



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director

---

Room 114, Linn County Courthouse  
PO 100 Box, Albany, Oregon 97321  
Phone 541-967-3816, Fax 541-926-2060, [www.co.linn.or.us](http://www.co.linn.or.us)

TO: Board of Commissioners  
FROM: Steve Wills, Planning & Building Department Director  
DATE: December 12, 2023  
RE: Planning and Building Department Update: November 2023

The attached tables include the Department's current FY2023-24 Revenue Summary and Permit Activity Reports through November 30, 2023. Also attached with this memorandum is the list of November 2023 land use applications received, a code enforcement summary, and current wildfire permitting reports. The November 2023 Department update is summarized below.

## PLANNING

- Land use permits issued in November 2023 totaled 25.
- There is no Planning Commission meeting scheduled for December 2023.
- There is one Board hearing scheduled for December 12, 2023.

**PD23-0670:** A legislative Code text amendment application by Linn County to amend sections of Linn County Code (LCC) Chapters 920, 928, and 934. The proposed amendments are to implement portions of Senate Bill 85 (2023) relating to the establishment of new large confined animal feeding operations.

## BUILDING

- Total County building permits issued in November 2023, including non-structural permits, totaled 216. The number of building permits issued for dwellings in November totaled 27: 3 single family dwellings and 3 manufactured dwellings. 19 permits were issued for dwelling additions/alterations and 2 permits for accessory buildings were issued. Total number of Commercial permits issued totaled 3. Out of the 216 combined residential and commercial permits, 53 required plan review.
- Total contract city permits issued in November 2023, including non-structural permits, totaled 13; There were 4 contract city permits issued in November for new single-family dwellings, 1 permit for a manufactured dwelling and 2 permits were issued for dwelling additions/alterations and 1 permit for an accessory building was issued. Total number of Commercial permits issued totaled 9. Out of the 22 combined residential and commercial permits, 3 required plan review.

## **CODE ENFORCEMENT**

- Total new cases for November 2023 was 15.
- Total cases closed in November 2023 was 7.

## **WILDFIRE GRANT**

- We have had no new fire hardening applications and have not issued any grant checks.
- ODOE and the Septic grant programs are still in effect.

## **OTHER**

- The Department hosted a Natural Hazard Mitigation Plan update steering committee meeting on November 21, 2023. Attendees included Planning staff, Road Department staff, Emergency Management staff, DLCDC, and representative from the cities of Millersburg, Harrisburg, and Brownsville.
- Linn County hosted a Wildfire Ready Night held at Sweet Home Fire station 21 on December 6<sup>th</sup>.

**LINN COUNTY**  
**Activity Report by Dept, Fund**  
as of 11/30/2023 (41.7% Months within Fiscal Year)

**24 PLANNING & BUILDING**  
**10 GENERAL FUND**

Account	Title	MTD	Adopted Budget	Transfers	Final Budget	Actual YTD	Balance	% Used
3070 2410	PLANNING FEES	10,326.80	240,000.00	0.00	240,000.00	95,079.05	144,920.95	39.6
3137 2410	ELECTRICAL PERMIT	24,555.90	260,000.00	0.00	260,000.00	123,329.98	136,670.02	47.4
3138 2410	BUILDING PERMIT	97,984.10	310,000.00	0.00	310,000.00	377,838.45	-67,838.45	121.8
3140 2410	MISCELLANEOUS PERMITS	969.25	25,000.00	0.00	25,000.00	16,029.99	8,970.01	64.1
3150 2410	REIMBURSEMENTS	600.00	2,000.00	100,000.00	102,000.00	176,596.00	-74,596.00	173.1
3170 2410	SALES	213.75	5,000.00	0.00	5,000.00	2,158.25	2,841.75	43.1
3178 2410	C.E.T. FEE	1,906.25	4,000.00	0.00	4,000.00	12,809.46	-8,809.46	320.2
3179 2410	CONTRACT CITIES	0.00	380,000.00	0.00	380,000.00	80,653.11	299,346.89	21.2
3182 2410	PLAN REVIEW	7,251.02	260,000.00	0.00	260,000.00	73,456.87	186,543.13	28.2
3183 2410	MECHANICAL PERMITS	5,676.82	84,000.00	0.00	84,000.00	37,276.69	46,723.31	44.3
3186 2410	PLUMBING PERMITS	5,161.73	80,400.00	0.00	80,400.00	40,503.57	39,896.43	50.3
3242 2410	SALE OF COUNTY EQUIPMENT	7,000.00	0.00	0.00	0.00	14,000.00	-14,000.00	0.0
3265 2410	OVERAGES/SHORTAGES	23.18	0.00	0.00	0.00	721.47	-721.47	0.0
	<b>TOTAL REVENUE</b>	<b>161,668.80</b>	<b>1,650,400.00</b>	<b>100,000.00</b>	<b>1,750,400.00</b>	<b>1,050,452.89</b>	<b>699,947.11</b>	<b>60.0</b>
5002 2410	OFFICE SPECIALIST I	6,142.00	72,008.00	0.00	72,008.00	30,474.00	41,534.00	42.3
5044 2410	ADMIN ASST/OFFICE MANAGER I	4,022.00	41,326.00	0.00	41,326.00	19,930.00	21,396.00	48.2
5305 2410	PLANS EXAMINER I	0.00	0.00	0.00	0.00	9,559.09	-9,559.09	0.0
5306 2410	PLANS EXAMINER II	0.00	65,154.00	0.00	65,154.00	0.00	65,154.00	0.0
5311 2410	ELECTRICAL INSPECTOR I	8,270.00	95,424.00	0.00	95,424.00	41,032.00	54,392.00	43.0
5312 2410	ELECTRICAL INSPECTOR II	3,622.50	48,096.00	0.00	48,096.00	17,666.25	30,429.75	36.7
5317 2410	PLUMBING INSPECTOR I	7,876.00	90,876.00	0.00	90,876.00	39,077.00	51,799.00	43.0
5321 2410	CODE ENFORCEMENT TECH	5,050.07	56,112.00	0.00	56,112.00	24,392.16	31,719.84	43.4
5323 2410	BLDG INSP-CODE ENFORCEMENT	0.00	67,812.00	0.00	67,812.00	0.00	67,812.00	0.0
5325 2410	BUILDING INSPECTOR I	1,812.50	0.00	0.00	0.00	3,875.00	-3,875.00	0.0
5326 2410	BUILDING INSPECTOR II	7,140.00	82,054.00	0.00	82,054.00	35,099.00	46,955.00	42.7
5330 2410	PERMIT CLERK	3,552.00	41,840.00	0.00	41,840.00	17,623.00	24,217.00	42.1
5340 2410	ASSISTANT PLANNER	15,240.66	115,659.00	0.00	115,659.00	51,659.29	63,999.71	44.6
5342 2410	ASSOCIATE PLANNER	0.00	0.00	0.00	0.00	0.00	0.00	0.0
5355 2410	PLANNING MANAGER	8,570.00	98,880.00	0.00	98,880.00	42,850.00	56,030.00	43.3
5360 2410	BUILDING OFFICIAL	8,570.00	98,880.00	0.00	98,880.00	42,850.00	56,030.00	43.3
5370 2410	DIRECTOR PLANNING & BUILDING	8,979.00	103,608.00	0.00	103,608.00	44,895.00	58,713.00	43.3
5550 2410	TEMPORARY HELP	2,880.00	50,000.00	0.00	50,000.00	14,510.00	35,490.00	29.0
5920 2410	OVERTIME	0.00	1,500.00	0.00	1,500.00	0.00	1,500.00	0.0
5960 2410	LONGEVITY PAY	214.25	2,472.00	0.00	2,472.00	1,071.25	1,400.75	43.3
5980 2410	FRINGE BENEFITS	29,408.70	393,312.00	0.00	393,312.00	142,671.67	250,640.33	36.2



**LINN COUNTY**  
**Activity Report by Dept, Fund**  
as of 11/30/2023 (41.7% Months within Fiscal Year)

**24 PLANNING & BUILDING**  
**10 GENERAL FUND**

Account	Title	MTD	Adopted Budget	Transfers	Final Budget	Actual YTD	Balance	% Used
5985	2410 PAYROLL COSTS	35,910.87	424,960.00	0.00	424,960.00	171,443.16	253,516.84	40.3
5990	2410 SALARY & BENEFITS ADJUSTMENTS	0.00	92,997.00	0.00	92,997.00	0.00	92,997.00	0.0
	TOTAL PERSONAL SERVICES	157,260.55	2,042,970.00	0.00	2,042,970.00	750,677.87	1,292,292.13	36.7
6110	2410 SUPPLIES	576.94	8,000.00	50,000.00	58,000.00	3,991.25	54,008.75	6.8
6120	2410 PRINTING & REPRODUCTION	41.25	3,200.00	0.00	3,200.00	633.25	2,566.75	19.7
6125	2410 COPIER MAINT & USAGE	586.44	8,000.00	0.00	8,000.00	3,363.30	4,636.70	42.0
6150	2410 POSTAGE	681.34	9,000.00	0.00	9,000.00	3,525.78	5,474.22	39.1
6170	2410 SUBSCRIPTIONS & MEMBERSHIPS	-214.01	5,000.00	0.00	5,000.00	-50.28	5,050.28	-1.0
6174	2410 AVOCETTE SOFTWARE	280.00	28,000.00	0.00	28,000.00	4,267.50	23,732.50	15.2
6180	2410 NOTICES & PUBLICATIONS	0.00	4,500.00	0.00	4,500.00	1,321.28	3,178.72	29.3
6195	2410 P.C.'S, ACCESS., SOFTWARE	1,620.82	5,000.00	0.00	5,000.00	1,908.88	3,091.12	38.1
6200	2410 MEETINGS / TRAVEL	345.52	3,000.00	0.00	3,000.00	1,363.48	1,636.52	45.4
6205	2410 SEMINARS / SCHOOLS / TRAINING	2,023.56	10,000.00	0.00	10,000.00	3,439.51	6,560.49	34.3
6250	2410 TELEPHONE	0.00	10,200.00	0.00	10,200.00	327.18	9,872.82	3.2
6280	2410 REPAIRS & MAINTENANCE	35.49	5,000.00	0.00	5,000.00	339.49	4,660.51	6.7
6301	2410 VISA BANK CHARGES	21.69	18,000.00	0.00	18,000.00	8,379.37	9,620.63	46.5
6333	2410 COMPUTER SUPPLIES & EQUIP.	0.00	17,000.00	0.00	17,000.00	14,304.99	2,695.01	84.1
6357	2410 CODE ENFORCEMENT/CLEAN UP	59.97	60,000.00	0.00	60,000.00	558.68	59,441.32	0.9
6405	2410 CELL PHONE ALLOCATION	40.00	480.00	0.00	480.00	200.00	280.00	41.6
6695	2410 REFUNDS	736.40	15,000.00	0.00	15,000.00	6,330.92	8,669.08	42.2
6900	2410 TAXABLE MEALS REIMBURSEMENT	0.00	100.00	0.00	100.00	0.00	100.00	0.0
	TOTAL MATERIALS & SERVICES	6,835.41	209,480.00	50,000.00	259,480.00	54,204.58	205,275.42	20.8
7450	2410 SPECIAL EQUIPMENT	0.00	0.00	50,000.00	50,000.00	0.00	50,000.00	0.0
7460	2410 MOTOR VEHICLE	0.00	35,000.00	0.00	35,000.00	26,378.31	8,621.69	75.3
	TOTAL CAPITAL OUTLAY	0.00	35,000.00	50,000.00	85,000.00	26,378.31	58,621.69	31.0
	<b>REVENUE</b>	<b>161,668.80</b>	<b>1,650,400.00</b>	<b>100,000.00</b>	<b>1,750,400.00</b>	<b>1,050,452.89</b>	<b>699,947.11</b>	<b>60.0</b>
	<b>EXPENDITURE</b>	<b>164,095.96</b>	<b>2,287,450.00</b>	<b>100,000.00</b>	<b>2,387,450.00</b>	<b>831,260.76</b>	<b>1,556,189.24</b>	<b>34.8</b>
	<b>FUND BALANCE TOTAL</b>					<b>219,192.13</b>		



LINN COUNTY

Activity Report by Dept, Fund

as of 11/30/2023 (41.7% Months within Fiscal Year)

24 PLANNING & BUILDING  
27 GENERAL GRANTS FUND

Account	Title	MTD	Adopted Budget	Transfers	Final Budget	Actual YTD	Balance	% Used
3220	2427030 GRANTS	0.00	200,000.00	0.00	200,000.00	25,000.00	175,000.00	12.5
3991	2427030 BEGINNING BALANCE	0.00	0.00	0.00	0.00	4,650.00	-4,650.00	0.0
	TOTAL REVENUE	0.00	200,000.00	0.00	200,000.00	29,650.00	170,350.00	14.8
6032	2427030 2020 WILDFIRE VICTIMS GRANT	0.00	0.00	0.00	0.00	12,350.00	-12,350.00	0.0
6330	2427030 OTHER CONTRACTED SERVICES	0.00	200,000.00	0.00	200,000.00	0.00	200,000.00	0.0
	TOTAL MATERIALS & SERVICES	0.00	200,000.00	0.00	200,000.00	12,350.00	187,650.00	6.1
	<b>REVENUE</b>	<b>0.00</b>	<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>29,650.00</b>	<b>170,350.00</b>	<b>14.8</b>
	<b>EXPENDITURE</b>	<b>0.00</b>	<b>200,000.00</b>	<b>0.00</b>	<b>200,000.00</b>	<b>12,350.00</b>	<b>187,650.00</b>	<b>6.1</b>
	<b>FUND BALANCE TOTAL</b>					<b>17,300.00</b>		



LINN COUNTY PLANNING AND BUILDING DEPARTMENT  
Steve Wills, Director

---

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

**Estimate of Annual Revenues From Fees  
Fiscal Year 2023-2024  
Planning and Building Department  
November 2023**

<u>REVENUE SOURCE</u>	<b>(1) YTD REVENUE</b>		
Building Permits -- County, Permits & Sales	\$457,776.96		
C.E.T Administrative Fees	\$1,906.25		
Building Permits -- Contract Cities	\$80,653.11		
Electrical Permits	\$123,329.98		
Planning Fees	\$95,079.05		
TOTAL	\$758,745.35		
	<b>(2) ESTIMATED REVENUE</b>	<b>(3) TOTAL REVENUE ESTIMATED</b>	
	<b>Aug '23 - June '24</b>	<b>Column (1) + Column (2)</b>	
<u>REVENUE SOURCE</u>			
Building Permits -- County	\$420,333.33	\$878,110.29	
C.E.T Administrative Fees	\$3,333.33	\$5,239.58	
Building Permits -- Contract Cities	\$316,666.66	\$397,319.77	
Electrical Permits	\$216,666.66	\$339,996.64	
Planning Fees	\$200,000.00	\$295,079.05	
TOTAL	\$1,156,999.98	\$1,915,745.33	
	<b>(4) 2020/2021 Budget</b>	<b>(5) Projected Surplus or (Deficit)</b>	
<u>REVENUE SOURCE</u>	<b>Budget</b>	<b>Column (3) - Column (4)</b>	
Building Permits -- County, Permits & Sales	\$504,400.00	\$373,710.29	
C.E.T Administrative Fees	\$4,000.00	\$1,239.58	
Building Permis -- Contract Cities	\$380,000.00	\$17,319.77	
Electrical Permits	\$260,000.00	\$79,996.64	
Planning Fees	\$240,000.00	\$55,079.05	
TOTAL	\$1,388,400.00	\$527,345.33	

**PLANNING AND BUILDING DEPARTMENT PERMIT ACTIVITY TABLES**  
**November 2023**

**TABLE 1**  
**PERMITS ISSUED FY 2023/2024**

	PLANNING APPLICATIONS	COUNTY BUILDING PERMITS	CONTRACT CITIES PERMITS	ELECTRICAL PERMITS	TOTAL
JULY	60	91	33	135	319
AUG	44	95	22	177	338
SEPT	15	138	38	155	346
OCT	29	81	53	150	313
NOV	25	95	28	109	257
DEC					0
JAN					0
FEB					0
MAR					0
APR					0
MAY					0
JUN					0
<b>TOTAL</b>	<b>173</b>	<b>500</b>	<b>174</b>	<b>726</b>	<b>1,573</b>

**TABLE 2**  
**PERMITS ISSUED FY 2021/2022**

	PLANNING APPLICATIONS	COUNTY BUILDING PERMITS	CONTRACT CITIES PERMITS	ELECTRICAL PERMITS	TOTAL
JULY	49	76	20	113	258
AUG	71	114	51	168	404
SEPT	50	110	35	171	366
OCT	39	109	50	104	302
NOV	35	97	30	141	303
DEC	29	125	34	154	342
JAN	44	102	27	185	358
FEB	27	104	25	135	291
MAR	37	90	27	133	287
APR	40	87	27	153	307
MAY	41	128	52	155	376
JUN					
<b>TOTAL</b>	<b>462</b>	<b>1,142</b>	<b>378</b>	<b>1,612</b>	<b>3,594</b>

**TABLE 3**  
**PERMITS ISSUED FY 2021/2022**

	PLANNING APPLICATIONS	COUNTY BUILDING PERMITS	CITIES PERMITS	ELECTRICAL PERMITS	TOTAL
JULY	76	91	141	172	480
AUG	84	120	28	180	412
SEPT	90	86	55	177	408
OCT	68	117	43	158	386
NOV	40	81	32	152	305
DEC	54	80	74	117	325
JAN	74	84	18	126	302
FEB	71	69	43	163	346
MAR	89	99	47	161	396
APR	77	88	16	164	345
MAY	72	90	28	143	333
JUN	72	86	6	166	330
<b>TOTAL</b>	<b>867</b>	<b>1,091</b>	<b>531</b>	<b>1,879</b>	<b>4,368</b>



**TABLE 4**  
**SINGLE-FAMILY DWELLING PERMITS ISSUED**  
**COUNTY**

	2018/2019 MO QTR	2019/2020 MO QTR	2020/2021 MO QTR	2021/2022 MO QTR	2022/2023 MO QTR	2023/2024 MO QTR
JULY	6	12	10	3	3	8
AUG	11	4	10	9	16	9
SEPT	9 26	5 21	5 25	12 24	19	4
OCT	8	9	5	13		6
NOV	2	2	3	5		3
DEC	5 15	5 16	9 17	3 21	0	
JAN	5	4	3	2		
FEB	3	6	6	6		
MAR	4 12	14 24	8 17	6 14	0	
APR	4	10	8	8		
MAY	6	4	6	13		
JUN	11 21	8 22	5 19	4 25	0	
<b>TOTAL</b>	<b>74</b>	<b>83</b>	<b>78</b>	<b>84</b>	<b>19</b>	<b>30</b>

**TABLE 5**  
**MANUFACTURED DWELLING PERMITS ISSUED**  
**COUNTY**

	2018/2019 MO QTR	2019/2020 MO QTR	2020/2021 MO QTR	2021/2022 MO QTR	2022/2023 MO QTR	2023/2024 MO QTR
JULY	5	11	5	6	3	4
AUG	2	6	8	5		2
SEPT	7 14	6 23	6 19	4 15	3	4
OCT	8	4	8	3		4
NOV	3	7	14	2		3
DEC	3 14	7 18	10 32	4 9	0	
JAN	6	4	2	2		
FEB	5	1	4	2		
MAR	6 17	3 8	4 10	6 10	0	
APR	7	3	5	3		
MAY	2	4	2	1		
JUN	4 13	6 13	2 9	5 9	0	
<b>TOTAL</b>	<b>58</b>	<b>62</b>	<b>70</b>	<b>43</b>	<b>3</b>	<b>17</b>

**TABLE 6**  
**NON-ELECTRICAL PERMITS ISSUED**  
**COUNTY**

	2018/2019		2019/2020		2020/2021		2021/2022		2022/2023		2022/2023	
	MO	QTR	MO	QTR	MO	QTR	MO	QTR	MO	QTR	MO	QTR
JULY	174		195		138		91		76		110	
AUG	172		176		180		120		113		95	
SEPT	160	506	158	529	148	466	86	297	171	360	138	
OCT	175		166		147		117		109		81	
NOV	138		138		98		81		97		95	
DEC	150	463	164	468	111	356	80	278	125	331		
JAN	116		120		86		84		102			
FEB	105		108		73		69		104			
MAR	176	397	173	401	111	270	99	252	94	300		
APR	127		144		97		88		113			
MAY	151		140		110		90		128			
JUN	163	441	134	418	119	326	86	264		241		
<b>TOTAL</b>	<b>1,807</b>		<b>1,816</b>		<b>1,418</b>		<b>1,091</b>		<b>1,232</b>		<b>519</b>	

**TABLE 7**  
**CONTRACT CITY DWELLING UNIT PERMITS ISSUED**  
**BY FISCAL YEAR**

	FY 2023/2024			FY 2022/2023			FY 2021/2022			FY 2020/2021		
	SFD	MH	MFD	SFD	MH	MFD	SFD	MH	MFD	SFD	MH	MFD
BROWNSVILLE				1	1		52	1		14	1	2
HALSEY		1								1		
HARRISBURG							5		1	5		
LYONS	4	1					3	1		1	1	
MILL CITY	1			9			5		1	11	19	2
MILLERSBURG	5			18			40			48		
SCIO												
TANGENT		2		2								
<b>TOTAL</b>	<b>10</b>	<b>4</b>	<b>0</b>	<b>30</b>	<b>1</b>	<b>0</b>	<b>105</b>	<b>2</b>	<b>2</b>	<b>80</b>	<b>21</b>	<b>4</b>

**TABLE 8  
PLANNING SECTION PERMIT ACTIVITY  
FY 2023/2024**

*CURRENT MONTH: November 2023*

DESCRIPTION	NUMBER	FEES	YEAR TO-DATE TOTALS	
			NUMBER	FEES
<b>RESIDENTIAL</b>				
Evaluation & Processing	4	400.00	96	9,600.00
Variance	2	1,300.00	20	13,000.00
Comprehensive Plan Amendment	0	0.00	1	8,000.00
Land Use Compatibility Statement	2	150.00	17	1,350.00
Conditional Use	1	650.00	9	11,500.00
Home Occupation CU's	0	0.00	1	900.00
Medical Hardship CU's	2	850.00	17	8,350.00
PD Partition	0	0.00	7	2,100.00
PM Partition	0	0.00	0	0.00
Property Line Adjustment	2	1,000.00	11	5,750.00
Easement	0	0.00	5	3,250.00
Appeal	0	0.00	1	2,000.00
Temp RV/Mfg. Home Placement	0	0.00	1	250.00
Zone Amendment	0	0.00	0	0.00
Mortgage Lot	0	0.00	0	0.00
Non-conforming Use Alteration	0	0.00	1	1,000.00
Step 1 - Soil Review	0	0.00	3	1,050.00
Agricultural Bldg Review	7	1,050.00	33	4,950.00
Dwelling/Property Status/SPR	3	1,000.00	15	5,700.00
Measure 49	0	0.00	2	1,100.00
Extensions	1	100.00	3	300.00
Misc. Applications	1	316.80	4	2,666.80
<b>MONTHLY TOTAL</b>	<b>25</b>	<b>6,816.80</b>	<b>247</b>	<b>82,816.80</b>

<b>SALES REVENUES</b>		
Xerox/Microfilm	20.25	166.25
Tapes	97.50	122.50
Maps	0.00	0.00
Comp. Plan/Code/Transportation Books	0.00	0.00
Reports	0.00	175.00
Postage	21.00	70.00
Extensions	862.50	2,580.00
<b>MONTHLY TOTAL</b>	<b>1,001.25</b>	<b>3,113.75</b>



**TABLE 9  
BUILDING SECTION PERMIT ACTIVITY  
FY 2023/2024**

*CURRENT MONTH: November 2023*

DESCRIPTION	MONTHLY TOTALS		YEAR TODATE TOTALS	
	NUMBER	FEES	NUMBER	FEES
<b>RESIDENTIAL</b>				
Single Family Dwelling	3	9,756.30	30	69,182.98
Manufactured Homes	3	1,497.00	16	7,539.00
Prefab. Buildings	0	0.00	0	0.00
Additions/Alterations	19	15,487.00	79	50,283.40
Accessory Buildings	2	1,604.65	19	14,182.14
<b>SUBTOTALS</b>	<b>27</b>	<b>28,344.95</b>	<b>144</b>	<b>141,187.52</b>
<b>NON-RESIDENTIAL</b>				
Industrial	0	0.00	0	0.00
Commercial	3	4,502.30	22	33,537.80
Public	0	0.00	0	0.00
Additions/Alterations	0	0.00	0	0.00
Transaction Fee	0	0.00	0	0.00
Misc. Permits	0	0.00	0	0.00
<b>SUBTOTALS</b>	<b>3</b>	<b>4,502.30</b>	<b>22</b>	<b>33,537.80</b>
Plumbing	15	5,357.65	103	33,790.74
Mechanical	50	6,262.20	229	29,203.11
<b>SUBTOTALS</b>	<b>65</b>	<b>11,619.85</b>	<b>332</b>	<b>62,993.85</b>
Electrical Permits	109	25,070.98	724	117,867.36
Master Electrical Permits	0	0.00	1	285.00
<b>SUBTOTALS</b>	<b>109</b>	<b>25,070.98</b>	<b>725</b>	<b>118,152.36</b>
Demolition/Decommission	0	0.00	7	1,030.00
Flood Dev. Evaluation	6	720.00	16	3,360.00
Misc. Permits	6	2,536.27	30	16,023.12
<b>SUBTOTALS</b>	<b>12</b>	<b>3,256.27</b>	<b>53</b>	<b>20,413.12</b>
PLAN REVIEWS	53	38,878.80	167	103,085.07
<b>SUBTOTALS</b>	<b>53</b>	<b>38,878.80</b>	<b>167</b>	<b>103,085.07</b>
<b>RAND TOTAL MONT</b>	<b>269</b>	<b>111,673.15</b>	<b>1,443</b>	<b>479,369.72</b>

**TABLE 10  
CONTRACT CITY PERMIT ACTIVITY  
FY 2023/2024**

*Current Month: November 2023*

DESCRIPTION	NUMBER	FEES	YEAR TO-DATE TOTALS	
			NUMBER	FEES
<b>RESIDENTIAL</b>				
Single Family Dwelling	0	0.00	9	9,893.56
Manufactured Homes	1	307.50	4	1,314.75
Prefab. Buildings	0	0.00	0	0.00
Manufactured Home Parks (NEW)	0	0.00	0	0.00
Multi-Family Dwellings	0	0.00	0	0.00
Additions/Alterations	2	285.00	16	18,133.80
Accessory Buildings	1	755.02	6	2,626.23
<b>SUBTOTALS</b>	<b>4</b>	<b>1,347.52</b>	<b>35</b>	<b>31,968.34</b>
<b>NON-RESIDENTIAL</b>				
Industrial	0	0.00	0	0.00
Commercial	9	19,507.27	34	51,241.40
Prefab. Buildings	0	0.00	0	0.00
Public	0	0.00	0	0.00
Additions/Alterations	0	0.00	0	0.00
<b>SUBTOTALS</b>	<b>9</b>	<b>19,507.27</b>	<b>34</b>	<b>51,241.40</b>
<b>MISC. APPLICATIONS</b>				
Recreational (RV Parks etc.)	0	0.00	0	0.00
Misc. Structures	0	0.00	0	0.00
Miscellaneous Permits	0	0.00	0	0.00
<b>SUBTOTALS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
Plumbing	8	1,534.16	60	27,072.67
Mechanical	7	420.00	45	4,902.07
<b>SUBTOTALS</b>	<b>15</b>	<b>1,954.16</b>	<b>105</b>	<b>31,974.74</b>
Plan Review	3	999.74	64	58,683.18
<b>GRAND TOTAL MONTH</b>	<b>28</b>	<b>23,808.69</b>	<b>174</b>	<b>173,867.66</b>

**TABLE 11  
COUNTY PERMIT, PLAN CHECK, & MISC REVENUE  
BY FISCAL YEAR**

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
JULY	100,351.77	113,616.87	77,484.14	82,404.31	37,173.04	85,504.25
AUG	94,947.94	217,461.46	95,732.23	88,155.76	85,872.59	92,386.84
SEPT	92,827.37	96,258.43	82,690.70	76,855.24	41,121.35	132,030.49
OCT	107,407.42	101,242.25	79,672.58	89,772.08	56,229.51	132,345.60
NOV	137,029.07	85,188.21	91,665.20	44,033.65	42,022.76	117,856.67
DEC	53,122.43	63,127.55	112,792.14	27,931.62	40,539.64	
JAN	51,553.10	67,796.29	76,309.72	23,973.95	41,300.55	
FEB	45,337.65	96,198.93	47,947.91	48,470.08	49,872.30	
MAR	97,167.50	117,543.65	69,127.59	69,694.82	164,143.26	
APR	54,328.25	113,700.67	103,850.68	51,810.69	64,547.02	
MAY	80,519.05	90,138.22	61,270.86	71,863.53	75,963.78	
JUN	111,285.80	85,017.44	70,631.10	81,621.33	64,870.50	
<b>TOTAL</b>	<b>1,025,877.35</b>	<b>1,247,289.97</b>	<b>969,174.85</b>	<b>756,587.06</b>	<b>763,656.30</b>	<b>560,123.85</b>

**TABLE 12  
CONTRACT CITY PERMIT REVENUE  
BY FISCAL YEAR**

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
JULY	57,425.00	29,344.35	13,059.10	170,862.28	14,481.91	7,469.81
AUG	24,431.30	19,427.50	33,448.35	31,075.46	31,190.65	72,692.87
SEPT	44,166.25	15,595.37	55,466.88	57,223.05	25,481.66	36,928.26
OCT	32,066.76	41,208.37	31,518.40	15,331.99	23,719.08	22,649.18
NOV	137,095.15	70,234.77	9,395.01	28,909.11	44,358.49	46,617.64
DEC	10,453.12	15,984.40	25,222.81	37,232.20	25,887.93	
JAN	13,715.27	22,529.94	22,246.17	7,774.24	14,452.92	
FEB	0.00	47,698.94	21,535.68	65,052.25	12,187.50	
MAR	12,056.67	55,798.39	63,166.07	10,334.59	4,122.82	
APR	43,351.04	42,504.60	15,948.31	4,034.30	11,086.65	
MAY	46,751.87	42,346.01	28,446.88	10,696.30	18,858.57	
JUN	50,916.40	32,291.64	64,939.34	16,133.37	50,417.88	
<b>TOTAL</b>	<b>472,428.83</b>	<b>360,547.10</b>	<b>363,006.91</b>	<b>470,213.47</b>	<b>276,246.06</b>	<b>186,357.76</b>

**TABLE 13  
ELECTRICAL PERMIT REVENUE  
BY FISCAL YEAR**

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
JULY	23,402.00	22,715.00	12,081.00	19,671.25	15,285.25	19,207.60
AUG	23,683.00	19,484.00	19,901.00	25,964.60	26,724.50	26,994.50
SEPT	22,397.00	17,429.00	22,700.00	25,437.00	28,274.00	27,116.56
OCT	23,642.00	24,222.50	27,020.00	21,763.00	27,158.50	25,455.43
NOV	21,884.00	24,998.00	28,993.70	24,648.71	27,146.00	24,555.90
DEC	18,379.00	18,521.00	30,285.10	17,055.50	23,058.75	
JAN	20,631.75	19,702.00	22,736.40	15,145.00	23,920.00	
FEB	19,618.00	15,424.63	27,818.25	23,627.25	23,254.00	
MAR	20,288.00	20,688.50	30,391.25	23,675.50	20,490.00	
APR	18,515.00	30,663.00	25,127.50	26,044.50	22,785.75	
MAY	20,815.00	23,846.50	23,393.93	20,205.25	27,216.85	
JUN	20,890.00	22,829.38	29,276.05	25,005.50	26,179.25	
<b>TOTAL</b>	<b>254,144.75</b>	<b>263,047.00</b>	<b>299,724.18</b>	<b>268,243.06</b>	<b>291,492.85</b>	<b>123,329.99</b>



TABLE 14  
 PLANNING & BUILDING DEPARTMENT  
 FY 2023/2024 REVENUE AND EXPENDITURES  
 November 2023

LINE ITEM DESCRIPTION	ADMIN..	PLANNING	BUILDING	ELECTRICAL	BUDGET TOTAL
<b>REVENUE</b>					
PLANNING FEES		95,079.05			95,079.05
ELECTRIC PERMITS				123,329.98	123,329.98
BLDG, MECH, PLUMB PERMITS			455,618.71		455,618.71
MISC. PERMITS & PLAN REVIEW			89,486.86		89,486.86
REIMBURSEMENTS			176,596.00		176,596.00
MISC. (REIMBURSEMENTS)	0.00				0.00
SALES	2,158.25				2,158.25
CET FEES	12,809.46				12,809.46
CONTRACT CITIES			80,653.11		80,653.11
DEPOSIT SUSPENSE	0.00				0.00
CODE ENFORCEMENT CLEAN UP	0.00				0.00
FEE OVERAGES/SHORTAGES	721.47				721.47
SALE OF COUNTY EQUIPMENT	14,000.00				14,000.00
<b>TOTAL REVENUE</b>	<b>\$29,689.18</b>	<b>\$95,079.05</b>	<b>\$802,354.68</b>	<b>\$123,329.98</b>	<b>\$1,050,452.89</b>
<b>EXPENDITURES PERSONAL SVS</b>					
ELECTRICAL INSPECTOR I			41,032.00		41,032.00
ELECTRICAL INSPECTOR II				17,666.25	17,666.25
BLDG. INSPECTOR II			35,099.00		35,099.00
PLUMBING INSPECTOR I			39,077.00		39,077.00
PLANS EXAMINER I			9,559.09		9,559.09
BUILDING INSPECTOR I		387.50	3,487.50		3,875.00
CODE ENFORCEMENT TECH			24,392.16		24,392.16
OFFICE MANAGER 1	7,972.00		5,979.00	5,979.00	19,930.00
OFFICE SPECIALIST 1	30,474.00				30,474.00
OFFICE SPECIALIST 2	0.00	0.00	0.00	0.00	0.00
OFFICE SPECIALIST 3	0.00	0.00	0.00		0.00
PERMIT CLERK			17,623.00		17,623.00
ASSISTANT PLANNER		41,327.43	10,331.86		51,659.29
ASSOCIATE PLANNER		0.00			0.00
SENIOR PLANNER		0.00	0.00		0.00
PLANNING MANAGER					42,850.00
BLDG. OFFICIAL	6,427.50		27,852.50	8,570.00	42,850.00
DIRECTOR	22,447.50	13,468.50	6,734.25	2,244.75	44,895.00
TEMPORARY HELP				14,510.00	14,510.00
OVERTIME				0.00	0.00
<b>WAGES</b>	<b>\$67,321.00</b>	<b>\$55,183.43</b>	<b>\$180,135.36</b>	<b>\$48,970.00</b>	<b>\$435,491.79</b>
LONGEVITY PAY	74.99	910.56	85.70		1,071.25
LEAD WORKER	0.00				0.00
CERTIFICATION PAY			0.00		0.00
FRINGE BENEFITS	7,133.58	28,534.33	54,215.23	52,788.52	142,671.67
PAYROLL COSTS	8,572.16	34,288.63	65,148.40	63,433.97	171,443.16
SALARY BENEFITS & ADJ.	0.00	0.00	0.00	0.00	0.00
<b>TOTAL PERSON. SERVICES</b>	<b>\$83,101.73</b>	<b>\$118,916.96</b>	<b>\$299,584.69</b>	<b>\$165,192.49</b>	<b>\$750,677.87</b>
<b>MATERIALS &amp; SERVICES</b>					
SUPPLIES	399.13	399.13	1,596.50	1,596.50	3,991.25
PRINT & REPRODUCTION	31.66	94.99	253.30	253.30	633.25
POSTAGE	176.29	2,820.62	176.29	352.58	3,525.78
SUBSCRIPT. & MEMBERSHIP		(12.57)	(26.65)	(11.06)	(50.28)
AVOCETTE SOFTWARE					4,267.50
NOTICE & PUBLICATION		634.21	687.07		1,321.28
COPIER MAIN & USAGE	840.83	840.83	840.83	840.83	3,363.30
P.C.'S, ACCESS., SOFTWARE	477.22	477.22	477.22	477.22	1,908.88
SCHOOLS & SEMINARS	3,439.51				3,439.51
MEETINGS/TRAVEL	1,363.48				1,363.48
TELEPHONE	16.36	130.87	81.80	98.15	327.18
VISA BANK CHARGES		1,675.87	6,703.50		8,379.37
CODE ENFORCEMENT					558.68
CELL PHONE ALLOCATION					200.00
REPAIRS & MAINTENANCE	6.79	145.98	84.87	101.85	339.49
COMPUTER SUPPLIES & EQUIP	3,576.25	3,576.25	3,576.25	3,576.25	14,304.99
REFUNDS		2,405.75	3,671.93	253.24	6,330.92
OTHER CONTRACTED SERVICES			0.00		0.00
<b>TOTAL MAT. &amp; SERVICES</b>	<b>\$10,327.51</b>	<b>\$13,189.15</b>	<b>\$18,122.90</b>	<b>\$7,538.85</b>	<b>\$54,204.58</b>
<b>CAPITAL OUTLAY</b>					
MOTOR VEHICLE			26,378.31		26,378.31
SPECIAL EQUIP. (SIERRA)					0.00
<b>TOTAL CAPITAL OUTLAY</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$26,378.31</b>	<b>\$0.00</b>	<b>\$26,378.31</b>
<b>TOTAL EXPENDITURES</b>	<b>\$93,429.24</b>	<b>\$132,106.11</b>	<b>\$317,707.59</b>	<b>\$172,731.33</b>	<b>\$831,260.76</b>
<b>LESS REVENUE</b>	<b>\$29,689.18</b>	<b>\$95,079.05</b>	<b>\$802,354.68</b>	<b>\$123,329.98</b>	<b>\$1,050,452.89</b>
<b>GEN. FUND EXPENDITURES</b>	<b>\$63,740.06</b>	<b>\$37,027.06</b>	<b>(\$484,647.09)</b>	<b>\$49,401.35</b>	<b>(\$219,192.13)</b>



# CODE ENFORCEMENT

## November 2023 Statistics

New Cases Received		Nov-23	
Cases by Category	OCCUPIED RVS (RV)		6
	ILLEGAL BUSINESS (IB)		1
	JUNK (J)		2
	MARIJUANA GROW (MJ)		0
	DRAINAGE(D)		0
	NEIGHBOR DISPUTE (ND)		0
	CONSTRUCTION W/O PERMITS (UP)		5
	MULTIPLE DWELLINGS (MD)		0
	LIVESTOCK (LS)		0
	EASEMENT ( E )		0
	MEDICAL HARDSHIP (MH)		0
	HOMELESS ENCAMPMENT (HE)		0
	DANGEROUS CONDITIONS (DC)		0
	CHICKEN FARM / FLOOD PLAIN (FP)		0
	SETBACKS		1
	(Some files have multiple categories)		
Total new Nov. 2023			15
Cases Closed		Total Closed Nov. 2023	7

Highlighted Cases	11/2/2023	<p>A "Stop Work" notice was posted by Code Enforcement on a property on Sodaville-Waterloo Road in Lebanon where it appeared the owner was turning a single-family house into a duplex. He was also enclosing an open patio, turning it into a room inside one of the units. In speaking with the owner, he said it was not a "duplex" but a single family house with an apartment he stayed in when he was in town. He will be required to remove the dividing walls between the units and take out the extra kitchen.</p> <p>An inspection on Mount Pleasant Road in Lebanon revealed a manufactured home had been placed on one end of a long property that already had a rental house on it. Permits had previously been issued for electrical to operate irrigation and another permit to store a manufactured home. At some point in time, the manufactured home was installed and now occupied, all without land use approval and permits for a second dwelling.</p>
-------------------	-----------	---



Special Meetings

11/15/2023

Code Enforcement, along with staff from the Road Department, met with a complainant and the property owner at a location on Gilkey Road in Scio regarding drainage issues. The complainant said the size of the culverts at Gilkey Road where run-off water goes from the roadway into a drainage ditch are larger than the culverts installed by the property owner further up the ditch. Road Department staff measured the culverts and calculated that the complainant is correct in believing the difference in culvert size will lead to an overflow across Gilkey Road and onto his property. The property owner will now work on replacing the culverts on his property to match the ones at the roadway.

11/15/2023

In another drainage situation, Code Enforcement and Road Department staff met with property owners on Walnut Drive in Albany regarding a natural run-off ditch that may be blocked by fill brought in by a neighbor. It is not known at this time if the fill will affect run-off and since it will not impact the roadway, it becomes a civil matter between the neighbors if there is any flooding or damage.

Court Cases

11/15/2023

The owner of "The Compound" on River Road in Lebanon appeared before the judge to discuss the operation of a non-permitted campground on his property. Code Enforcement had prepared a compliance agreement with the owner to complete several actions before each monthly court date in order to avoid any fines and the judge accepted that agreement as a course of action. So far the owner has issued eviction notices to the occupants on his property and has made arrangements with a certified engineer to prepare plans for construction on a shop already in progress so he can obtain the appropriate permits to build it.



## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director

---

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816 Fax 541-926-2060  
[www.co.linn.or.us](http://www.co.linn.or.us)

**TO:** Linn County Board of Commissioners  
**FROM:** Alyssa Boles, Planning & Building Department  
**RE:** December 12, 2023 Agenda Summary

---

The following items are scheduled to be signed by the Board on December 12, 2023:

**Resolution & Order No. 2023-417 and Ordinance No. 2023-418** - PLN-2023-00303; Combined applications by Wilsonville Concrete Products, Inc. for a Comprehensive Plan (Plan) text amendment, a Zoning Map Amendment, and a Code Text Amendment on a 5.00-acre portion of two properties (T15S, R03W, Section 9, Tax Lots 202 and 219). Tax Lot 219 is zoned Limited Industrial (LI) and Tax Lot 202 is split-zoned LI and Exclusive Farm Use (EFU). The application affects all of Tax Lot 219 and a 2.00-acre portion of Tax Lot 202, zoned LI. The Plan text amendment is for an exception to Statewide Planning Goal 14 (Urbanization) on the 5.00-acre portion of the properties in order to establish and operate a "ready-mix concrete batch plant". The Zoning map amendment would establish a Limited Use Overlay (LUO) to the 5.00-acre area. The Code Text amendment would establish the uses allowed within the LUO.

The Board held a duly noticed public hearing on the applications and voted 3-0 to approve the proposed amendments.

## BOARD OF COMMISSIONERS HEARING STAFF REPORT

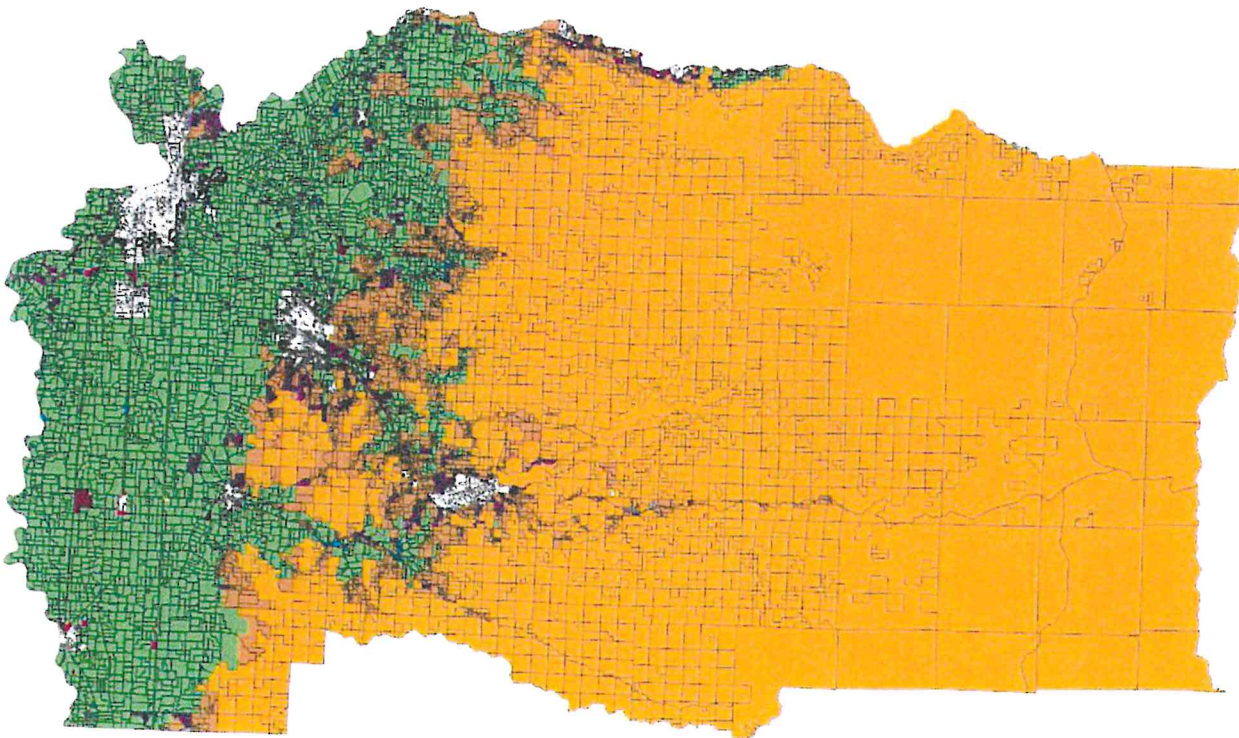
PREPARED BY: Alyssa Boles, Planning Manager

DATE ISSUED: December 5, 2023

HEARING DATE: December 12, 2023

APPLICATION: **PD23-0670:** A legislative Code text amendment application by Linn County to amend sections of Linn County Code (LCC) Chapters 920, 928, and 934. The proposed amendments are to implement portions of Senate Bill 85 (2023) relating to the establishment of new large confined animal feeding operations.

CRITERIA: The hearing will be conducted under the procedures for a Type IIIA Legislative Hearing in Linn County Code (LCC) 921.130. Code amendment procedures and criteria are contained in LCC 921.802 to 921.840. The application will be reviewed and a decision will be made using the following decision criteria from Section 921.824 of the Linn County Land Development Code.





## A. BACKGROUND & ANALYSIS

Senate Bill (SB) 85 (2023 Legislative Session, **Exhibit B**), amends several sections of Oregon Revised Statutes (ORS) as they relate to confined animal feeding operations (CAFOs) in Oregon. Generally, the bill amends sections of the permit requirements for CAFO's associated with water quality permits and other permit requirements reviewed by the Oregon Department of Agriculture (ODA) and the Oregon Department of Environmental Quality (DEQ), along with the requirement for the Oregon DEQ to report air quality findings that relate to animal feeding operations to the Legislature, under the provisions of the National Air Emissions Monitoring Study, currently under review by the US Environmental Protection Agency (EPA).

Of relevance to the County, SB 85 establishes a land use element to the permitting of confined animal feeding operations, which is contained in Sections 14 and 15 of the bill (**Exhibit B, page 9**).

Sections 14 and 15 state:

"LAND USE

### SECTION 14.

*(1) Prior to applying for a permit under ORS 468B.050, an applicant for a proposed confined animal feeding operation shall request, from the city or county in which the confined animal feeding operation is proposed to be located, a land use compatibility statement that authorizes the land use. (2) The land use compatibility statement must demonstrate that the requested permit pertains to a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. (3) The Department of Environmental Quality or the State Department of Agriculture may not issue the permit under ORS 468B.050 if the land use compatibility statement demonstrates that the proposed land use is prohibited in the applicable zone.*

### SECTION 15.

*Notwithstanding ORS 30.935, 215.253(1) and 633.738, the governing body of a city or county in which a new large confined animal feeding operation, as defined in ORS 468B.215, is proposed to be located may require the new large confined animal feeding operation to include a setback or buffer, composed of a natural or created vegetative barrier, berm or terrain, in the production area of the new large confined animal feeding operation, if the parcel of land on which the new large confined animal feeding operation would be located is adjacent to a parcel on which: (1) A residential structure is lawfully sited; or (2) A structure that was lawfully sited when constructed, but no longer conforms with or is allowed under new or changed land use requirements, is sited."*

Section 14 requires applicants proposing confined animal feeding operations to request cities or counties to sign a land use compatibility statement that authorizes the use. This is already required by the ODA as part of an application for a confined animal feeding operation.

Section 15 allows for a city or county to establish a setback or buffer, composed of a natural or created vegetative barrier, berm or terrain for new large confined animal feeding operations if the parcel of land on which the new large confined animal feeding operation would be located is adjacent to a parcel on which: (1) A residential structure is lawfully sited; or (2) A structure that was lawfully sited when constructed, but no longer conforms with or is allowed under new or changed land use requirements, is sited.

The bill amends ORS 468B.215 to include a definition of new large confined animal feeding operation, which is: "a large confined animal feeding operation that is seeking a permit under ORS 468B.050 to operate on a parcel of land on which no confined animal feeding operation has previously operated." ODA rulemaking is still required to further clarify and implement this definition.

The ODA defines CAFOs in OAR 603-074-0010:

(3) "Confined animal feeding operation (CAFO)" means:

(a) The concentrated confined feeding or holding of animals or poultry, including but not limited to horse, cattle, sheep, or swine feeding areas, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities and fur farms;

(A) In buildings or in pens or lots where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather; or

(B) That have wastewater treatment works; or

(C) That discharge any wastes into waters of the state.

(b) An animal feeding operation that is subject to regulation as a concentrated animal feeding operation pursuant to 40 CFR § 122.23.

The definition of CAFO can be found in **Exhibit A, page 3** of the staff report.

CAFOs are allowed outright as a farm use on land zoned for farm use under state law and County Code. For ease of implementation of the new proposed setback standard, staff proposes to amend the applicable sections of LCC Chapter 928 (Rural Resource Zone Code) by describing CAFOs as a specific use. CAFOs can still be allowed to be sited as a farm use under state law and County Code.

The proposed Code text amendments would add a new definition of "Production Area" and "Residential Structure" by amending definitions and terms described in Linn County Code (LCC) Chapter 920; add "A new large confined animal feeding operation, as defined in ORS 468B.215" as a an allowed use in LCC Section 928.310(B) (Non-dwelling, non-soil-dependent uses allowed outright in the EFU zoning district) and 928.610(B) (Non-dwelling, non-soil-dependent uses allowed outright in the F/F zoning district) in the farm area of the F/F zoning district; add a new setback standard for the siting of new large CAFOs to Chapter 934.530 (RRZ structural setbacks). The proposed amendments are attached to this staff report in **Exhibit A, page 2**.

Staff provides the following analysis and clarification regarding the proposed amendments:

#### Definition of Production Area:

The definition of "Production Area" adopts the definition of production area used by the ODA, found in Oregon Administrative Rules (OAR) 603-074-0010. The ODA's definition can be found in **Exhibit A, page 4**.



### Definition of Residential Structure:

County Code does not contain a definition of residential structure, as it pertains to the language in the bill. A definition is proposed that defines "residential structure" as a single family dwelling or manufactured home.

LCC 920.100(A) states that a term not defined in the Development Code shall have its ordinary accepted meaning within the context in which it has been used and that the most current edition of *Webster's New Collegiate Dictionary* shall be considered the source of accepted meanings. The definitions of "residential," "residence," and "dwelling" in *Webster's Dictionary* were used to create the definition of residential structure as it is proposed. *Webster's* defines residential as "used as a residence or by residents." Residence is defined by *Webster's* as "a building used as a home." Dwelling is defined by *Webster's* as a shelter (such as a house) in which people live.

County Code provides further clarification for the proposed definition when considering the definition of "accessory structure," found in LCC 920.100(B)(8). An accessory structure is defined as "any structure, the use of which is incidental, appropriate and subordinate to that of the principal buildings or uses." Accessory structures are also not permitted to be habitable space, cannot be used as a residence, and are subordinate to the primary use of a property.

### Bill Language Clarification

The language contained in Section 15(2) of the bill states, "*A structure that was lawfully sited when constructed, but no longer conforms with or is allowed under new or changed land use requirements.*" The intent behind this language in the bill was to allow for a setback or buffer from structures associated with non-conforming uses. The uses proposed in LCC 928.310 and LCC 928.610 and the setback standard language in LCC 934.530 clarify the language by stating that the setback applies from structures associated with pre-existing and non-conforming uses. Both "pre-existing" and "non-conforming" are defined in County Code, and are included below for reference.

LCC 920.100(B)(210) "Non-conforming use" means a lawful use of land which:

- (a) existed on the effective date of the ordinance which rendered the use non-conforming and continues to exist, or
- (b) has existed for a period of 20 years immediately preceding the date of an application for a nonconforming use review, and
- (c) does not conform to the applicable regulations specified by that ordinance (see LCC Chapter 936 (Non-conforming Uses and Preexisting Uses Code)).

LCC 920.100(B)(250) "Pre-existing use" means

- (a) any lawful use of land, and
- (b) which existed prior to that use becoming a conditional use by county land use regulation, and
- (c) which is now a conditional use under the current zoning district, and
- (d) which has not been reviewed and approved (see LCC Chapter 936 (Non-conforming Uses and Pre-existing Uses Code)).



Proposed Setback:

Pursuant to Section 15 of the bill, the County can adopt a setback standard or vegetative buffer requirement from the production area of a new large CAFO if an adjacent property contains a lawfully sited residential structure or a structure associated with a lawfully established pre-existing or non-conforming use. Staff initially proposed a setback of 2640 feet (one-half mile) from the production area of a new large CAFO based on language in the bill that requires notification to property owners within a half-mile of new large CAFOs, as well as considering CAFO setback standards implemented by other states, which was provided to the Department by interested Linn County citizens. Based on public written and oral testimony, the Planning Commission recommended the Board adopt a setback of 3960 feet (three-quarter miles) from any property line of a property that is proposed to contain a new large CAFO, if an adjacent property contains a lawfully sited residential structure or pre-existing or non-conforming use. The modifications proposed by the Planning Commission are highlighted in yellow in **Exhibit A, page 2**.

The proposed setback would not apply to a residential structure or a structure lawfully established as part of a pre-existing or non-conforming use that is located on the same unit of land as a new large confined animal feeding operation.

**B. LAND USE PROCESS AND DECISION CRITERIA**

The Planning Commission (Commission) held a public hearing on this matter at **7:00 p.m., Tuesday, November 21, 2023**. After the close of the hearing, the Commission adopted a motion to recommend that the Board of Commissioners (Board) approve the amendments, with modifications. Modifications have been incorporated into Exhibit A. The motion passed with a unanimous vote of 6-0. Commissioners Alderman, Cromwell, Legras, McHenry, McKinney, Stutzman voted in favor of the motion.

The Board is scheduled to hold a public hearing on this matter at **10:00 a.m., December 12, 2023** and will make a decision after the close of the public hearing. The Board hearing will be conducted in the Board Hearing Room, Linn County Courthouse, Room 200.

LCC 921.824(A) contains the applicable decision criteria for a Code text amendment.

**LCC 921.824(A) - Decision criteria for Development Code text amendments**

A Land Development Code text amendment may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that:

- (1) The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and
- (2) The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*.

## PROPOSED CODE TEXT AMENDMENTS

The Planning and Building Department (Department) is presenting for Board consideration and recommendation draft amendments to *Linn County Code (LCC)* Chapters 920, 928, and 934. The proposed amendments are contained in **Exhibit A**.

Deletions are shown with a ~~strike through~~ and additions are underlined. All changes are in **red**. **Exhibit A** contain sections of LCC Chapters 920, 928, and 934 that are proposed to be amended, rather than the entire chapter.

Based on public written and oral testimony, the Planning Commission recommended the Board adopt a setback of 3960 feet (three-quarter miles) from any property line of a property that is proposed to contain a new large CAFO, if an adjacent property contains a lawfully sited residential structure or pre-existing or non-conforming use. The modifications proposed by the Planning Commission are highlighted in yellow in **Exhibit A, page 2**. The Board will vote to approve the amendments as proposed, approve the amendments with modifications, or deny the proposed amendments.

The proposed code amendments are identified in **Table 1, Proposed Code Text Amendments**, below:

**Table 1**  
**Proposed Code Text Amendments**

<b>Section</b>	<b>Amendment</b>
LCC 920.100(B)	Adds a definition of "Production Area"
LCC 920.100(B)	Adds a definition of "Residential Structure"
LCC 928.310(B)(18)	Adds "a new large confined animal feeding operation, as defined in ORS 468B.215" as a use allowed outright in the EFU zoning district
LCC 928.610(B)(27)	Adds "a new large confined animal feeding operation, as defined in ORS 468B.215" as a use allowed outright in the farm area of the F/F zoning district
LCC 934.530(C)	Establishes a new subsection (C), described as "New Large Confined Animal Feeding Operation Structural Setback Standard" in the RRZ Structural Setback Standard section.

### C. NOTICE TABLE AND PROCEDURE

#### NOTICE

The proposed Land Development Code text amendments are legislative rather than quasi-judicial. Therefore, notice to individual property owners is not required, as the proposed Code text amendments apply to general classes of property rather than to individual properties [see definition of Legislative Land Use Decision in LCC 920.100(B)(177)]. Public notice was published in the local newspaper and on the Department's website at least 21 days before the first evidentiary hearing. Notice was provided to DLCD at least 35 days prior to the first evidentiary hearing. The following agencies have been provided notice. Exhibit D contains public comments received as of the date this staff report was prepared.

AGENCIES	PROVIDED	RESPONDED
Dept. of Agriculture	x	
Dept. of Fish & Wildlife	x	
Dept. Land Cons. & Dev.	x	
Dept. State Lands	x	
Dept. of Water Resources	x	

**PROCEDURE**

The proposed Code text amendments are classified as a Type IIIA Legislative application. The public notice, evidentiary, and legislative hearing processes will be conducted as set forth in *LCC 921.130: Type IIIA Legislative Procedure*. The "hearing authority" in a Legislative Code text amendment is the Board of County Commissioners for Linn County (Board).

The Planning Commission will conduct one public meeting to discuss this matter at 7:00 p.m., November 21, 2023. At the close of the meeting, the Planning Commission will make a recommendation to the Board. The Board will hold a public hearing on December 12, 2023 at 10:00 a.m. The Board will make a final decision after the close of the hearing.

The Planning Commission and the Board shall provide opportunity for the presentation of argument and testimony. All testimony must be directed toward the applicable decision criteria including applicable criteria in the Comprehensive 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 to LUBA based on that issue.

If the Board hearing is continued or tabled, the chairperson shall state on the record the date and time for which the hearing is rescheduled, the place where the hearing will be conducted, and what limitations exist on further comment or submissions of written materials. Once the hearing is closed to public input, the Board shall begin deliberations on a decision or announce the time, date and place when the decision will be made. The Board shall make a decision conforming to the requirements of LCC 921.140 not more than 42 calendar days from the close of the public hearing.

**D. EXHIBITS**

- A. Proposed amendments to Linn County Code, with supporting documentation
- B. Senate Bill 85 (2023)
- C. Legal notices
- D. Public Comments