

Memo

Date: January 18, 2023

To: Linn County Enterprise Zone Co-Sponsors
Roger Nyquist Linn County
Kevin Kreitman City of Millersburg

From: John Pascone, President

Subject: Aymium Enterprise Zone Application and Action
Approving an Extended Tax Abatement Agreement

Aymium has leased land from Linn County (north portion of the former IP site) and will build a processing facility to convert bio-waste to pure carbon for industrial uses. Most of their output will be shipped in containers using the intermodal center.

They have completed an Enterprise Zone Authorization Application dated January 12, 2023.

Under regular enterprise zone exemption rules the company is required to add 10% to their existing workforce in the zone, which is 1, they plan on hiring 40 employees. The regular property tax exemption is for 3 years.

For companies that agree to hire and pay wages and benefits in excess of 150% of Linn County's Average Annual Wage, the firm can qualify for an additional 2 years. The current required wage number can be found in the agreement.

Attached is the draft resolution which needs to be passed by each co-sponsor. The zone manager (me) and the county assessor's representative (Mark Wilkinson) cannot officially approve the company's application until the resolutions are approved by the co-sponsors.

Please contact me if you have any questions. When you have the matter scheduled let me know and I will attend to present it on behalf of the company.

Thank you,

John



Linn County Road Department

*Providing safe and efficient transportation to
citizens and visitors of Linn County.*

Memorandum

Date: 2/2/2023

To: Linn County Board of Commissioners

From: Wayne Mink, Roadmaster *WEM*

RE: Background Information for Agenda Items – 2/7/2023

The Road Department has the following items on the Board of Commissioners agenda for the weekly meeting on February 7, 2023. The following is a brief description of the items.

Resolution & Order 2023-039 – Acceptance of a Petition to Vacate a Portion of Allen Lane

This is a Resolution & Order to accept a petition from Terri McQueen for the vacation of a portion of Allen Lane, County Road 111. Standard procedure is to accept the petition and refer it to the Roadmaster for a report.

Roadmaster Report on the Petition to Vacate a Portion of Allen Lane (attached)

This is the Roadmaster's report on the petition to vacate a portion of Allen Lane, County Road 111. If the Board accepts the report, then the next item on the agenda is an order to approve the vacation.

Resolution & Order 2023-040 – Order to Vacate a Portion of Allen Lane

This is a Resolution & Order to vacate a portion of Allen Lane, County Road 111.

We request your approval.



Linn County Road Department

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Memorandum

Roadmaster Report

Date: 1/20/2023

To: Linn County Board of Commissioners

From: Wayne Mink, Roadmaster *WEM*

RE: Petition to Vacate a Portion of a County Road, Allen Lane (County Road 111)

Vacation proceedings have been initiated by petition of 100% of the abutting landowners of a County Road, Allen Lane (County Road 111) in Linn County, Oregon.

As Linn County Roadmaster, I am providing this report as required by ORS 368.346(1), and requested by the Linn County Board of Commissioners.

A map showing the property proposed to be vacated and the ownership of the properties abutting or underlying that portion of the right-of-way proposed to be vacated is attached for your review.

One Hundred Percent (100%) of the owners request vacation of the roadway.

I find that no owner of a recorded property will lose the right of access by this proposed vacation; and further, that the property is not needed for use as a county road to provide access to parcels of other ownership abutting or underlying the roadway to be vacated.

Therefore, it is my opinion that it is in the public interest that the vacated property shall vest in the owners of land abutting the vacated property by extension of the person's abutting boundaries to the center of the vacated property [pursuant to ORS 368.366(1)(d)]

Enclosures



STAFF REPORT

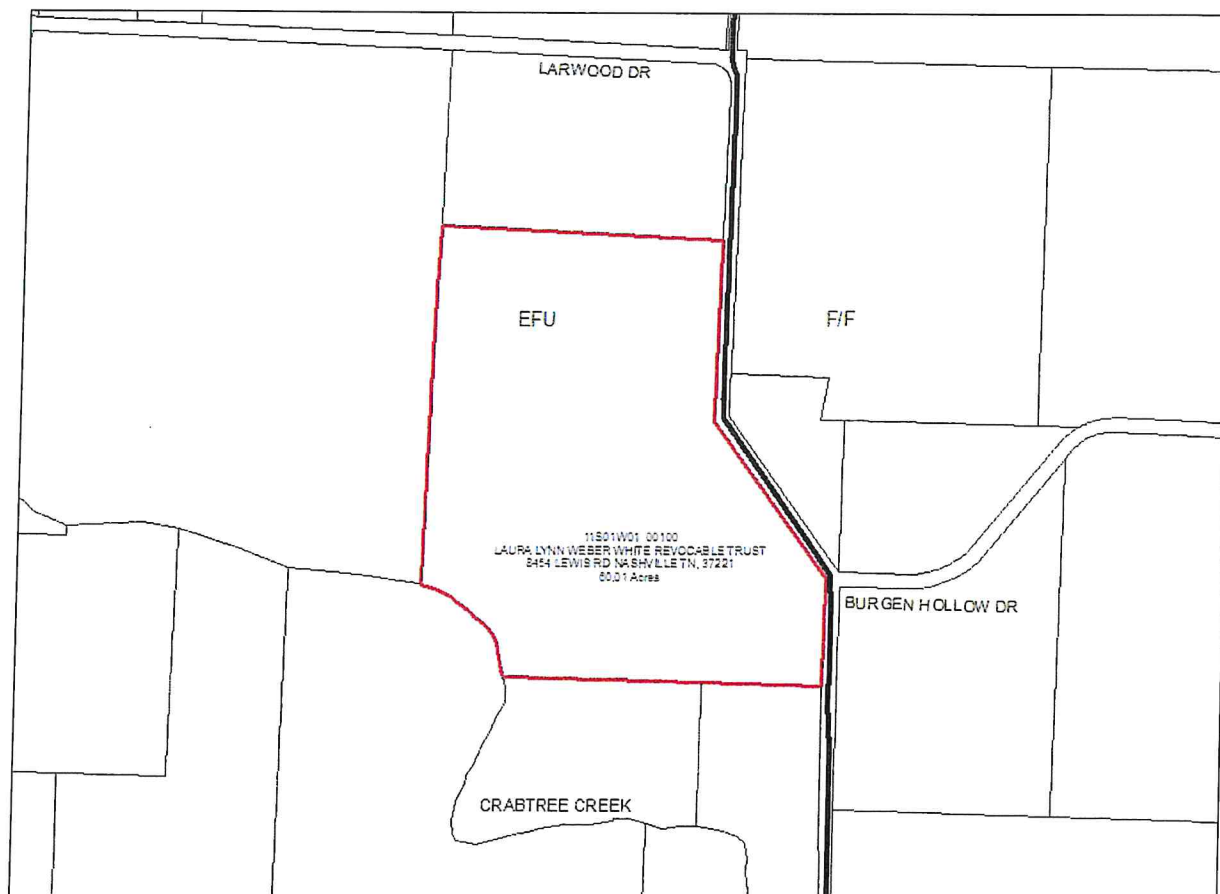
JANUARY 17, 2023

TO: Linn County Board of Commissioners

FROM: Linn County Planning and Building Department

PREPARED BY: Ashley Heyberger, Assistant Planner

RE: **PLN-2022-00813:** an application by Laura Lynn Weber White Revocable Trust for a Zoning map amendment on a 60.01-acre property identified as Tax Lot 100 on map T11S, R1W, Section 01. The applicant proposes to amend the Zoning map designation from Exclusive Farm Use (EFU) to Farm/Forest (F/F). The property is located west of Larwood Drive, adjacent to the intersection of Larwood Drive and Burgen Hollow Drive, and approximately 6.0 miles southeast of the city of Scio. The applicable decision criteria are contained in LCC 921.822 and Oregon Administrative Rule (OAR) 660-006-0057.



1 inch = 500 feet

Linn County Planning & Building Department

Date: 01/03/2023

I. INTRODUCTION

A. APPLICATION SUMMARY

Laura Lynn Weber White Revocable Trust (Applicant) is proposing to change the *Zoning Map* designation on a 60.01-acre property from Exclusive Farm Use (EFU) to Farm/Forest (F/F). The subject property is identified on Linn County Assessor maps as T11S, R1W, Section 01, Tax Lot 100. The property is located west of Larwood Drive, adjacent to the intersection of Larwood Drive and Burgen Hollow Drive, and approximately 6.0 miles southeast of the city of Scio.

The *Comprehensive Plan (Plan)* designation of the property is Agricultural Resource. According to the Zoning Implementation Matrix in Chapter 905 of the *Plan*, the F/F zoning designation is an allowed zoning designation when a property has an Agricultural Resource *Plan* designation. Statewide Planning Goals 3 and 4 both apply to the subject property. Both Goals also apply to properties with a Farm/Forest zoning designation; therefore, the proposed zone map amendment does not require an exception to Statewide Planning Goal 3 or Goal 4.

The application indicates that the purpose of the zoning map amendment is to be able to timber the property. The application indicates that the applicant may want to build a dwelling on the property at some point. The F/F zoning district does not allow for a dwelling as an outright use. An application for a dwelling would have to meet the applicable criteria contained in Linn County Code. This zoning map amendment does not authorize the placement of a dwelling on the subject property.

The applicant must provide evidence that the proposal is consistent with the decision criteria, including all applicable Comprehensive Plan policies. The application is attached to this report as **Exhibit A**.

B. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., January 10, 2023. After considering the staff analysis and the written and oral testimony presented at the Commission hearing, **the Commission voted 6-0 to adopt a motion to recommend that the Board approve the proposed amendment**. Voting in favor of the motion were Commissioners Alderman, Boshart, Cromwell, Legras, McHenry, and Stutzman.

C. DECISION CRITERIA AND ANALYSIS

The applicable decision criteria are contained in LCC Section 921.822 and Oregon Administrative Rule (OAR) 660-006-0057. The decision criteria are attached to this report as **Exhibit B**.

LCC 921.822 - Decision criteria for Zoning Map amendments

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

STAFF ANALYSIS: The application does not require a Comprehensive Plan amendment; therefore this criterion is not applicable.

(B) Except as stated in subsection (A) and LCC 921.824, a Zoning Map amendment from one zoning district to another may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

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

FACTS: The subject property is not located within a mapped geologic hazard area or a special flood hazard area. The property does not contain a septic system or a well.

STAFF ANALYSIS: The application states there are no conditions on the property that will significantly affect development allowed under the Farm/Forest (F/F) zoning designation. There are no mapped geological hazards areas or flood hazards areas on the subject property.

The topographical features, soil and natural features of the subject property are consistent with the provisions described in LCC 905.300 (Farm/Forest Background). Septic suitability, water availability, and water quality are generally not factors in determining whether the property is appropriate for an F/F zoning designation. Linn County Environmental Health Program comments did not indicate any development limitations on the property regarding septic suitability.

The F/F zoning district supports farm uses, similar to the current EFU zoning designation. Both farm and forest uses are suitable on this property given its location and topography. Linn County Geographic Information System (GIS) maps indicate the subject property is located in the foothills of the County. LCC 905.300(E) identifies the foothills of Linn County as the primary location of Farm/Forest zoning. Under LCC 905.300(B), typical land uses in the Farm/Forest area include farming, livestock grazing and small scale-timber operations.

The proposed zoning map amendment does not authorize specific development. Any proposed future development would be subject to the list of allowed uses, conditional uses, and property development standards in the F/F zoning district.

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

FACTS: The property is located within the Scio Rural Fire Protection District. The subject property is served by the Linn County Sheriff's Office. The property has access via frontage on Larwood Drive.

STAFF ANALYSIS: Fire protection is provided by the Scio Rural Fire Protection District. If the property were to be developed at a future date, Linn County Code requires compliance with LCC 934.590 (F/F (forest area) and FCM zoning district structural siting standards). The provisions in LCC 934.590 require that the property be either: (1) located within a fire protection district, (2) shall be provided with structural fire protection by contract, or (3) provide an alternative means for protecting the structure from fire hazards, such as sprinkling systems or on-site water storage.

The Linn County Sheriff's Department received notice of the application but did not submit comments as of the date this staff report was prepared. The property has access via frontage on Larwood Drive. The Linn County Road Department was notified of the application but did not submit comments as of the date this staff report was prepared.

The proposed zoning map amendment does not authorize specific development. Any proposed future development would be subject to a land use review and criteria to determine if there are impacts to transportation facilities, police and fire protection, storm drainage facilities or other regional public facilities.

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

FACTS: Linn County GIS maps indicate the subject property is contiguous to properties with a Farm/Forest zoning designation to the east and contiguous to properties with an Exclusive Farm Use (EFU) zoning designation to the north, south, and west.

STAFF ANALYSIS: The application states that the proposed zoning designation would be consistent with surrounding properties. The proposed F/F zoning designation would provide for both farm and forest uses. The topographical features, soil and natural features of the subject property are consistent with the provisions described in LCC 905.300 (Farm/Forest Background).

The F/F zoning district also supports uses similar to the current EFU zoning designation. Either farm or forest uses are suitable on this property given its location and topography. LCC 905.300(E) identifies the foothills of Linn County as the primary location of Farm/Forest zoning. Linn County Geographic Information System (GIS) maps indicate the subject property is located in the foothills of the County. Under LCC 905.300(B), typical land uses in the Farm/Forest area include farming, livestock grazing and small scale-timber operations.

The existing zoning in the area transitions west to east from EFU to F/F to Forest Conservation Management (FCM). The existing land use pattern in the area transitions from farm fields in the west to small scale timber processing and less intensive farm uses in the F/F zoned areas, to commercial timber operations in the FCM zoned areas. The application indicates that the purpose of the zoning map amendment is to be able to timber the property. The proposed timber operation appears to be consistent with surrounding land uses in the area.

The proposed zoning map amendment does not authorize specific development. Any proposed future development would be subject to a land use review and criteria to determine if there are impacts to surrounding farm and forest uses, as well as determine whether any proposed development will have any adverse impacts on the overall land use pattern in the area.

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

FACTS: The Farm/Forest zoning statement of purpose is contained in LCC 928.600. The statement of purpose for the F/F zoning district reads:

"The purpose of the Farm/Forest (F/F) zoning district is:

- (A) to preserve land suitable for agricultural and forest uses;
- (B) to allow the establishment of uses consistent with the predominate use of land for agricultural and forest use;
- (C) to allow for public and private outdoor recreational uses; and
- (D) to provide for the protection of open space, fish and wildlife habitat, watersheds, scenic resources, air, water and land resources quality and to permit the location of dwelling when applicable criteria are met."

STAFF ANALYSIS: The application states the proposed amendment is consistent with the statement of purpose and the proposed F/F zoning district.

The applicant proposes to establish a timber operation on the subject property, consistent with (A) and (B) of the statement of purpose. The application indicates that the applicant may want to build a dwelling on the property at some point. The F/F zoning district does not allow for a dwelling as an outright use. Consistent with (D) of the statement of purpose, an application for a dwelling would have to meet the applicable criteria contained in Linn County Code.

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

STAFF ANALYSIS: The subject property currently has a *Plan* map designation of Agricultural Resource. The F/F zoning designation is consistent with the Agricultural Resource *Plan* designation, as described in the Implementation Matrix contained in Appendix I of Chapter 905 of the *Plan*.

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

FACTS: The subject property is located entirely within the non-sensitive wildlife habitat. The property does not contain any inventoried sensitive fish or riparian habitat.

STAFF ANALYSIS: There are no sensitive fish or riparian habitats on the property. Oregon Department of Fish and Wildlife was notified of the proposed amendments and did not submit comments as of the date this staff report was prepared.

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

STAFF ANALYSIS: The property is not located within an urban growth boundary; therefore, this criterion is not applicable.

OAR 660-006-0057 - Rezoning Land to an Agriculture/Forest Zone

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

FACTS: Linn County GIS maps indicate the subject property is contiguous to properties with a Farm/Forest zoning designation to the east and contiguous to properties with an Exclusive Farm Use (EFU) zoning designation to the north, south and west.

STAFF ANALYSIS: The application states that the proposed zoning designation would be consistent with surrounding properties. The subject property has a *Plan* designation of Agricultural Resource. LCC 905.300(D) of the *Plan* states,

"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."

The F/F zoning district supports uses similar to the current EFU zoning designation. Either farm or forest uses are suitable on this property given its location and topography. LCC 905.300(E) identifies the foothills of Linn County as the primary location of Farm/Forest zoning. Linn County Geographic Information System (GIS) maps indicate the subject property is located in the foothills of the County. Under LCC 905.300(B), typical land uses in the Farm/Forest area include farming, livestock grazing and small scale-timber operations. The topographical features, soil and natural features of the subject property are consistent with the provisions described in LCC 905.300 (Farm/Forest Background).

The existing zoning in the area transitions west to east from EFU to F/F to Forest Conservation Management (FCM). The existing land use pattern in the area transitions from farm fields in the west to small scale timber processing and less intensive farm uses in the surrounding F/F zoned areas, to commercial timber operations in the FCM zoned areas. The application indicates that the purpose of the zoning map amendment is to be able to timber the property. The proposed small-scale timber operation appears to be consistent with surrounding land uses in the area.

D. EXISTING AND PROPOSED CONDITIONS

CONDITION	EXISTING	PROPOSED
Plan Designation	Agricultural Resource	Same
Zone Designation	Exclusive Farm Use (EFU)	Farm/Forest (F/F)
Site Location	T10S, R01W, Section 01, Tax Lot 100	Same
Access	Larwood Drive	Same
Land Use	Farm and forest use	Same

E. ZONING AND DEVELOPMENT BACKGROUND

The subject property has been zoned Exclusive Farm Use (EFU) since March 22, 1972. Previous land use actions involving the subject property include:

- CU-32-96/97 - A conditional use application to site a lot-of-record dwelling on the subject property. The application was denied due to the soil classification (82% type 1 and 2 high value soils) and being larger than 21 acres in size.

- PLN-2022-00033 – An agricultural exempt building permit for a pole building for agricultural/forestry use was approved on February 2, 2022.

II. PROPERTY CHARACTERISTICS

- A. SOIL TYPES** – The following is based upon information in the National Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), publication Soil Survey of Linn County Area, Oregon, July, 1987:

Soil Type	HVFL type	SCS type	% of parcel	# of acres	Cu ft/ ac/yr
Bellpine Silty Clay Loam, 3-12% Slopes	1	Ille	4.88%	2.8	459.2
Water	Non	NA	0.10%	0.06	0.00
Newberg Fine Sandy Loam	1	Ilw	0.05%	0.03	7.5
Willakenzie Clay Loam, 30-50% Slopes	Non	VIe	5.97%	3.43	865.65
Bashaw Silty Clay	2	IVe	1.11%	0.64	0
Hazelair Silty Clay Loam, 2-7% Slopes	Non	Ille	14.71%	8.45	380.25
Bellpine Silty Clay Loam, 12-20% Slopes	2	Ille	73.16%	42.02	6891.28
TOTAL			100%	60.01	8603.88

- B. TOPOGRAPHY** – The property includes low slopes that slope up from both the west and the southeast. The property's lowest elevation is at approximately 410 feet and its highest elevation is at approximately 510 feet.
- C. NATURAL FEATURES AND IMPROVEMENTS** – The subject property contains a small pond in the northeast corner of the property.
- D. NATURAL AND/OR GEOLOGIC HAZARDS** – The subject property is not within a designated flood hazard area. The property is not identified as being within an identified area subject to mass movement topography, as inventoried in the Environmental Geology of Western Linn County, Oregon (DOGAMI, 1974).

III. ENVIRONMENTAL FACTORS

- A. WILDLIFE HABITAT** – The property is entirely within the non-sensitive wildlife habitat. There are no sensitive fish or riparian habitats on the property.
- B. WETLANDS** – The subject property contains a small pond in the northeast corner of the property.

IV. AVAILABILITY OF PUBLIC FACILITIES AND SERVICES

- A. FIRE** – The subject property is located within the Scio Rural Fire Protection District.
- B. POLICE** – The Linn County Sheriff's Department provides police protection.
- C. SCHOOL** – The property is in the Scio School District, the Linn Benton Lincoln Education Service District and the Linn-Benton Community College District.

- D. **OTHER DISTRICTS** – The property is within the 4H Extension District.
- E. **SEWAGE DISPOSAL** – The property does not contain a sewage disposal system.
- F. **WATER SUPPLY** – The property does not contain a well.
- G. **ACCESS** – The property has access via frontage on Larwood Drive.

V. NOTICE TABLE AND PROCEDURE

A. NOTICE

Property owners within 1000 feet of the boundaries of the property were provided notice of this application. There are 13 property owners within the notification area. No comments were received from surrounding property owners regarding the proposed amendment. The following agencies have been provided notice and responded before this report was written.

AGENCIES	PROVIDED	RESPONDED	AGENCIES	PROVIDED	RESPONDED
Environmental Health	x	x	Linn County Sheriff	x	
Linn County Assessor	x		Dept. Land Cons. & Dev.	x	
Linn County Road Dept.	x		Or. Dept. of Forestry	x	
Dept. State Lands	x		Other: St. Fire Marshal	x	
Or. Fish & Wildlife	x		Dept. of Water Resources	x	

B. PROCEDURE

The Planning Commission (Commission) conducted a public hearing to review the application on January 10, 2023 and made a recommendation to the Linn County Board of Commissioners (Board) to approve the Zoning Map amendment application.

The Board is scheduled to conduct a public hearing on this matter at 10:00 a.m., Tuesday, February 7, 2023. The Board may consider the application for up to 42 days from the close of the Board hearing. Tabling of the request for a period not to exceed 35 days may also occur if the applicant consents. Specified findings, stating the reason for decision, are required in taking action on the proposed amendments.

The Board may consider the application for 42 days from the close of the public hearing. Tabling of the request for a period not to exceed 35 days may also occur if the applicant consents. Specified findings, stating the reason for decision, are required in taking action on the proposal. The Board will consider all the testimony in the matter and may take action to: (1) Approve the application; (2) Deny the application; or (3) Modify the application.

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

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

VI. EXHIBITS

- A. Application and Supporting Documents
- B. Decision Criteria
- C. Legal Notice and Correspondence
- D. Agency Comments