



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director
Alyssa Boles, Planning Manager

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.linncountyor.gov

NOTICE OF PENDING LAND USE ACTION

The following request was submitted for review by this Department. Any comments provided must be received by 5:00 p.m., August 9, 2024. All comments are appreciated; however, Oregon law requires that written comments specify which application criteria apply to submitted testimony.

APPLICANT NAME: Cierra Moreland LANDOWNER: Ray James Et Al.

FILE NUMBER/ TYPE OF REQUEST: PD24-0116; a combined application for a conditional use permit application for a farm-relative dwelling, pursuant to Linn County Code (LCC) Section 928.325(B)(1), and an access easement review, pursuant to LCC 935.

LOCATION OF PROPERTY: The property is located at 40374 Oupor Drive, Scio, approximately 0.26 miles west of the intersection of Oupor Drive and Meritt Road, and approximately 4.48 miles east of the rural community of Crabtree. (T11S, R01W, Section 3, Tax Lot 200).

PLAN DESIGNATION/ZONE DESIGNATION: Agricultural Resource / Exclusive Farm Use (EFU)

URBAN GROWTH AREA/PLANNING AREA: N/A

SUMMARY OF REQUEST: A conditional use permit application to site a new dwelling on a 79.45-acre property to be used as a temporary dwelling for a relative to assist in the farm operation. The dwelling is proposed to be occupied by Cierra Moreland, the granddaughter of the farm operators, Ray and Pat James. The farm operation includes raising livestock including 12 beef cattle and 5 to 25 goats, as well as growing and maintaining 18.45 acres of pasture and hay. 60 acres of ryegrass field on the property is currently leased to another farmer. Also, an application to recognize an existing 30-foot wide access easement to provide access to the subject property. The easement traverses over the property identified as T10S, R01W, Section 34, Tax Lot 600 along a 15-foot wide gravel driveway. The purpose of this notice is to solicit comments and input from surrounding property owners and affected agencies regarding the applicable decision criteria (attached) so that the Department may make a final land use decision.

COMMENTS: [Blank lines for comments]

BY _____ AGENCY (IF ANY) _____ DATE _____

STAFF CONTACT PERSON: Kate Bentz; (541)967-3816, ext. 2368 or kbentz@co.linn.or.us

Table with 3 columns: Linn County, State of Oregon, Other. Rows include various departments like EHP, Parks, Assessor, GIS, Sheriff, Bldg Official, Roads, Surveyor, Flood Official, DEQ, DOGAMI, DSL, Water, ODFW, ODOT/OSHD, ODSF, DLCD, Parks, State Fire Marshal, School, Landowners, City Of, Other, RFD: Scio.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

1. Oregon law [ORS 215.416(5)] requires that local governments make copies of applicable decision criteria available to any participant in a land use hearing. This application will be reviewed, and a decision made, using the decision criteria listed below.

LCC Sections 933.310 (B)(1-3), 933.410, and 935.150 contain the decision criteria specified for use with this application.

LCC 933.310 (B) Decision Criteria

- (1) The development site has physical characteristics needed to support the use. Those characteristics include, but are not limited to, suitability for a sewage treatment system and an adequate supply of potable water.
- (2) The development will not be located within a mapped geological hazard area or within a 100-year floodplain unless it is demonstrated that the proposal can be designed and engineered to comply with accepted hazard mitigation requirements.
- (3) The proposal will not have a significant adverse impact on sensitive fish or wildlife habitat.

LCC 933.420(B) Farm-relative dwellings

The dwelling shall be:

- (1) for the relative of a farm operator.
- (2) on property used for farm use.
- (3) located on the same authorized unit of land as the dwelling of the farm operator.
- (4) occupied by a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse.
- (5) be occupied by person whose assistance in the management and farm use of the existing, commercial farm operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
- (6) The criteria in LCC 933.310(B)(1) to (3).
- (7) Requirement. No land division shall be permitted until the farm-relative dwelling is removed or otherwise authorized through another land use action.
- (8) If the owner of a dwelling described in this section obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.
- (9) For purposes of this section "foreclosure" means only those foreclosures that do not meet the definition of partition under ORS 92.010(7)(a).

LCC 935.150 - Decision Criteria: easement of road access

- (A) A request for easement of road access recognition may be approved if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following decision criteria can be met:
 - (1) The proposed placement of the easement of road access shall not pose a traffic hazard, taking into consideration the number of nearby access points and geographic conditions of the property; and
 - (2) The easement of road access is the only reasonable method of providing access to the parcel.

2. All testimony and evidence must be directed toward the criteria described above or other criteria in the plan or land use regulations, which you believe, apply to the decision. Failure to raise an issue before the close of the record during the comment period/final evidentiary hearing, by letter or in person, or

failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.

3. Please note the deadline stated in the accompanying notice for submitting your written comments for decisions to be made by the Planning and Building Department.
4. If a public hearing is scheduled before either the Planning Commission or the Board of County Commissioners, written and/or oral comments may be submitted either before and/or during that hearing. Please note the time and date of the hearing in the accompanying notice.
5. A map(s) depicting the parcel under review and surrounding lands is attached to the notice.
6. A copy of the application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost. For applications scheduled for public hearing, a staff report will be available for inspection at the Department at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.
7. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 150-day time limitations of ORS 215.428.
8. 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 decision maker shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional written evidence or testimony. If the decision maker grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.
 - (a) At the continued hearing, persons may present and rebut new evidence and testimony. If new written evidence is submitted, any person may request, prior to the close of the continued hearing, that the record be left open for at least seven more days to submit additional written evidence or testimony to respond to the new written evidence.
 - (b) If the record is left open, it shall remain open for at least seven days. During the period the record was left open, any participant may file a written request with the local government for an opportunity to respond to new evidence submitted. If the record has been closed and such a request has been timely filed, the record shall be reopened. Unless waived by the applicant, the applicant shall have at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. **If the record is reopened to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or decision criteria for the application.** Except when requested or agreed to by the applicant, the extension shall be subject to the 150-day limitations of ORS 215.428.
9. Appeals from Departmental decisions result in a hearing before the Planning Commission; appeals from Commission decisions result in a new hearing before the Board of County Commissioners.
10. Testimony or evidence previously submitted to the Commission must be **resubmitted** by the parties to the Board for the new hearing.
11. If this case is scheduled for a public hearing, the hearing will begin with a declaration of any ex parte contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision makers. This will be followed by the staff report from the planning department. Then the applicant (or appellant if case is an appeal) will testify, followed by testimony by other people in

support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision makers are free to ask questions of any person who has testified or of staff at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing and/or what limitations exist on further testimony or submittal of written materials. If a site visit is warranted, the chairperson will announce the time and date of such a visit. If the hearing and record are closed, the decision makers will begin deliberations and/or will announce the time, date and place when the decision will be made.

Linn County Planning & Building Department

Notice Map



10S01W34 00600
MORELAND TAMMY
45.39 acres

11S01W03 00200
JAMES RAY ET AL
40374 OUPOR DR
SCIO, OR 97374
79.45 acres



1 inch = 800 feet

07/18/2024

Richardson Graph



122,797 44,649 Degrees

300ft

- NW - Scio 6.5 miles
- SW - Lebanon 13.3 miles
- SE - Lebanon 7 miles
- W - Albany 18 miles



North

Survey Address Tax A/c

Outer Dr⁶⁶⁰ T

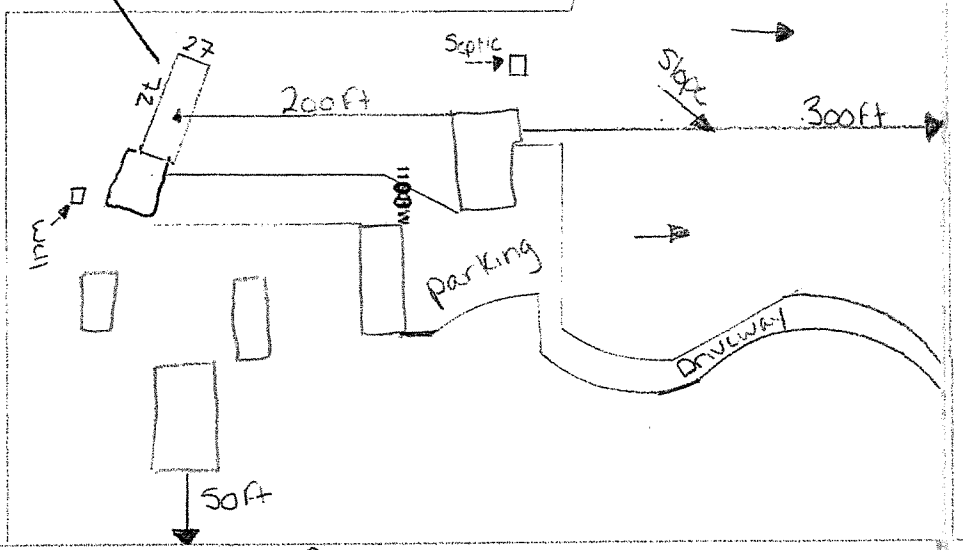
Fish Hatchery Dr. ↑

Cura Morland
3923 S. Main Rd
Lebanon, MO 64505

Proposed dwelling

Rye Grass

Rye Grass



Property Line

my of Lin. Bureau of Land M

Illenit Rd ↓



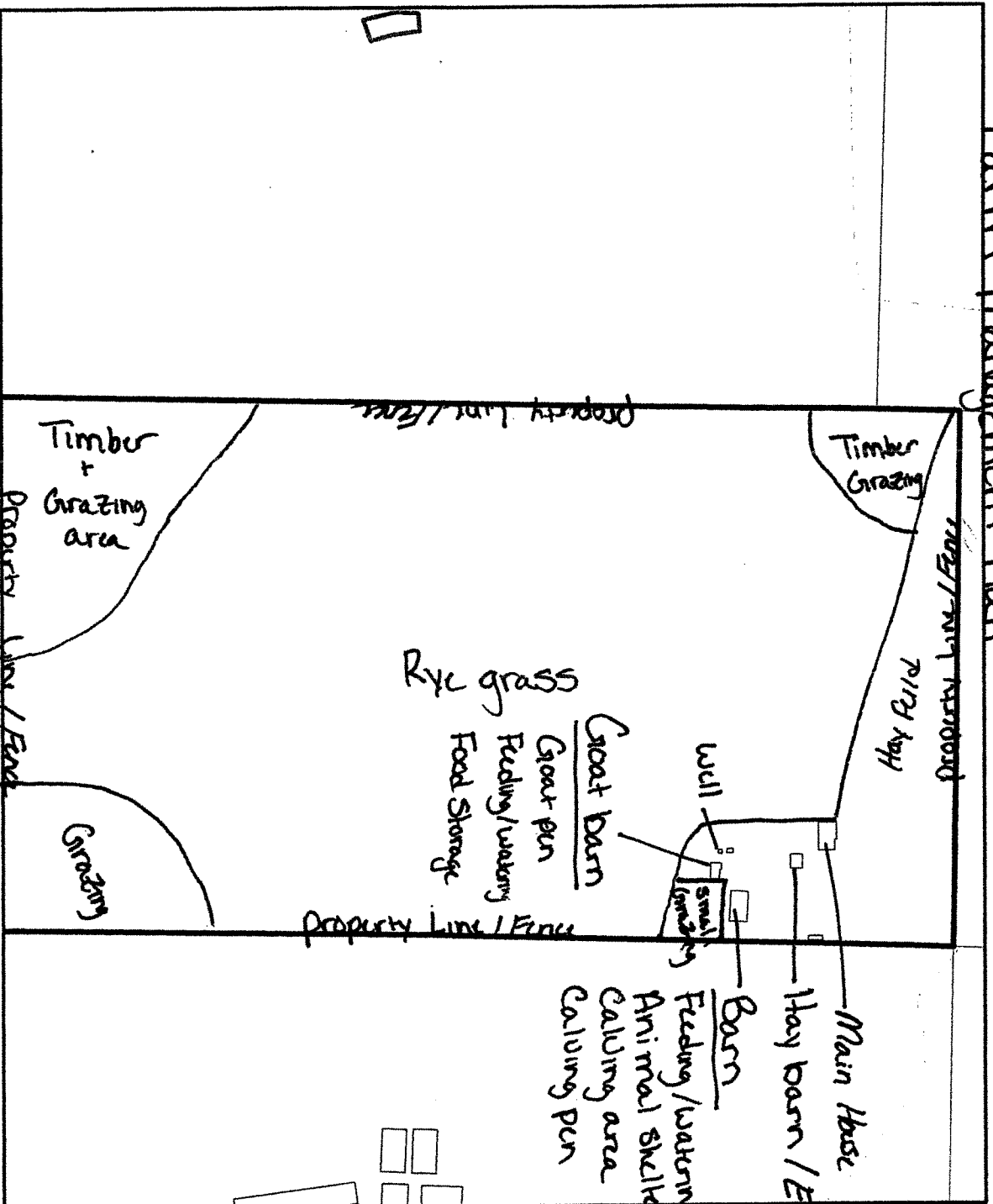
County Courthouse, Room 115
PO Box 100 Albany, OR 97321

Linn County Department of Health Services

Environmental Health Program

Phone (541) 967-3821
Fax (541) 926-2060

Farm Management Plan



Plot Plan

Property ID: 11S01W03 00200
Record Number:
Date Produced: 3/14/2023

- △ holding tanks
- septic
- test pits
- wells

Applicant's Name and Signature

Date



1 inch = 400 feet

Exhibit A

