S	3W	13	404
Norris/Van Lee	14S	3W	24	408
Oregon State Highway Division	14S	3W	28	900
Curtis	14S	4W	36	100, 600
Timber Service Company	14S	1E	01	600
Timber Service Company	14S	1E	21	8800
Timber Service Company	14S	1E	23	9200
Timber Service Company	14S	1E	26	10000

Timber Service Company	14S	1E	26	10100
Timber Service Company	14S	2E	07	1800
Timber Service Company	14S	2E	09	2500
Timber Service Company	14S	2E	12	3200
Champion International Corp.	14S	2E	15	3700
Timber Service Company	14S	2E	16	3800
Timber Service Company	14S	2E	17	4000
Weyerhaeuser Company	14S	2E	24	5400
Champion International Corp.	14S	2E	25	5500
Champion International Corp.	14S	2E	27	6700
Champion International Corp.	14S	2E	29	6200
Weyerhaeuser Company	14S	2E	31	6500 (3 sites)
Champion International Corp.	14S	2E	33	6800 (2 sites)
Champion International Corp.	14S	2E	36	7100
Timber Service Company	14S	3E	092700	
Timber Service Company	14S	3E1	131	00
Timber Service Company	14S	3E	13	3900 (2 sites)
Timber Service Company	14S	3E	15	4200
Timber Service Company	14S	3E	16	4300
Timber Service Company	14S	3E	17	4600
Timber Service Company	14S	3E	23	6300
Timber Service Company	14S	3E	24	6500
Timber Service Company	14S	3E	25	6600
Timber Service Company	14S	3E	27	6900 (3 sites)
Weyerhaeuser Company	14S	3E	28	7200
Weyerhaeuser Company	14S	3E	29	7300 (2 sites)
Weyerhaeuser Company	14S	3E	30	7400
Champion International Corp.	14S	3E	31	7500
Weyerhaeuser Company	14S	3E	33	7900 (2 sites)
Champion International Corp.	14S	4E	16	2300 (2 sites)
Timber Service Company	14S	4E	18	2600 (2 sites)
Timber Service Company	14S	4E	20	3500 (2 sites)
Champion International Corp.	14S	4E	24	4800 (2 sites)
Champion International Corp.	14S	4E	29	5700
Timber Service Company	14S	4E	29	5800
Timber Service Company	14S	4E	30	6000
Champion International Corp.	14S	4E	33	6800 (2 sites)
Willamette Industries, Inc,	14S	4E	36	7500
Timber Service Company	14S	5E	05	200
Timber Service Company	14S	5E	19	700
Timber Service Company	14S	5E	21	800
Timber Service Company	14S	5E	29	1200
Willamette Industries, Inc.	15S	2W	32	5100
Lynch	15S	3W	04	200
Kampfer	15S	3W	12	200, 600
Daniels	15S	3W	16	203
Miller	15S	3W	33	200
Weyerhaeuser Company	15S	1E	01	400
Weyerhaeuser Company	15S	1E	11	2200
Weyerhaeuser Company	15S	1E	13	2500
Weyerhaeuser Company	15S	1E	24	2700 (3 sites)
Weyerhaeuser Company	15S	2E	04	700
Weyerhaeuser Company	15S	2E	05	800 (3 sites)
Weyerhaeuser Company	15S	2E	07	1000 (2 sites)
Weyerhaeuser Company	15S	2E	08	1100
Weyerhaeuser Company	15S	2E	09	1200
Weyerhaeuser Company	15S	2E	11	1400 (4 sites)

Weyerhaeuser Company	15S	2E	13	1600
Weyerhaeuser Company	15S	2E	14	1700
Weyerhaeuser Company	15S	2E	15	1800
Weyerhaeuser Company	15S	2E	17	2000 (2 sites)
Weyerhaeuser Company	15S	2E	18	2100
Weyerhaeuser Company	15S	2E	19	2200 (2 sites)
Weyerhaeuser Company	15S	2E	22	2700
Weyerhaeuser Company	15S	2E	25	3000 (2 sites)
Weyerhaeuser Company	15S	2E	26	3100
Weyerhaeuser Company	15S	2E	27	3200
Weyerhaeuser Company	15S	2E	36	3800
Champion International Corp.	15S	3E	03	400 (2 sites)
Weyerhaeuser Company	15S	3E	07	800
Champion International Corp.	15S	3E	11	1200 (2 sites)
Champion International Corp.	15S	3E	14	1500
Champion International Corp.	15S	3E	17	1800
Weyerhaeuser y 15S 3E 18 2000				
Weyerhaeuser Company	15S	3E	19	2200
Weyerhaeuser Company	15S	3E	21	2400
Weyerhaeuser Company	15S	3E	22	2500 (2 sites)
Weyerhaeuser Company	15S	3E	24	2700 (3 sites)
Weyerhaeuser Company	15S	3E	26	2900
Weyerhaeuser Company	15S	3E	27	3100
Weyerhaeuser Company	15S	3E	28	3200 (2 sites)
Weyerhaeuser Company	15S	3E	31	3500
Giustina Brothers	15S	3E	32	3600
Giustina Brothers	15S	3E	34	4200
Weyerhaeuser Company	15S	4E	19	200
Malpass	16S	3W	04	100

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99]

APPENDIX 5 — INVENTORY OF SIGNIFICANT SITES WITHOUT CONFLICTING USES (FORMERLY “2A” SITES)

AGGREGATE SITES — ON FEDERAL AND STATE OWNED LANDS:

No.	Owner/operator	Site #	Township	Range	Section	Tax-lot
5001	BLM	38	10S	1E	1	
5002	BLM	39	10S	1E	23	
5003	BLM	42	10S	1E	27	
5004	BIM	44	10S	1E	25	
5005	OSDF	47	10S	2E	12	4500
5006	BLM	56	10S	2E	23	
5007	BLM	64	10S	2E	31	
5008	OSDF	73	10S	3E	10	700
5009	OSDF	74	10S	3E	18	700
5010	OSDF	76	10S	3E	21	700
5011	OSDF	77	10S	3E	21	700
5012	OSDF	78	10S	3E	22	700
5013	OSDF	90	10S	4E	05	900
5014	OSDF	91	10S	4E	18	900
5015	OSDF	92	10S	4E	19	900
5016	USFS	93	10S	4E	21	
5017	OSDF	94	10S	4E	19	900
5018	USFS	95	10S	4E	28	
5019	USFS	96	10S	4E	34	
5020	USFS	97	10S	5E	07	
5021	USFS	100	10S	5E	24	
5022	USFS	102	10S	5E	28	
5023	USFS	103	10S	5E	32	
5024	USFS	104	10S	6E	17	
5025	USFS	105	10S	6E	20	
5026	USFS	106	10S	6E	33	
5027	USFS	107	10S	6E	35	
5028	USFS	108	10S	7E	28	
5029	BLM	137	11S	1E	35	
5030	BLM	140	11S	2E	05	
5031	BLM	141	11S	2E	05	
5032	BLM	145	11S	2E	02	
5033	BLM	146	11S	2E	02	
5034	BLM	148	11S	2E	10	
5035	BLM	160	11S	2E	13	
5036	BLM	170	11S	3E	06	
5037	BLM	174	11S	3E	04	
5038	BLM	175	11S	3E	04	
5039	BLM	179	11S	3E	09	
5040	BLM	180	11S	3E	12	
5041	BLM	181	11S	3E	17	
5042	BLM	183	11S	3E	15	
5043	BLM	184	11S	3E	15	
5044	BLM	185	11S	3E	15	
5045	BLM	186	11S	3E	14	
5046	BLM	187	11S	3E	14	
5047	BLM	188	11S	3E	14	
5048	BLM	190	11S	3E	20	
5049	BLM	191	11S	3E	23	
5050	BLM	193	11S	3E	32	

5051	BLM	194	11S	3E	26
5052	BLM	195	11S	3E	32
5053	BLM	196	11S	3E	33
5054	BLM	197	11S	3E	33
5055	BLM	198	11S	3E	33
5056	BLM	199	11S	3E	34
5057	BLM	200	11S	3E	35
5058	BLM	201	11S	4E	06
5059	BLM	202	11S	4E	04
5060	USFS	203	11S	4E	03
5061	BLM	205	11S	4E	08
5062	BLM	207	11S	4E	08
5063	BLM	208	11S	4E	09
5064	USFS	209	11S	4E	10
5065	USFS	210	11S	4E	10
5066	USFS	211	11S	4E	11
5067	BLM	212	11S	4E	18
5068	USFS	217	11S	4E	13
5069	BLM	218	11S	4E	21
5070	USFS	219	11S	4E	21
5071	USFS	220	11S	4E	22
5072	USFS	221	11S	4E	25
5073	BLM	222	11S	4E	32
5074	USFS	223	11S	5E	06
5075	USFS	224	11S	5E	02
5076	USFS	225	11S	5E	01
5077	USFS	226	11S	5E	17
5078	USFS	227	11S	5E	15
5079	USFS	228	11S	5E	19
5080	USFS	229	11S	5E	19
5081	USFS	230	11S	5E	23
5082	USFS	231	11S	5E	13
5083	USFS	232	11S	5E	21
5084	USFS	233	11S	5E	28
5085	USFS	234	11S	5E	28
5086	USFS	235	11S	5E	28
5087	USFS	236	11S	5E	25
5088	USFS	237	11S	5E	25
5089	USFS	238	11S	5E	34
5090	USFS	239	11S	5E	36
5091	USFS	240	11S	6E	06
5092	USFS	241	11S	6E	04
5093	USFS	242	11S	6E	04
5094	USFS	243	11S	6E	04
5095	USFS	244	11S	6E	03
5096	USFS	245	11S	6E	03
5097	USFS	246	11S	6E	08
5098	USFS	247	11S	6E	08
5099	USFS	248	11S	6E	12
5100	USFS	249	11S	6E	18
5101	USFS	250	11S	6E	17
5102	USFS	251	11S	6E	20
5103	USFS	252	11S	6E	20
5104	USFS	253	11S	6E	22
5105	USFS	254	11S	6E	29
5106	USFS	255	11S	6E	25
5107	USFS	256	11S	6E	31

5108	USFS	257	11S	7E	10
5109	USFS	258	11S	7E	30
5110	USFS	259	11S	7E	29
5111	USFS	260	11S	7E	32
5112	USFS	261	11S	7E	32
5113	BLM	283	12S	1E	03
5114	BLM	290	12S	2E	11
5115	BLM	294	12S	2E	29
5116	BLM	298	12S	3E	04
5117	BLM	299	12S	3E	03
5118	BLM	300	12S	3E	03
5119	BLM	301	12S	3E	01
5120	BLM	302	12S	3E	01
5121	BLM	306	12S	3E	09
5122	BLM	307	12S	3E	09
5123	BLM	308	12S	3E	15
5124	USFS	320	12S	4E	01
5125	USFS	360	12S	5E	28
5126	USFS	361	12S	5E	27
5127	USFS	362	12S	5E	26
5128	USFS	363	12S	5E	25
5129	USFS	364	12S	5E	32
5130	USFS	366	12S	5E	34
5131	USFS	367	12S	5E	36
5132	USFS	368	12S	6E	03
5133	USFS	369	12S	6E	01
5134	USFS	370	12S	6E	01
5135	USFS	371	12S	6E	05
5136	USFS	372	12S	6E	03
5137	USFS	373	12S	6E	14
5138	USFS	374	12S	6E	15
5139	USFS	375	12S	6E	15
5140	USFS	376	12S	6E	20
5141	USFS	377	12S	6E	20
5142	USFS	378	12S	6E	26
5143	USFS	379	12S	6E	26
5144	USFS	381	12S	7E	05
5145	USFS	382	12S	7E	07
5146	USACE		13S	2E	26
5147	USFS	427	13S	3E	23
5148	USFS	429	13S	3E	26
5149	USFS	432	13S	4E	02
5150	USFS	437	13S	4E	10
5151	USFS	438	13S	4E	11
5152	USFS	439	13S	4E	11
5153	USFS	443	13S	4E	17
5154	USFS	447	13S	4E	20
5155	USFS	448	13S	4E	20
5156	USFS	449	13S	4E	30
5157	USFS	450	13S	4E	30
5158	USFS	451	13S	4E	30
5159	USFS	452	13S	4E	32
5160	USFS	457	13S	5E	04
5161	USFS	458	13S	5E	02
5162	USFS	459	13S	5E	02
5163	USFS	463	13S	5E	08
5164	USFS	464	13S	5E	08

8700

5165	USFS	466	13S	5E	12
5166	USFS	469	13S	5E	20
5167	USFS	470	13S	5E	20
5168	USFS	473	13S	5E	24
5169	USFS	474	13S	5E	24
5170	USFS	477	13S	5E	26
5171	USFS	479	13S	5E	32
5172	USFS	480	13S	5E	32
5173	USFS	703	15S	5E	17
5174	USFS	704	15S	5E	16
5175	USFS	705	15S	6E	03
5176	USFS	706	15S	6E	07
5177	USFS	707	15S	6E	10
5178	USFS	708	15S	6E	11
5179	USFS	709	15S	6E	11

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00]

PRIVATELY OWNED AGGREGATE SITES (FORMERLY "2A" SITES):

No.	Site Name	Location (T / R / S / T-L)	Size (acres)	Analysis & Program to Protect the Resource	Post-Mining Use
5501	North Santiam Sand & Gravel	9S 1W 15 1400			
5502	Haugerud	10S 1W 08 500			
5503	JB Rock Products	10S 3W 02 302-A1			
5504	JB Rock Products	10S 3W 16 800			
5505	Silbernagel	10S 1E 10 100			
5506	Morse Brothers, Inc.	11S 2W 10 402, 1302			
5507	Wildish Corvallis	11S 2W 10 1206, 1403, 1404			
5508	Wildish Corvallis	11S 4W 8, 9,16, 17			
5509	Hub City Sand & Gravel	11S 4W 10 101			
5510	Morse Brothers/Paetsch	12S 1W 07 200			
5511	Morse Brothers, Inc.	12S 2W 01 1000			
5512	Weyerhaeuser Company	12S 3E 24 4500			
5513	Harrington	13S 1W 06 400			
5514	Wildish Corvallis/Webber	13S 1W 13 100			
5515	Willamette Quarries	14S 3W 28 1100			
5516	Timber Service Company	14S 3E 36 8300			
5517	Weyerhaeuser Company	15S 2E 04 1000			
5518	Weyerhaeuser Company	15S 2E 28 3300			
5519	Mid-Valley Gravel	16S 3W 4 300, 312	16.86	00-495; 00-496; Planning file: CP-3-00	Wildlife habitat

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §1 eff 9/13/00]

TABLE OF CONTENTS

905.5519 Mid-Valley Gravel Company

905.5519 Mid-Valley Gravel Company

(A) *Goal 5 analysis*

(1) *Findings of Fact.* The findings of fact in support of this resource site analysis are contained in Order No. 2000-496. The record supporting this analysis and a copy of the Board Order is included in Planning and Building Department Case File No. CP-3-00.

(2) *Inventory Information*

(a) The location, quality and quantity information for this resource site is contained in the geologist report included in Planning and Building Department Case File No. CP-3-00. The aggregate resource site is a 16.86-acre property located approximately four miles north of Coburg and one mile east of North Coburg Road, approximately one-half mile from the east end of Coleman Road. The property is identified as T16S, R3W, S4, TL300 and TL312 and is in a Farm/Forest (F/F) zone. This is an expansion of an existing three-acre quarry.

(b) The laboratory test results in the geologist report indicate that a representative set of basalt samples from the property meet Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness. These results are consistent with the requirements of LCC 939.120 (B)(1) for a significant aggregate site.

(c) The quantity calculations in the geologist report conclude there are approximately 2,534,864 tons of in-ground reserves of columnar basalt on the property. This quantity is above the 2,000,000-ton significance threshold in LCC 939.120 (B)(2). The property is comprised of SCS Class VI and VII soil. The significance criteria in LCC 939.120(C) therefore do not apply to this property. The site is a significant aggregate resource pursuant to the criteria in LCC 939.120.

(3) *Impact Area*

(a) To determine existing and potential conflicts from proposed mining and processing activities on the property, an impact area including all land within 1500 feet from the boundaries of the resource site is established. No information has been presented to indicate significant potential conflicts beyond this distance.

(b) Conflicts between the proposed mining and processing activities and existing and potential land uses within the impact area were analyzed pursuant to the criteria and procedures in LCC 939.130 to 939.150 and LCC 939.180 to 939.190.

(4) *Conflicts Due to Noise, Dust or Other Discharges*

(a) Batching and blending of mineral aggregate into asphaltic and cement products has not been proposed or justified in the application materials. Potential conflicts related to the batching and blending of asphalt and cement products have not been reviewed. Notwithstanding the allowed uses in the Aggregate Resource Overlay (ARO), the batching and blending of mineral aggregate into asphaltic and cement products shall not be an outright allowed use on this site. Batching and blending of asphalt and cement may be a permitted use on this site if approved through a conditional use review process pursuant to the decision criteria applicable to the underlying zoning district.

(b) The resource site is approximately one-half mile from the nearest public road and is shielded from all dwellings and other non-mining related land uses in the area by existing topographic features. One existing dwelling is within the impact area. This dwelling is approximately 1200 feet from the quarry and is screened by existing topography and vegetation.

(c) The subject property is in the Farm/Forest (F/F) zone. The property south of the resource site is in Lane County and is zoned Quarry & Mining. All the property in the impact area that is not in the Quarry & Mining zone is in either the F/F or EFU zoning districts and is in timber, is unused, or is used for grazing. The haul road serving the existing three-acre quarry passes three existing homes. No information has been submitted to indicate any conflicts due to noise, dust or other discharges associated with the quarry or truck traffic. No conflicts due to noise, dust or other discharges are identified.

(5) *Potential Conflicts to Local Roads*

(a) Truck traffic to and from this site is on an approximately one-half mile long shared easement west to Coleman Road, then approximately one-half mile west on Coleman Road to North Coburg Road. The access easement is shared by three homes. The quarry operator has graded and rocked the entire easement and installed three cattle guards.

(b) Coleman Road is a dead-end road that serves only adjacent property owners and the quarry. Both North Coburg Road and Coburg Road, to the nearest arterial roads, are designated truck routes that currently support commercial truck traffic.

(c) A traffic impact study is included in Planning and Building Department Case File No. CP-3-00. Under current and projected operating levels the quarry would generate 5 to 15 truck trips per day on average. The traffic impact study indicates and the operator testimony states that 80 percent of those truck trips travel north on North Coburg Road, in Linn County, to Diamond Hill Road. The Linn County Roadmaster concluded quarry traffic would have no detrimental impact on Linn County roads. Traffic on the affected road network is light and is well below design levels. The impact study shows that under the maximum potential traffic levels that could occur from mining this site, loaded trucks would not exceed the weight limits or impact the traffic carrying capacities

on public roads between the quarry and the nearest arterials in Linn and Lane Counties. No conflicts with local roads are identified.

(6) *Safety Conflicts With Existing Public Airports.*

The site will be mined at grade. Because no open water impoundments or other bird attractants would be associated with mining this resource, and because there are no existing public airports within three miles of this site, no conflicts with existing public airports are identified.

(7) *Conflicts With Other Goal 5 Resource Sites.*

No other Goal 5 resources are identified in the *Comprehensive Plan* in the impact area. No conflicts with other Goal 5 resources are identified.

(8) *Conflicts With Agricultural Practices.*

Agricultural practices within the impact area are minimal and are primarily limited to cattle grazing. There is a small area in the northwest portion of the impact area that is EFU and farmed in grass seed. This area is completely shielded by existing topographic features. No conflicts with agricultural practices are identified.

(9) *Potential Future Conflicting Uses*

(a) The land south of the resource site is in Lane County and is zoned Quarry & Mining (Q&M). No potential conflicts with land uses allowed in the Q&M zoning district are identified. The properties within the impact area to the north, east and west of the resource site are in the F/F or EFU zoning districts. Farm and forest uses are protected uses in these districts. The land in the impact area is a mixture of small stands of timber and rocky pasture. The primary farm use in the area is cattle grazing. No information has been submitted identifying potential conflicts between aggregate mining and farm or forestry uses within the impact area.

(b) New industrial uses are not permitted in the EFU and F/F zones. New commercial and residential uses are not allowed in the EFU or F/F zones without conditional use permit approval. If a conditional use permit is proposed within the impact area, potential conflicts with existing land uses, including this resource site, shall be considered in the decision. This precludes new commercial or residential uses in the area from conflicting with mining at this site.

(10) *Measures to Minimize Potential Conflicts*

(a) The Board concludes there is a potential for crushing and truck traffic to impact two existing homes along the haul road if the quarry were to begin operating beyond the current operating hours or if the quarry ownership were to change. These potential conflicts include noise and dust impacts along the access roadway.

(b) In order to minimize potential future conflicts with the mining operation, mining at this site shall be conducted in compliance with the following operating conditions:

(i) Operating hours for crushing shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m. Operating hours for truck traffic entering and leaving the quarry shall be limited to Monday through Saturday, 7:00 a.m. to 5:30 p.m.

(ii) The quarry operator shall be responsible to ensure adequate dust abatement measures are maintained on the access roadway.

(11) *Program to Protect the Resource.* The program to protect the resource is contained in the Plan policies for aggregate resources in LCC 905.820(B), by the application of the Aggregate Resource Overlay (ARO) pursuant to LCC 939.200(B) and LCC 931.700 to 931.755, and the adoption of the provisions set forth in this resource site analysis.

(12) *Post-Mining Use and Reclamation.* Mid-Valley Gravel Co. has filed a reclamation plan with the Department of Geology and Mineral Industries (DOGAMI) identifying wildlife habitat as the final post-mining land use. Wildlife habitat is identified in the *Comprehensive Plan* as an approved final use in the F/F zoning district.

[Adopted 00-495 §§ 2 and 3 eff 9/13/00]

APPENDIX 6 — INVENTORY OF SIGNIFICANT SITES WITH ALL CONFLICTS MINIMIZED

AGGREGATE SITES

No.	Owner/operator	Township	Range	Section	Tax-lot	Acreage
6001	Pinnacle Rock	12S	1W	6	1700	30.50
6002	Waggener/Bond Butte	14S	3W	28	1300	55.00

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 § 6 eff 9/13/00; amd 02-048 §1 eff 2/5/02]

APPENDIX 6A — ANALYSES JUSTIFYING A CLASSIFICATION AS A SIGNIFICANT SITE WITH ALL CONFLICTS MINIMIZED

TABLE OF CONTENTS

- 905.6001 Pinnacle Rock site**
905.6002 Waggener/Bond Butte site
-
-

905.6001 Pinnacle Rock site

(A) *Goal 5 analysis.*

(1) *Inventory Information.*

(a) The aggregate resource site is the southeastern 30.50-acre portion of the 80.98-acre property identified as T12S, R1W, Section 6, Tax-lot 1700, Linn County, Oregon. The property is located approximately one and one-half miles northeast of Lebanon on the south side of Mt. Hope Drive. The site is located near the top of the ridge between Golden Valley Drive and Mount Hope Drive. The property is on the North facing side of the ridge with elevation ranging from 600 to 700 feet. From the ridge the land slopes down to the north with slopes of 30 to 60 percent.

(b) Eight test holes were drilled on the site to determine the quality and quantity of aggregate on the property. Quality tests conducted by the Oregon Department of Transportation (ODOT) Materials Laboratory indicate that a representative set of samples of aggregate material in the deposit on the site exceeds the ODOT specifications for base rock for air degradation, abrasion, and sodium sulfate soundness. The quality test results and analysis are included in Planning Department File No. CP-1 -98.

(c) The quantity calculations are included in Planning Department File No. CP-1-98. The quantity calculations indicate an estimated 1.2 million cubic yards of material. The *Comprehensive Plan* Background Report, page II-5, indicates the Linn County quantity threshold for significance is 400,000 cubic yards of material. Based on the quality and quantity criteria listed in OAR 660-23-180(3), this site is identified as a significant aggregate resource site.

(2) *Impact Area.* In order to determine conflicts from potential mining and processing activities at the site, an impact area including land within 1500 feet from the boundaries of the mining area is established, as set forth in OAR 660-23-180 (4)(a). No factual information has been presented to indicate significant potential conflicts beyond this distance. The impact analysis is limited to those potential conflicts with existing and approved land uses within the impact area that are identified by OAR 660-23-180(4)(b).

(3) *Conflicts Due to Noise, Dust or Other Discharges.*

(a) The impact area contains nine residences and two other operating rock quarries. The other rock quarries are on adjacent parcels to the south and east of the site. The site is in the Farm/Forest (F/F) zone. The land across Mt. Hope Drive to the north is zoned Exclusive Farm Use (EFU). The

land to the east, west and south is zoned F/F. To the West and North are properties ranging in size from 3 to 80 acres. The tax-lots to the east and south are 192 acres and 226 acres, respectively.

(b) Typical conflicts associated with aggregate extraction and processing which may affect established residential uses within the impact area arise from noise, dust, and vibration impacts. These impacts can result from blasting, crushing and hauling operations. Of the nine residences within the impact area, one is on the same property as the resource site, 600 feet north of the resource boundary, and is visible from the site. The next closest residence is approximately 800 feet to the west of the resource boundary and is screened by existing vegetation, trees and topography.

(c) A residence is located approximately 950 feet to the northeast of the site. Testimony indicates this property would be likely to experience visual, noise and vibration impacts from mining operations. Identified measures to minimize these impacts are to install a berm or vegetative screen north of the mine site. Another residence is located 950 feet to the northwest of the site boundary. Testimony indicates identified impacts from mining on this use would occur primarily due to truck noise and dust from the proposed haul road. Identified measures to minimize these impacts are to locate the haul road at least 50 feet east of the property boundary and to install and maintain vegetative screening. The five remaining residences within the impact area are between 1000 and 1500 feet from the site. No significant impacts have been identified which would affect these residential uses. New dwellings are not permitted in the EFU or F/F zone without a conditional use permit. This precludes new residential uses in the area from conflicting with mining at this site.

(4) *Potential Conflicts to Local Roads.*

(a) Aggregate will be hauled from this site in 5 -yard or 10-yard trucks or in personal pickup trucks to Mt. Hope Drive, a paved county road. The City of Lebanon is one and one-half miles to the southwest and would be the primary destination for the truck trips originating from this site. From Mt. Hope Drive, Brewster Road is the main arterial to Lebanon to the south and to Highway 226 to the north. This is the same haul route currently used by trucks serving the Morse Bros. quarry, west of the Pinnacle Rock site on Mount Hope Drive, and the Rock Products quarry, east of the Pinnacle Rock site on Mount Hope Drive. This section of Mount Hope Drive is already constructed to handle the truck traffic in the area and to withstand the weight of the trucks that will be leaving the proposed quarry.

(b) The Linn County Road Department has determined that a safe road approach to access Mt. Hope Drive from the property can be developed approximately 50 feet from the west property line. Several area residents expressed concern that traffic from the proposed quarry operation would impact the local road system. The Road Department did not identify

any negative impacts on the local transportation system from existing or proposed mining in the area. There are two existing quarries on property adjacent to this site. Because aggregate is nearly always obtained from the resource site nearest the point of final consumption, and because there is no evidence that the addition of a third mine site at this location will increase off-site demand for aggregate resources, no net increase in traffic is expected to occur on the County Road system if this site is also mined. The County finds that mining at this site will not impact the safety of the local road system.

(5) *Safety Conflicts With Existing Public Airports.*

The identified resource would be mined at grade. Because no open water impoundments or other bird attractants would be associated with mining this resource, and because there are no existing public airports within three miles of this site, no significant safety conflicts with existing public airports are identified.

(6) *Conflicts With Other Goal 5 Resource Sites.*

(a) There is an existing quarry 50 feet to the south of the site. That quarry includes 40 acres which is currently mined on the parcel to the south, and another 35 acres of leased land which is located on the parcel to the east. Another active quarry is located approximately 1400 feet to the north. A total of 50 acres of the adjacent parcel to the east is identified as aggregate resource for which mining is allowed through an active conditional use permit. No conflicts are identified with these existing resources.

(b) No sensitive riparian, fish or wildlife habitat areas are identified on the property. The *Comprehensive Plan* Wildlife Habitat Inventory indicates the property is within the western boundary of peripheral big game range, which runs along Mt. Hope Drive along the northern parcel boundary. Although mining in this area may disrupt a small amount of game habitat, this disruption would not be permanent. The previous owners of the property harvested all salable timber within the none area in approximately 1989 and did not reforest. After mining is completed the reclamation plan calls for reforestation of the mine site with Douglas Fir or Ponderosa Pine. The reclamation plan for the resource site indicates the property will be restocked as forest land, thereby providing increased wildlife habitat in the future.

(c) There are no wetlands identified on the property in the National Wetlands Inventory (NWI) wetlands map, Onehorse Slough Quadrangle. No significant wildlife habitat conflicts have been identified. No significant open space, scenic or historic resources are identified on the property in the *Comprehensive Plan*.

(7) *Conflicts With Agricultural Practices.*

(a) The properties to the immediate south, north, east and west are zoned EFU and F/F and are mixed agricultural and forest land. Agricultural uses on these properties are mostly cattle grazing and hay crop farming. Testimony shows the agricultural use on the adjacent property to the east includes the breeding and raising of Emu. The properties to the northwest are primarily in forest use. One property to the northwest has periodic sheep grazing. No

conflicts have been identified with this use during the hearing process.

(b) The 50.48-acre portion of tax-lot 1700 which is not part of this proposal is between the mine site and Mt. Hope Drive to the north. The farm use of this property is primarily pasture and hay. No identified conflicts with farming or forestry practices are identified on this property. Tax-lot 100 to the south is 226.26 acres with an existing 40-acre quarry along the southern boundary of the subject property. The remainder of the land is in timber and pasture. No identified conflicts with farming or forestry practices are identified on this property.

(c) Tax-lot 1800 to the east is 191.98 acres and includes an emu farm. The property has two quarry sites: one to the east and another to the northeast of the subject property. A total of 50 acres of tax-lot 1800 is identified as aggregate resource for which mining is allowed through an active conditional use permit. The owners of this property have identified noise, vibration and dust impacts from the existing quarries in the vicinity which conflict with their farming operation and may have a negative impact on the health of their emu stock. Noise, dust, and vibration impacts from mining the subject aggregate resource are identified as potential conflicts with agricultural practices on this property.

(d) Tax-lot 1701 to the west is 29.59 acres and is primarily in timber. Tax-lot 1600 to the west is 4.59 acres and is primarily timbered. No identified conflicts with farming or forestry practices are identified on these properties. Other properties within the impact area are a mixture of timber, hay crops and pasture. No conflicts with farming or forestry practices are identified on other properties within the impact area.

(8) *Measures to Minimize Identified Conflicts.*

(a) This Goal 5 review has identified conflicts with the residential use of tax-lot 1800 to the northwest and tax-lot 1600 to the west. Conflicts have also been identified with an existing agricultural use of tax-lot 1800.

(b) The following identified measures are determined to be reasonable and practical to minimize identified conflicts. These minimized impacts will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(c) The mining and processing of aggregate at this site shall be an allowed use when the following mitigating measures are applied. When mining is approved, additional approval requirements, if any, shall be limited to those identified in OAR 660-23-180(4)(e).

(i) In order to minimize noise and other discharge impacts on residential and agricultural uses in the impact area, asphalt and cement batching shall not be permitted uses at the resource site.

(ii) In order to minimize identified visual, noise and dust impacts on the residential and agricultural uses on tax-lot 1800 to the northeast, a berm or vegetation sufficient to visually screen rock crushing equipment shall be established along the northeastern boundary of the

resource site prior to mining the area identified on the site plan as "Mining Site Phase 2".

(iii) In order to minimize identified noise and dust conflicts with the residential use of tax-lot 1600 to the west, the following measures shall be implemented:

(I) The on-site haul road and road access to Mt. Hope Drive shall be located at least 50 feet from the western property boundary and shall be approved by the Linn County Road Department prior to establishing the mining operation.

(II) Prior to initiating mining of this resource, a vegetative screen at least 6 feet in height and 10 feet in width shall be established between the on-site haul road and tax-lot 1600. The Vegetation shall be a species capable of providing a visual screen at least 10 feet in width to a height of at least 10 feet and shall be maintained in a healthy condition.

(III) Either water or another dust palliative conforming to DEQ standards shall be used to mitigate dust on the stockpiles, roads and vehicle circulation areas.

(IV) In order to prevent significant traffic impacts on the local road system, rock from other sites shall not be hauled to this site for sale or processing.

(9) *Post-Mining Use and Reclamation.*

(a) Pinnacle Rock has filed a reclamation plan with the Department of Geology and Mineral Industries (DOGAMI) identifying forestry as the final post-mining land use. The reclamation plan identifies measures which will be taken upon termination of mining at the site to replace overburden and top soil, seed the area with grass to control erosion, and plant Douglas fir or ponderosa pine throughout the mined area. Forest resource production is identified in the *Comprehensive Plan* as an approved final use in the F/F zoning district.

(b) The Soil Conservation Service (SCS) *Soil Survey of Linn County Area, Oregon, July, 1987*, indicates the 30.50-acre aggregate resource site is predominately Ritner soil, identified as soil units 84E and 84G. Soil type 84E is in SCS capability class VI. Soil type 84G is in SCS capability class VII. These soils are not Class I or 11 soils and are not defined as prime or unique farmland in *OAR 660-33-020(8)*. Forestry is therefore an allowed post-mining use under *OAR 660-23-180(4)(0)*.

(c) *Potential Future Conflicting Uses.*

(d) The properties within the impact area are in the EFU and the F/F zoning districts. Farm and forest uses are protected resource uses in these districts. No information has been submitted identifying significant conflicts between aggregate mining and forestry uses. Typical farm uses in the area include sheep and cattle grazing and hay production. No substantive information has been presented identifying significant potential impacts on mining this property due to potential agricultural practices in the area.

(e) New industrial uses are not permitted in the EFU and F/F zones. New commercial and residential uses are not allowed in the EFU or F/F zones without conditional

use permit approval. If a conditional use permit is proposed within the impact area, potential conflicts with existing land uses shall be considered in the decision.

(f) Tax-lot 100, south of the subject property, is the only property within the impact area which is not already developed with a residence. Tax-lot 100 includes a 75-acre aggregate mining and processing operation which would be between the subject resource site and any potential homesite. Such potential homesite would be screened from and would not impact the proposed mine site.

(g) The existing utility operations within or near the impact area consist of the Consumer's Power right of way, which runs along Mount Hope Drive, and the BPA right of way, which runs from North to South along the western boundary of the property. These structures are static industrial uses and will not conflict with the proposed aggregate site.

(h) Because of all the facts identified in this section, the County finds that no significant potential future conflicting uses are identified. The County further concludes that acknowledged policies and land use regulations are sufficient to protect the resource site.

905.6001 Pinnacle Rock site

(A) *Goal 5 analysis.*

(1) *Findings of fact.* The findings of fact in support of this resource site analysis are contained in Order No. 2002-047. The record supporting this analysis is located in the office of the Linn County Clerk. Copies of the application, evidence and decision documents are contained in Planning and Building Department case file number BC01-0006.

(2) *Inventory Information.*

(a) The resource site is a 55-acre portion of a 101-acre property identified as T14S, R3W, S28, TL1300, in an Exclusive Farm Use (EFU) zone. The site is located approximately 7.5 miles southwest of Brownsville and seven miles southeast of Halsey, one-quarter mile west of the intersection of Center School Road and Bond Butte Drive and one-quarter mile east of Interstate 5.

(b) A representative set of basalt samples from the 55-acre resource site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness. The site contains more than 3,000,000 tons of basalt reserves meeting the ODOT specifications.

(c) The 55-acre aggregate resource site is a significant site as set forth in the *Comprehensive Plan* and the Goal 5 rule for aggregate.

(3) *Impact Area.* To determine conflicts associated with the proposed mining of this resource site a base impact area including all land within 1500 feet from the boundaries of the site is established. There is no substantive evidence of significant impacts or conflicts beyond the 1500-foot impact area boundary.

(B) *Conflicts Due to Noise, Dust or Other Discharges.*

(1) The proposed haul road is fully developed from the site to Bond Butte Drive. The haul road is over a reciprocal 30-foot easement crossing the adjacent ODOT property and the

Waggener property. The road approach shall be paved and improved to Road Department standards prior to initiating the development permit to mine the expansion area. There are no conflicts identified with the haul road due to noise, dust or other discharges.

(2) There are two noise or dust sensitive uses identified on nearby properties within the impact area. One is the Bierly residence and the other is the Charity Grange Hall, each approximately 1200 feet north of the northern boundary of the site. Neither property owner identified any conflicts with noise, dust or other discharges under the current operating characteristics.

(3) There is one home located on the subject property, at the base of the identified resource site. Because the home is on the same property and within the proposed resource site, it is not a conflicting use for purposes of this analysis.

(4) The operator will maintain the existing south-facing quarry face to shield the home and grange from noise and dust impacts from mining the property. Blasting notice shall be provided as requested and blasting will be conducted during limited daytime hours to reduce conflicts with surrounding land uses. Water shall be used on the rock crusher to reduce dust pursuant to the DEQ permit.

(5) Grass seed farming is the predominant land use in the area. Grass seed farming is not considered a noise or dust sensitive use under the Goal 5 rule for aggregate. No conflicts with agricultural practices are identified. Mining the site would not force a significant change in or significantly increase the cost of accepted agricultural practices within the impact area.

(C) *Other Conflicts*

(1) No potential conflicts with local roads are identified.

(2) No safety conflicts with existing public airports are identified.

(3) No conflicts with other Goal 5 resource sites are identified.

(4) The subject property and the surrounding land are zoned Exclusive Farm Use (EFU). All surrounding property, except for the adjacent ODOT quarry, is in farm use. No existing or potential conflicts with agricultural practices are identified.

(D) *Measures to Minimize Identified Conflicts*

(1) Potential conflicts are identified with the residential use of tax lot 400 and with the Charity Grange property on tax lot 103, both approximately 1200 feet from the northern boundary of the resource site, if the quarry were to vary significantly from the existing operating characteristics. Order No. 2002-047 contains a list of reasonable and practical measures that will ensure all potential conflicts will be minimized. The development permit to mine the expansion area of this site shall require compliance with all the conditions set forth in Order No. 2002-047.

(E) *Post-mining Use and Reclamation*. Mr. Waggener has filed a reclamation plan with DOGAMI identifying forestry as the final post-mining land use. The soils on the site are not Class I or II soils and are not defined as prime or unique farmland in OAR 660-33-020 (8). Forestry is an allowed post-

mining use on this site.

(F) *Potential Future Conflicting Uses*. All of the surrounding lands are zoned EFU. New noise and dust sensitive uses (i.e. homes, churches, hospitals, schools) are not allowed unless approved by a conditional use review and found not to conflict with existing land uses. New commercial and industrial land uses are not allowed. No conflicts with potential future land uses are identified.

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00 amd 02-048 §2 eff 2/5/02]

APPENDIX 7 — INVENTORY OF SIGNIFICANT SITES PROTECTED BY GOAL 5 AND APPROVED FOR MINING PURSUANT TO AN ESEE ANALYSIS (FORMERLY “3A” AND “3C” SITES)

AGGREGATE SITES

SITES RECEIVING FULL ‘GOAL 5 PROTECTION (FORMERLY “3A” SITES):			
No.	Site Name	Location (T / R / S / T-L)	Size (acres)
7001	Wilson	9S 2E 26 500	98.8
7002	Morse Brothers, Inc., Inc. #1	11S 3W 10, 11 & 14 406, 1000, 1001, 2401 & 2402	229.3
7003	Wodtli	13S 1W 26 400 & 50	155.1
7004	Morse Brothers	401, 1000, 1001, 2401 & 2402	

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 § 5 eff 9/13/00]

SITES RECEIVING LIMITED GOAL 5 PROTECTION (FORMERLY “3C” SITES”):			
No.	Site Name	Location (T / R / S / T-L)	Size (acres)
7501	Wildish Sand and Gravel	9S 3W 32 100	218.8
7502	Morse Brothers, Inc. #2	11S 3W 10 2400 & 11S 3W 14 301 (portion of)	27

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00]

APPENDIX 7A — ESEE ANALYSES JUSTIFYING PROTECTION OF A SIGNIFICANT SITE BY GOAL 5 AND APPROVING MINING PURSUANT TO AN ESEE ANALYSIS (FORMERLY “3A” OR “3C” SITES)

TABLE OF CONTENTS

905.7001 Wilson — 3A site
905.7002 Morse Brothers, Inc. #1 (Tax-lots 406, 1000, 1001, 2401 & 2402) — 3A site
905.7003 Wodtli — 3A site
905.7501 Wildish Sand & Gravel (Tax-lot 100) — 3C site
905.7502 Morse Brothers, Inc. #2 (Tax-lots 2400 & 301) — 3C site

FORMERLY “3A” SITES

905.7001 Wilson — 3A site

(A) *Inventory information.* Rodney Wilson operates a gravel extraction site on a 98.8 acre parcel, located in T9S, R2E, Section 26, Tax-lot 500. The site lies north of Mill City-Lyons Drive (County Road #6), two miles west of Mill City. On site visual surveys report an estimated reserve of 200,000 yd³ of aggregate material. The operator suggests the reserves are much higher. Gravel is the primary mineral to be extracted. The surrounding zoning has Farm/Forest uses to the east and west, Rural Residential (2½ acre lot size) to the south. The North Santiam River to the north forms the boundary of the property. About 30 residences are within a 1 mile radius of the site — but none are within 200 feet from areas of extraction. Of the two homes within 200 feet of the access road, one is a mobile home located on land owned by the applicant. The access road parcels are controlled by the site operator.

(B) *Evaluation.*

(1) Only one suitable site within a ten mile radius is located in an area that can serve the Lyons community. That site has inherent conflicts that limit usage. Other existing aggregate sites either contain insufficient reserves to meet the needs of Lyons-Mill City-Gates market area, are located at the edge of the market area, or are of such low quality that considerable washing and grading are necessary to produce a marketable product.

(2) The forested nature of tax-lot 500 and the retention of a vegetated setback zone will minimize the visual impact of the proposal. The topographic difference between river terraces will separate the existing residential development from the proposed extraction and processing areas. Industrial operations exist within a one mile radius that use machinery and vehicles capable of affecting the quality of the air and water and capable of affecting the level of noise in the region. Impacts of this nature are regulated by the Oregon Department of Environmental Quality; this proposal may not exceed the emissions levels established by that agency. Diversion of the intermittent surface stream will not impact upstream use for

livestock watering.

(3) The site is protected (3A) through the Aggregate Resource Extraction and Processing (AXP) zoning ordinance. This prohibits the use of land zoned AXP for uses incompatible with aggregate resource extraction and processing. Any future conflicting uses will be reviewed through the conditional use process.

905.7002 Morse Brothers, Inc. #1 (Tax-lots 406, 1000, 1001, 2401 & 2402) — 3A site

(A) *Inventory information.* Morse Brothers operates a gravel extraction site on a 229.3 acre parcel, located in T11S, R3W, Section 10, 11 and 14, Tax-lots 406, 1000, 1001, 2401 and 2402. The site is located east of Kennel Road (County Road #330), south of State Highway 20, west of Eicher Road (County Road #332), approximately 1.5 miles east of Albany. Geological reports note that well over 3 million yd³ of good quality sand, gravel and rock (Quaternary middle terrace) exist on this site. Various letters of protest in the conditional use application file are recorded. Zoning in the area includes an area of Urban Growth Management to the northwest, and Exclusive Farm Use in all remaining areas.

(B) *Evaluation.*

(1) With large reserves and close proximity to Albany, this is an important aggregate resource site. Concerns have been raised by residents adjacent to the site, who list problems of increased noise, traffic and well water drawdown in association with site operations (this during the conditional use application process in 1979). The site is zoned Aggregate Extraction and Processing, and limits developments while providing for public review of development proposals.

(2) Operation of the site provides employment and additional tax revenues to the county. No significant environmental problems should occur under normal mining and processing procedures (i.e. noise and dust levels are within accepted state mining standards). The location of another Morse Brothers quarry adjacent to the site does increase noise levels, but they still are within accepted state mining standards. Vegetative screening around the site reduces visual impacts. Energy consumption from site operations probably is not much smaller or larger than the farm uses that would replace it.

(3) The site is protected (3A) through the Aggregate Resource Extraction and Processing (AXP) zoning ordinance. This prohibits the use of land zoned AXP for uses incompatible with aggregate resource extraction and processing. Any future conflicting uses will be reviewed through the conditional use process.

905.7003 Wodtli — 3A site

(A) *Aggregate resource site report.*

(1) *Inventory information.* Wodtli - operates an aggregate extraction site on a 155.1 acre parcel, located in

T13S, RIW, Section 26, Tax-lots 400 and 500. The site is just west of Highway 20 and the South Santiam River, with Liberty Road (County Road #748) running through the middle of the property. DOGAMI reports a reserve of over 1 million yd³ of basalt. Farm/Forest zoning surrounds the site. The site is zoned Aggregate Extraction and Processing.

(B) *Evaluation.*

(1) With large reserves and close proximity to Sweet Home, this is an important aggregate resource site. No conflicting uses have been identified with the operation of this site. The site is zoned AXP and limits development while providing for public review of development proposals.

(2) Operation of the site provides employment and additional tax revenues to the county. No significant environmental problems should occur under normal mining and processing procedures (i.e. noise and dust levels are within accepted state mining standards). Energy consumption from site operations probably is not much smaller or larger than the Farm/Forest uses that would replace it.

(3) The site is protected (3-A) through the Aggregate Resource Extraction and Processing (AXP) zoning ordinance. This prohibits the use of land zoned AXP for uses incompatible with aggregate resource extraction and processing. Any future conflicting uses proposed nearby will be reviewed through the conditional use process.

FORMERLY "3C" SITES

905.7501 Wildish Sand & Gravel — 3C site

(A) *Inventory information.* Wildish Sand & Gravel operates a gravel extraction site on a 218.8 acre parcel (on the Talbot Slough) located in T9S, R3W, Section 32, Tax-lot 100. The site is south of Talbot Road (Marion County) approximately 3.5 miles northwest of the city limit of Millersburg and 1 mile northeast of Tumbridge Road (County Road #301). A geological survey shows that the site contains good quality sand, gravel and rock, with reserves that will last well past the year 2000 (estimated 3,000,000 yd³). The site is located in an area of Exclusive Farm Use, with the Santiam River located just to the south. Many letters of protest/concern were received at the time of the conditional use application process in 1981-82.

(B) *Evaluation.*

(1) With large reserves and close proximity to Jefferson and Millersburg, this is an important aggregate resource site. During the conditional use application process in 1981, several concerns were raised. Citizens said the operation would adversely affect prime farm land, wildlife wetland areas, and the environmental livability of the area. The conditional use application was unanimously approved by the planning commission, though with set operating procedures limiting the number of trucks in/out per day and operating hours.

(2) Operation of the site provides from 5 to 20 full-time jobs for the region, and increases tax revenues to the county. No significant environmental problems should occur under normal mining and processing procedures (i.e. noise and

dust from the site are within accepted state mining standards). No clear energy benefits or problems are associated with the operation: energy consumption from the site operations probably would not be significantly larger or smaller than the farming operations that would replace it.

(3) Development on the site is unlikely as:

(a) the activity is not one which attracts commercial or industrial development,

(b) the site is surrounded by Exclusive Farm Use zones, which limits development and provides for public review of proposals, and

(c) the site is located on the Santiam River Flood Plain. The nearest residence is currently 500' away from the mining operation.

(4) Though, there are many concerns associated with this operation, development pressures are limited. A "3C" recommendation is made — to limit both uses. The resource site is controlled by parameters set in the conditional use application.

(5) Since both uses are important relative to each other, this process affords adequate protection to each. Protection to wetlands and the environment likewise is made possible.

905.7502 Morse Brothers, Inc. #2 (Tax-lots 2400 & 301) — 3C site

(A) *Inventory information.* Morse Brothers will expand their gravel extraction activity onto 27 acres that is a portion of T11S, R3W, Section 10, Tax-Lot 2400, and T11S, R3W, Section 14, Tax-lot 301. The site is located about 600 feet east of Kennel Road, about ½ mile south of Highway 20 and about one mile east of the city limits of Albany. Geological information indicates the 27 acres contains between 700,000 and 1.1 million cubic yards of aggregate material. The results of material testing by Carlson Testing demonstrate the 27 acres contains materials of excellent quality which exceed Oregon Department of Transportation (ODOT) test standards. The 27 acres is zoned Exclusive Farm Use (EFU). Zoning in the area includes Aggregate Extraction and Processing (AXP) on property to the north and east that is owned and operated by Morse Brothers and EFU on land to the south and west. Surrounding farm uses include grass seed production. No testimony in opposition to the proposed *Comprehensive Plan* amendment and conditional use permit was received.

(B) *Site location and description.*

(1) The area for expansion adjoins an existing Morse Brothers, Inc. (MBI) Albany sand and gravel operation. The existing MBI aggregate facility is located on Kennel Road off Highway 20 east of Albany. The expansion property is owned by Ropp Seed and Manufacturing Company, is 27 acres and is zoned EFU. The existing MBI operation is zoned AXP.

(2) The expansion area lies south of the existing operation and includes portions of two tax-lots described as the following: an area in the northeastern portion of tax-lot 2400 which lies in Sections 11, 14, and 15, T11S, R3W and the northeast corner of tax-lot 301 in Section 14, T11S, R3W in Linn County, Oregon. A map is included identifying the

expansion area.

(C) *Site characteristics.*

(1) Geologically, the site and expansion area are Holocene-and Pleistocene-age, older alluvium consisting of poorly consolidated clay, silt, sand and gravel deposited adjacent to active streams. Local water well drill logs confirm the sandy gravel deposits and show a thick clay horizon underlying the gravels. Beaulieu, DOGAMI, 1974 maps the area as covered by a Quaternary lower terrace composed of fluvial pebble gravel, sand and clay.

(2) The site is centrally located on the east side of the Willamette Valley physiographic province. Regionally significant geographic features include the Willamette River west of Albany and the Santiam River to the north. Locally, the site lies south of Cox Creek.

(3) Elevation of the expansion property is approximately 240 feet above Mean Sea Level (MSL). Groundwater well construction well logs indicate groundwater is between 18 and 30 feet below (mean sea level) MSL.

(4) Soils on the expansion property consist of three soil types according to the USDA Soil Conservation Service. Waldo silty clay loam (98) and Whiteson silt loam (100) compose the majority of soil cover with Coburg silty clay loam (26) present near the northeast corner of the expansion area. Waldo silty clay loam is a deep, poorly-drained soil in depression areas of high flood plains and low alluvial stream terraces. The soil formed in silty and clayey alluvium derived from mixed sources. Waldo is an SCS Class III soil. Whiteson silt loam (SCS Class IV) is similar, being a deep, somewhat-poorly-drained-soil found on flood plains which formed in medium textured, recent alluvium overlying older alluvium from mixed sources. Coburg silty clay loam (SCS Class II) is also a deep soil, moderately well-drained found in low alluvial stream terraces and formed in silty and clayey alluvium from mixed sources.

(5) Current use for the expansion property is grass seed production. Orchard grass was present on the property in the summer of 1995. Surrounding land is also used to produce grass seed.

(D) *Quantity.*

(1) The gravel resource in the existing MBI mining operation extends to a depth of approximately 30 feet below surface. In addition, well logs for a water well on the MBI Albany site and for a water well on the adjoining Eicher property confirm the depth of the sand and gravel horizon.

(2) Soil horizons on the property consist of a one foot-thick, black-brown clayey loam at the surface underlain by a two foot-thick layer of silty clay. Coarse, sandy gravel is present three feet below the surface to the bottom of a 10-foot deep pit that was evaluated. The gravel was poorly graded and consisted of predominantly 2-3" rounded cobbles and coarse sand with minor silty clay. Overburden in the expansion area has an average thickness of four feet.

(3) Based on a sand and gravel thickness averaging 26 feet covering 27 acres, reserve calculations indicate 1.1 million cubic yards of resource present. The calculation excludes an overburden thickness averaging four feet over the

entire parcel.

(4) The County threshold of significance as cited in the Linn County *Comprehensive Plan*, Background Report for Goal 5 Resources, p. II 5, is an aggregate reserve of 400,000 cubic yards, The County finds that the area proposed for expansion contains a significant quantity of sand and gravel resource material.

(E) *Goal 5 material test.*

(1) The test standards suggested by the Land Conservation and Development Commission for characterizing the quality of aggregate materials are Los Angeles rattler test, sodium sulfate test and the Oregon degradation test. Carlson Testing, Inc. performed the above tests in addition to a Specific Gravity and Absorption test for material sampled from the expansion area. The laboratory report is included in the Linn County file for the expansion proposal; CP-3-95/96.

(2) Using the rattler test, material tested had a percent loss to abrasion at 500 revolutions of 18.91/0. The Oregon State Highway Division (OSHD) AC specification is 30% maximum. The material tested, using the soundness test, had an average loss of 2.69%. The OSHD specification allows a 12% maximum. A No. 20 sieve was used in the degradation test. OSHD AC specifications for passing a No. 20 sieve is 30% and a sediment height of 3.0". For the material tested, 21.7% passed the No. 20 sieve with a sediment height of 1.6".

(3) Linn County finds that the sand and gravel deposit at the expansion site is characterized by quality material which exceeds the aggregate material standards set by ODOT.

(F) *Environmental social, economic and energy (ESEE) analysis.*

(1) *Background.*

(a) This application for expansion of the MBI, Albany Aggregate site by 27 acres is by conditional approval. This application is therefore not seeking the full protection of Goal 5. Because the proposed site exceeds the significance threshold for aggregate sites as determined by Linn County, it is necessary that the County review the Economic, Social, Environmental and Energy (ESEE) considerations of this proposal as they relate to any potential conflicts. If the aggregate is deemed to be important enough in the ESEE process, the County must eventually develop a program to protect the aggregate resource.

(b) The ESEE process is a good forum for identifying potential impacts on surrounding legal, existing land uses from the aggregate site as well as potential future impacts on the significant aggregate site, once permitted. The balancing solutions come from careful analysis of these potential conflicts using verifiable factual information.

(2) *Impact assessment.*

(a) *ESEE History.*

(i) In 1989, Linn County approved Goal 5 protection for existing operations, as well as minable reserves (CP-6-88/89), all totaling 227 acres, in the form of an Aggregate Extraction and Processing (AXP) zone change and *Comp Plan* amendment. The AXP zone allows for processing and batching of aggregates as outfight uses.

(ii) In order for the County to approve

this AXP Goal 5 zone change and *Plan* amendment, surrounding impacts were analyzed in the context of an ESEE balancing review.

(b) *ESEE Situation* The 1989 review included the impacts from crushing, batching, stockpiling, traffic, as well as extraction, on a 227-acre site. The current application will only affect extraction on a 27 acre area as the other uses will not occur on the tax-lots subject to the current review. Crushing, stockpiling and batching will only occur on the current AXIP zoned properties which are outright approved uses. Traffic will not increase as a result of this permitting for additional extraction area. Therefore, only extraction is an issue for determining ESEE consequences.

(c) *Impact Area.*

(i) Typical impacts from aggregate extraction and processing operations are noise, dust and vibration. Vibration is normally associated with blasting. Noise and dust are most commonly issues with the crushing or batching of aggregates. This analysis will look at noise, dust and visual impacts to surrounding existing legal land uses as they relate to extraction and conveyance off of the subject areas as well as impacts back to the aggregate operation.

(ii) The 1989 findings did not address directly a distance at which impacts could reasonably be found. Several Oregon counties have standard impact zones for aggregate operations within which impacts are analyzed for their associated ESEE consequences. These standard impact zones typically are between 500 and 1000 feet. The proposed minimum by the Department of Land Conservation and Development (DLCD) is 750 feet. Because there were no measurable impacts found beyond 500 feet in the 1989 findings and because the 1989 application included the impacts for much noisier operations (crushing and batching), this analysis finds 1000 feet to be a reasonable distance within which to analyze impact.

(d) *Surrounding Area.* The entire area surrounding the application parcels is zoned EFU with the sole exception of the AXP zoned properties owned by the applicant. To the immediate north and east of the proposed extraction area is the AXP zoned MBI operation. Beyond the AXP zoned properties to the north are medium-sized parcels transitioning to smaller size parcels as one proceeds north. These parcels are also zoned EFU until nearly 2000 feet from the proposed permit area, at which point the zoning changes to Urban Growth Management - 5 acre minimum lot size (UGM 5). Some of these smaller parcels contain dwellings. To the immediate south and west are properties owned by Ropp Seed, the landowner of the property involved in the current application. Farther south, west and east are larger, EFU zoned parcels, some of which contain farm-related dwellings.

(e) *Agricultural Uses in the Area.* The area in the immediate vicinity is characterized by generally level land of moderate to good quality for agricultural purposes. There have been a variety of crops grown in this area in the past. The current crops are primarily grass seed, pumpkin/squash and some cattle grazing. None of these current uses are affected by noise, dust or other effects typically associated with aggregate

operations. Jess Ropp, the farmer to the south and west of the subject property, has submitted a letter included with the application stating that there has been no increase in his farming costs nor a change in his farm practices as a result of the current NMI operation. Morse Brothers has not received any complaints from any surrounding firm operations related to impacts from the current aggregate operations.

(f) *Nonagricultural Uses in the Area.*

Although the area around the site is either zoned EFU or AXP, there are other uses on the EFU zoned lands. These uses are limited to non-farm dwellings and farm-related dwellings. There are only two dwellings within the proposed impact distance of 1000 feet of the application area. Increasing the distance to 2000 feet adds another eight or nine dwellings. Most of these dwellings, as stated, are outside the presumed impact area and should not be considered as conflicting uses. Of the dwellings in the 1000 to 2000 foot distance from the subject property, most are closer to the noisier crusher operation than to the proposed extraction site. One of the two dwellings in the 1000 foot impact area is owned by Ropp Seed, the landowner of the parcels under consideration, and the other is on the opposite side of Kennel Road. All properties within the identified 1000 foot impact area were mailed notice of the *Comprehensive Plan* amendment and conditional use permit applications. No comments in opposition to the proposal were received.

(g) *Future Potential Conflicting Uses.*

(i) *Farm/Forest Use.*

(I) Because of the very restrictive nature of EFU zoned lands, the potential for future conflicting uses within 1000 feet of this proposal are quite limited. Noise impacted uses such as mink farming or dog kennels would be affected more by the current Goal 5 protected AXP zone crushing operations than by the quieter extraction operations proposed in this application. All other farm and forest operations are not sensitive to noise or dust or other effects from aggregate extraction because these effects do not restrict the growth or processing of farm or forest products. The machinery (backhoe and conveyor) to be used in this proposed operation is consistent with or quieter than most equipment used for farm or forest activity.

(II) Future dwellings, while limited on EFU-zoned land, would have the potential to conflict with aggregate operations. All dwellings on land zoned EFU are permitted only through a conditional use permit.

(h) *Other EFU Potential Uses.*

(i) *Churches and Schools.* It is highly unlikely that an application would ever be brought forth in this area for a church or school. Section 6.030(B)(3 and 4) do not allow approval of schools or churches within three miles of an urban growth boundary unless an exception is approved. This site is less than one mile from the Albany Urban Growth Boundary and the approval by exception on EFU lands in this impact area is highly unlikely. These uses require a conditional use permit on land zoned EFU.

(ii) *Outdoor Recreation.* There are no current recreation areas within the impact area nor anywhere in

the vicinity. Private parks, playgrounds, campgrounds and hunting and fishing preserves are not allowed on “high value” soils. Most of the parcels in the vicinity that do not have some high value soils are too small to facilitate recreational development. Golf course development is also limited to non-high value soils and would most likely never be developed in this area. For the above reasons, Linn County finds that recreation areas will not conflict with the aggregate site. This use would require a conditional use permit to operate on EFU zoned land.

(iii) *Utility Facilities.* There are no transmission towers or utility facilities in the impact area or vicinity of the site. These facilities and structures are industrial uses, static in nature and not used for human habitation or oriented toward general public use. As such, these uses are not sensitive to the impacts generated by aggregate sites. These uses also do not directly impact aggregate use in any negative way, nor would they require restrictions on aggregate. For the above reasons, Linn County concludes that utility facilities do not conflict with aggregate use of the site. Utility facilities require a conditional use permit to locate on land zoned EFU.

(iv) *Geothermal Resources, Oil and Gas.* There is no evidence of geothermal, oil or gas operations or reserves in the vicinity of the site. Operations for the exploration of these resources are extractive industrial-type uses, very similar to aggregate operations and would not be adversely affected by an aggregate operation because of the similar nature. Geothermal, oil or gas resources would also not be restricted due to the aggregate operation. Extraction or processing of these resources are not noise sensitive uses. Exploration, extraction and processing of geothermal oil or gas resources does not conflict with aggregate operations. This use would require a conditional use permit.

(v) *Solid Waste Disposal.* There are no solid waste disposal sites in the impact area or vicinity of the site. These uses are industrial in nature and not used for human habitation or oriented for public use and in addition have impacts similar to those of aggregate operations. These uses are not noise sensitive nor sensitive to any other impacts from aggregate operations. These uses would also not directly affect aggregate operations nor would they necessitate restrictions on the aggregate operations. Therefore, solid waste disposal facilities are found not to conflict with aggregate operations at the proposed site. A solid waste disposal site requires a conditional use permit to locate on EFU-zoned land.

(vi) *Public Roads and Highways.* The proposed use will not affect any roads because aggregate extracted at the proposed site will be transported via conveyor to the processing area. Public road and highway uses allowed in the EFU zone, involving construction and modification of public roads and related facilities, are uses which would not be adversely affected by the impacts of an aggregate site because they are intended to be construction sites or travel routes and are not intended for human habitation or recreational use. Construction and road related uses have characteristics similar to those of aggregate operations (e.g., traffic produces noise and can produce dust). These uses do not directly impact aggregate

operations nor do they require restrictions on aggregate extraction at this site to protect the road uses. Because the proposed extraction area is several hundred feet off any existing road, there is no impact on existing right-of-way nor any future potential right-of-way need. For all of these reasons, Linn County finds that public road and highway uses do not conflict with aggregate use of this site. Construction and modification of public roads and highways is a conditional use permit in the EFU zoning district.

(vii) *Personal Use Airports.* The only personal use airport in the impact area or within the vicinity is a temporary strip used occasionally by the landowner co-applicant to this site. The only other personal use airstrip is more than 6000 feet to the north. Small to medium-size instrument rated strips have an FAA cone of impact of 5000 feet. The strip just mentioned is outside of this 5000 foot impact zone and it is not known whether that strip is instrument rated. In addition, this existing airstrip, as well as the landowner’s airstrip, have been used for several years without any impact from the existing 227 acre AXP extraction site and therefore, would feel no impact from an additional 27 acre expansion. Personal use airports are not negatively impacted by the general affects from an aggregate operation. The operation of a personal use airport would not be sensitive to or restricted by the aggregate operation. Personal use airports also do not directly impact aggregate operations nor do they require restrictions on the aggregate use to protect the airport. It is therefore concluded that personal use airports do not conflict with aggregate operations. This use requires a conditional use permit in the EFU zone.

(viii) *Home Occupations.*

(I) There is no current evidence of home occupations in the impact area or vicinity of the site. Home occupations, in and of themselves, do not conflict with the aggregate use of the site because the home occupation use is merely a business use that happens to be located within a dwelling.

(II) Although the dwelling in which the home occupation is established could be a conflicting use, the home occupation itself does not have special sensitivities to the impacts of an aggregate use that create a conflict. It is therefore concluded that home occupation uses do not conflict with aggregate use of the site. If future home occupations are deemed to conflict with the aggregate use of the site, the analysis of residential use is fully applicable to home occupations. Home occupations require a conditional use permit to operate on land zoned EFU.

(ix) *Other Goal 5 Resources.*

(I) *Fish and Wildlife Habitats.* There are no inventoried big game habitats or sensitive habitats of any kind on the proposed site, impact area or in the vicinity of the site. In fact, it has been proven over numerous sites that aggregate extraction from alluvial deposits, with proper reclamation, can create valuable fish and wildlife habitat originally lost to agricultural use. Because there are no existing sensitive habitat areas in the impact zone, and because the site itself will provide a positive increase in fish and wildlife

habitat, Linn County concludes that there is no conflict with fish and wildlife habitat.

(II) *Historic Resources.*

There are no inventoried historic resources in the impact area for the site. For this reason, there can be no conflict between the aggregate use and historic resources.

(III) *Wetlands.* There are no inventoried or jurisdictional wetlands on the site or in the impact zone. The only wetlands are those which are being intentionally created through the mining process. Federal and State law grant exception for artificial wetlands created from mining, until the entire mining site has been completed. As stated under wildlife habitat, aggregate mining is restoring many of the wetlands lost to agricultural grading and drainage. This net increase in wetland acreage emulates many of the former cutoff-river-meander-lakes and ponds that existed in the past. It is therefore found that aggregate use of the site does not conflict with wetlands and is in fact a net benefit by creation of new wetland area.

(IV) The Goal 5 resource (aggregate) does not impact other Goals nor do other Goals impact the resource site.

(G) *Economic, social, environmental and energy (ESEE) consequences.*

(1) Among the existing potentially conflicting uses listed above, only two dwellings are within the impact area. Of the future possible farm uses, only noise sensitive uses such as rnick farming are found to potentially conflict with the aggregate use of the site. For all other legal uses allowed by permit on EFU lands, the following new uses may conflict with the aggregate site if allowed. These are dwellings, schools/churches and recreation sites.

(2) The ESEE analysis that follows will examine the consequences of:

- (a) Allowing the new aggregate area to operate without restriction,
 - (b) Not allowing the aggregate site to operate,
- or
- (c) Allowing the aggregate site to operate with certain limitations.

(3) *Economic consequences.*

(a) Consequences of protecting the aggregate resource, not withstanding the impact on existing or potential conflicting uses.

(b) Protection of this aggregate site will allow for continued supply of competitively priced aggregate products into the Albany market. This Albany site provides very low-cost aggregate products due to its location in close proximity to the City. These low-cost products benefit both private and public consumers. The largest consumers-of aggregate-related products are public agencies. These public agencies consume more than 60 percent of aggregate products produced by the applicant.

(c) The most significant factor affecting the cost of aggregate products is haul distance to market. Because aggregate and related products are high density materials, the cost for hauling per ton is also high. It has been estimated in

several studies that the cost to haul rock is about \$.40 to \$.50 per cubic yard for each additional mile hauled. By forcing aggregate extraction another ten miles from the market on sales of 200,000 cubic yards per year, haul costs could increase by one million dollars per year. With public agencies as the largest consumer of these aggregate products, it makes sense to keep the extraction as close to markets as possible.

(d) Protection of this aggregate site will not increase the cost nor force a change in surrounding farm practices. This is attested to by the affidavit signed by Ropp Seed, the only contiguous farming operation to the proposed site. It is also demonstrated over time at the existing 227 acre AXP-zoned site where there have been no farm-related issues raised. Neither were there any farm-related issues raised at the 1989 AXP Goal 5 permitting process hearings on the 227 acre site. -Given this past history in the context of the small size of the site in question (37 acres) as compared to the existing site (227 acres), no significant impact could occur on neighboring farm lands as a result of this aggregate site protection.

(e) The only dwellings within the impact area were existing at the time the current 227 acre zone was approved. The economic consequences were. evaluated at that time relative to these and all other dwellings in the vicinity and the decision was made to protect the aggregate resource. The current operation is for extraction only, with no crushing or additional processing to take place on the subject properties. The noise level from this proposed operation is similar to or quieter than most farm-related equipment. For all dwellings in the vicinity, the extraction process noise will most likely be imperceptible in the background of other ongoing operational noises.

(f) Expanding the resource base at the Albany operation will ensure an ongoing supply of rock to protect for continued employment of family wage jobs.

(g) The long-term economic impact should be an enhanced residential value due to the creation of lakes and wildlife habitat which will remain when the operation is terminated.

(h) Consequences of protecting the potentially conflicting uses, notwithstanding the possible impacts on the Goal 5 aggregate resource.

(i) If the existing or potentially conflicting uses are fully protected, notwithstanding the possible impacts to the aggregate resource, there would eventually be several economic consequences. These consequences would be brought forth by an earlier exhaustion of available resource and would include increased aggregate costs in the local market area and the loss of family-wage jobs at the site. Due to the location of the existing outfit approved operation, the minor nature of the expansion and associated noise, and the fact that all existing potential conflicts were analyzed in the 1989 ESEE review, with results choosing to protect the .resource, there is no reason that the same conclusion of protecting this resource cannot be achieved. This is especially true given similar imposition of conditions to mitigate impacts as were imposed in the 1989 decision.

(4) *Social consequences.*

(a) Consequences of protecting the aggregate resource, notwithstanding the impact on existing or potential conflicting uses.

(i) The typical social impacts from any aggregate operation are noise, dust, traffic and vibration. The proposed site is an alluvial deposit in which the aggregate will be mined and transported wet by use of a hydraulic backhoe and/or loader with a belt conveyor system. Noise will be imperceptible in the context of other outright permitted noises (e.g., crusher, batch plants, truck traffic) on the contiguous AXP-zoned property, as well as other neighborhood noise (farm equipment, road traffic, etc.). Dust is not an issue for two reasons. Existing DEQ permits require fugitive dust to be minimized. In addition, due to the moist nature of the extracted material, dust is not emitted as the material is transported by conveyor to the crushing and screening plant. Traffic is also not an issue as there will be no trucks involved with the expansion area. Vibration is normally related to blasting at quarry sites, which will not occur at this alluvial sand and gravel site.

(ii) Protection of this significant aggregate site will ensure that economically viable reserves are available for future public and private uses. This ensures the greatest efficiencies in limited dollar expenditures for transportation maintenance and other public improvements.

(b) Consequences of protecting the potentially conflicting uses, notwithstanding the possible impacts on the Goal 5 aggregate resource.

(i) If the existing or potentially conflicting uses are fully protected, notwithstanding the possible impacts to the aggregate resource, there would eventually be several social consequences. The increase in aggregate costs would decrease the funding of public projects dependent on aggregate-related products in the Albany vicinity. While there would be no noise increase from the extraction process if it were disallowed, the current ambient noise levels already are greater than any noise which might be created by a backhoe and/or loader.

(ii) Mining will not cease at the existing site and nothing precludes the existing operation from importing aggregate to the site for processing. While visibility is not a decision criteria, none of the dwellings, with the exception of the landowner/co-applicant's dwelling, will be looking into the new expansion area. Should visibility, limited as it is, become an issue, vegetative screening could be added where necessary.

(5) *Environmental consequences.*

(a) Consequences of protecting the aggregate resource, notwithstanding the impact on existing or potential conflicting uses.

(i) The expansion does not require any environmental permits other than a DOGAM I reclamation permit. Both DOGAMI and DEQ will be notified of the expansion. DEQ does not require any storm water or control facilities permits where there is no processing. No processing will take place on the subject expansion area and will only take place on the AXP-zoned property where such permits are in place as per information provided by the applicant.

(ii) For the reason elaborated on earlier, dust will not be a problem due to the moist nature of the material as excavated and transported.

(iii) Noise also is not an issue as stated earlier because a single loader will most probably be imperceptible in the context of other existing and permitted ambient noise levels.

(iv) No fuels or petroleum products will be stored on the subject expansion properties.

(v) The net environmental situation will be benefitted in the context of increased wetland area, riparian area and wildlife habitat for both aquatic and upland species.

(b) Consequences of protecting the potentially conflicting uses, notwithstanding the possible impacts on the Goal 5 aggregate resource.

(i) If the existing or potentially conflicting uses are fully protected, notwithstanding the possible impacts to the aggregate resource, there would eventually be several environmental consequences. The first impact would be increased consumption of fossil fuels and the associated pollution emissions from the trucks due to eventual additional transport distance for aggregate products.

(ii) If the Goal 5 aggregate use of the proposed site were not protected, there would be a reduction in the amount of beneficial wetland, riparian and wildlife habitat that could be created; especially if the new aggregate were to come from a quarry site where the ability to reclaim for those attributes is limited.

(iii) While there would be no noise emission in the location of the expansion area if the proposed site were not protected, that noise level is most likely negligible in the context of all other permitted activities at the existing operation and from other surrounding activities.

(6) *Energy consequences.*

(a) Consequences of protecting the aggregate resource, notwithstanding the impact on existing or potential conflicting uses.

(i) If the aggregate expansion site is protected, there would be no increase in energy consumption due to the aggregate-related haul remaining the same as is current.

(ii) There should be no energy consumption increases for the existing other area uses as a result of protecting the aggregate resource.

(b) Consequences of protecting the potentially conflicting uses, notwithstanding the possible impacts on the Goal 5 aggregate resource.

(i) If the aggregate site is not protected, there could be an increase in fuel consumed as a result of increased haul.

(H) *Program to resolve conflicts.*

(1) Oregon Administrative Rule 660-016-0010 requires that: "Based on the determination of the economic, social, environmental and energy consequences, a jurisdiction must 'develop a program to achieve the Goal (5).' Assuming there is adequate information on the location, quality and quantity of the resource site as well as on the nature of the

conflicting use and ESEE consequences, the jurisdiction is expected to ‘resolve’ conflicts with specific sites.”

(2) The applicant for this expansion area has provided sufficient factual information on location, quality and quantity to meet the standards of County ordinance as well as State administrative rules.

(3) The process normally used by Linn County to protect Goal 5 aggregate sites is the AXP zone. The applicant in this case has not requested such zone change due to the minor nature and extent of the requested resource and also due to the fact that the reclaimed area in this request will remain in ownership of the existing farm parcel and revert to control of same at the termination of the lease. Should this expansion area be unfinished in the extraction of aggregate resource in five years, the applicant agrees to either request a Goal 5 AXP zone change or terminate mining, reclaim as per the DOGAMI authorized plan and return control to the landowner.

(4) There is not sufficient justification to disallow the aggregate full protection under Goal 5 if mitigating conditions are imposed. Of the three avenues offered by the Goal 5 Rule, Linn County concludes that both the aggregate resource and surrounding uses are important and the ESEE consequences are balanced and addressed so as to protect the aggregate resource to some extent and classify it as a “3C” site. [Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00]

**APPENDIX 8 — INVENTORY OF SIGNIFICANT SITES NOT PROTECTED BY GOAL 5 AND NOT APPROVED FOR MINING
PURSUANT TO AN ESEE ANALYSIS (FORMERLY “3B” SITES)**

AGGREGATE SITES

SITES RECEIVING NO GOAL 5 PROTECTION (FORMERLY “3B” SITES):			
No.	Site Name	Location (T / R / S / T-L)	Size (acres)
8001	Forslund Rock Quarry, Inc.	10S 3W 09 1400	
8002	Morse Brothers, Inc.	10S 3W 22 1500	
8003	Hub City	11S 4W 11 501, 601, 602 & 603	
8004	Johnson	13S 1W 13 101	
8005	Slate	13S 3W 27 101 & 200	

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00]

APPENDIX 8A — ESEE ANALYSES JUSTIFYING NOT PROTECTION OF A SIGNIFICANT SITE BY GOAL 5 AND NOT APPROVING MINING PURSUANT TO AN ESEE ANALYSIS (FORMERLY “3B” SITES)

TABLE OF CONTENTS

905.8001 Forslund Rock Quarry, Inc. (Tax-lot 1400) — 3B site
905.8002 Morse Brothers, Inc. (Tax-lot 1500) — 3B site
905.8003 Hub City (Tax-lots 501, 601, 602 & 603) — 3B site
905.8004 Raymond Johnson (Tax-lot 101) — 3B site
905.8005 Mack Slate, Jr. (Tax-lot 101 & 200) — 3B site

905.8A01 Forslund Rock Quarry, Inc. — 3B site

(A) *Inventory information.* Forslund Rock Quarry, Inc. operates an aggregate extraction site on a 23.07 acre parcel located in T10S, R3W, Section 9, Tax-lot 1400. The site is just east of Interstate 5, ½ mile north of the Highway 164 turn-off. DOGAMI reports a reserve of 1,000,000 yd³ of good quality basalt rock (of the Yakima Basalt subgroup). The site is zoned for Farm/Forest use, with a Rural Residential (2½ acre lot size) area to the east, and an Exclusive Farm Use area to the west.

(B) *Evaluation.* With large reserves and close proximity to Millersburg and Jefferson along good roads, this is an important aggregate resource site. Concern has been raised over the visibility of the site (located on the western side of Hale Butte) from the Interstate-5 Highway. A report from DOGAMI indicates the operator has no reclamation plans as yet to reduce the visual impact to highway traffic. Additionally, a Rural Residential (2½ acre lot size) area is adjacent to the site on the east side of Hale Butte. Pressure to develop this site, other than that from the residential area to the east, are limited, as:

(1) the site is located on a flood plain and partly on the steeply sloped butte, and

(2) the area is zoned for Exclusive Farm Use, and thus excludes most incompatible development.

(C) Operation of the site should continue to provide employment and increase tax revenues to the county. Environmental problems associated with the mining operation should pose no problem to the surrounding areas, as long as state mining standards are adhered to. The residential area to the east also is “buffered” due to its location on the opposite side of the butte. Operation of the site involves some energy consumption. Other uses on the site would also need energy.

(D) The conflicting uses identified with this site are of more importance than the aggregate resource site, as the latter suffers no real threat from development or surrounding land uses. The conflicting uses should be allowed fully, a “3B” designation under the Goal 5 process.

905.8A03 Morse Brothers, Inc. (Tax-lot 1500) — 3B site

(A) *Inventory information.* Morse Brothers, Inc. operates an aggregate extraction site on a 201.7 acre parcel, located in

T10S, R3W, Section 22, Tax-lot 1500. The site is one mile east of Interstate 5, on the south side of Scrael Hill, 1 ½ miles east of Millersburg. DOGAMI reports a reserve of 400,000 yd³ of good quality basalt; the owners mining activity report claims mining on the site is restricted to a one acre site, with an estimated annual need of 20,000 yd³ of aggregate. The area is zoned for Farm/Forest use, with an EFU zone to the south and a Rural Residential (2½ acre lot size) area to the north.

(B) *Evaluation.*

(1) With large reserves and close proximity to Millersburg and Jefferson, this is an important aggregate resource site. Though no concerns have been raised by citizens, a strong potential conflicting use occurs as a result of surrounding land uses. A Rural Residential (2½ acre lot size) area lies adjacent to the north side of the site, and the town of Millersburg is situated just to the west.

(2) Operation of the site provides intermittent employment and some additional tax revenues to the county. No significant environmental problems should occur under normal mining and processing procedures (i.e. noise and dust from the site are within accepted state mining standards). Operation of the site involves far less energy consumption than would encroachment of the rural residential areas to the north and west.

(3) Development on the site is unlikely because of the EFU zoning. The conflicting use identified with this site is of more importance than the aggregate resource site, as the latter suffers no real threat from development or surrounding land uses. The conflicting use should be allowed fully, a “3-B” designation under the Goal 5 process.

905.8A02 Hub City — 3B site

(A) *Inventory information.* Hub City operates an aggregate extraction site on an approximately 21 acre parcel, located in T11S, R4W, Section 11, Tax-lots 501, 6019 602 and 603. The site is just west of Bryant Drive (County Road #101), ½ mile southeast of the Little Willamette River, at the southeast corner of Bowers Rock State Park. Zoning in the area consists of Exclusive Farm Use. DOGAMI reports a reserve of 500,000 yd³ of good quality sand and gravel (Quaternary lower terrace). Air photos indicate some reclamation has occurred.

(B) *Evaluation.*

(1) With large reserves and close proximity to Albany, this is an important aggregate resource site. Nearby residents raised concerns that the operation is detrimental to the well being and safety of the area. A Rural Residential (2½-acre lot size) area lies approximately 350 yards to the south of the site. Pressures to develop this site are limited, as:

(a) the site is located in the Willamette River flood plain;

(b) the area is zoned for Exclusive Farm Use, and thus excludes most development opportunities; and

(c) the site was identified as not having any

viable uses other than aggregate resource use.

(2) Operation of the site should continue to provide part-time employment and increase tax revenues to the county. Environmental problems associated with the mining operation should pose no problem to the surrounding areas, as long as state mining standards are adhered to. Additionally, the site is isolated and has sufficient vegetation and distance to screen it from adjacent land areas, and to minimize dust and noise. Operation of this site involves similar energy consumption as a rural residential development.

(3) The conflicting uses identified with this site are of more importance than the aggregate resource site, as the latter suffers no real threat from development or surrounding land uses. The conflicting uses should be allowed fully, a “3B” designation under the Goal 5 process.

905.8A04 Raymond Johnson — 3B site

(A) *Inventory information.* Raymond Johnson operates an aggregate extraction site on a 266.4 acre parcel, in T13S, R1W, Section 13, Tax-lot 101. The site is north of Skyline Road (County Road #750A), approximately 3 miles north of the city limits of Sweet Home. DOGAMI reports a 600,000 yd3 reserve of Yakima basalt on the site. Several letters opposing an enlargement of the stockpiling area were received during a conditional use case. The owner possesses a private access road in/out of the site. Surrounding zoning includes Rural Residential (2½ acre lot size) to the south and Exclusive Farm Use areas to the north, east and west.

(B) Evaluation.

(1) With large reserves and close proximity to Sweet Home, this is an important aggregate resource site. Concern has been raised that the operation lessens the livability of the area by increasing noise, dust and, most importantly, is a visual eyesore to residents in the adjacent Topview Acres Subdivision. The area is zoned for Farm/Forest use and limits development and provides for public review of development proposals.

(2) Operation of the site provides part-time employment and increases tax revenues to the county. Environmental factors (noise, dust, etc.) should not pose a problem to residents as long as state mining standards are adhered to. However, as development increases in the subdivision, problems associated with the unsightliness of the quarry will increase. Vegetative screening may help to alleviate this. Operation of the mining site consumes far less energy than would residential uses.

(3) The conflicting use identified with this site is of more importance than the aggregate resource site. The latter, though not suffering from development pressures, threatens the general livability of the area as a result of its unsightly operations. A “3B” recommendation is made, to allow the conflicting use fully. If at some point in the future adequate screening is provided, the operation should be reevaluated to determine the site’s significance and any new conflicting uses that may be present.

905.8A05 Mack Slate, Jr. — 3B site

(A) *Inventory information.* Mack Slate, Jr. operates, an aggregate extraction site on a 43.0 acre parcel, located in T13S, R3W, Section 27, Tax-lots 101 and 200. The site is 1/8 mile east of the Sodom channel, adjacent to the Calapooia River. The site is within an area zoned for Exclusive Farm Use. DOGAMI lists reserves of 1,000,000 yd3 of good quality sand and gravel.

(B) Evaluation.

(1) With large reserves and close proximity to Brownsville and Interstate-5, this is an important aggregate resource site. Though no formal concerns or complaints have been raised, the site is located within 200 yards of a Rural Residential (1 acre lot size) area to the east.

(2) Operation of the site provides full-time employment and increased tax revenues to the county. Environmental factors (noise, dust, etc.) should not pose a problem as long as state mining standards are adhered to. Additionally, the residential area is located to the east on the opposite side of the Powell Hills, and thus is “buffered” from the mining site. Operation of the mining site consumes far less energy than would residential uses.

(3) The area is zoned for Exclusive Farm Use, and limits development, and provides for public review of development proposals. The site is located in the Calapooia River flood plain.

(4) The conflicting use identified with this site is of more importance than the aggregate resource site, as the latter suffers no real threat from development or surrounding land uses. The conflicting use should be allowed fully, a “3-B” designation under the Goal 5 process.

[Adopted 80-335 eff 9/2/80; amd 99-156 §1 eff 6/30/99; amd 00-495 §6 eff 9/13/00]

[This page is intentionally blank]