



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director

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

NOTICE OF LAND USE HEARING

NOTICE IS HEREBY GIVEN that on **December 10, 2024 at 7:00 p.m.** in the Old Armory Building on the corner of 4th Avenue and Lyon Street, Albany Oregon a public hearing will be held before the **Linn County Planning Commission** (Commission). This hearing is to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present your testimony at the public hearing or provide written comments to this Department before the public hearing dates. The Commission will make a decision after close of the hearing. This meeting location is accessible to persons with disabilities.

PD24-0237; An appeal by Nimby NBR, of the Linn County Planning Director decision approving a conditional use permit. Build Lebanon Trails (Applicant) is requesting a conditional use permit to establish a multi-use public trail. The properties are adjacent to Isabella Street, at the intersection of Isabella Street and Santiam Street, and adjacent to the city limits of Lebanon (T12S, R02W, Section 11AC, Tax Lot 1200 and T12S, R02W, Section 11BD, Tax Lot 2000). This is a de novo hearing. The purpose of this notice is to solicit comments and input of surrounding property owners and affected agencies regarding the applicable decision criteria (attached) so that the Planning Commission may make a land use decision.

COMMENTS: _____

BY _____ **AGENCY (IF ANY)** _____ **DATE** _____

=====

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2368 or aboles@co.linn.or.us

Linn County			State of Oregon			Other
	EHP	x	Sheriff	DEQ	ODOT/OSHD	School:
	Parks	x	Bldg Official	DOGAMI	ODSF	x Landowners
x	Assessor	x	Roads	x DSL	DLCD	x City Of: Lebanon
x	GIS		Surveyor	Water	Parks	Other:
x			Flood Official	ODFW	State Fire Marshal	x RFD: Lebanon

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.

Section 933.260(B) of the Linn County Land Development Code contains the decision criteria specified for use with this application.

LCC 933.260(B) – UGAZ Decision Criteria

(B) *Decision criteria.*

- (1) The proposed development is permitted and is consistent with the affected city's comprehensive plan map designations and the future city zoning.
 - (2) The location, size, design and operating characteristics of the proposed development are compatible with future development allowed by the affected city's comprehensive plan map designation.
 - (3) The affected city has reviewed the proposal and has not identified any substantial conflicts with its Comprehensive Plan, Facilities Plans or development standards.
 - (4) The location, design and site planning of the proposed development does not:
 - (a) preclude future urban development on the subject property or adjacent properties;
 - or
 - (b) conflict with future location and placement of streets and services.
 - (5) If the proposed development has the potential to generate conflicts which have been determined to be detrimental to the public health, safety and general welfare or to the overall livability of the neighborhood, then the development shall not be permitted without mitigations. The mitigations will be determined by the decision maker. Potential conflicts include, but are not limited to noise, vibration, smoke, dust, odor, fumes, heat, glare or electromagnetic interference.
 - (6) The proposed site
 - (a) can support an on-site, subsurface sewage disposal system, and
 - (b) has an adequate supply of potable water.
 - (7) Traffic generated from the site can be adequately served by the road system servicing the site.
 - (8) Road access meets County standards as found in section 3.2 of the Linn County Transportation Element of the Comprehensive Plan.
 - (9) The proposed development site is located outside of a mapped geologic hazard area or of a 100-year flood plain unless it is demonstrated that the use can be designed and engineered to comply with accepted hazard-mitigation requirements.
2. All testimony and evidence must be directed toward the criteria described above or other criteria in the plan or land use regulations that you believe apply to the decision. Failure to raise an issue before the close of the record during the comment period or 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.

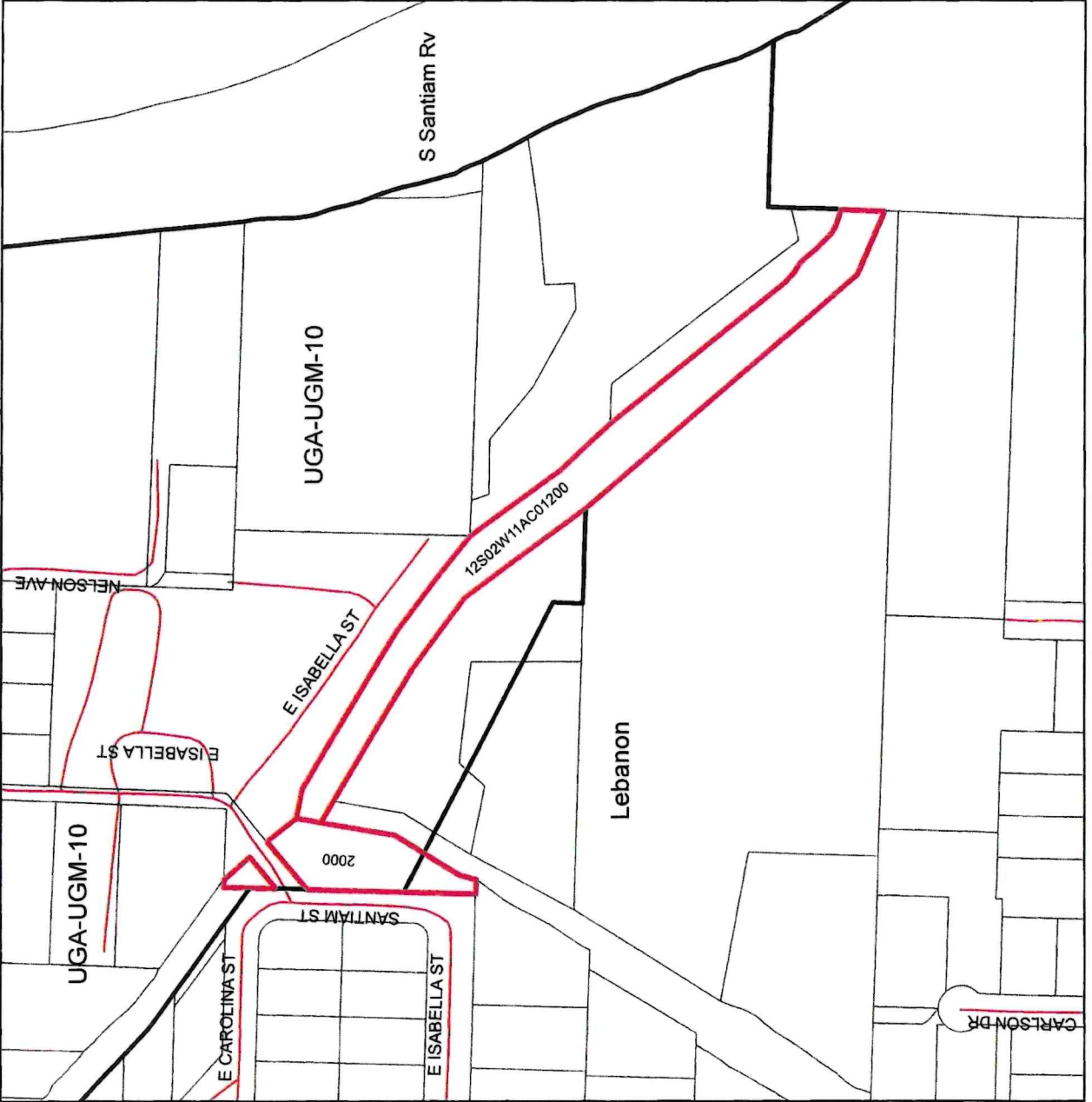
4. If a public hearing is scheduled before either the Planning Commission or the Board of County Commissioners, written and/or oral comments may be submitted either before or during that hearing. Please note the time and date of the hearing in the accompanying notice.
5. A map(s) depicting the parcel 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 in the Linn County Planning and Building Department office. Copies 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 120-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, 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 that 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 120-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 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



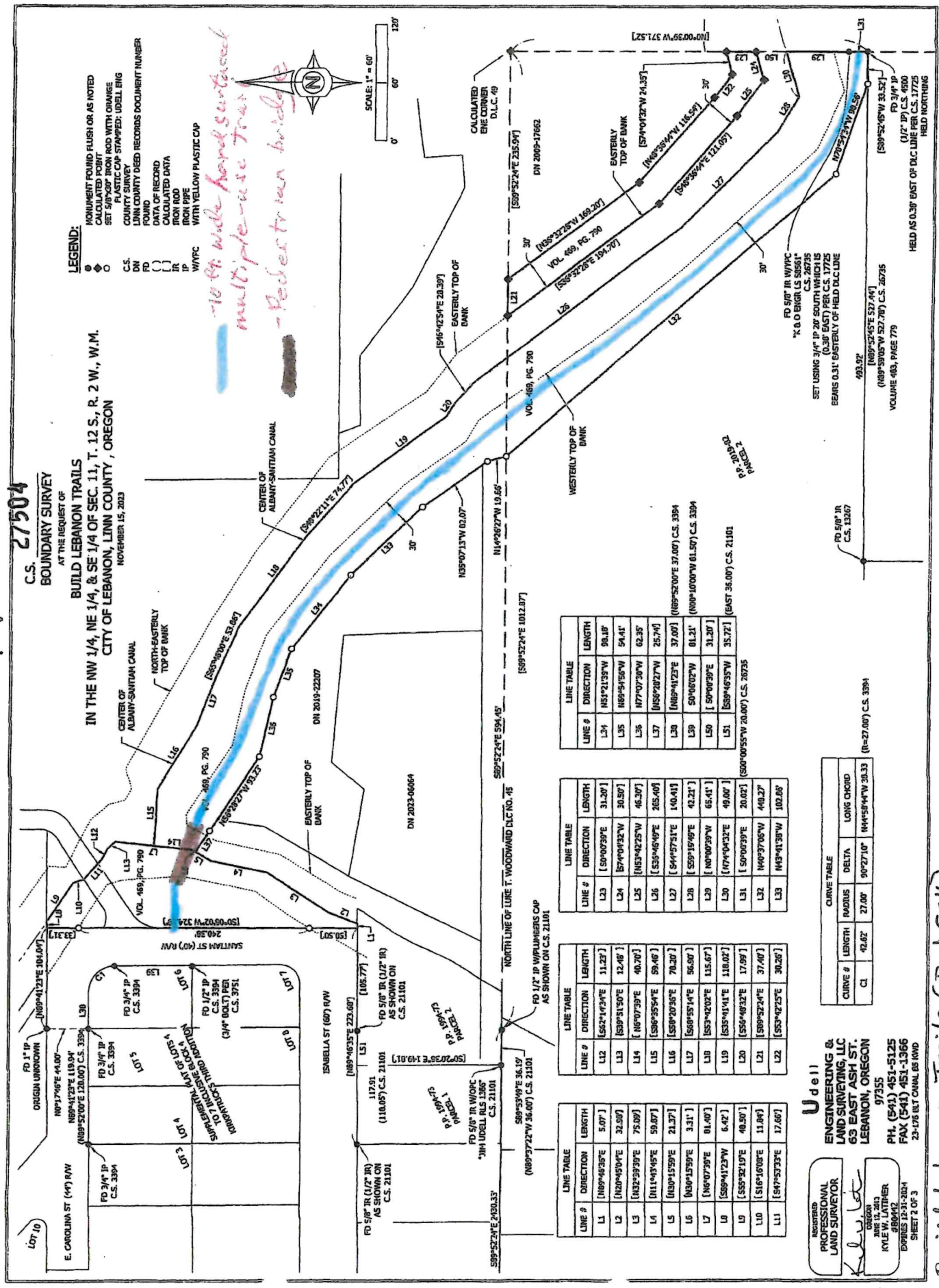
- Subject Properties
- taxlots
- Zoning
- roads

PD24-0237
BUILD LEBANON TRAILS
12S02W11AC01200
12S02W11BS02000



07/26/2024

Proposed Georgia Pacific Mill Race Trail. page 1



LEGEND:
 MONUMENT FOUND FLUSH OR AS NOTED
 CALCULATED POINT
 SET 5/8" IRON ROD WITH ORANGE PLASTIC CAP STAMPED: UDELL ENG
 COUNTY SURVEY
 LINN COUNTY DEED RECORDS DOCUMENT NUMBER
 C.S.
 ON
 DATA OF RECORD
 CALCULATED DATA
 IRON ROD
 IRON PIPE
 WITH YELLOW PLASTIC CAP
 WYPC

-10 ft wide hand surfaced multiple-use trail
-Pedestrian bridge

C.S. 27504
 BOUNDARY SURVEY
 AT THE REQUEST OF
BUILD LEBANON TRAILS
 IN THE NW 1/4, NE 1/4, & SE 1/4 OF SEC. 11, T. 12 S., R. 2 W., W.M.
 CITY OF LEBANON, LINN COUNTY, OREGON
 NOVEMBER 15, 2023

LINE #	DIRECTION	LENGTH
L34	N51°21'59"W	98.18'
L35	N85°54'55"W	54.41'
L36	N77°07'28"W	62.25'
L37	N52°28'27"W	25.74'
L38	N65°41'23"E	37.00'
L39	S0°00'02"W	61.31'
L50	S0°00'09"E	31.28'
L51	S59°45'37"W	35.72'

LINE #	DIRECTION	LENGTH
L23	S50°00'39"E	31.20'
L24	S74°00'32"W	30.50'
L25	N45°42'25"W	46.30'
L26	S39°45'49"E	265.40'
L27	S44°57'31"E	140.41'
L28	S59°15'49"E	42.21'
L29	N0°00'09"W	65.41'
L30	N74°44'32"E	49.80'
L31	S0°00'39"E	20.62'
L32	N49°37'06"W	448.27'
L33	N49°41'38"W	102.85'

LINE #	DIRECTION	LENGTH
L12	S62°44'34"E	11.23'
L13	S59°31'30"E	12.46'
L14	N6°07'39"E	40.70'
L15	S86°35'54"E	59.46'
L16	S58°20'36"E	78.20'
L17	S69°55'14"E	56.50'
L18	S53°42'02"E	115.67'
L19	S35°41'14"E	118.02'
L20	S55°32'19"E	17.99'
L21	S89°32'44"E	37.40'
L22	S53°42'52"E	30.26'

LINE #	DIRECTION	LENGTH
L1	N89°46'35"E	5.07'
L2	N08°45'04"E	32.98'
L3	N42°33'39"E	75.09'
L4	N11°43'45"E	59.87'
L5	N89°15'59"E	21.37'
L6	N30°45'39"E	3.31'
L7	N66°07'39"E	81.40'
L8	S69°41'23"W	6.42'
L9	S55°32'19"E	46.50'
L10	S16°16'08"E	11.84'
L11	S47°52'33"E	17.66'

CURVE TABLE	RADIUS	DELTA	LONG CHORD
	27.00'	90°27'10"	N44°58'44"W 28.33'
	42.62'	90°27'10"	

Udell
 ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355
 PH. (541) 451-5125
 FAX (541) 451-1366
 25-176 BLY CANAL BS 10WD
 SHEET 2 OF 3

Build Lebanon Trails (Rod Sell)
 P.O. Box 2604

Proposed Georgia Pacific Pacific Mill Race Trail. page 2

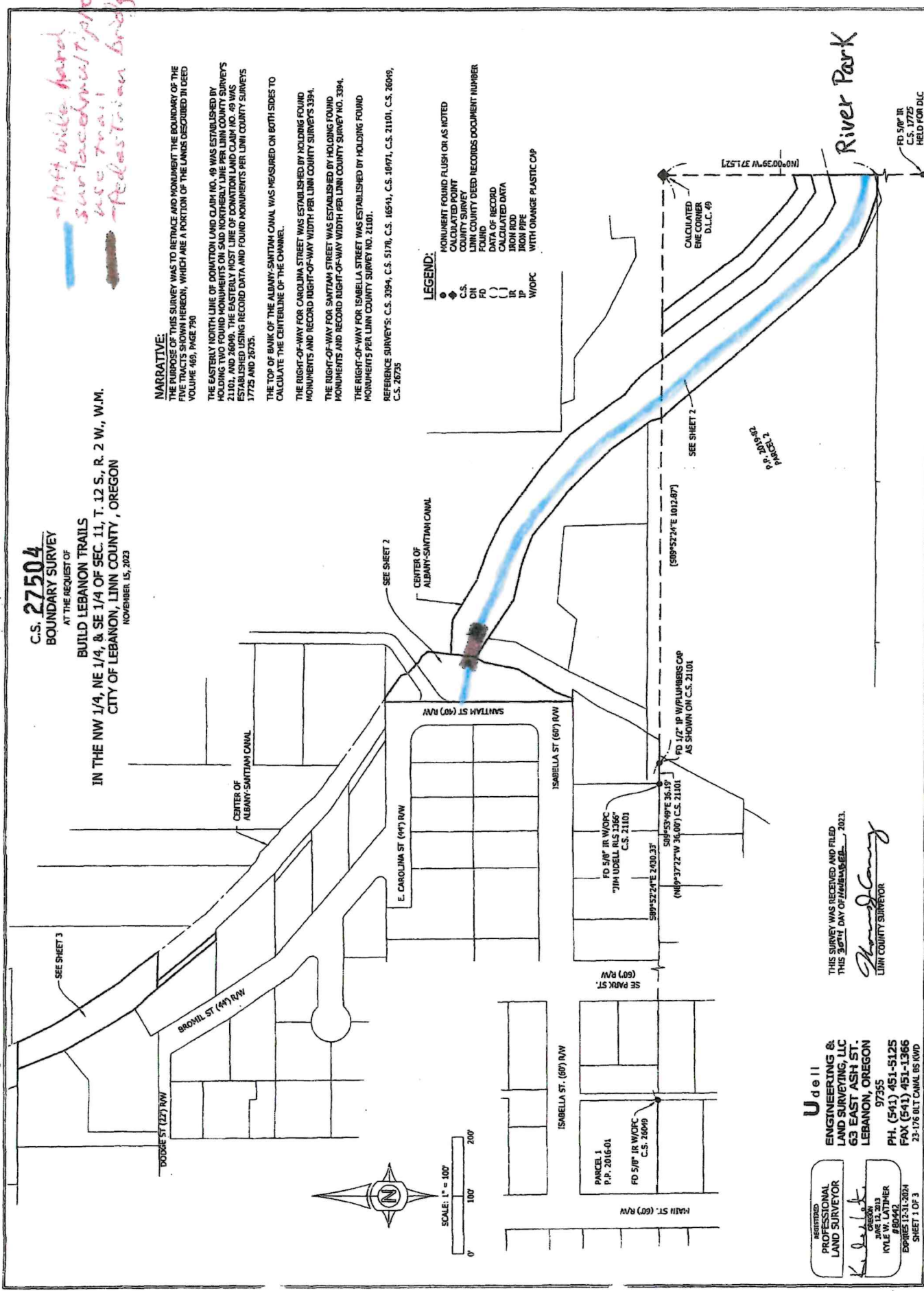
C.S. 27504
BOUNDARY SURVEY

AT THE REQUEST OF
BUILD LEBANON TRAILS
IN THE NW 1/4, NE 1/4, & SE 1/4 OF SEC. 11, T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON
NOVEMBER 15, 2023

*10ft wide hand
surv to cadmal pipe
use trail
pedestrian bridge*

NARRATIVE:
THE PURPOSE OF THIS SURVEY WAS TO RETRACE AND MONUMENT THE BOUNDARY OF THE FIVE TRACTS SHOWN HEREON, WHICH ARE A PORTION OF THE LOTS DESCRIBED IN DEED VOLUME 469, PAGE 790
THE EASTERLY NORTH LINE OF DONATION LAND CLAIM NO. 49 WAS ESTABLISHED BY HOLDING TWO FOUND MONUMENTS ON SAID NORTHERLY LINE PER LINN COUNTY SURVEYS 21101, AND 26095. THE EASTERLY MOST LINE OF DONATION LAND CLAIM NO. 49 WAS ESTABLISHED USING RECORD DATA, AND FOUND MONUMENTS PER LINN COUNTY SURVEYS 1775 AND 28135.
THE TOP OF BANK OF THE ALBANY-SANTIAM CANAL WAS MEASURED ON BOTH SIDES TO CALCULATE THE CENTERLINE OF THE CHANNEL.
THE RIGHT-OF-WAY FOR CAROLINA STREET WAS ESTABLISHED BY HOLDING FOUND MONUMENTS AND RECORD RIGHT-OF-WAY WIDTH PER LINN COUNTY SURVEYS 3394.
THE RIGHT-OF-WAY FOR SANTIAM STREET WAS ESTABLISHED BY HOLDING FOUND MONUMENTS AND RECORD RIGHT-OF-WAY WIDTH PER LINN COUNTY SURVEY NO. 3394.
THE RIGHT-OF-WAY FOR ISABELLA STREET WAS ESTABLISHED BY HOLDING FOUND MONUMENTS PER LINN COUNTY SURVEY NO. 21101.
REFERENCE SURVEYS: C.S. 3394, C.S. 5170, C.S. 16541, C.S. 18971, C.S. 21101, C.S. 26095, C.S. 26725

LEGEND:
● MONUMENT FOUND FLUSH OR AS NOTED
◆ CALCULATED POINT
□ COUNTY SURVEY
○ LINN COUNTY DEED RECORDS DOCUMENT NUMBER
○ FOUND MONUMENT
○ FOUND RECORD
○ CALCULATED DATA
○ IRON ROD
○ IRON PIPE
○ IP
○ W/OPC
○ WITH ORANGE PLASTIC COP



Udell
REGISTERED
PROFESSIONAL
LAND SURVEYOR
LAND SURVEYING &
ENGINEERING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
EXPIRES 12-31-2024
#80442
RYAN W. LUTHER
LINN COUNTY SURVEYOR

THIS SURVEY WAS RECEIVED AND FILED
THIS 30TH DAY OF NOVEMBER, 2023.
Udell
LINN COUNTY SURVEYOR

Build Lebanon Trails (Rod Sell)
PO Box 2604
Length of trail = approx. 1200 ft.