



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.co.linn.or.us

NOTICE OF LAND USE HEARING

NOTICE IS HEREBY GIVEN that on June 11, 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; and on June 18, 2024 at 10:00 a.m. in Room 200 of the Linn County Courthouse in Albany Oregon a public hearing will be held before the Linn County Board of Commissioners. These hearings are 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 the Department before the public hearing dates. The Commission will make a recommendation on this application to the Board. The Board will make a decision after close of the Board hearing. These meeting locations are accessible to persons with disabilities.

PD24-0128: Applications by the City of Millersburg for a Comprehensive Plan Text Amendment and Reasons Exception to Statewide Planning Goals 3 and 14, affecting 1.44 acres of a 99.96-acre property identified as T10S, R3W, Sec. 20, Tax Lot 402. The subject property is located on the south side of Conser Road, approximately 0.17 miles west of the intersection of Conser Road and Woods Road, and adjacent to the city limits of Millersburg. The property has a Plan Designation of Agricultural Resource and is zoned Exclusive Farm Use (EFU). The Applicant proposes a Goal Exception for Goals 3 and 14 to allow an urban driveway through EFU-zoned property in order to provide access to a set of landlocked parcels located within the City limits. The Application will culminate in two amendments to the Comprehensive Plan: 1) adding a Transportation Goal Exception to Appendix 2 (in two separate tables); and 2) adding proposed Tech Memo 7.1 into the County TSP.

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, Bldg Official, Assessor, GIS, DEQ, DOGAMI, DSL, Water, ODOT/OSHD, ODSF, DLCD, Parks, and 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. This application will be reviewed and a decision will be made using the following decision criteria from Linn County Code (LCC) 921.872 and Oregon Administrative Rule (OAR) Chapter 660, Division 12.

LCC 921.872 – Decision criteria for Plan text amendments

To approve a plan text amendment, the following criteria shall be met:

(A) The amendment is consistent with the intent of the applicable section(s) of the Comprehensive Plan; and

(B) The amendment is consistent with the statewide planning goals

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.

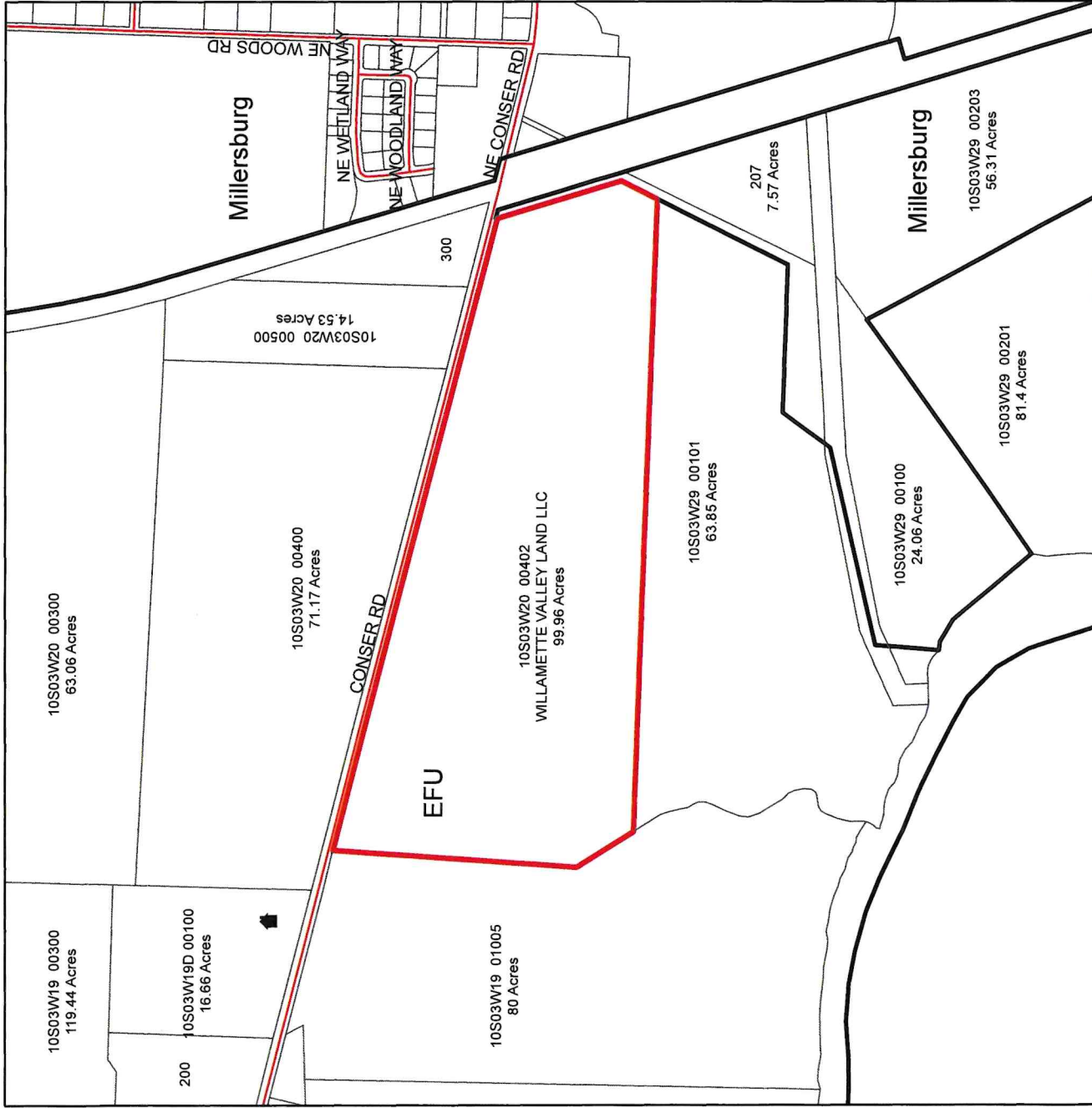
9. Appeals from Departmental decisions result in a hearing before the Planning Commission; appeals from Commission decisions result in a new hearing before the Board of County Commissioners.
10. Testimony or evidence previously submitted to the Commission must be resubmitted by the parties to the Board 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 (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.

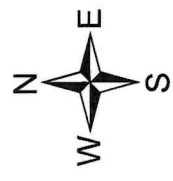
Linn County Planning & Building Department

Notice Map



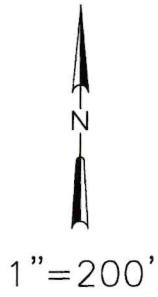
- Subject Property
- taxlots
- Zoning
- roads

PD24-0128
10S03W20 00402
CITY OF MILLERSBURG
99.96 acres



05/21/2024

EXHIBIT C



 ACCESS EASEMENT
62,901 SqFT (1.44 ac) +/-