



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director

Room 114, Linn County Courthouse
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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., November 18, 2024. All comments will be appreciated; however, Oregon law requires that written comments specify which application criteria apply to submitted testimony.

APPLICANT NAME: Bradley Scruggs

LANDOWNER: Bradley Scruggs

FILE NUMBER/TYPE OF REQUEST: PD24-0326; an application for a conditional use permit for an alternative forestland dwelling, pursuant to Linn County Code (LCC) 928.628(B)(2). Also, an application for an easement review, pursuant to LCC Chapter 935.

LOCATION OF PROPERTY: The property is located on Franklin Butte Road, approximately 1 mile to the south and east of the city of Scio (T10S, R01W, Section 20, Tax Lot 901).

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

URBAN GROWTH AREA/PLANNING AREA: N/A

SUMMARY OF REQUEST: The applicant is requesting a conditional use permit to locate an alternative forestland dwelling on a 28.31-acre property. 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 [Blank] AGENCY (IF ANY) [Blank] DATE [Blank]

STAFF CONTACT PERSON: Julia Fox; (541)967-3816, ext.2366 or jfox@co.linn.or.us

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

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.
2. 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.

Sections 933.310(B)(1-3 and 5), 933.750(C), and 935.150(A) of the Linn County Land Development Code contain the decision criteria specified for use with this application.

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.

933.310(B)(1-3 and 5) 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.
- (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.

933.750 Alternative forestland dwellings

- (1) The authorized unit of land is predominantly composed of soils that are:
 - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (i) All or part of at least three other authorized units of land that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (ii) At least three dwellings existed on January 1, 1993, and continue to exist, on the other authorized units of land;
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (i) All or part of at least seven other authorized units of land that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (ii) At least three dwellings existed on January 1, 1993, and continue to exist, on the other authorized units of land; or
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (i) All or part of at least 11 other authorized units of land that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (ii) At least three dwellings existed on January 1, 1993, and continue to exist, on the other authorized units of land.
- (2) The criteria of LCC 933.310 (B) (1) to (3) and (5).

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.

- 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.

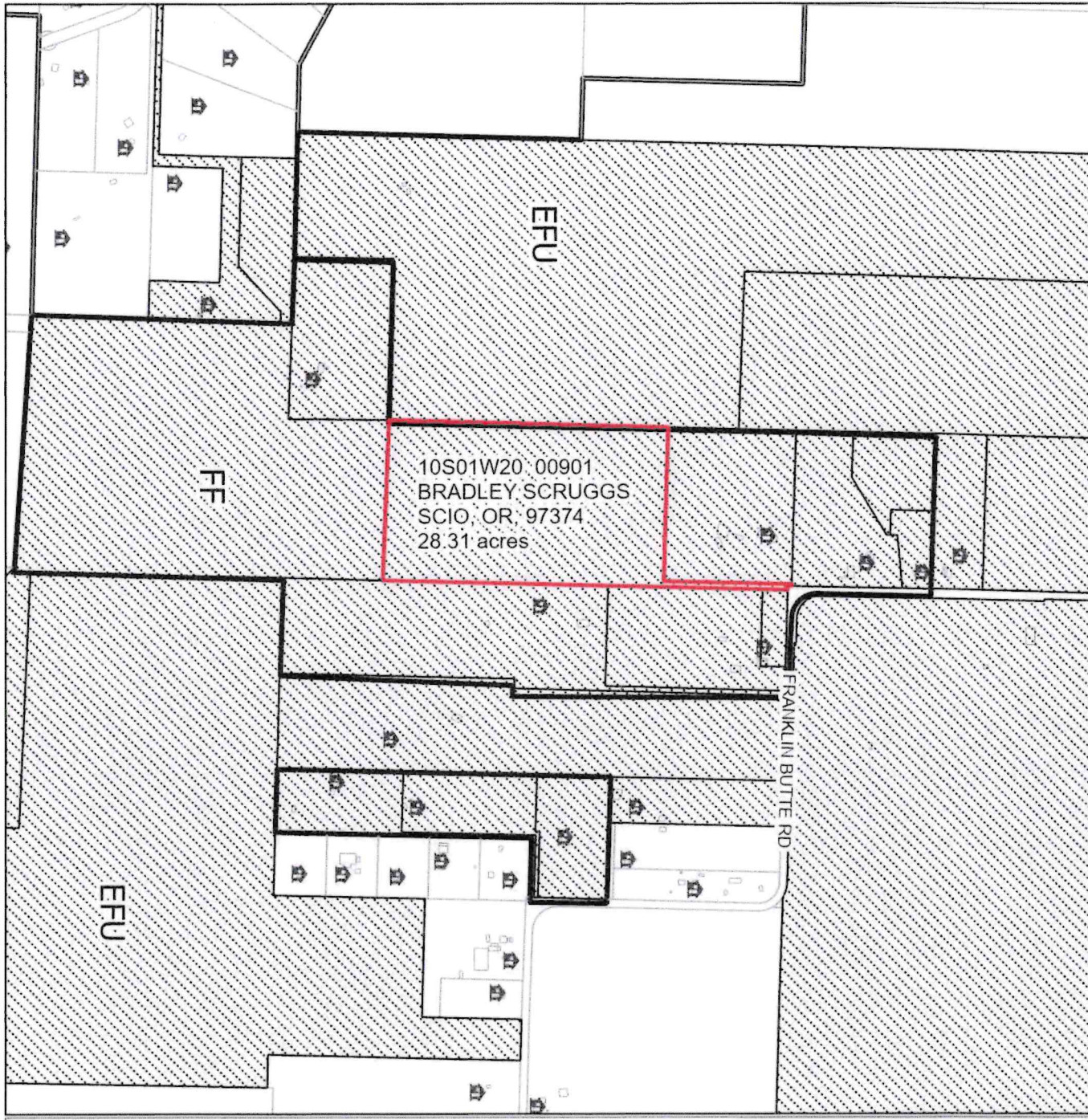
- 6. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 150-day time limitations of ORS 215.427.

- 7. 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 215.427.

- 8. 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.

9. Testimony or evidence previously submitted to the Commission must be **resubmitted** by the parties to the Board for the new hearing.
10. 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.



- Subject Property
- Notice Area
- Zoning Boundaries
- Taxlots

10S01W20 00901
BRADLEY SCRUGGS
SCIO, OR, 97374
28.31 acres