



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 PENDING LAND USE ACTION

The following request has been submitted for review by this Department. Any comments you wish to provide must be received by 5:00 p.m., December 27, 2024. All comments will be appreciated; however, Oregon law requires that written comments specify which application criteria apply to submitted testimony.

APPLICANT NAME: Mary Brock

LANDOWNER: Same

FILE NUMBER/TYPE OF REQUEST: PD24-0405; application for an expanded partition, pursuant to Linn County Code (LCC) 924.600(C)(1).

LOCATION OF PROPERTY: The subject property is located at 39454 Ridge Drive, Scio. The property is located on the south side of Ridge Drive, approximately 0.25 miles east of the intersection of Ridge Drive and Stayton Scio Road, and approximately 0.76 miles northeast of the city limits of Scio. (T10S, R01W, Section 5, Tax Lot 900)

PLAN DESIGNATION/ZONE DESIGNATION: Farm/Forest / Farm Forest (F/F)

URBAN GROWTH AREA/PLANNING AREA: N/A

SUMMARY OF REQUEST: The applicant is requesting an expanded partition to divide a quarry from a property located in the farm area of the F/F zoning district. The partition would divide an 83.25-acre property into one, 64.25-acre parcel, which would contain a dwelling, farm land and timber stand, and one, 19.00-acre parcel, which would contain the quarry. 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:

BY AGENCY (IF ANY) DATE

STAFF CONTACT PERSON: Alyssa Boles; (541)967-3816, ext.2360 or aboles@co.linn.or.us

Table with 4 columns: Linn County, State of Oregon, and Other. Rows include various departments like Sheriff, DEQ, ODOT/OSHD, Schools, etc.

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.

Sections 924.200(B), 924.210, and 924.620(B) of the Linn County Land Development Code contain the decision criteria specified for use with this application.

924.200 - Decision criteria for partitions; generally

(B) *Decision criteria.*

- (1) Absent a variance, the partitioning of land must meet established minimum parcel sizes, established setbacks and other applicable property development standards in the Development Code.
- (2) If the proposal complies with all of the applicable criteria specified in this section and in LCC 924.210 or 924.250, the Director shall grant tentative approval to the partition.
- (3) If the size of a parcel was the basis for a dwelling having been allowed outright, the parcel shall not be reduced in size below the qualifying minimum for that dwelling unless that dwelling is subsequently authorized under a different dwelling test.
- (4) If the size of a parcel and the farm use of that parcel were the justification for a dwelling allowed conditionally, any reduction of the parcel size shall be allowed only if the resulting farm use continues to meet a current farm dwelling test. Such is an action is Type IIA. For example, the conditional use for a dwelling once justified by a 200-acre cow-calf operation, may or may not be justified if the parcel is allowed to be partitioned or adjusted downward to an 80-acre parcel.
- (5) If the property is split-zoned and the split-zoning was not initiated by the landowner, the property may be partitioned in accordance with this Chapter along the zoning district or jurisdictional boundary if:
 - (a) A property is transected by an urban growth boundary, city limits, county line or a boundary between a non-resource zone and a zoning district in the RRZ;
 - (b) The property is transected by a boundary between two resource zoning districts and the resulting parcels would either conform to the minimum parcel size in the applicable zoning districts or have otherwise been authorized under the provisions of LCC 924.500 to LCC 924.800;
 - (c) The resulting parcels have sufficient on-site area to provide an approved septic system; and
 - (d) The proposed development on the resulting parcels can either meet the property-line and riparian setbacks or has been approved for a variance.
- (6) The proposed parcels meet the minimum size, width and depth standards of the zoning district in which they are located and conform to the standards of LCC Chapter 923 (Lot and Parcel Design Standards Code). In the RR and RCT zoning districts, properties containing more than one lawfully-established, habitable dwelling may be partitioned into substandard-sized parcels if consistent with Plan Policy 14 or 9, respectively. Where more than one dwelling exists, no parcel may be created that does not contain a dwelling and the size of each parcel shall be balanced as much as practical, given the location of dwellings, outbuildings, septic systems, setbacks and driveways.
- (7) The partition of land will not create more than three authorized units of land within one calendar year.
- (8) Except as provided in paragraph (9) of this subsection, each proposed parcel shall have an approved septic system located within the boundaries of the proposed parcels.
- (9) Within the Rural Resource Zone.
 - (a) For a parcel in the RRZ created solely for resource management purposes, such parcel may not be required to have an approved septic system.

- (b) For a parcel in the RRZ not created solely for resource management purposes, such parcel is required to have an approved septic system unless the use does not require such system.
 - (c) For a parcel in the RRZ created for a non-resource management purpose, such parcel is required to have an approved septic system unless the use does not require such system. Written certification from an irrigation district, drainage district, water control district, water improvement district or district improvement company within whose boundaries the proposed partition is located as to whether or not the property is within the district and is subject to district fees. (See ORS 92.090)
- (10) When property proposed for partitioning is within a city's urban growth area (UGA), appropriate time shall be given for a city's review and comment pursuant to the urban growth boundary management agreement. Partitions within an urban growth area may require an urban conversion plan approved by the city.

924.210 - Decision criteria for partitions with recognized access

- (A) A partition plan having recognized access may be tentatively approved if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the criteria in LCC 924.200 and subsection (B) of this section have been met.
- (B) All parcels created shall have an existing, recognized, vehicular access pursuant to LCC 935.015 and other applicable provisions of LCC Chapter 935 (Access Improvement Standards Code).

924.620 Decision criteria for creating new nonfarm parcels in the EFU or in the farm area of the F/F zoning district; generally

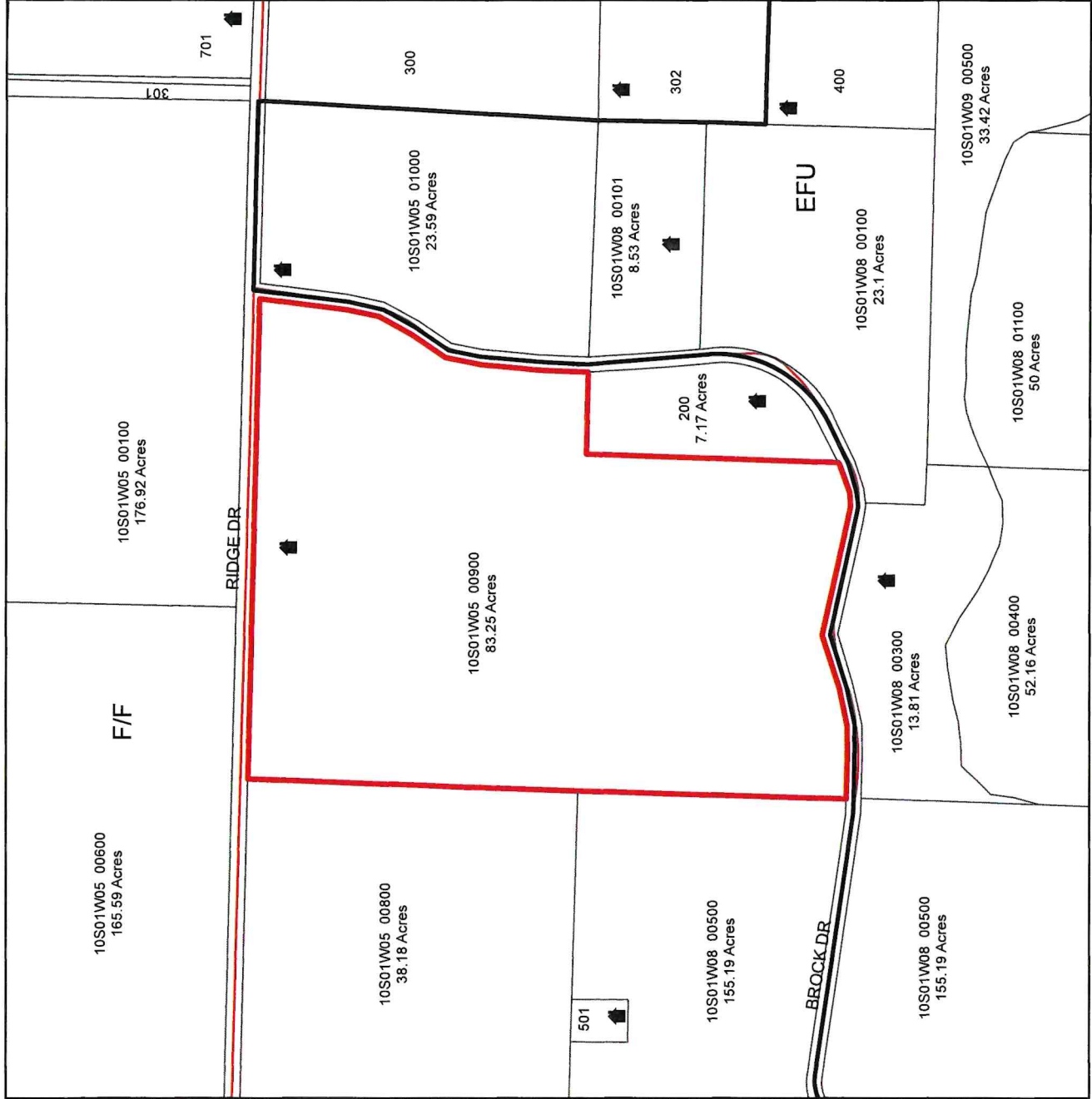
- (B) *Decision criteria for partitions; generally.*
 - (1) The proposal shall not involve an authorized unit of land containing a farm-relative dwelling, previously authorized under the Development Code or previous ordinance.
 - (2) The proposal shall not involve an authorized unit of land containing a non-farm dwelling except as otherwise provided in LCC 924.624.
 - (3) The parcel shall not be larger than the minimum size necessary for the use, taking into consideration septic system, septic repair area, water source and accessory buildings. Authorization under this section to seek a partition of land, the use of which requires a septic system, shall not be permitted if the land does not have adequate area within the property boundaries for an approved septic system.
 - (4) The decision criteria in LCC 924.005 to 924.499.

- 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 Director. Oral comments cannot be accepted for Director decisions.
- 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 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 Property (Red outline)
taxlots (Black outline)
Zoning (Grey outline)
roads (Red line)

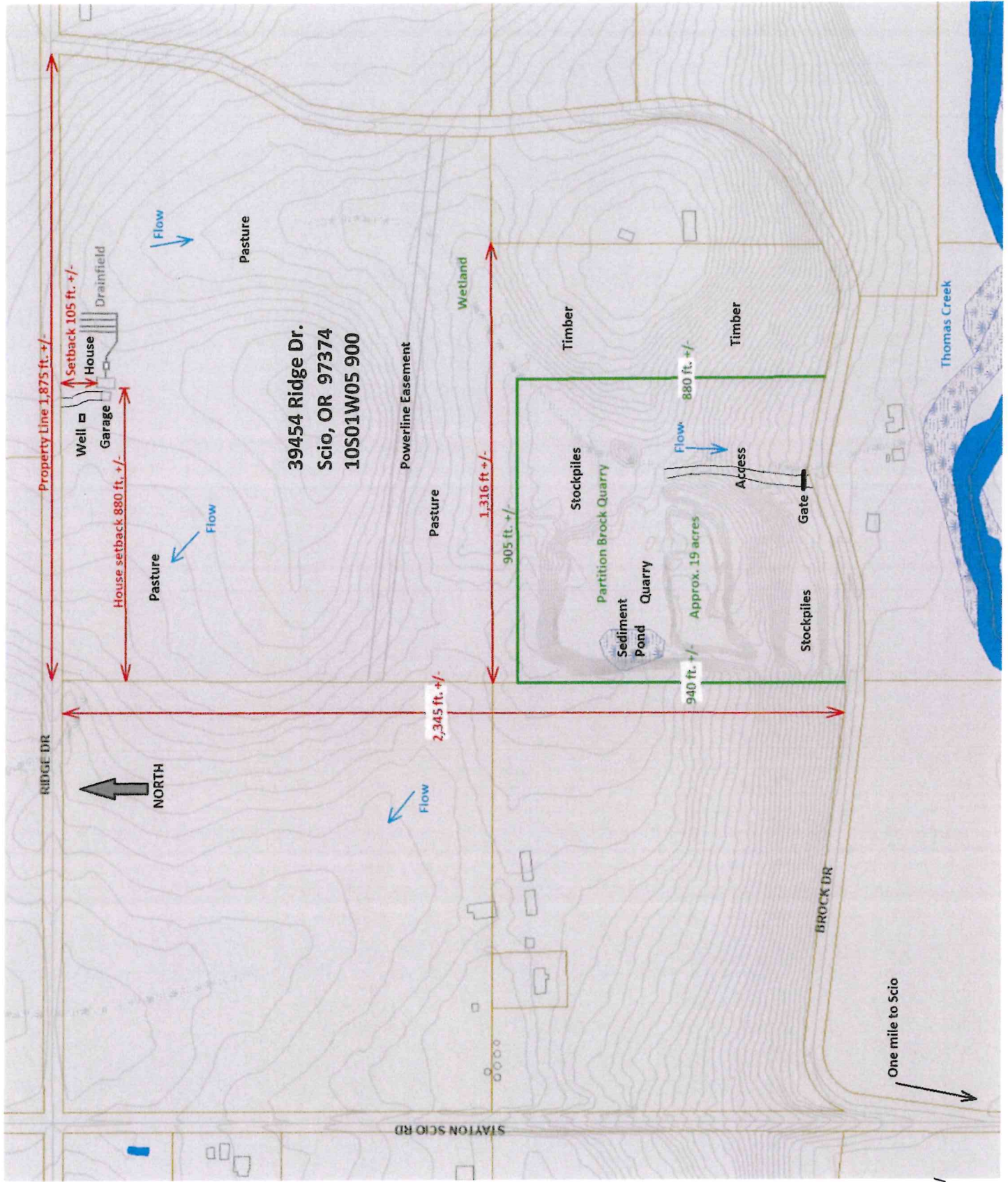
PD24-0405
10S01W05 00900
BROCK
83.25 acres



12/06/2024

**Partition
Application**

Scale: 1" = 400 ft.



Applicant

Mary J. Brock
1308 Umatilla St. SW
Albany, OR 97321