



# LINN COUNTY SHERIFF'S OFFICE

**Michelle Duncan, Sheriff**

1115 Jackson Street SE, Albany, OR 97322

Phone: 541-967-3950

[www.linnsheriff.org](http://www.linnsheriff.org)

## MEMORANDUM

To: Linn County Commissioners

From: Captain Ted Langley

Date: 10/29/24

Re: R&O 2024-360, Amendment 4 to R&O 2020-331

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This amendment reflects the addition of two years to the food service contract between Linn County and SUMMIT Food Services. The new expiration date of this contract would be July 1, 2026. Additionally, there is a 12.5% increase in food pricing. Based on the average daily population numbers in the jail over the last 12 months, the potential financial impact to the county is \$47,000 for each of the two years of the extension.



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## MEMORANDUM

To: Linn County Commissioners

From: Captain Ted Langley

Date: 10/29/24

Re: R&O 2024-361, Amendment 5 to R&O 2014-320

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This amendment reflects the addition of four years to the contract between Linn County and Telmate for phone services inside the jail. There are also 2 two-year extension options with the county's and Telmate's approval. Additionally, there is new language addressing additional services for mail scanning by Telmate. An off-site facility will scan mail from friends and family and send it to the jail electronically. The jail will then print off the mail and deliver it to the appropriate AIC. This service has a potential cost of \$4100/year. It also eliminates the possibility of staff exposure to illicit substances sent through the mail into the facility.

# LINN COUNTY DEPARTMENT OF HEALTH SERVICES BOARD OF HEALTH REPORT

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## ITEMS FOR BOARD OF HEALTH

### AGENDA

September 15<sup>th</sup>, 2024

Reports for September 2024

- I. Communicable Disease Report
  - A. September Report
  
- II. Vital Statistic Reporting
  - A. Births 52
  - B. Deaths 85
    - 1. Vital Statistics Summary
    - 2. Vital Statistics Detail

# LINN COUNTY DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASE REPORT

September 2024	*5 YR Avg September	Current Calendar Year to Date (YTD)	Previous Calendar YTD	Previous Calendar Year Total	**Avg YTD for Prior 5 Calendar Years
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### Food and Waterborne/Ingestion Illness

Brucellosis	0	0	0	0	0	0
Botulism	0	0	1	0	0	0
Campylobacteriosis	1	2	28	24	35	13
Cryptosporidiosis	2	1	7	10	10	3
Giardiasis	2	1	4	10	15	4
Hepatitis A	0	0	0	0	0	0
Hepatitis E	0	0	0	0	0	0
HUS	0	0	0	0	0	0
Lead Poisoning	0	0	8	1	2	1
Listeriosis	0	0	0	1	1	0
Salmonellosis	4	1	24	5	10	4
Shiga-toxigenic E. coli	1	1	4	8	9	2
Shigellosis	1	1	3	2	2	1
Taeniasis/Cysticercosis	0	0	0	0	0	0
Trichinosis	0	0	0	0	0	0
Typhoid	0	0	0	0	0	0
Vibrio	0	0	0	1	1	0
Yersiniosis	0	0	2	2	2	0

### Bloodborne/Sexually Transmitted Illness

AIDS/HIV	1	0	4	5	6	1
Chancroid	0	0	0	0	0	0
Chlamydia	29	37	245	250	315	127
Gonorrhea	6	12	64	55	74	35
Hepatitis B/Acute	0	0	0	0	0	0
Hepatitis B/Chronic	0	0	5	3	3	1
Hepatitis C/Acute	0	0	0	0	0	0
Hepatitis C/Chronic	10	14	70	80	115	50
Hepatitis D	0	0	0	0	0	0
Syphilis	2	2	23	31	39	12

### Vector-borne/Zoonotic Illness

Animal Bites	35	28	336	266	352	107
Arthropod Vector-borne Disease	0	0	2	1	2	0
Dengue Fever	1	0	1	0	0	0
Hantavirus	0	0	0	0	0	0
Malaria	0	0	0	0	0	0
Q Fever	0	0	1	0	0	0
Tularemia	0	0	0	0	0	0

\* "5 Yr Avg" does not include the current year.

\*\* The "Avg YTD for Prior 5 Yrs" number is the average of the year to date number for the prior five years. It includes the previous year to date value. It does not include the current year.

\*\*\* Influenza laboratory confirmed death of a person <18 years of age.

# LINN COUNTY DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASE REPORT

September 2024	*5 YR Avg September	Current Calendar Year to Date (YTD)	Previous Calendar YTD	Previous Calendar Year Total	**Avg YTD for Prior 5 Calendar Years
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## Illness Acquired via Respiratory Exposure

### A. Vaccine Preventable

Haemophilus Influenzae	0	0	3	3	3	0
Influenza***	0	0	0	0	0	0
Measles	0	0	0	0	0	0
Meningococcal Disease	0	0	0	0	0	0
Mumps	0	0	0	1	1	0
Pertussis	7	0	15	1	1	0
Rubella	0	0	0	0	0	0

### B. Other

Coccidioidomycosis	0	0	1	0	1	0
Cryptococcosis	0	0	0	0	0	1
Legionellosis	0	0	1	0	0	0
Tuberculosis	0	0	1	0	1	1

### Miscellaneous

Carbapenem Resistant Enterobacteriaceae	1	0	6	3	5	2
Nontuberculous Mycobacterial Infection	0	0	2	2	3	1
Candida Auris	0	N/A	0	1	1	N/A

\* "5 Yr Avg" does not include the current year.

\*\* The "Avg YTD for Prior 5 Yrs" number is the average of the year to date number for the prior five years. It includes the previous year to date value. It does not include the current year.

\*\*\* Influenza laboratory confirmed death of a person <18 years of age.

LINN COUNTY DEPARTMENT OF HEALTH SERVICES  
LINN COUNTY BIRTHS

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REPORTING MONTH:

September 2024

FEMALES	20
MALES	<u>32</u>
TOTAL	52

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# VITAL STATISTICS SUMMARY

## Linn County Death Report 9/30/2024

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Female: 39  
Male: 46  
Total: 85

	<u>Primary Cause of Death</u>
Age 20 - 29 yrs 1	1 Gunshot Wound to Head
Age 30 - 39 yrs 4	2 Asphyxia 1 Kidney Disease 1 Toxicology Pending
Age 40 - 49 yrs 4	2 Blunt Force Trauma 1 Kidney Disease 1 Liver Cirrhosis
Age 50 - 59 yrs 5	1 Cancer: Adenocarcinoma 1 Cancer: Cholangiocarcinoma 1 Myocardial Infarction 1 Toxicology Pending 1 Ulcer
Age 60 - 69 yrs 10	1 Cancer: Liver 1 Cancer: Squamous Cell 1 Cardiac Arrest 1 Cardiomyopathy 1 Dysphagia 1 Respiratory Failure 1 Sepsis 1 Stroke 2 Undetermined Natural Causes
Age 70 - 79 yrs 24	1 Abscess 1 Cancer: Adenocarcinoma 1 Cancer: Lymphoma 2 Cancer: Malignant Neoplasm 1 Cancer: Melanoma 1 Cancer: Metastatic 2 Cancer: Squamous Cell 1 Cancer: Tubal 2 Cerebrovascular Accident 1 Coronary Artery Disease 1 Degenerative Brain Disease 1 Encephalitis 1 Heart Disease 1 Hypoxia 1 Intracranial Hemorrhage 1 Kidney Disease

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**Primary Cause of Death**

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- 1 Multiple Sclerosis
- 1 Parkinson's Disease
- 1 Septic Shock
- 1 Toxicology Pending
- 1 Vascular Dementia

**Age 80 - 89 yrs 21**

- 1 Alzheimer's Disease
- 1 Aortic Stenosis
- 1 Aspiration Pneumonia
- 1 Atherosclerosis
- 1 Cancer: Lung
- 1 Cancer: Prostate
- 1 Cardiac Arrest
- 1 Cerebrovascular Accident
- 1 Congestive Heart Failure
- 1 COPD Chronic Obstructive Pulmonary Disease
- 3 Heart Failure
- 1 Hypertension
- 1 Myocardial Infarction
- 2 Respiratory Failure
- 1 Stroke
- 1 Tumor
- 2 Undetermined Natural Causes

**Age 90 - 99 yrs 15**

- 2 Alzheimer's Disease
- 1 Cancer: Squamous Cell
- 1 Cerebrovascular Accident
- 1 Congestive Heart Failure
- 1 Decline in Responsiveness
- 1 Diarrhea
- 1 Heart Disease
- 1 Hypertension
- 1 Ischemia
- 1 Malnutrition
- 1 Peripheral Artery Disease
- 1 Stroke
- 1 Subdural Hematoma
- 1 Vascular Dementia

**Age 100 - 109 yrs 1**

- 1 Hip Fracture
- 

**Total All Ages: 85**

**Tobacco Related: 19 22.35%**  
**Alcohol Related: 2 2.35%**  
**Diabetes Related: 14 16.47%**  
**Drug Related: 1 1.18%**



# VITAL STATISTICS DETAIL

## Linn County Death Report

9/30/2024

Female: 39  
Male: 46  
Total: 85

Ages Age 20 - 29 yrs

Primary COD	Contributing Causes	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Gunshot Wound to Head		9/20/2024	M	29	Suicide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Summary of Deaths by Decade: 1

Ages Age 30 - 39 yrs

Primary COD	Contributing Causes	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Asphyxia, by Ligature Strangulation	Hanging	9/12/2024	M	33	Suicide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asphyxia, d/t Ligature Strangulation	Hanging	9/18/2024	M	37	Accident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kidney Disease, End Stage	Hepatic Encephalopathy, Severe Malnutrition	9/11/2024	M	35		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toxicology Pending		9/13/2024	M	35	Pending	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Summary of Deaths by Decade: 4

Ages Age 40 - 49 yrs

Primary COD	Contributing Causes	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Blunt Force Trauma	Motor Vehicle Crash	9/4/2024	M	44	Accident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blunt Force Trauma	Motor Vehicle Collision Bicyclist w/Truck	9/9/2024	M	40	Accident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kidney Disease, End Stage	Diabetes Type 1; Heart Failure, Resistant HTN, Peripheral Vascular Disease, Proliferative Diabetic Retinopathy, Anemia of Chronic Disease	9/9/2024	M	43		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Liver Cirrhosis, Alcoholic	Heart Failure w/Reduced Ejection Fraction	9/20/2024	M	45		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Summary of Deaths by Decade: 4

Ages Age 50 - 59 yrs

Primary COD	Contributing Causes	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Cancer: Adenocarcinoma, Left Lung, Metastatic to Brain, Liver & Bone	50 Pack Year Hx of Tobacco Smoking; Severe Protein Calorie Malnutrition, HTN, Hyponatremia, Peripheral Vascular Disease, Hx of Substance Use Disorder	9/18/2024	M	57		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Cholangiocarcinoma, Intrahepatic Bile Duct	Metastatic to Liver, Malignant Ascites	9/19/2024	M	59		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thursday, October 3, 2024

Myocardial Infarction, Acute	8/16/2024	F	55	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toxicology Pending	9/5/2024	M	59	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ulcer, Decubitus Stage 4 of the Leg	9/26/2024	M	57	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Summary of Deaths by Decade: 5**  
**Ages Age 60 - 69 yrs**

Primary COD	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Cancer: Liver	9/10/2024	F	66		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Squamous Cell, Metastatic, Carcinoma of Left Lung	9/1/2024	M	69		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cardiac Arrest	9/11/2024	M	65	Diabetes Type 2 w/Complications, HTN, Tobacco Abuse; Supraventricular Tachycardia, Hyperlipidemia, COPD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cardiomyopathy, Ischemic	9/4/2024	F	68	CAD, Hx of Cardiac Arrest w/Ventricular Fibrillation, ST Elevation Myocardial Infarction, COPD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dysphagia, Following Cerebral Infarction	9/14/2024	F	69		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respiratory Failure, Chronic w/Hypoxia	9/30/2024	F	61		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sepsis, w/Methicillin Resistant Staph Aureus	9/6/2024	M	69	Chronic Lymphocytic Leukemia B-Cell Type; Chronic Atrial Fibrillation, Acute on Chronic Heart Failure, Acute Renal Failure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stroke, Acute Ischemic Left Myocardial Cardial Infarction	9/23/2024	M	63	Heart Failure w/Reduced Ejection Fraction, Methamphetamine Abuse, Nonrheumatic Aortic Valve Stenosis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Undetermined Natural Causes	6/21/2024	M	66		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Undetermined Natural Causes	9/11/2024	M	68	HTN, Depression, Alcoholism	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Summary of Deaths by Decade: 10**  
**Ages Age 70 - 79 yrs**

Primary COD	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Abscess, Peritoneal, Complications	9/15/2024	F	75	Duodenojejunostomy w/Jejunostomy & Gastric Tube Placement, Perforated Duodenal Diverticulum; Protein Calorie Malnutrition, Hx of Roux-en-Y Gastric Bypass for Obesity 2007	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Adenocarcinoma, Pancreatic	9/24/2024	M	70		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Lymphoma, Primary Central Nervous System	9/7/2024	F	73		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cancer: Malignant Neoplasm, Metastatic to Brian & Spine	Unknown Primary Site	9/14/2024	F	72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Malignant Neoplasm, Ovary	Malignant Ascites	8/27/2024	F	70	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Melanoma, Metastatic, Left Chest Wall & Left Axillary Lymph Nodes		8/31/2024	M	79	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Metastatic, Rectal	HTN, Chronic Hepatitis C, CKD	9/10/2024	M	74	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Squamous Cell, Penis	Metastatic to Bladder & Prostate	9/9/2024	M	71	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Squamous Cell, Mandibular Alveolar Ridge	Alzheimer's Disease, HTN	9/27/2024	F	77	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Tubal, Left Fallopian Tube	Chronic Systolic CHF, Severe Protein Calorie Malnutrition	9/21/2024	F	76	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cerebrovascular Accident	Malignant Neoplasm of Thyroid Gland	9/23/2024	F	72	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cerebrovascular Accident, Late Effects		9/6/2024	M	75	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coronary Artery Disease	Hyperlipidemia, Pre-Diabetes, Metastatic Prostate Cancer	9/18/2024	M	78	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Degenerative Brain Disease, Senile Encephalitis, Limbic	Cerebral Atherosclerosis, DM2	9/16/2024	F	72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart Disease, Hypertensive Hypoxia	CKD4, CAD, Atrial Fibrillation, CHF	9/5/2024	M	72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intracranial Hemorrhage	Hypercapnia Respiratory Failure, Bladder CA, Hx of Lung CA, Cancer of Glottis, Hyperlipidemia, CAD	9/18/2024	M	79	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kidney Disease, End Stage	Seizure Disorder, HTN, Paroxysmal Atrial Fibrillation	9/12/2024	M	79	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multiple Sclerosis	Essential HTN, Permanent Atrial Fibrillation, Cerebrovascular Accident	9/9/2024	M	73	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkinson's Disease	Chronic Systolic Congestive Heart Failure, HTN	9/6/2024	M	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Septic Shock, Secondary to UTI	Chronic Interstitial Lung Disease, Chronic Diastolic Heart Failure, Seronegative Rheumatoid Arthritis of Multiple Sites, Paroxysmal Supraventricular Tachycardia	9/10/2024	M	72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toxicology Pending		9/25/2024	F	77	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vascular Dementia	Poorly Controlled DM2 & Hyperlipidemia & HTN	9/21/2024	M	72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		9/17/2024	M	78	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Summary of Deaths by Decade: 24**

**Ages Age 80 - 89 yrs**

Primary COD	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Alzheimer's Disease	9/10/2024	F	88		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Contributing Causes</b>								
Cecal Cancer, Carcinoma of Endometrium, Atrial Fibrillation					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Aortic Stenosis, Severe	Permanent Atrial Fibrillation, CHF w/Reduced Ejection Fraction	9/6/2024	F	88	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aspiration Pneumonia	Chronic Aspiration, Interstitial Lung Disease	9/3/2024	M	82	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Atherosclerosis, Cerebral	Protein-Calorie Malnutrition, Multiple Subsegmental Pulmonary Emboli w/o Acute Cor Pulmonale, Major Neurocognitive Disorder d/t Vascular Disease	9/21/2024	F	85	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cancer: Lung, Non-Small Cell, Right Upper Lobe	Tobacco Smoker; Malignant Pleural Effusion, COPD	9/22/2024	F	85	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer: Prostate, Metastatic to Bone	Anemia, Thrombocytopenia, Chronic Systolic CHF, Peripheral Vascular Disease, Persistent Atrial Fibrillation, HTN, Diabetes Type 2	9/24/2024	M	81	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cardiac Arrest	HTN; CKD3, Hyperlipidemia	8/11/2024	M	82	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cerebrovascular Accident	CHF, Severe Protein Calorie Malnutrition, Atrial Fibrillation	8/30/2024	F	87	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Congestive Heart Failure, Chronic Diastolic	HTN; Atrial Fibrillation, Vascular Dementia	9/27/2024	F	89	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COPD Chronic Obstructive Pulmonary Disease	DM2, HTN, CAD	9/13/2024	F	88	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart Failure, w/Reduced Ejection Fraction	CAD; Oral Phase Dysphagia, Seizure Disorder, Left Bundle Branch Block	9/20/2024	M	81	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heart Failure, Chronic Systolic	Mechanical Aortic Valve, Atrial Fibrillation, CKD, Acute Clostridium Difficile Colitis	9/10/2024	M	80	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heart Failure, Acute w/Reduced Ejection Fraction & Diastolic Dysfunction	COPD, Panlobular Emphysema	9/18/2024	F	87	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hypertension, Myocardial Infarction	Hypercholesterolemia; DM2	8/11/2024	M	86	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myocardial Infarction, Secondary to Hypoxic Respiratory Failure	Pulmonary Edema d/t Impaired Cardiac Output, Hypertensive Heart Disease w/Heart Failure; CKD Stage 4, Diabetes Type 2, Obstructive Sleep Apnea	9/11/2024	M	82	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respiratory Failure, Hypoxic	Aspiration Secondary to Dysphagia, Acute Respiratory Failure w/Hypoxia; Community Acquired Pneumonia, ASHD, Pseudophakia	9/19/2024	F	87	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respiratory Failure, Acute w/Hypoxia	Metabolic & Respiratory Acidosis, Metastatic Cancer	9/12/2024	F	89	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stroke, Acute Ischemic Right Middle Cerebral Artery	HTN	9/15/2024	F	87	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tumor, Neoplasm of the Brain of Unknown Origin	8/29/2024	M	88						
Undetermined Natural Causes	8/29/2024	F	87						
Undetermined Natural Causes	9/23/2024	F	82						<input checked="" type="checkbox"/>

**Summary of Deaths by Decade: 21**

**Ages Age 90 - 99 yrs**

Primary COD	Contributing Causes	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Alzheimer's Disease	Hx of CVA, COVID 9/3/2024	9/19/2024	F	94					
Alzheimer's Disease	HTN	9/24/2024	F	98					
Cancer: Squamous Cell, Lung	HTN	9/8/2024	F	90					
Cerebrovascular Accident	Non-ST Elevated Myocardial Infarction, HTN, DM2 w/o Complication	9/29/2024	M	94		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Congestive Heart Failure, Chronic Systolic	Paroxysmal Atrial Fibrillation, DM2 w/Diabetic Neuropathy, CAD	9/28/2024	M	93				<input checked="" type="checkbox"/>	
Decline in Responsiveness, Age-Related Cognitive Decline		9/5/2024	M	97					
Diarrhea	Recurrent Urinary Infection, Cerebrovascular Disease; Non-Reducible Uterine Prolapse	9/21/2024	F	90					
Heart Disease, Hypertensive, and Renal Disease w/Renal Failure	Pulmonary HTN, Protein Calorie Malnutrition, Malignant Neoplasm of Female Breast	9/29/2024	F	96					
Hypertension		8/24/2024	F	95					
Ischemia, Cerebral, Chronic Malnutrition, Severe Protein-Calorie	HTN, Diabetes Type 2, Anemia	9/16/2024	F	90					<input checked="" type="checkbox"/>
Peripheral Artery Disease	Dementia Unspecified HTN	9/26/2024	F	92					
Stroke, Acute Ischemic Left MCA	HTN	9/3/2024	M	92					
Subdural Hematoma, Traumatic	Congestive Heart Failure	9/19/2024	F	92					
Vascular Dementia	Fall from Standing Height; Dementia	9/24/2024	F	92	Accident				
	HTN, CKD, Atrial Fibrillation, Peripheral Vascular Disease	9/1/2024	F	95					

**Summary of Deaths by Decade: 15**

**Ages Age 100 - 109 yrs**

Primary COD	Contributing Causes	Death Date	Gender	Age	Manner of Death	Tobacco	Alcohol	Diabetes	Drug
Hip Fracture, Complications, Left	Fall from Standing Height	9/20/2024	F	100	Accident				

**Summary of Deaths by Decade: 1**

Total of All Deaths is 85

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Tobacco Related:	19	22.35%
Alcohol Related:	2	2.35%
Diabetes Related:	14	16.47%
Drug Related:	1	1.18%

LINN COUNTY ENVIRONMENTAL HEALTH  
MONTHLY ACTIVITY REPORT  
FISCAL YEAR  
2024-2025  
FOR MONTH OF SEPTEMBER

	THIS MONTH	YEAR TO DATE	PREVIOUS YTD
<b>ON-SITE SEWAGE DISPOSAL</b>			
Site Evaluation Applications	6	19	43
Permit Applications			
New	10	16	24
Alterations/Remodels/Replacements	2	10	9
Repair	6	22	31
Renewal/Transfer	2	3	3
Authorization to Connect Applications	1	11	24
Plan Review Applications on Existing Systems	0	0	0
Precovers Requested	41	110	75
Precovers Waived	0	1	2
Septic Pumper Truck Inspections	0	0	2
Operations & Maintenance Log Reviews	0	0	1
Complaints Received	1	4	4
<b>LICENSED FACILITIES</b>			
Food Service Facilities			
Routine Inspections	33	113	53
School Kitchens	0	7	12
Mobiles/Commissaries	19	49	37
Follow-up Inspections	31	82	38
Failed to Comply	4	8	1
Licensed Facility Plan Reviews	2	10	13
Pre-Opening Inspections	3	8	18
Temporary Restaurants	8	64	67
Benevolent Restaurants	5	22	16
Recreational Facilities			
Organizational Camps	0	6	3
Recreational Vehicle Parks	0	3	0
Swimming Pools & Spas	0	23	10
Hotels/Motels	0	2	2
Day Cares	3	15	20
Complaints Received	4	23	15

LINN COUNTY ENVIRONMENTAL HEALTH  
 MONTHLY ACTIVITY REPORT  
 FISCAL YEAR  
 2024-2025  
 FOR MONTH OF SEPTEMBER

	THIS MONTH	YEAR TO DATE	PREVIOUS YTD
<b>PUBLIC WATER SYSTEMS</b>			
Routine Sanitary Surveys	1	2	3
Deficiency Follow-ups	3	6	5
Alerts	13	47	11
<b>SOLID WASTE</b>			
Complaints Received	0	2	1
<b>TOTAL NET FUNDS DEPOSITED</b>	\$46,965	\$283,471	\$300,185





## Linn County Health Services

*"Working Together to promote the health and well-being of all Linn County residents"*

Toll Free: 800.304.7468

TTY/Oregon: 800.735.2900

PO Box 100, Albany, OR, 97321

[linncountyhealth.org](http://linncountyhealth.org)

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## Board Summaries for October 29, 2024

### Alcohol & Drug Numbers

September 2024

- Total Clients Seen 235
- Total Visits 2826
  - Individual sessions – 302
  - Group Sessions – 1238

### R&O 2024-339

This Intergovernmental Agreement is between the Albany Partnership for Housing (APH) and Linn County. Under this agreement, APH will provide property management services to clients residing at the Broadway House, while Linn County will rent office space at the residence. Linn County agrees to pay \$750 per month for management fees, \$250 per month for maintenance, and \$550 per month for office space rental. The agreement has a maximum value of \$100,000 and covers a five-year term, from July 1, 2024, to June 30, 2029.

### R&O 2024-345

This Intergovernmental Agreement is between Greater Albany Public Schools (**GAPS**) and Linn County. The agreement has no monetary value but facilitates collaboration between GAPS and Linn County to support students and families in navigating available services. **Linn County will provide staff members stationed at GAPS schools to assist families at no cost with services such as applying for the Oregon Health Plan and accessing other basic needs support.**

### R&O 2024-358

This is a Student Affiliation Agreement between Boise State University and Linn County to provide internship opportunities to students who are in the Masters Level Mental Health program.

### R&O 2024-369

This Memorandum of Understanding is between Albany Partnership for Housing and Community Development (APHCD) and Linn County. APHCD and the Mental Health department are collaborating to provide comprehensive treatment support for Linn County Mental Health clients identified as having higher levels of need. Linn County will offer case management, skills training, and care coordination services to individuals residing in one of the three houses owned by APHCD.

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#### Administration

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#### Alcohol & Drug Treatment

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[justinthomas@linncountyhealth.org](mailto:justinthomas@linncountyhealth.org)

#### Developmental Disabilities

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#### Environmental Health

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[shanesanderson@linncountyhealth.org](mailto:shanesanderson@linncountyhealth.org)

#### Mental Health

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[sandyminta@linncountyhealth.org](mailto:sandyminta@linncountyhealth.org)

#### Public Health

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[shanesanderson@linncountyhealth.org](mailto:shanesanderson@linncountyhealth.org)

**R&O 2024-374**

This is Amendment #1 to the Intergovernmental Agreement between the Oregon Health Authority and Linn County. This amendment increases the maximum amount from \$100,000 to \$150,000. The agreement provides funding for staff to assist families in Linn County with navigating the health care system.

**R&O 2024-382**

This Resolution and Order requests authorization for the publication of an Intent to Award for the acquisition of an industrial generator through an Interstate Cooperative Procurement Agency, Sourcewell. The generator, intended for the 7th Street Medical building, will be purchased at a total cost of \$63,705.20, including shipping. The purchase will be funded by one-time grant of federal funding.

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**Administration**

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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



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## REPORT TO COMMISSIONERS Update for September 2024

*Submitted by Torri Lynn; Juvenile Department Director*

### **Detention**

Benton: 4 youth were held for 36 total of days of care, 1 females and 3 males.  
Total Admissions to Detention = 5  
Average Daily Population = 1.20 youth  
Average Length of Stay = 7.20 days

Linn: 28 youth were held for 228 total of days of care, 8 females and 20 males.  
Total Admissions to Detention = 30  
Average Daily Population = 7.60 youth  
Average Length of Stay = 7.60 days

Lincoln: 6 youth were held for 93 total days of care, 1 females and 5 males  
Total Admissions to Detention = 6  
Average Daily Population = 3.10 youth  
Average Length of Stay = 15.50 days

Clackamas: 0 youth were held for 0 total days of care, 0 females and 0 males  
Total Admissions to Detention = 0  
Average Daily Population = 0 youth  
Average Length of Stay = 0 days

Facility: Unduplicated youth: 38  
Total Admissions: 41  
Total Days of Care: 357  
Average Daily Population: 11.90  
Average Length of Stay: 8.71

**Time for Change Program: 0**

**Torri Lynn**  
Director  
Juvenile Department

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Supervisor  
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**Tracy Rieker**  
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Juvenile Department

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

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## 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



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### **Probation**

The Juvenile Department received 62 referrals during the month of September 2024.

Of the 62 referrals, 11 represent dependency, 20 status and 30 criminal.

There are currently 184 youth in the Probation Unit either on probation or pending court with 30 of those being assessed high-risk.

There are currently 124 youth under the Community Programs Unit serving on informal probation and the Intervention Specialist is currently serving 131 youth. 125 of those youth are from the community with no involvement with law enforcement.

Victim Advocate made 105 contacts.

Cases Unassigned: 9

OYA Cases: 22

DA Review: 10

### **Work Crew**

Tier 1 – 19 youth completed 232.75 hours of community service in 13 project days. In 2023 15 youth completed 298.25 hours of service during the same time period.

Tier 2 – 26 youth completed 415.50 hours of work crew in 21 project days. In 2023 15 youth completed 238.75 hours of service during the same time period.

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### **Miscellaneous Business -**

**Torri Lynn**  
Director  
Juvenile Department

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**Rob Perkins Jr.**  
Supervisor  
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**Lisa Robinson**  
Supervisor  
Probation Services

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

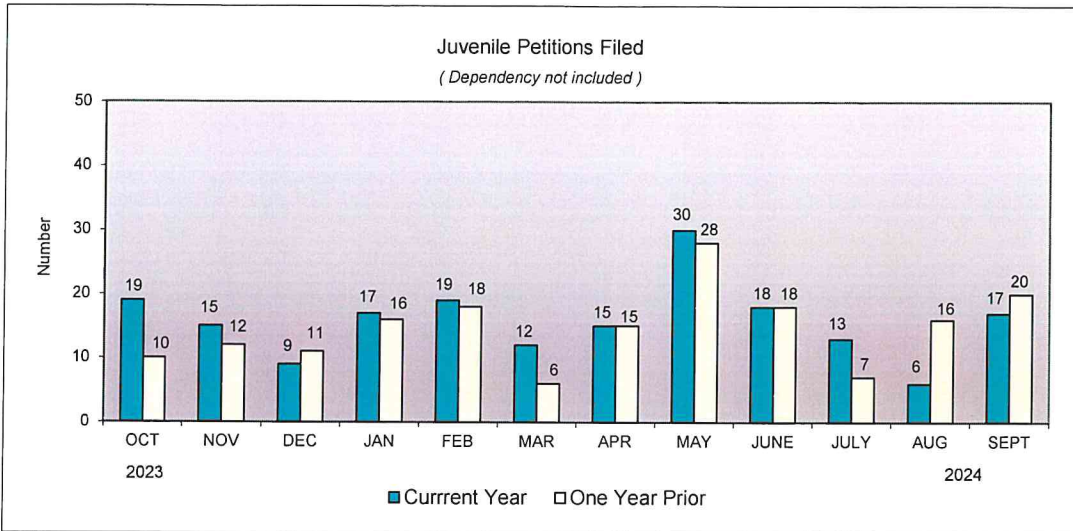
**Tracy Rieker**  
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Juvenile Department

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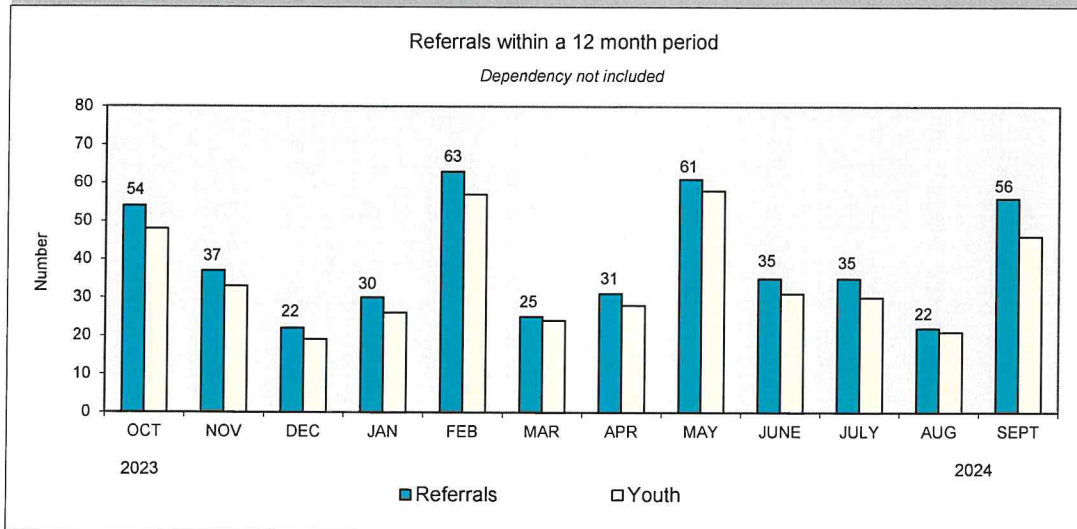
**Kevin Husk**  
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Linn Benton Detention Center  
(541) 791-9397

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

Linn County Juvenile Department  
**SEPTEMBER 2024 Statistics**

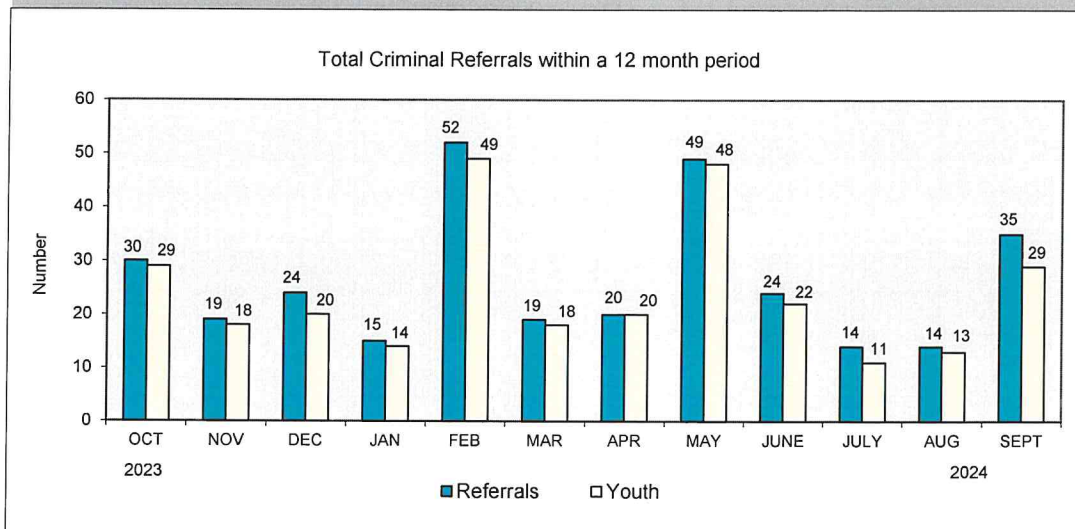


<b>PETITIONS</b>	
Current	190
Last	177
Difference	13



<b>REFERRALS</b>	
Current	471
Last	397
Difference	74

<b>YOUTH</b>	
Current	421
Last	360
Difference	61

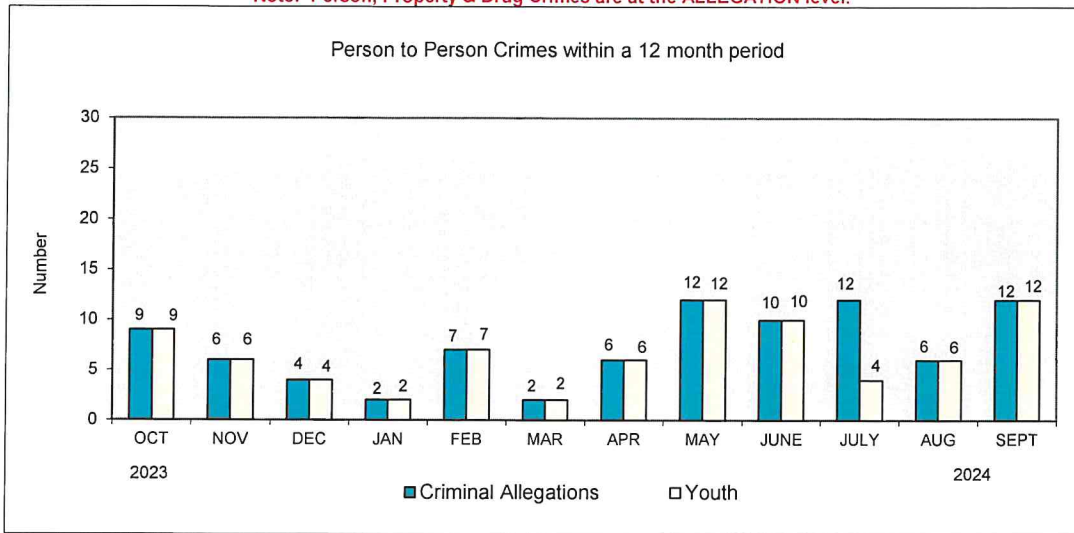


<b>CRIMINAL REFERRALS</b>	
Current	315
Last	251
Difference	64

<b>YOUTH</b>	
Current	291
Last	235
Difference	56

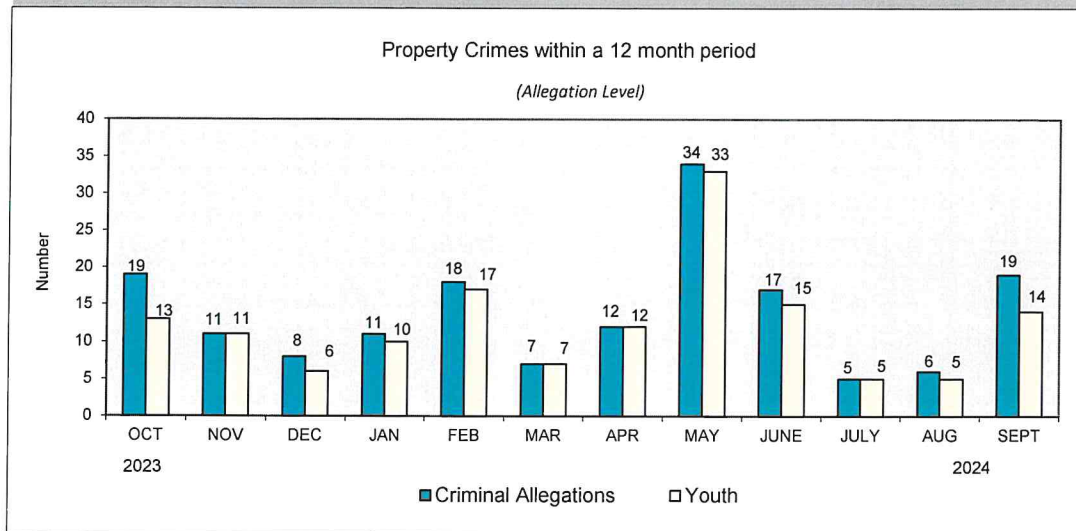
Linn County Juvenile Department  
**SEPTEMBER 2024 Statistics**

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



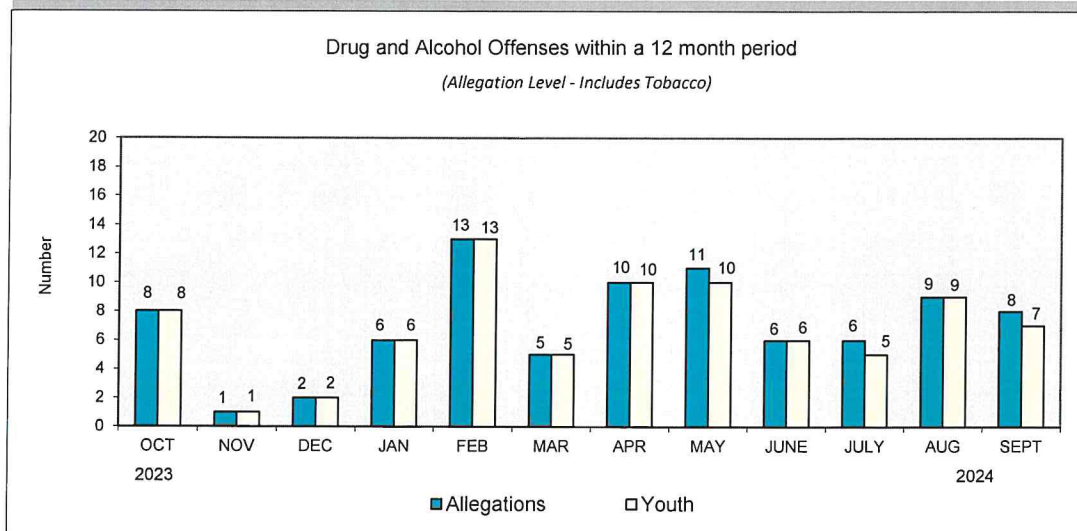
CRIMES	
Current	88
Last	74
Difference	14

YOUTH	
Current	80
Last	70
Difference	10



CRIMES	
Current	167
Last	119
Difference	48

YOUTH	
Current	148
Last	101
Difference	47



CRIMES	
Current	85
Last	68
Difference	17

YOUTH	
Current	82
Last	65
Difference	17

# LINN COUNTY PARKS & RECREATION

3010 FERRY STREET SW, ALBANY, OREGON, 97321  
TELEPHONE: (541) 967-3917 FAX: (541) 924-6915



## Board of Commissioners

From: Stacey Whaley, Parks Director

Date: October 21, 2024

Re: Resolution and Order 2024-379

The following item(s) are scheduled to be heard on October 29, 2024:

Resolution & Order 2024-379: Linn County Parks applied for and received a grant from the Oregon Parks and Recreation Department to upgrade facilities at John Neal Memorial Park in Lyons under Resolution & Order 2024-048. This was there very first park that Linn County Parks ever built in the early 1960s. The grant funds will provide the following improvements: bringing power and water hookups to every site, replacing pavement and paving all sites, replacing the septic filter system that has reached the end of its lifespan, reconfiguring low use sites, adding several more sites to accommodate larger RVs, increasing accessibility by improving sidewalks and bridges, and adding a covered shelter to the group area as well as a patio to the existing day use shelter. This will hopefully extend the life of the beautiful park under the trees for another 50 years.

Financial Impact: The OPRD grant will contribute up to \$521,000 toward the cost of the project. (50% of the initial estimates when the grant was awarded, this includes engineering and design costs.) The total project cost is \$1,042,000. The County's portion will be primarily in-kind labor and project components that we have the capacity to build with our staff. The primary driver for the cost is the paving and new power infrastructure needed. We anticipate spreading these costs over 2 budget years. The funds are allocated from our TLT funds and RV licensing fees.

Staff Recommendation: Approve



**LINN COUNTY PROPERTY MANAGEMENT**  
104 SW 4<sup>th</sup> Avenue, Room 123 Albany, Oregon 97321  
Phone: (541) 967-3807

---

Date: October 29, 2024  
To: Board of Commissioners  
From: Rachel Adamec, Real Property Program Manager  
RE: Sealed Bid Opening - Property Account #851749

Property Management received one sealed bid for property account #851749 (12S-1W-29C-1801).

Property history/details:

Foreclosure Date: September 11, 2012  
Auction Date: February 27, 2015  
Minimum Bid @ Auction: \$18,940  
RMV: \$148,800  
Sealed Bid Minimum: \$2,841 (ORS 275.200(2))  
Taxlot Size: 1.23 acre  
Zoning: Rural Residential, 2.5 acre minimum

This property is on the south side of Highway 20 about 1/3 mile west of Waterloo Rd.







# Linn County Road Department

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

## *Memorandum*

**Date:** 10/24/2024

**To:** Linn County Board of Commissioners

**From:** Wayne Mink, Roadmaster *WEM*

**RE:** Background Information for Agenda Items – 10/29/2024

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The Road Department has the following item on the Board of Commissioners agenda for the weekly meeting on October 29, 2024. The following is a brief description of the item.

**Resolution & Order 2024-372 – Delegation of Authority, Peterbilt Truck Tractor Cab and Chassis**

This is a Resolution & Order to approve a delegation of authority to Wayne E. Mink, Roadmaster, for the purchase of a Peterbilt Truck Tractor Cab and Chassis from Jackson Group Peterbilt in the amount of \$169,756.

We request your approval.

**LINN COUNTY BOARD OF COMMISSIONERS HEARING STAFF REPORT**

PREPARED BY: Kate Bentz, Associate Planner

DATE ISSUED: October 22, 2024

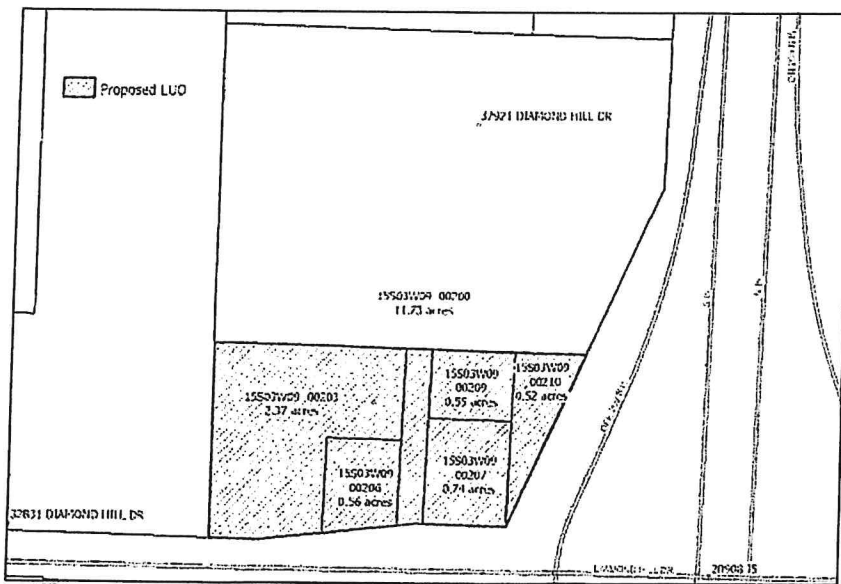
HEARING DATE: October 29, 2024



**APPLICATION:** **PD24-0172:** Combined applications by US Market Enterprises LLC for a Comprehensive Plan (Plan) text amendment, a Zoning Map Amendment, and a Code Text Amendment on a ±5.06-acre portion of six properties (T15S, R03W, Section 9, Tax Lots 200, 203, 206, 207, 209, 210). The properties are zoned Freeway Interchange Commercial (FIC) with an existing Limited Use Overlay (LUO) for Sherman Brothers. The application affects Tax Lots 203, 206, 207, 209, 210 and a ±0.32-acre portion of Tax Lot 200. The Plan text amendment is for an exception to Statewide Planning Goal 14 (Urbanization) on the properties in order to establish and operate a truck and automobile fueling station that includes a fast food restaurant and convenience store with an approximately 9,900 square foot building, which exceeds the maximum 3,750 sq. ft. building size limit established in the FIC zoning code. The Zoning map amendment would establish a new Limited Use Overlay (LUO) for US Market Enterprises LLC to the 5.00-acre area. The Code Text amendment would establish the uses allowed within the LUO.

**LOCATION:** The properties are located at 32909 and 32925 Diamond Hill Drive, on the northwest corner of the intersection of Diamond Hill Drive and I-5, and approximately 4.47 miles east of the city limits of Harrisburg.

**CRITERIA:** Linn County Code (LCC) Sections 921.822(B), 921.824, and 921.872, and Oregon Administrative Rule (OAR) 660-004-0020, 660-004-0022, and 660-014-0040 contain the applicable decision criteria.



Linn County Planning & Building Department

1 inch = 160 feet



## I. INTRODUCTION

### A. APPLICATION SUMMARY

US Market Enterprises LLC submitted concurrent applications for a Comprehensive Plan (Plan) text amendment, a Land Development Code (Code) text amendment, and a Zoning map amendment on a ±5.06-acre portion of six properties identified as T15S, R03W, Section 9, Tax Lots 200, 203, 206, 207, 209, and 210. The subject properties are located at 32909 and 32925 Diamond Hill Drive.

Tax Lots 200, 203, 206, 207, 209, and 210 are zoned Freeway Interchange Commercial (FIC) with a Limited Use Overlay (LUO) for Sherman Brothers. The current Plan map designations of the subject properties is Commercial. The proposed Zoning map amendment would apply a new LUO for US Market Enterprises LLC to the entirety of Tax Lots 203, 206, 207, 209, 210 and a ±0.32-acre portion of Tax Lot 200. The proposed amendments would result in ±5.06 acres of the properties zoned FIC-LUO. The application states that the applicant intends to initiate a property line adjustment to consolidate the portion of Tax Lot 200 into Tax Lot 203 to bring all property into the same ownership. The applicant is already under contract to purchase the ±0.32-acre portion of Tax Lot 200. This consolidation would occur as part of a separate land use review if the application is approved.

The proposed Plan text amendment would amend Linn County Code (LCC) Chapter 905, Appendix 2 to amend the Commercial Exceptions table and add the subject property to the Goal 14 Exceptions table, pursuant to LCC Section 905.610(F) (**Exhibit B, pages 1-2**).

The proposed Zoning map amendment and Code text amendment requires a Plan text amendment to adopt a "reasons" exception to Statewide Planning Goal 14 (Urbanization). The Plan text amendment is for an exception to Statewide Planning Goal 14 on the properties in order to establish a truck and automobile fueling station that includes a fast food restaurant with an approximately 9,900 square foot building (**Exhibit B**). The proposed Code text amendment would amend LCC Section 931.420(B) (LUO; additional uses permitted outright on specific LUO properties) by adding the text detailed in **Exhibit C**.

The applicant has submitted information to address the applicable decision criteria, the Plan policies, Oregon Administrative Rules (OAR), and the Statewide Planning Goals. The application and applicant submittals are attached to this staff report as **Exhibit A**. A portion of the applicant's submittals, specifically technical documents related to the Traffic Impact Analysis (TIA) have been omitted from the staff report exhibits for brevity but are available for review in the official record upon request.

### B. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., October 8, 2024. After considering the staff analysis and the written and oral testimony presented at the Commission hearing, the Commission voted 7-0 to adopt a motion to recommend that the Board approve the proposed amendments. Voting in favor of the motion were Commissioners Alderman, Barnard, Boshart, Cromwell, Legras, McHenry, and McKinney.

## C. DECISION CRITERIA

Linn County Code (LCC) Sections 921.822(B), 921.824, and 921.872, and Oregon Administrative Rule (OAR) 660-004-0020, 660-004-0022, and 660-014-0040 contain the decision criteria for use in this land use review (**Exhibit D**).

### **Section 921.822(B) – Decision criteria for Zoning map amendments**

**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;

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in Exhibit A, page 6.

**STAFF ANALYSIS:** There are no potential geologic hazards or flood hazard areas identified on the subject property; therefore, there should be no significant geologic or flood hazard related adverse effects on land uses permitted through this amendment.

The subject properties are not located in an identified Groundwater Restricted Area or Groundwater Management Area. The applicant states there is at least one active well on the subject property, Linn #14021, which is 42' deep (**Exhibit A, page 81**). No information about the well yield or flow rate was stated. The applicant states there is a well across the street from the subject property which is 38' deep and produces 25 gallons per minute, and the applicant expects to achieve a similar output from a well (existing or new, if needed) on the subject properties. The applicant proposes to operate a food service facility that will serve the general public. Linn County Environmental Health (EHP) was notified of the application and has not provided any comment as of the date of this staff report. Public food service facilities are regulated by Oregon Health Authority and the applicant shall be required to comply with all health and safety requirements before they are approved to operate. Water quality can be tested and verified to the County prior to the issuance of development permits for the restaurant and convenience store.

Previously the subject properties were served by an existing sewage lagoon located on Tax Lot 204, north of the subject properties. The application states that the proposed development will not be served by the lagoons, and instead a new private "Bio-Pure" sanitary sewer system will be installed to serve the site. In total, the proposed system will be designed for 5,000 gallons of water per day. The proposed system will reuse water on site and wastewater will not be discharged into a natural resource. The applicant materials include a letter from JMCS Services LLC, the company which provides the proposed wastewater treatment facility package (**Exhibit A, page 80**). JMCS Services states that based on the proposed size of development and nearby available water resources, a new 5,000 gallon per day facility will adequately serve the new development. Approval from EHP or DEQ must be obtained for an on-site septic system prior to the operation of any new permitted or conditional uses proposed on the subject property.

Oregon Water Resource Department groundwater rules state that a single commercial use not exceeding 5,000 gallons of groundwater per day from is exempt from the groundwater rights permitting process. Exempted uses are on a per-property or per-development basis. Adding additional wells does not increase an exempt limitation. The applicant's statements indicate that they expect adequately serve the proposed facility with a system that uses 5,000 gallons per day or less. The Watermaster for District 2 of the ORWD was notified of the application and did not provide any comments as of the date of this staff report.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**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;

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, page 7**. Additional findings made by the applicant that address this criterion can be found in **Exhibit A, pages 53-79**.

**STAFF ANALYSIS:** Police protection for the property is provided by the Linn County Sheriff's Department. The property is located within the Harrisburg Rural Fire Protection District and Harrisburg Department were notified of the proposed amendments and did not submit comments as of the time this staff report was prepared.

Storm water drainage is typically addressed when a building permit is issued. Development is required to provide for storm water drainage, which is not permitted to flow directly onto adjoining properties. The applicant states that storm drainage will be provided on-site with drainage to the roadside ditch or to other natural drainage ways in the area. Commercial construction will be required to demonstrate compliance with applicable requirements in LCC 860 (Surface Waters Code), verified by the Linn County Building Official and County Engineer, prior to the issuance of any development permits for permitted or conditional uses on the property.

The property has frontage and access on Diamond Hill Drive, a state maintained-right-of-way which connects directly to I-5. The applicant asserts that the uses proposed in the LUO would be less intensive from a traffic standpoint than the reasonable worst-case development scenario already allowed in the FIC zone with multiple lots. The applicant includes a traffic analysis as part of their application (**Exhibit A, pages 53-79**). A Traffic Impact Analysis (TIA) scoping letter was sent to ODOT & Linn County staff in February 2024 for a first review by both agencies. The applicant states that the proposed development is anticipated to produce approximately 9 additional trips during peak hours and 250 fewer daily trips than a reasonable worst-case development in the FIC zone. As a result, the applicant asserts that the proposed text amendment will not significantly affect existing or planned transportation facilities and that TPR requirements under Statewide Planning Goal 12 are met without additional analysis. ODOT representatives agreed with the applicant's assertions about TPR requirements based on correspondence via email on February 28, 2024 (**Exhibit A, page 75**).

Region 2 of the Oregon Department of Transportation (ODOT) was notified of the application. ODOT's comments for the proposal are located in **Exhibit E, pages 1-2** and are incorporated herein by reference. Comments specifically address the particular design & location of the access points on to Diamond Hill Drive and specifically request a correction to some mobility targets required for analysis in the TIA. Region 2 also recommends the installation of a new westbound right-turn lane on Diamond Hill to handle the anticipated increase in current traffic volume. The applicant provided a response to ODOT's comments, which include a supplemental transportation analysis (**Exhibit G, pages 2-29**). The applicant has also found ODOT's request for a new right-turn lane acceptable, and have updated their proposed site plan to incorporate the changes (**Exhibit G, page 1**). ODOT Region 2 has reviewed the supplemental analysis provided by the applicant and has no additional comments (**Exhibit E, page 6**).

Approval from ODOT must be obtained for any modification or change-of-use of the existing access on to Diamond Hill Drive before development permits can be issued for any outright or conditional commercial uses on the subject properties.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**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;

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, page 8.**

**STAFF ANALYSIS:** Adjacent properties are zoned Freeway Interchange Commercial and Exclusive Farm Use. The subject property is within the C-19 ("I-5 and Diamond Hill") Commercial Exception Area. Previous *Plan* text amendments and Zone map amendments adopted by the Board of Commissioners contained findings that determined that the subject properties were committed to urban levels of development for the Sherman Bros Heavy Trucking Inc. (**Exhibit A, pages 97-120**). Additional historic and current uses found at the exception site include: automobile service/fueling stations, a restaurant, an RV park, and a wine tasting room.

The applicant's proposal would add a convenience store, fueling dispensers, and a fast-food restaurant. These proposed uses or similar uses have all either previously existed in the immediate area or continue to exist now. All of these uses are allowed outright under current FIC zoning in a building or buildings not to exceed 3,750 square feet per use. Surrounding properties owners within 250 feet were notified of the application and none have provided comments concerning compatibility or impacts of the proposed development on nearby lands.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

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

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, page 9.**

**STAFF ANALYSIS:** The statement of purpose of the FIC zone is found in LCC 929.110 and reads as follows:

"(A) The purpose of the Freeway Interchange Commercial (FIC) zoning district shall be to permit the use of freeway interchange property to fill the immediate needs of motorists and commerce  
(B) The uses permitted in this zoning district are intended to serve the rural and traveling population"

The proposed amendments would allow for uses that are already permitted in the FIC zone. The location of the subject properties is next to the I-5 freeway interchange and more than 4 miles from the closest urban growth boundary. The proposed automobile and truck fueling station, restaurant, and convenience store are uses intended to serve both nearby rural community members and traveling members of the public.

The statement of purpose for the LUO is: "(A) The purpose of this Subchapter is to identify property which has been approved for development through a Comprehensive Plan amendment and reasons exception (through provisions in ORS 197.732 and OAR 660-004-020 and 022). (B) The LUO is intended to permit land uses which have been approved through an amendment and exception and to limit the site to the specific uses which have been approved. (C) The LUO shall apply to the property until the overlay is removed through the plan amendment process."

The Limited Use Overlay would permit a specific use that would be approved through a *Plan* text amendment, Code text amendment, Zone map amendment, and Goal 14 Exception process. The applicant proposes to amend LCC Section 931.420(B) to permit a specific use on the subject property. The applicant is proposing a "reasons exception" to Statewide Planning Goal 14 to authorize the operation of a fueling station, restaurant and convenience store on the subject properties with a building between 9,600 to 9,990 square feet in size, and has submitted findings to demonstrate compliance with the criteria found in OAR 660-004-0020.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

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

**APPLICANT STATEMENT:** The applicant states, "The Comprehensive Plan map designation on the portion of the property zoned Freeway Interchange Commercial (FIC) is commercial. Additional information relating to this criterion is below—on pages 10 through 27 [of Exhibit A] evaluating compliance with state land use goals and the county comprehensive plan—and is incorporated here by reference."

**STAFF ANALYSIS:** The proposed amendments would not change the *Plan* designation of the subject properties. The FIC zoned land has a *Plan* designation of Commercial. The proposed amendments would allow for the establishment of an automobile and truck fueling station, restaurant and convenience store with an approximate 9,900 square foot building. The Commercial Land section of the Land Use Element of the *Comprehensive Plan* states that "...in order to ensure that the permitted commercial uses do not exceed the intended scale of operation, a building size limitation has been established. New commercial uses must be located within a building no greater than 3,750 square feet in size..." (LCC 905.520(B)(5)). However, under the context of the Statewide Planning Goals, many uses that are not of rural scale, must be labeled "urban" and planned for in a different manner. If an applicant wishes to establish an urban use on rural zoned commercial lands, an exception to Goal 14 (Urbanization) is required. The applicant addresses the criteria for a "Reasons Exception" to Goal 14 in **Exhibit A, pages 20-27**.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

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

**APPLICANT STATEMENT:** The applicant states, "There are no identified sensitive fish, riparian, or big game habitats on the subject property (...) because there are no identified sensitive fish or wildlife habitats identified on the property, this criterion is met."

**STAFF ANALYSIS:** There are no sensitive habitats inventoried in the Linn County Comprehensive Plan

located on the subject properties affected by the Zoning Map amendment.

The Statewide Wetlands Inventory indicates that the entire site of the subject properties is classified as Predominately Hydric Soils, which may be an indicator of jurisdictional wetlands. In 1997, a wetlands delineation report was conducted by Wetland Environmental Technologies Inc. (W.E.T.) on the subject properties for Sherman Brothers. This delineation was submitted as evidence for CP-04-00 and was also submitted and accepted by DSL. Commercial use on the subject properties may have an impact on the jurisdictional wetlands; however, impacts to wetlands and riparian habitats are generally mitigated at the time of site development. The Linn County Code protects sensitive fish and riparian habitat with a 50-foot structural setback standard from the riparian area for all new development. Additional on-site mitigation may occur during development depending on requirements of Oregon Department of State Lands (DSL). DSL was notified of the proposed amendment and submitted the following comments (**Exhibit E, pages 4-5**):

"Based on site review of best available information, the undeveloped locations on this property may contain wetlands. The last wetland delineation on this property occurred in 1998 and supported a Removal-Fill permit application APP13560. The remaining undeveloped area proposed for development in this application are low lying areas in a location mapped as poorly draining soils. This indicates wetlands may be present. To determine if a wetland removal-fill permit is required, a wetland delineation review is required to evaluate how much of the undeveloped project area may be wetlands. A wetland delineation provides the information needed to either avoid or minimize wetland impacts, or to complete a wetland removal-fill permit application if impacts cannot be avoided (...)"

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**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 subject property is not located within an adopted urban growth boundary; therefore, this criterion is not applicable.

#### **Section 921.824 - Decision criteria for Development Code text amendments**

**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

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, page 10**.

**STAFF ANALYSIS:** The purpose of the Freeway Interchange Commercial (FIC) zoning district is to permit the use of freeway interchange property to fill the immediate needs of motorists and commerce. The uses permitted in the zoning district are intended to serve the rural and traveling populations, and the proposed additions to the LUO over the subject properties are uses, which are intended to serve this exact audience.

The purpose of the Limited Use Overlay (LUO) zoning district is to permit land uses, which have been approved through an amendment and exception, and to limit the site to the specific uses



which have been approved. The applicant addresses the criteria for a "Reasons Exception" to Goal 14 in **Exhibit A, pages 20-27**.

The applicant statement adequately addresses this criterion. The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this 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.

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, pages 10-15**.

**STAFF ANALYSIS:** The applicable sections of the *Plan* include the Commercial Lands Element and the Urbanization Element in LCC 905.

The applicant statement adequately addresses the Commercial Lands element, specifically the applicable goals in LCC 905.500 (Goals for commercial lands) and the applicable policies in LCC 905.520 (Policies for commercial lands). The urbanization element of the *Plan* is addressed below as part of the criterion found in LCC 921.872(A).

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**Section 921.872 - Decision criteria for Plan text amendments**

**LCC 921.872(A):** The amendment is consistent with the intent of the application section(s) of the *Comprehensive Plan*; and

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, pages 10-15**.

**STAFF ANALYSIS:** The applicable sections of the *Plan* include the Commercial Lands element and the Urbanization element.

The applicant statement adequately addresses the Commercial Lands element, specifically the applicable policies in LCC 905.520 (Policies for commercial lands).

The following section of the Urbanization element of the *Plan* also applies to the proposed amendments:

***905.600(C) Urbanization; background***

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

This section summarizes that there is a process in place for siting residential, commercial, or industrial activities outside of UGBs, subject to applicable criteria. Oregon Revised Statutes and Oregon

Administrative Rules allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific uses on rural lands when certain criteria are met. The Urbanization Land Use Element of the *Plan* is the applicable section for any proposed Goal 14 Exception.

The proposed amendments include a Goal 14 "reasons" exception. The amendment proposes to add a LUO to allow a 9,900 square foot building that will contain a convenience store with a fast-food restaurant at a truck and automobile fueling facility in addition to other uses already allowed in the FIC zoning district. The property and adopted amendments would be added to a list of properties in Linn County that have an adopted Goal 14 Exception to allow specific urban uses on rural land, which is maintained in Chapter 905, Appendix 2 (**Exhibit B**). The applicant statement addresses the applicable exception criteria in **Exhibit A, pages 20-27**.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**LCC 921.872(B):** The amendment is consistent with the statewide planning goals.

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, pages 16-20**.

**STAFF ANALYSIS:** Goals 6-19 are adequately addressed in the applicant statement. Staff provides additional commentary to Goals 1-5 below:

*Goal 1, Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

The County provides opportunities for citizen involvement through fulfilling the public notice and hearing requirements described in LCC 921 (Administration of the Land Development Code). A notice of public meeting was published Albany Democrat Herald on September 10, 2024 not less than 20 calendar days prior to the date of the first public hearing. A copy of the notice was also published on the County website under the Planning & Building Department page. Property owners within 250 feet of the subject properties were notified of the application via mail and given the opportunity to provide written comments in advance of the application. No written comments have been received by surrounding property owners as of the date of this staff report.

*Goal 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Goal 2 sets forth the requirement for Goal Exceptions and those requirements are codified in Oregon Administrative Rules. The applicant addresses these requirements in **Exhibit A, pages 20-27** and is incorporated herein by reference.

*Goal 3, Agricultural Lands: To preserve and maintain agricultural lands.*

Goal 3 does not apply to this amendment because the subject properties are not classified as resource lands. The properties already part of an acknowledge exception area identified in the Linn County Comprehensive Plan as Exception Site C-19 (I-5 and Diamond Hill).

*Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices*

*that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Goal 4 does not apply to this amendment because the subject properties are already part of an acknowledged exception area.

*Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.*

Goal 5 requires local governments to inventory a range of resources and identify policies to protect said resources. Linn County's Goal 5 inventory is contained within the Natural Resources Element (LCC 903) and background documents/reports of the Comprehensive Plan. LCC 903.650(B)(1) states that Linn County shall use the National Wetlands Inventory (NWI) maps to determine if a property is affected by wetlands and that the Department shall provided notice to DSL of all land use applications that propose development within an inventoried wetland. The subject properties do not have any wetlands specifically inventoried in the National Wetlands Inventory, however previous Wetlands Delineations submitted to DSL as well as the Statewide Wetlands Inventory indicate that there may be wetlands present on the property. The Comprehensive Plan states that the County shall cooperate with DSL to limit or mitigate development within inventoried wetlands. All future development of the subject properties is subject to compliance with DSL requirements for removal-fill permitting and wetlands mitigation.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

### **Exception Criteria**

Statewide Planning Goal 2, Part II (c) sets forth the requirements for Goal Exceptions and those requirements are codified in Oregon Administrative Rules at OAR 660-04-020. In addition, the types of reasons that may be used in a reasons exception is outlined in OAR 660-04-022. Each of the exception criteria listed in OAR are cited below and addressed in turn. The four factors in Goal 2, Part I (c) required to be address when taking an exception to a Goal are:

**OAR 660-04-20(2)(a):** Reasons justify why the state policy embodied in the applicable goals should not apply.

The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land.

**APPLICANT STATEMENT:** The applicant statement addressing this criterion can be found in **Exhibit A, pages 21-22.**

**STAFF ANALYSIS:** The state policy that the applicant proposes to take an exception to is Goal 14, Urbanization. The applicant in subsequent parts of this application sets forth the facts and assumptions used as a basis for determining why Goal 14 should not apply to the specific property.

The Board should consider the applicant statement to determine if the proposed amendments are consistent with this criterion.

**OAR 660-04-20(2)(b):** Areas that do not require a new exception cannot reasonable accommodate the use.

The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified.

To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

- (i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?
- (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?
- (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?
- (iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

**APPLICANT STATEMENT:** The applicant statement address this criterion can be found in **Exhibit A, pages 22-23.**

**STAFF ANALYSIS:** Under this requirement, the applicant must evaluate alternative sites that would allow the proposed use without an exception and explain why those alternative sites cannot reasonably be used. This analysis can be met by a broad review of similar types of areas rather than specifying specific alternative sites, unless another party describes specific sites. Notice of the application was sent out to surrounding property owners and published in the local newspaper and on the County website. No comments have been receive as of the date of this staff report which identify specific alternative sites that could reasonably accommodate the use.

The proposed use that requires a Goal 14 exception is a travel stop which includes a convenience store and fast-food restaurant inside a 9,900 square foot building. The intended purpose of a travel stop is to serve traveling customers between urban centers, so the applicant asserts that alternative sites within a UGB would not serve the same proposed use. Staff concurs that travel stops similar to the one proposed by the applicant would not be able to serve their intended market of traveling customers if they were limited to locations within a UGB too far away from a major travelway. However, the burden of proof is on the applicant to thoroughly explain why the use cannot be reasonably accommodated in a UGB, if there is a site close enough to I-5, the major travelway intersecting Linn County.

The applicant states that there are I-5 interchanges within Albany's UGB which could be viewed as potential sites to serve the traveling public. However, the applicant argues that these interchanges are intensively developed to the extent that there is no vacant land remaining at these interchanges. Staff examined these interchanges using Linn County Geographic Information Systems and aerial imagery- specifically the I-5/HWY 20 interchange and the I-5/HWY 99E interchange. Land surrounding these interchanges is primarily used for residential use, public uses (airport & parks), and big-box commercial uses. There appears to be no obvious site for a travel stop within the proximity of these interchanges due to existing developed land uses.

Lands outside urban growth boundaries already zoned to accommodate travel stops

including fueling stations, restaurants, and convenience grocery stores include FIC zoning at Commercial Exception sites C-8 (Hwy 34/I-5), C-18 (I-5/Hwy 228), and C-19 (I-5/Diamond Hill). All three of these Exception Sites have also been previously approved for Goal 14 exceptions. C-8 contains Goal 14 Exception Site U-6 to permit a 6,200 square foot structure containing a convenience store with a fast-food restaurant. Currently, this site is home to E-Z Trip Travel Plaza and Truck Stop, which is fully developed as much as is allowed on the split-zoned FIC & EFU property. C-18 contains Goal 14 Exception Site U-9, which permits various urban-scale services at the Pioneer Villa Truck Plaza. Similar to E-Z Trip Travel Plaza, Pioneer Villa already contains a truck stop with amenities such as fueling stations, a restaurant, hotel and automobile/truck service station. The applicant argues that both of these exception sites are "fully utilized and undoubtedly would not allow competition on their site."

The only other exception site on an I-5 interchange with an existing Goal 14 exception is site C-19, the site of the subject properties. The specific uses approved at this exception site for Sherman Bros do not directly compete with the proposed travel stop.

The applicant states that the proposed exception would be the type of proposal that OAR 660-04-20(2)(b)(iii) seeks to encourage as this proposal would seek to increase the density of an allowed/existing use on already committed lands. The C-19 exception site, and the subject properties in particular, have included fueling stations for Sherman Bros Heavy Trucking Inc and previously accommodated both fueling stations that served the general public and a restaurant for traveling customers. The restoration of these uses at an already committed urban exception site will accommodate the need for a travel stop without converting resource land or small scale rural commercial sites into urban use. The current LUO on the subject properties has no building size restriction for Sherman Bros, and existing development at the exception site does not conform to the rural scale described in the Comprehensive Plan for commercial lands.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**OAR 660-04-20(2)(c):** The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.

The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

**APPLICANT STATEMENT:** A travel stop at this location would have long-term environmental benefits compared to construction of a comparable new facility at another location. It would service I-5 travelers at an existing exception site without disturbing land designated for other uses.

The project itself would not require any public road improvements and would instead include private funding for a turn lane to improve traffic flow at the interchange.

It would maintain and improve the efficient use of the interchange. It would allow use of improved safe water, sewage disposal, and storm drainage systems.

The long-term economic benefit of the proposed expansion would be to locate operations at an existing exception site, thereby avoiding the costs associated with locating and developing new non-exception land. The economic consequences of doing nothing would be lost revenues that could support the local economy and lost taxes supporting public services.

The long-term social benefits to the proposed expansion would be adding stability and growth of employment opportunities in a rural area of south Linn County that historically suffers from fewer employment opportunities.

The long-term energy benefits of the proposed expansion are support for travel services as close to the interstate interchange as possible, thereby ensuring efficient energy usage by vehicles. It will also secure the long-term use of the subject property and delay the need for construction of a new motorist facility outside the exception site at this interchange.

**STAFF ANALYSIS:** Under this requirement, the applicant must evaluate the potential long-term consequences associated with permitting the exception on the target site against other sites that would require a similar goal exception for the proposed use. The applicant statement does not have to describe specific sites unless it supports the specific assertions as to why the proposed site has fewer significant adverse impacts. Since the proposed use is intended to serve primarily I-5 travelers, the proposed site should be compared to other FIC zoned sites on I-5 interchanges that would require a Goal 14 exception to permit the development.

Potential environmental consequences appear to be low at the exception site compared to other FIC zoned land without an urban exception. There are no specific Goal 5 resources inventoried on site and existing development includes multiple buildings and large patches of impervious surface in the form of truck parking areas. The opportunity to restore the site to a significant natural resource state is very low due to decades of continual commercial development.

Long-term economic benefit/consequence at the exception site is favorable compared to other FIC zoned land without an urban exception. Developing a travel stop at the I-5/Diamond Hill interchange could result in positive economic benefits for the applicant and surrounding businesses (such as the nearby RV Park and Wine Tasting Room) without significantly adversely impacting a competing travel stop at another interchange where more FIC land may be available. Comparisons of the economic consequences of doing nothing are not called for under this requirement.

Long-term social consequences resulting from the use at the proposed site compared to other FIC zoned land without an urban exception are generally the same. FIC zones are nearly all isolated from rural communities and the additional impacts of noise, traffic, air pollution, etc., on communities is negligible due to the close proximity of the I-5 freeway.

Long-term energy benefits at the proposed expansion site compared to other FIC zoned land without an urban exception are generally the same. FIC zones are located adjacent to

freeway interchanges which lead to positive energy consequences for all motorists who have access to services without needing to detour far from their intended path of travel.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**OAR 660-04-20(2)(d):** The proposed uses are compatible with other adjacent uses or will be so rendered through measured designed to reduce adverse impacts.

The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

**APPLICANT STATEMENT:** Findings regarding land use compatibility as required by Criterion 1, Comprehensive Plan Amendments, Commercial Land Goal 2, are found earlier in this narrative on pages 11-12 and are incorporated herein by reference.

**STAFF ANALYSIS:** Applicant analysis can be found in **Exhibit A, pages 11-12**. The applicant adequately describes nearby land uses within ¼ mile of the subject properties and identifies the predominate resource use surrounding the subject properties as grass seed farming. Commonly accepted farming practices associated with grass seed production include tilling, spraying, application of soil amendments, and harvesting during intermittent seasons. The applicant asserts that grass seed farming and heavier truck and vehicle dependent uses in the existing commercial and industrial exception land surrounding the interchange have co-existed historically. Previous County decisions recognize longevity of uses as an indicator of compatibility, such as in BC10-0005.

The Board should consider the applicant statement and staff analysis to determine if the proposed amendments are consistent with this criterion.

**OAR 660-14-0040(2-3):** (2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource. (3) To approve an exception under section (2) of this rule, a county must also show:

**APPLICANT STATEMENT:** The subject property is considered "undeveloped rural land" because it is subject to a built and committed exception to Goal 3. However, it has not developed at urban density or committed to urban level development as defined by OAR 660-14-0040(1) and OAR 660-14-0030.6 Therefore, the criteria set forth in OAR 660-14-0040(3) are applicable to the proposed amendment.

**STAFF ANALYSIS:** The applicant statement address the sub-criteria (a-d) which can be found in **Exhibit A, pages 25-27**. The Board should consider the applicant statement determine if the proposed amendments are consistent with this criterion.

**D. EXISTING AND PROPOSED CONDITIONS**

CONDITION	EXISTING	PROPOSED
Plan Designation	Commercial	Same
Zone Designation	Freeway Interchange Commercial (FIC) and Limited Use Overlay (LUO).	Same (FIC-LUO), with a change to add new LUO uses specifically for US Market Enterprises LLC.
Site Location	Tax Lots 200, 203, 206, 207, 209, and 210	Same, with a ±0.32-acre portion of Tax Lot 200 planned to be consolidated into Tax Lot 203 following this application.
Access	Diamond Hill Rd	Same
Land Use	Truck parking, fueling dispensers, and three vacant commercial buildings including a former restaurant, warehouse and office building totaling approximately 6,972 square feet.	Reduced truck parking and more automobile parking, new and increased number of fueling dispensers, new restaurant & convenience store (inside a building totaling approximately 9,600-9,900 square feet) and no warehouse/office.

**E. ZONING AND DEVELOPMENT BACKGROUND**

The properties are located at 32909 and 32925 Diamond Hill Drive, on the northwest corner of the intersection of Diamond Hill Drive and I-5, and approximately 4.47 miles east of the city limits of Harrisburg. The properties are identified in Linn County Assessor maps as T15S, R03W, Section 9, Tax Lots 200, 203, 206, 207, 209, and 210.

The Linn County Zoning Code was first adopted by Ordinance on March 22, 1972. The Interchange and Recreational Commercial (IRC) zone was first applied to the subject properties, which were then later zoned Freeway Interchange Commercial (FIC) on September 2, 1980. The properties are within the C-19 ("I-5 and Diamond Hill Rd") Commercial Exception Area. The *Comprehensive Plan* identifies Exception Site C-19 as an exception site that is not subject to a number of uses limitation. LCC 905.500(Q) states that the site was already developed with more than three commercial uses at the time of the Plan's adoption. There is not a limitation on the number of new commercial uses which can be established within the exception site. The subject properties had three service stations located on its Diamond Hill frontage, all abandoned or no longer in operation by 1996. There was also a restaurant on Tax Lot 203. The properties have had their current zoning since February 7, 1996.

In the FIC zone automobile and truck services are limited to buildings with a total size not to exceed 3,750 square feet. Similarly, food and beverage facilities are limited to buildings with a total size not to exceed 3,750 square feet. The Goal 14 Exception and LUO adopted for this property currently only authorize the establishment and operation of the Sherman Bros Heavy Trucking facility and restricts the use of the facility to vehicles owned or leased by Sherman Bros. The current LUO has no building size limitation on Sherman Bros facilities, only.

In 2023, Tax Lots 203, 206, 207, 209, and 210 were sold by Sherman Bros to Flex Fuel LLC. The property owner is currently under contract to purchase the approximately 50-foot wide portion of current Tax Lot 200 that is east of Tax Lots 203 and 206 and west of Tax Lots 209 and 207.

The applicant, US Market Enterprises LLC, is now requesting that the Land Development Code be amended to add an LUO to the property for their proposed use of an automobile truck and fueling station including a fast food restaurant inside of a 9,900 square foot building. The



applicant seeks an exception to the building size limit in the FIC zone, which they assert is in part based on the tradeoff of having a single building of approximately 9,600-9,990 square feet in size instead of each of the lots having their own separate buildings up to 3,750 square feet each. Three of the lots (Tax Lots 203, 207 and 209) already have buildings formerly used by Sherman Bros that total 6,972 square feet, which would be removed and replaced by the new fueling station and fast food facility.

Previous land use actions involving the subject properties include:

- CP-4-95/96: An exception to Statewide Land Use Planning Goal 14 and a zoning ordinance map amendment to change the zoning designation on approximately 17 acres of land (identified as Tax Lots 200, 203, 206, 207, 208, 209, 210, 213, and 216) from Freeway Interchange Commercial (FIC) to Freeway Interchange Commercial with a Limited Use Overlay (LUO) District. This exception was unanimously approved by the Board of Commissioners, which allowed Sherman Brothers Heavy Trucking Company to establish their trucking facility including: a 9,600 square foot office building, an 11,700 square foot shop building, a truck fueling facility, truck and trailer parking bays, and other accessory uses.
- CP-4-00: A Comprehensive Plan text amendment to adopt an exception to Goal 14 and a Development Code text amendment to eliminate the building size limits on the uses allowed in the Limited Use Overlay (LUO) that is applied to the subject property. The Board of Commissioners voted unanimously to approve this exception, which amended the Sherman Brothers original LUO to remove the previously specified building size limits for the office building and shop building on the subject properties.
- PD10-0085: Property status determinations for Tax Lots 200, 203, 204, 206, 207, 209, 210, 214, 215 within 15S, 03W, Section 9 and Tax Lot 203 within 15S, 03W, Section 8. This property status determination revealed that Tax Lot 203 within Section 8 and Tax Lots 203, 204, 206, 207, 209, and 210 within Section 9 were all individual, authorized units of land. Tax Lots 200, 214, and 215 were determined to be unauthorized units of land. New deeds were recorded to consolidate the unauthorized units of land into authorized units of land. All properties included in this application currently meet the definition of an authorized unit of land.

## 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
33 – Dayton Silt Loam	2	IVw	73.32%	3.71	40
8 – Bashaw Silt Clay	2	IVw	26.68%	1.35	0.00
TOTAL			100.00%	5.06	

- B. TOPOGRAPHY** – The property is relatively level, with very little slope.
- C. NATURAL FEATURES AND IMPROVEMENTS** – There are eight fueling positions, a convenience store, a restaurant, ten cardlock fueling positions, five public diesel fueling positions, a well,

water treatment, water distribution lines, septic system, sewage collection, three driveways, signs, overhead lights, restaurant parking, convenience store parking, and separate driveways, parking and on-site maneuvering for trucks.

- D. **NATURAL AND/OR GEOLOGIC HAZARDS** - The subject properties are not located within any 100-year flood zone or geologic hazard area.

### III. ENVIRONMENTAL FACTORS

- A. **WILDLIFE HABITAT** – The property is not located within an identified big game habitat area. The property does not contain sensitive fish habitat as identified in the Comprehensive Plan.
- B. **WETLANDS** – The subject properties are mapped entirely within an area classified as having Predominantly Hydric Soils in the Statewide Wetlands Inventory. The Oregon Department of State Lands (DSL) regulates jurisdictional wetlands. A wetlands report was previously submitted to DSL in 1997 indicating the subject properties (including the portions Tax Lot 200 not affected by this proposal) contained 6.7 acres of jurisdictional wetlands (per CP-04-00). Jurisdictional wetlands are subject to removal-fill permits for ground alteration involving 50 cubic yards or more of material. Linn County Code (LCC) requires new buildings to maintain a 50-foot setback from regulated wetlands and riparian areas.

### IV. AVAILABILITY OF PUBLIC FACILITIES AND SERVICES

- A. **FIRE** – The property is located within the Harrisburg Rural Fire Protection District.
- B. **POLICE** - The Linn County Sheriff's Department provides police protection.
- C. **SCHOOL** - The properties lie within the Harrisburg School District No. 7, the Linn Benton Lincoln Education Service District and the Linn Benton Community College District.
- D. **OTHER DISTRICTS** – The property is located within the Linn Soil and Water District.
- E. **SEWAGE DISPOSAL** – The applicant proposes a new sewage disposal system which will need to be evaluated and permitted by the Oregon Department of Environmental Quality (DEQ) and/or Linn County Environmental Health (EHP) after this land use proposal. The properties have been historically served by an existing sewage lagoon system located on Tax Lot 204. Tax Lot 204 is north of the subject property and is owned by Sherman Bros Heavy Trucking.
- F. **WATER SUPPLY** – Previous applications indicate that the property has historically been served by five wells on the property and an existing on-site water system. The applicants state that there is no contamination detected in monitoring wells and the drinking water well on the property. Plans for a proposed new food service facility on site must be reviewed and approved by the agency having regulatory jurisdiction before construction. This is generally reviewed by the Linn County Environmental Health program.
- G. **ACCESS** – The property has approximately 518 feet of frontage and access on Diamond Hill Drive, a county maintained right-of-way.

### V. NOTICE TABLE AND PROCEDURE

**A. NOTICE**

Property owners within 250 feet of the boundaries of the subject property were provided notice of this application. On September 12, 2024, 6 property owners within the notification area were notified of the proposed land use applications. No surrounding property owners have submitted comments as of the date of this staff report. Submitted comments from local and state agencies are attached in **Exhibit E**. The following agencies have been provided notice and responded before this report was written.

AGENCIES	PROVIDED	RESPONDED	AGENCIES	PROVIDED	RESPONDED
Environmental Health	x		Linn County GIS	x	
Linn County Assessor	x		Linn Bldg. Official	x	
Linn County Road Dept.	x	x	Linn County Sheriff	x	
Dept. State Lands	x	x	Dept. of Transportation	x	x
Dept. of Water Resources	x		Dept. Land Cons. & Dev.	x	
RFPD: Harrisburg	x		Other: Daniels Field Airport	x	

**B. PROCEDURE**

The Planning Commission (Commission) conducted a public hearing on the applications and voted to **recommend** that to the Linn County Board of Commissioners (Board) to approve the *Plan* text amendment, Code text amendment and Zone map amendment. A hearing before the Board is scheduled for 10:00 a.m., Tuesday, October 29, 2024.

The Board may consider the applications for 42 days from the close of the public hearing. Tabling of the request for a period not to exceed 35 days may also occur if the applicant consents. Specified findings, stating the reason for decision, are required in taking action on the proposed amendments. The Board will consider all the testimony in the matter and may take action to:

1. Approve the applications;
2. Deny the applications; or
3. Modify the applications.

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

If additional documents or evidence are provided by any party, the Board may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. The 120-day time limitations of ORS 215.428 do not apply to the proposed Comprehensive Plan amendment.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Board hearing, which is scheduled for a date and time certain on Tuesday, October 29, 2024, in the Board Hearing Room, Room 200, on the second floor of the Linn County Courthouse is

at least seven days from the initial Commission hearing and provides adequate opportunity to present additional evidence and testimony for the record.

**VI. EXHIBITS**

- A. Application and Supporting Documents
- B. LCC Chapter 905, Appendix 2 Proposed Edits
- C. LCC 931.420 Proposed Language
- D. Decision Criteria
- E. Written Comments
- F. Hearing Notice and Correspondence
- G. Applicant Revised Site Plan & Supplemental Transportation Analysis