



# LINN COUNTY ATTORNEY'S OFFICE

104 4th Avenue SW, Room 123  
P.O. Box 100  
Albany, Oregon 97321-0031

Telephone: 541.967.3840  
Fax: 541.928.5424

COUNTY ATTORNEY  
Eugene J. Karandy II  
[ekarandy@co.linn.or.us](mailto:ekarandy@co.linn.or.us)

DEPUTY  
COUNTY ATTORNEYS  
Kevan J. McCulloch  
[kmcculloch@co.linn.or.us](mailto:kmcculloch@co.linn.or.us)

Phillip E. Van Leuven  
[pvanleuven@co.linn.or.us](mailto:pvanleuven@co.linn.or.us)

LEGAL ADMINISTRATIVE  
ASSISTANT

Dawna L. Steele  
[dsteale@co.linn.or.us](mailto:dsteale@co.linn.or.us)

TO: Board of Commissioners  
FROM: Gene Karandy, Linn County Attorney  
DATE: May 14 & May 28, 2024  
RE: Ordinance No. 2024-164

The following item is scheduled to be heard on May 14 and May 28, 2024.

Ordinance 2024-164: An ordinance adopting the Linn County Electronically Amplified Sound Code. Prohibits the creation of electronically amplified sound that can be heard by a reasonable person of ordinary sensitivities using the person's unaided hearing across property lines, during the weekend day and holiday hours of 11:00 pm to 9:00 am and weekday hours of 10:00 pm to 8:00 am. Violation of this prohibition is a Class A Violation. Adoption of the ordinance requires two public readings in a regularly scheduled Board meeting 14 days apart. If adopted the ordinance would become effective 90 days after adoption.

Financial Impact: None

Staff Recommendation: Approve



LINN COUNTY JUVENILE DEPARTMENT  
104 SW 4<sup>th</sup> Ave. Suite 200 / PO Box 100  
Albany OR 97321  
Phone: 541-967-3853  
Fax: 541-967-4268



---

## REPORT TO COMMISSIONERS

### Update for April 2024

*Submitted by Torri Lynn; Juvenile Department Director*

### **Detention**

Benton: 4 youth were held for 10 total of days of care, 0 females and 4 males.

Total Admissions to Detention = 4

Average Daily Population = 0.33 youth

Average Length of Stay = 2.50 days

Linn: 23 youth were held for 242 total of days of care, 5 females and 17 males, 1 Non-Binary

Total Admissions to Detention = 26

Average Daily Population = 8.07 youth

Average Length of Stay = 9.31 days

Lincoln: 6 youth were held for 108 total days of care, 1 females and 5 males

Total Admissions to Detention = 6

Average Daily Population = 3.60 youth

Average Length of Stay = 18.00 days

Facility: Unduplicated youth: 34

Total Admissions: 37

Total Days of Care: 370

Average Daily Population: 12.33

Average Length of Stay: 10.00 days

**Time for Change Program: 0**

### **Probation**

The Juvenile Department received 39 referrals during the month of April 2024.

Of the 39 referrals, 6 represent dependency, 14 status and 18 criminal.

**Torri Lynn**  
Director  
Juvenile Department

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

**Rob Perkins Jr.**  
Supervisor  
Community Programs

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

**Lisa Robinson**  
Supervisor  
Probation Services

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

**Tracy Rieker**  
Office Manager  
Juvenile Department

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

**Kevin Husk**  
Detention Manager  
Linn Benton Detention Center  
(541) 791-9397

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



## LINN COUNTY JUVENILE DEPARTMENT

104 SW 4<sup>th</sup> Ave. Suite 200 / PO Box 100

Albany OR 97321

Phone: 541-967-3853

Fax: 541-967-4268



---

There are currently 200 youth in the Probation Unit either on probation or pending court with 39 of those being assessed high-risk.

There are currently 103 youth under the Community Programs Unit serving on informal probation and the Intervention Specialist is currently serving 116 youth. 110 of those youth are from the community with no involvement with law enforcement.

Victim Advocate made 93 victim contacts

Cases Unassigned: 9

OYA Cases: 37

### **Work Crew**

Tier 1 – 10 youth completed 152.25 hours of community service in 10 project days. In 2023 6 youth completed 115.25 hours of service during the same time period.

Tier 2 – 21 youth completed 407.00 hours of work crew in 17 project days. In 2023 19 youth completed 466.00 hours of service during the same time period.

CWRR (Community Wildfire Risk Reduction)– 3 youth completed 43.50 hours in 4 project days

### **Miscellaneous Business -**

---

**Torri Lynn**  
Director  
Juvenile Department

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

**Rob Perkins Jr.**  
Supervisor  
Community Programs

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

**Lisa Robinson**  
Supervisor  
Probation Services

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

**Tracy Rieker**  
Office Manager  
Juvenile Department

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

**Kevin Husk**  
Detention Manager  
Linn Benton Detention Center  
(541) 791-9397

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

# LINN COUNTY TREASURER



**MICHELLE HAWKINS**  
*Treasurer*  
[mhawkins@co.linn.or.us](mailto:mhawkins@co.linn.or.us)

**BREEANNA OXFORD**  
*Chief Deputy Treasurer*  
[boxford@co.linn.or.us](mailto:boxford@co.linn.or.us)

---

*Linn County Courthouse  
P.O. Box 100, Albany, Oregon 97321  
(541) 967-3861 FAX: (541) 926-8228*

To: Board of Commissioners

From: Linn County Treasurer/Budget Officer

Date: May 28TH, 2024

Re: **Order # 2024-200**

Order # 2024-200 is a transfer within the General fund for the JP Courts. It is to correct last week's Revenue increase and put some of the money in Personnel Services for yearend and Angie Debban retiring. \$30,000 total.

Financial Impact. There is no financial impact.



**BOARD OF COMMISSIONERS HEARING STAFF REPORT**



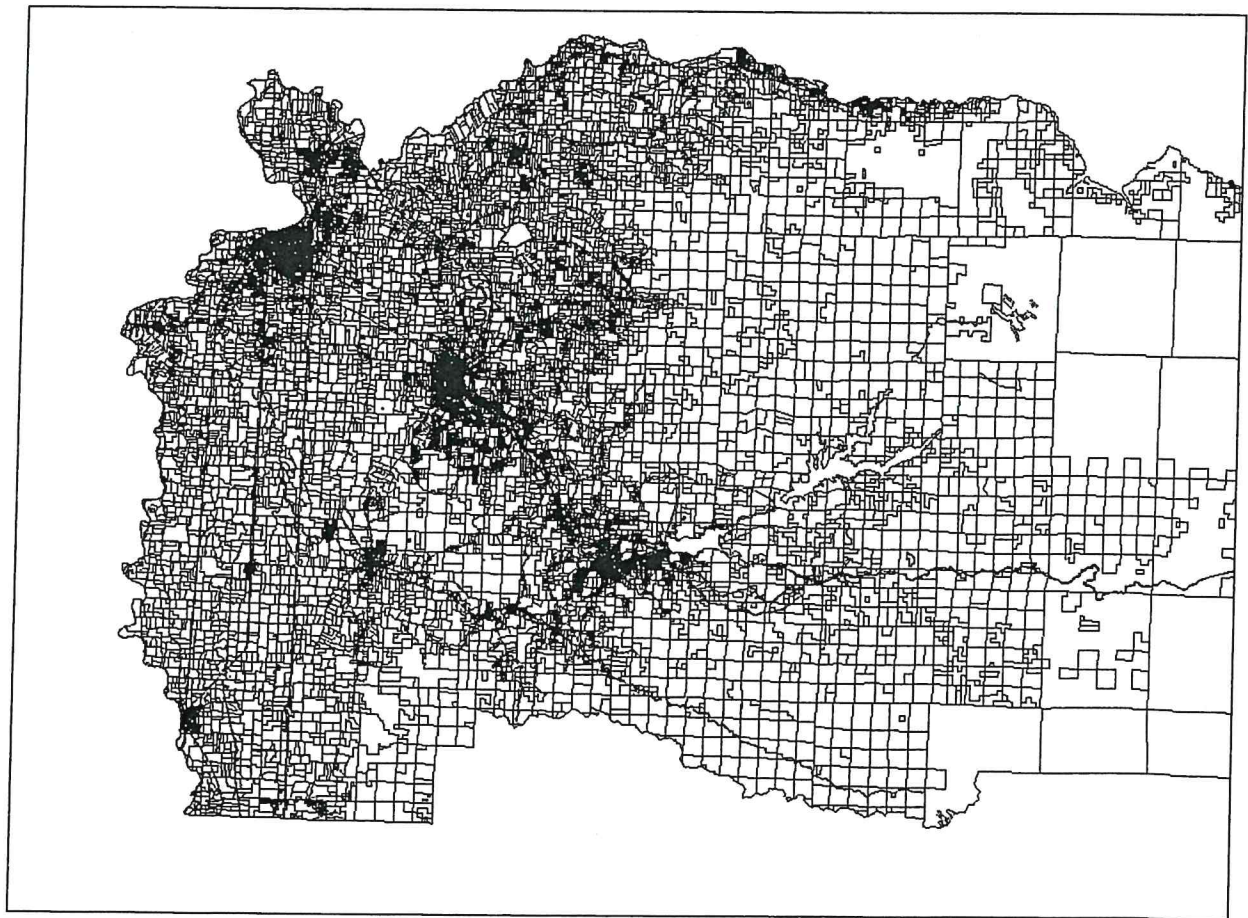
PREPARED BY: Alyssa Boles, Planning Manager

DATE ISSUED: May 21, 2024

HEARING DATE: May 28, 2024

APPLICATION: **PD24-0038**: an application by Riverland, LLC for a Code Text amendment to Linn County Code (LCC) Section 930.520 [UGA-RCM uses permitted through a Type IIA conditional use review] to add "The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products conducted wholly indoors, excluding slaughterhouses, rendering plants and canneries." as Type IIA conditional use.

CRITERIA: The applicable decision criteria are contained in LCC 921.874.



1 Inch = 33,500 feet

Linn County Planning & Building Department

Date: 07/25/2022

## I. INTRODUCTION

### A. APPLICATION SUMMARY

A copy of the complete application is attached to this report in **Exhibit A**. The application proposes to add a new conditional use in the Urban Growth Area – Rural Commercial (UGA-RCM) zoning district. The UGA-RCM zoning district lists the uses permitted through a Type IIA conditional use review in Linn County Code (LCC) Section 930.520.

LCC 920.520 reads:

UGA–RCM uses permitted through a Type IIA conditional use review

*(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted in the UGA–RCM zoning district, subject to a Type IIA conditional use permit review process, if the decision criteria in LCC 933.250 to 933.260 are met.*

*(B) The uses set forth in LCC 929.430 are permitted conditionally in the UGA–RCM zoning district.*

In order to permit a new use in the UGA-RCM zoning district, a Code Text Amendment is required. The following text amendment is proposed to LCC 920.520 to allow for a new conditional use in the UGA-RCM zoning district. Added text is underlined. All changes are in red.

#### **LCC 920.520 UGA–RCM uses permitted through a Type IIA conditional use review**

*(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted in the UGA–RCM zoning district, subject to a Type IIA conditional use permit review process, if the decision criteria in LCC 933.250 to 933.260 are met.*

*(B) Uses permitted conditionally.*

*(1) The uses set forth in LCC 929.430 are permitted conditionally in the UGA–RCM zoning district.*

*(2) The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products conducted wholly indoors, excluding slaughterhouses, rendering plants and canneries.*

The amendment is proposed in order to permit a new conditional use in the Urban Growth Area (UGA-RCM) zoning district. The UGA-RCM zoning permits uses through a Type IIA Review as listed in LCC 929.430(B). The proposed text amendment would add a new use that is specific to the UGA-RCM section of the Code, rather than an amendment that would apply to both the UGA-RCM and RCM zones through an amendment to 929.430(B). There are 18 UGA-RCM zoned properties potentially affected by the proposed text amendment. The UGA-RCM zoned properties are located within the urban growth boundaries of the Albany, Halsey, Harrisburg, Lebanon, and Tangent.

Staff has amended the language initially proposed as part of the application to include the use in only the UGA-RCM zoning district because the RCM zoning district does not permit for buildings over 3,750 square feet in size with, pursuant to LCC 905.520(B)(5). The UGA-RCM zoning district does not have a building size limitation.



The text amendment proposes the new use as a Type IIA conditional use to allow for a land use review to determine if the location, size, design and operating characteristics of the proposed development will be made reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood; and other compatibility criteria.

If the Board of Commissioners (Board) adopts the proposed text amendment, the applicant has indicated the intent to subsequently apply for a conditional use permit to establish the use on a 1.50-acre property zoned UGA-RCM, within the urban growth boundary of the city of Tangent (T11S, R04W, Section 36D, Tax lot 315).

#### **B. A. PUBLIC HEARINGS**

The Planning Commission (Commission) held a public hearing on this matter at **7:00 p.m., Tuesday, March 12, 2024**. After the close of the hearing, the Commission adopted a motion to recommend that the Board of Commissioners (Board) approve the amendments as proposed.

**B.** The Board is scheduled to hold a public hearing on this matter at **10:00 a.m., May 28, 2024** 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.

#### **C. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., March 12, 2024. After considering all the written evidence and oral testimony presented at the Commission hearing, the Commission voted 4-0 to adopt a motion to recommend that the Board approve the amendments, as proposed. Commissioners Alderman, Boshart, Legras, and Stutzman voted in favor of the motion.

#### **D. DECISION CRITERIA**

The applicable decision criteria are contained in LCC Section 921.824(A). The decision criteria are attached to this report as **Exhibit B**.

## **II. ANALYSIS**

### **DECISION CRITERIA**

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

**CRITERION: LCC 921.824(A)(1); The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and**

**ANALYSIS:** The UGA-RCM Zoning District Section 930.500, statement of purpose is:

*(A) The Urban Growth Area–Rural Commercial (UGA–RCM) zoning district is intended to protect areas adjacent to urban centers from the type and intensity of land division or development that would impede future urbanization of the area.*

*(B) The development of land within a UGA–RCM zoning district is intended to be consistent with the Comprehensive Plan designation of the affected city.*

The applicant proposes to add "The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products conducted wholly indoors, excluding slaughterhouses, rendering plants and canneries." as a Type IIA use in the UGA-RCM zoning district. The range of Type IIA uses listed in LCC Section 930.520 includes veterinarian clinics, kennels, sign painting and repair, utility facilities necessary for public service, public and semi-public buildings, and parks.

Linn County requires a conditional use permit prior to authorization of several uses in the UGA-RCM zone. LCC Section 933.260 contains applicable decision criteria that must be addressed in a conditional use review in the UGA-RCM zone. The conditional use review process allows the applicant the opportunity to address and mitigate potential impacts to surrounding properties and address applicable Code criteria and development standards.

The criteria in LCC 933.260 also require a finding that the proposed use is consistent with the affected city's Comprehensive Plan, Facilities Plans or development standards, and that the proposed use does not: (a) preclude future urban development on the subject property or adjacent properties; or (b) conflict with future location and placement of streets and services.

All cities within Linn County were notified of the proposed amendment and did not submit comments regarding the amendment as of the date this staff report was prepared.

The County can approve or deny a request based on decision findings by determining if the application meets applicable criteria in the Linn County Code. The land use review process allows the County to determine if the proposed use is consistent with the statement of purpose of the applicable zoning district.

The Board should consider the applicant statement and staff analysis to determine if the proposed text amendment is consistent with the intent and purpose statement of the LI zone.

**CRITERION: [LCC 921.824(A)(2)]; The amendment is consistent with the intent of the policies within the applicable section(s) of the Comprehensive Plan.**

**ANALYSIS:** Applicable sections of the *Comprehensive Plan (Plan)* include the Land Use Element Code (Chapter 905).

*LCC 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.

The County Comprehensive Plan policies implement the establishment of urban growth boundary agreements and procedures for review of land use applications on properties within an urban growth boundary. Since UGA-RCM zoned properties lie within urban growth boundaries of cities, the affected city's Comprehensive Plan applies in determining whether a proposed development is consistent with Plan policies.

The applicant proposes to add "The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products conducted wholly indoors, excluding slaughterhouses, rendering plants and canneries." as a Type IIA use in the UGA-RCM zoning district. Linn County requires a conditional use permit prior to authorization of several uses in the UGA-RCM zone. LCC Section 933.260 contains applicable decision criteria that must be addressed in a conditional use review in the UGA-RCM zone. The conditional use review process allows the applicant the opportunity to address and mitigate potential impacts to surrounding properties and address applicable Code criteria and development standards.

The criteria in LCC 933.260 also require a finding that the proposed use is consistent with the affected city's Comprehensive Plan, Facilities Plans or development standards, and that the proposed use does not: (a) preclude future urban development on the subject property or adjacent properties; or (b) conflict with future location and placement of streets and services.

All cities within Linn County were notified of the proposed amendment and did not submit comments regarding the amendment as of the date this staff report was prepared.

The Board should consider the applicant statement and staff analysis to determine if the proposed text amendment is consistent with the intent of the policies within the applicable sections of the *Plan*.

### III. NOTICE TABLE AND PROCEDURE

#### A. NOTICE

Notice was provided at least 21 days prior to the hearing date. The proposed amendment applies to the Code text and not to individual properties. The Department of Land Conservation and Development was notified of the proposed amendment at least 35 days before the first evidentiary hearing. The review is legislative rather than quasi-judicial and is governed by LCC 921.135. The following agencies have been provided notice. Two agencies have responded as of the time this staff report was written (**Exhibit C**).

AGENCY	PROVIDED	RESPONDED	AGENCY	PROVIDED	RESPONDED
Linn County GIS	X		Linn County EHP	X	
Linn County Parks	X		Linn County Assessor	X	
Dept. Land Cons. & Dev.	X		Linn County Building	X	
Linn County Road Dept.	X	x	Linn County Sheriff	X	
State Fire Marshal	X		Rural Fire Departments	X	X (1)

**B. 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., March 12, 2024. At the close of the meeting, the Planning Commission will make a recommendation to the Board. The Board will hold a public hearing on May 28, 2024 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.

**VIII. EXHIBITS**

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