



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director

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[www.linncountyor.gov](http://www.linncountyor.gov)

## NOTICE OF LAND USE HEARING

NOTICE IS HEREBY GIVEN that on **March 11, 2025, 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.

**PD24-0425;** Combined applications for a conditional use permit and greenway review by the City of Harrisburg to develop a public park on a 132.95-acre property identified on Linn County Assessor maps as T15S, R4W, Section 21, Tax Lot 300. The property is located south of Sommerville Avenue, with 31.2 acres inside the city limits of Harrisburg and the remaining acreage adjacent to city limits and zoned Exclusive Farm Use (EFU). The proposed park facilities inside the city would include a boat launch, trailheads, a dog park, a playground, viewpoints, a multi-use path for hiking, biking and running, and fishing spots. The park facilities within the EFU-zoned portion of the property include a multi-use path for hiking, biking and running, an access drive, fishing areas, hiking trails, viewpoints, and park benches. County review is limited to the park facilities proposed in the EFU zoned portion of the property. 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 Commission may make a land use decision.

**COMMENTS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**BY** \_\_\_\_\_ **AGENCY (IF ANY)** \_\_\_\_\_ **DATE** \_\_\_\_\_

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**STAFF CONTACT PERSON:** Alyssa Boles; (541) 967-3816 or [aboles@co.linn.or.us](mailto:aboles@co.linn.or.us)

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

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 LCC 933.310, 933.320, 932.950(B), and LCC 931.660 of the Linn County Land Development Code contain the decision criteria specified for use with this application.

**LCC 933.310 - RRZ Conditional Uses, Generally**

- (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 geologic 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.
- (4) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (5) If in the forest area of the F/F or in the FCM zoning districts, the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (6) The location, size, design and operating characteristics of the proposed development will be made reasonably compatible with and have minimal impact on the livability and appropriate development of nearby property. The proposed use will be reviewed with respect to scale, bulk, coverage, density, the availability of necessary public facilities and utilities, traffic generation, road capacity and safety and to other related impacts of the proposal.
- (7) If in the forest area of the F/F or in the FCM zoning districts, a written statement recorded with the deed or written contract with the county is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for the following uses.
  - (a) parks and campgrounds;
  - (b) reservoirs and impoundments;
  - (c) medical hardship dwellings;
  - (d) home occupations; and
  - (e) private accommodations for fishing.

**933.320 - RRZ conditional uses subject to additional decision criteria**

- (A) The following conditional uses (permitted in LCC 928.320 to 928.336, 928.620 to 928.636 and 928.920 to 928.936, or a partition authorized under LCC 924.500 to 924.800) may be permitted in the RRZ provided the decision criteria in subsection (B) and other applicable decision criteria and requirements of law are met:
  - (1) schools;
  - (2) churches and cemeteries in conjunction with churches;
  - (3) private parks, playgrounds, hunting and fishing preserves;
  - (4) campgrounds, public parks and playgrounds;
  - (5) community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for the residents of the local rural community;
  - (6) golf courses on non-high-value farmland;
  - (7) living history museum; and
  - (8) firearms training facility.

(B) *Decision criteria*

(1) The criteria in LCC 933.310(B)

(2) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4, or unless the structure is described in a master plan adopted under the provisions of OAR Chapter 660, Division 34.

(3) Any enclosed structures or group of enclosed structures described in subsection (1) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(4) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this section.

**932.950(B) - Decision criteria for parks**

(B) The criteria set forth in this subsection shall be met for the approval of an application for a public park.

(1) For a public park:

(a) if in an RRZ, meet the decision criteria set forth in LCC 933.310;

(b) if in an RDZ, meet the decision criteria set forth in LCC 933.220;

(c) if in an UGAZ, meet the decision criteria set forth in LCC 933.260;

(d) the park shall be owned and operated by a governmental agency or a nonprofit community organization.

(e) a State park, such criteria as may be adopted by statute or rule and subject to OAR 660-34-0000 to 660-034-035;

(f) a local public park, such criteria as may be applicable in a local parks master plan and is subject to OAR 660-034-0040.

(2) For a public campground in a public park, the campground shall meet, in addition to the criteria set forth in paragraph (1) of this subsection, the following criteria:

(a) in any zoning district,

(i) the campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes;

(ii) the campground shall not be used for residential purposes.

(iii) the park shall be owned and operated by a governmental agency or a nonprofit community organization.

(b) Only in the RRZ, the campground shall be established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

**931.660 - WRGO; Decision criteria for conditional uses:**

(B) Decision Criteria.

(1) The proposal is consistent with the protection of land in the Exclusive Farm Use zoning district.

(2) The proposal is consistent with the protection of sensitive fish and wildlife habitat areas identified by the Oregon Department of Fish and Wildlife. Consideration of habitats shall include, but not be limited to fish spawning sites, fresh water marshes, and great blue heron, osprey, and eagle nest trees and trees adjacent to the nest trees.

(3) The proposal is consistent with the preservation of significant natural and scenic areas, viewpoints and vistas.

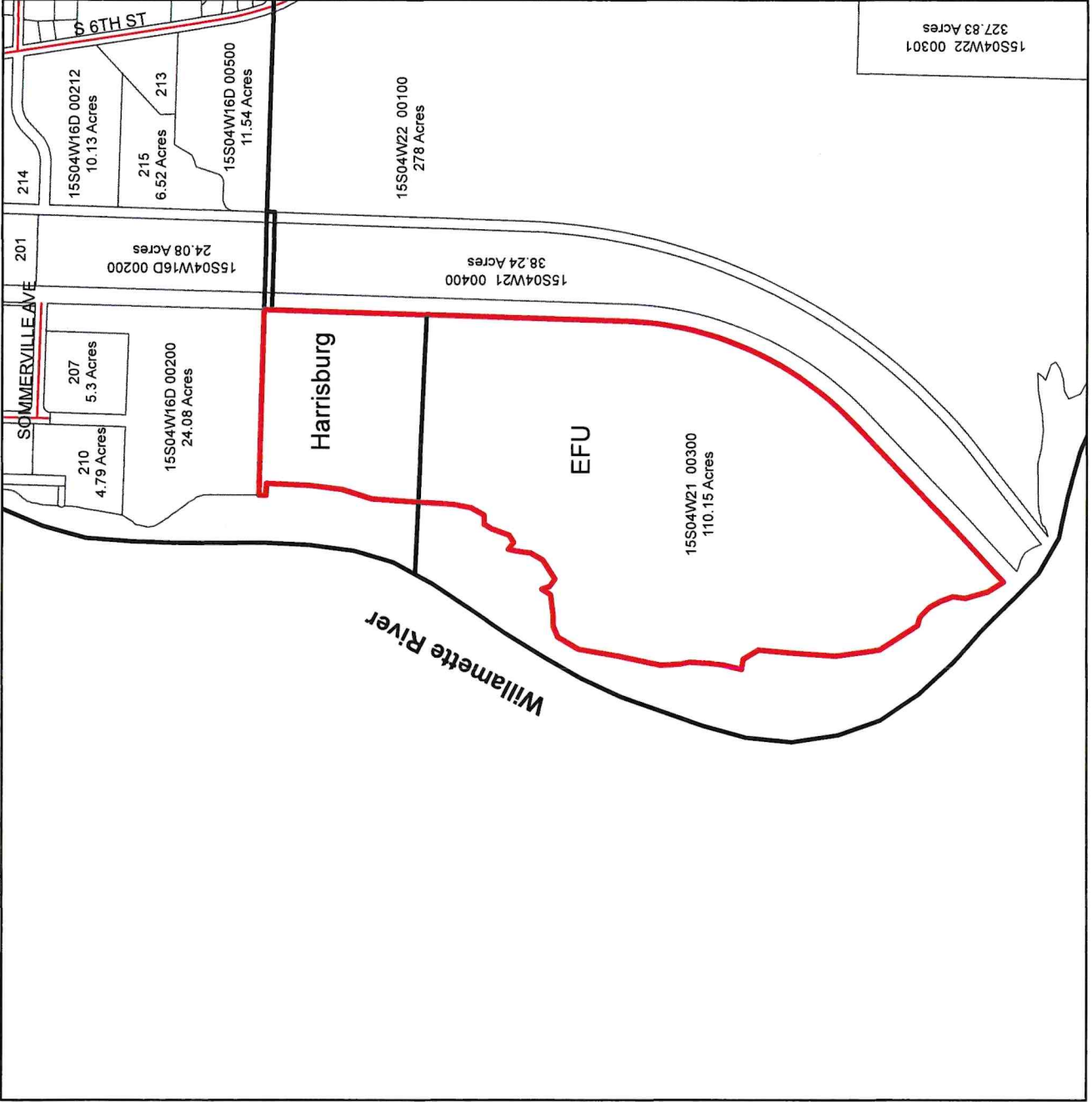
- (4) The proposal is consistent with the enhancement and protection of the natural vegetative fringe to the maximum extent practicable.
  - (5) The protection, preservation, restoration and enhancement of areas having ecological, scientific, historical or archaeological significance are not significantly impaired by the proposal.
  - (6) The quality of the air, water and land resources in and adjacent to the Greenway shall not be significantly impaired by the proposal.
  - (7) The proposal is consistent with the retention, in their natural state, of identified areas of annual flooding, flood plains and wetlands to the maximum extent practicable.
  - (8) The proposal shall not have a significant effect upon potentially erodible areas.
  - (9) The proposal is compatible with existing uses in the surrounding area.
  - (10) The proposal has been directed away from the Willamette River to the greatest extent possible.
  - (11) The maximum possible landscaping area, open space and vegetation will be provided between the Willamette River and the proposal.
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



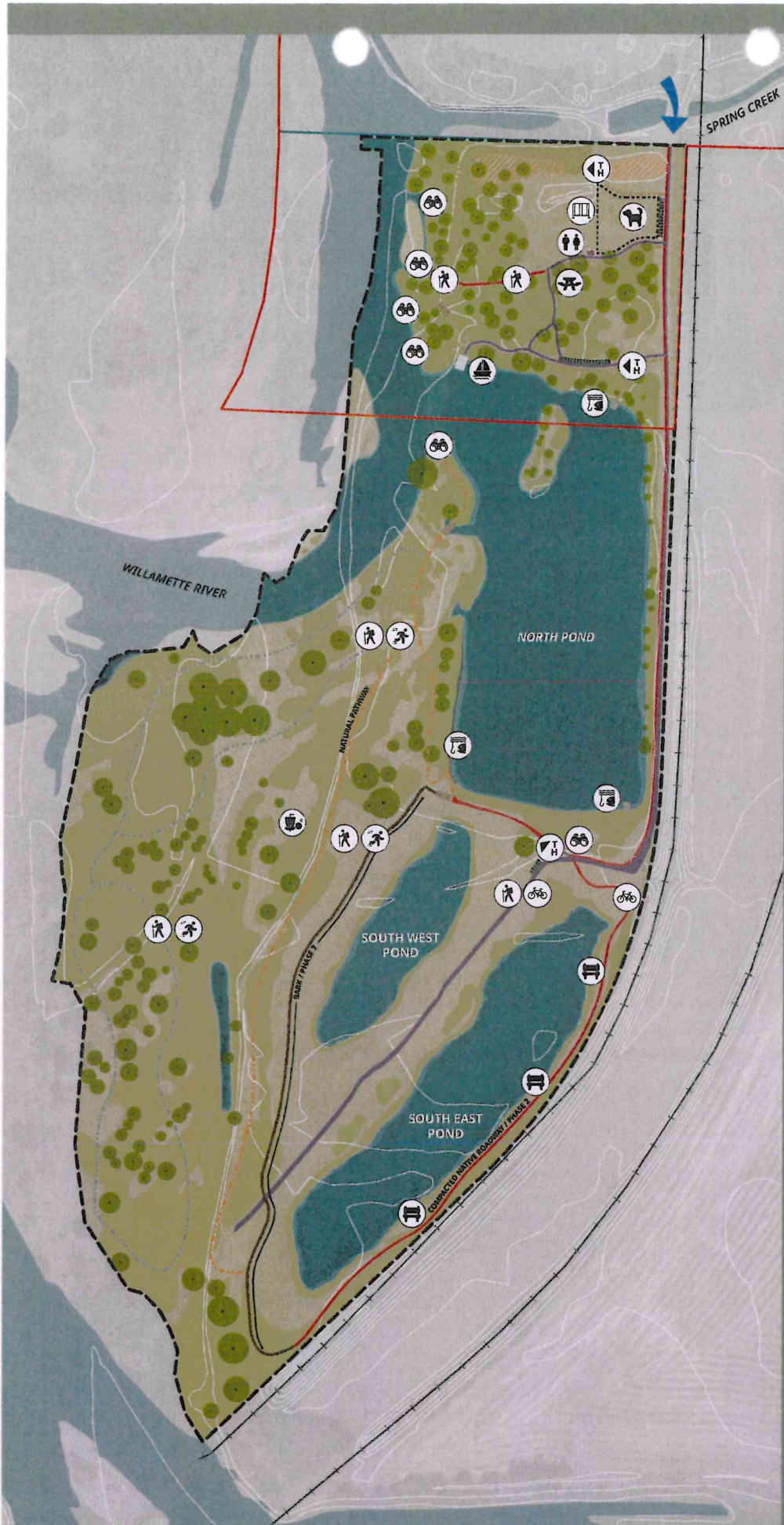
- Subject Property
- taxlots
- Zoning
- roads

**PD24-0425**  
**15S04W21 00300**  
**CITY OF HARRISBURG**  
**110.15 acres**



02/18/2025





**Legend**

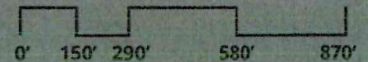
- Project Limits
- UGB
- City Limits
- Access Drive
- Multi-Use Path / ADA / Accessible Crushed Rock / Native Compacted Roadway
- Primary Path Bark / Natural
- Secondary Path Native Material
- Future Path Native Material
- Railway
- Wetland
- Upland
- Shrubs
- Trees
- 5-ft Contours
- Pedestrian Access
- Head-in Parking
- Boat Launch (Phase 3)
- Accessible Fishing Dock (Phase 3)
- Footbridge (Phase 3)
- Restrooms (Phase 3) (vault toilets)

**Programming**

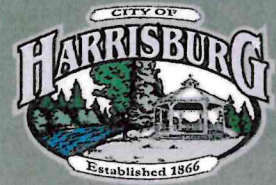
- Restrooms
- Trailhead
- Benches
- Playground
- Bike Trail
- Running Trail
- Hiking Trail
- Fishing
- Viewpoint
- Picnic Area
- Boat Launch
- Dog Park
- Disc Golf

**EAGLE PARK  
CONCEPT PLAN**

November 17, 2023







- Legend**
- Project Limits
  - UGB
  - City Limits
  - Access Drive  
6-inch depth of 3/4-inch crushed rock.
  - Multi-Use Path  
4-inch depth of 3/4-inch crushed rock.
  - Primary Path  
3 inches depth of 3/4-inch crushed rock with a 4-inch layer of engineered wood fiber.
  - Secondary Path  
4-inch depth of Native Material.
  - Railway
  - Construction Staging Area
  - Wetland
  - Upland
  - Shrubs
  - Trees
  - 5-ft Contours
  - Site Access

# EAGLE PARK CONCEPT PLAN

May 6, 2024

