



LINN COUNTY JUVENILE DEPARTMENT  
104 SW 4<sup>th</sup> Ave. Suite 200 / PO Box 100  
Albany OR 97321  
Phone: 541-967-3853  
Fax: 541-967-4268



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## REPORT TO COMMISSIONERS Update for 2022

*Submitted by Torri Lynn; Juvenile Department Director*

### **Detention**

Benton: 2 youth were held for 31 total of days of care, 1 females and 1 males.

Total Admissions to Detention = 2

Average Length of Stay = 15.50 days

Average Daily Population = 1 youth

Linn: 17 youth were held for 234 total of days of care, 6 females and 11 males.

Total Admissions to Detention = 19

Average Length of Stay = 12.32 days

Average Daily Population = 7.55 youth

Lincoln 2 youth were held for 18 total days of care, 0 females and 2 males

Total Admissions to Detention = 2

Average Length of Stay = 9.00

Average Daily Population = 0.58

**Time for Change Program: 0**

### **Probation**

The Juvenile Department received 23 referrals during the month of January 2022.

Of the 23 referrals, 0 represent dependency, 13 status and 10 criminal.

There are currently 176 youth in the Probation Unit either on probation or pending court with 48 of those being assessed high-risk.

There are currently 53 youth under the Community Programs Unit serving on informal probation and the Intervention Specialist is currently serving 84 youth. 80 of those youth are from the community with no involvement with law enforcement.

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Victim Advocate is serving 64.

Cases Unassigned: 8

OYA Cases: 54

### **Work Crew**

Tier 1 – 5 youth completed 81 hours of community service in 5 project days. In 2021 4 youth completed 40.50 hours of service during the same time period.

Tier 2 – 10 youth completed 167.50 hours of work crew in 10 project days. In 2021 23 youth completed 458.00 hours of service during the same time period.

### **Miscellaneous Business -**

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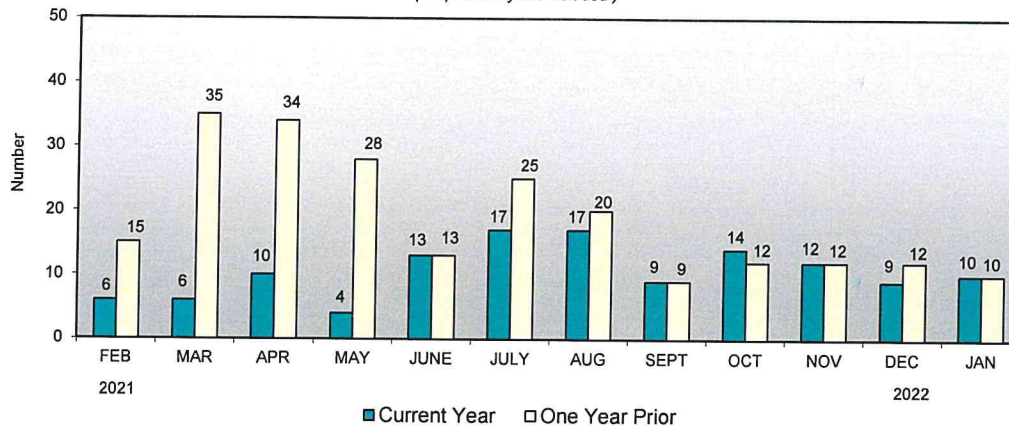
[trieker@co.linn.or.us](mailto:trieker@co.linn.or.us)

**Kevin Husk**  
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Linn County Juvenile Department  
JANUARY 2022 Statistics

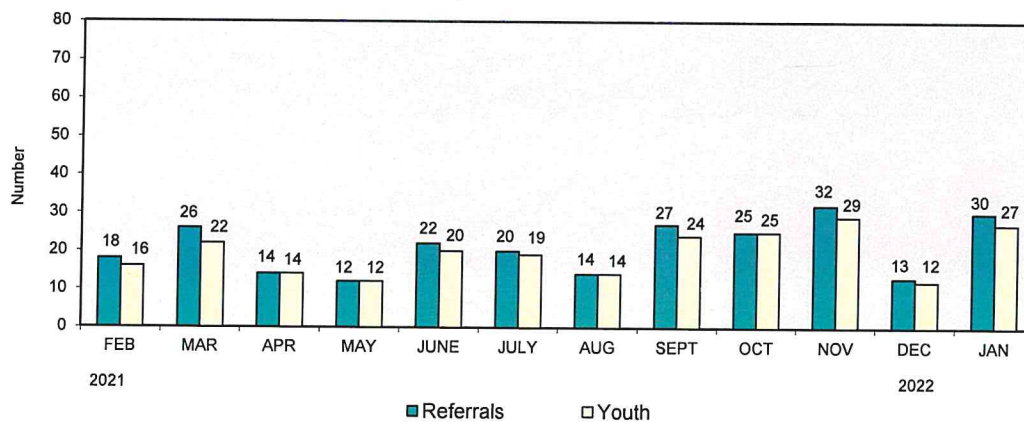
Juvenile Petitions Filed  
(Dependency not included)



PETITIONS

Current	127
Last	225
Difference	-98

Referrals within a 12 month period  
Dependency/Probation Violations not included



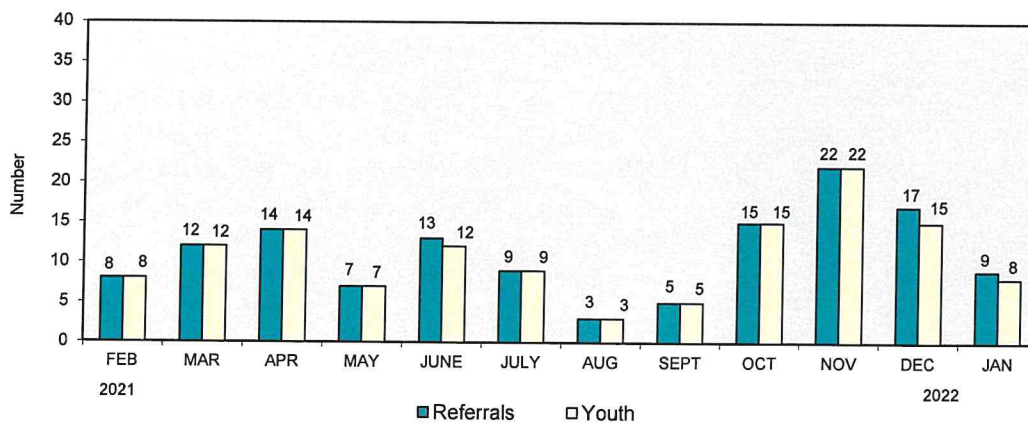
REFERRALS

Current	253
Last	428
Difference	-175

YOUTH

Current	234
Last	381
Difference	-147

Total Criminal Referrals within a 12 month period



CRIMINAL  
REFERRALS

Current	134
Last	221
Difference	-87

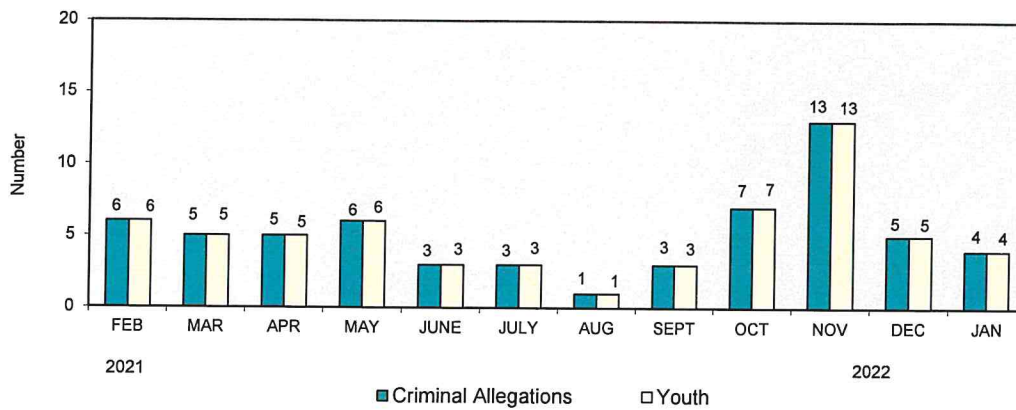
YOUTH

Current	130
Last	194
Difference	-64

Linn County Juvenile Department  
JANUARY 2022 Statistics

Note: Person, Property & Drug Crimes are at the ALLEGATION level.

Person to Person Crimes within a 12 month period



CRIMES

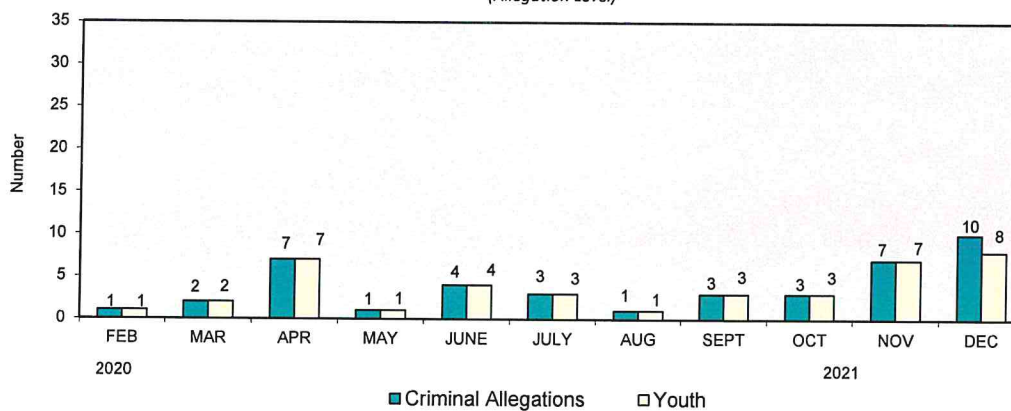
Current	61
Last	91
Difference	-30

YOUTH

Current	61
Last	68
Difference	-7

Property Crimes within a 12 month period

(Allegation Level)



CRIMES

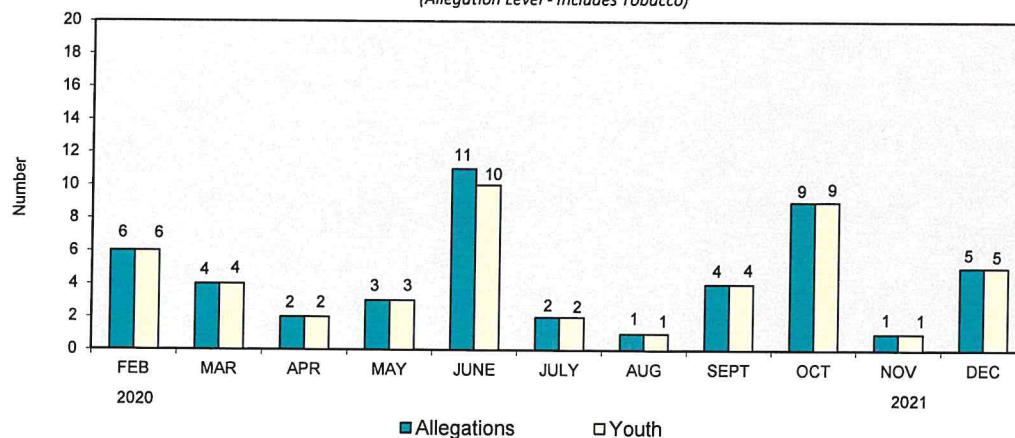
Current	49
Last	122
Difference	-73

YOUTH

Current	44
Last	89
Difference	-45

Drug and Alcohol Offenses within a 12 month period

(Allegation Level - Includes Tobacco)



CRIMES

Current	51
Last	128
Difference	-77

YOUTH

Current	50
Last	115
Difference	-65





## LINN COUNTY PROPERTY MANAGEMENT

104 SW 4<sup>th</sup> Avenue, Room 123 Albany, Oregon 97321

Phone: (541) 967-3807

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Date: February 22, 2022

To: Board of Commissioners

From: Rachel Adamec, Real Property Program Manager

RE: R&O 2022-064 Follow-up Paperwork - Property Account #928182  
R&O 2022-067 Follow-up Paperwork - Property Account #41604

1. Resolution & Order 2022-064 conveys property account #928182 (3111 Burdell Blvd., Lebanon). Sale details:

- Offer accepted on February 8, 2022
- RMV: \$234,000
- Offer price: \$65,000
- Sold to: Sranna Jaswant Singh\*

\*Partner of BJ Justice. Listed on offer received but only BJ Justice's name was mentioned in the discussions with the Board last week.

2. Resolution & Order 2022-067 conveys property account #41604. Sale details:

- Sealed bid accepted on February 8, 2022
- RMV: \$750
- Bid accepted: \$100
- Sold to: Teri Lyn Beckner



**BOARD OF COMMISSIONERS  
PUBLIC HEARING STAFF REPORT**

PREPARED BY: Jennifer Cepello, Associate Planner

DATE ISSUED: February 15, 2022

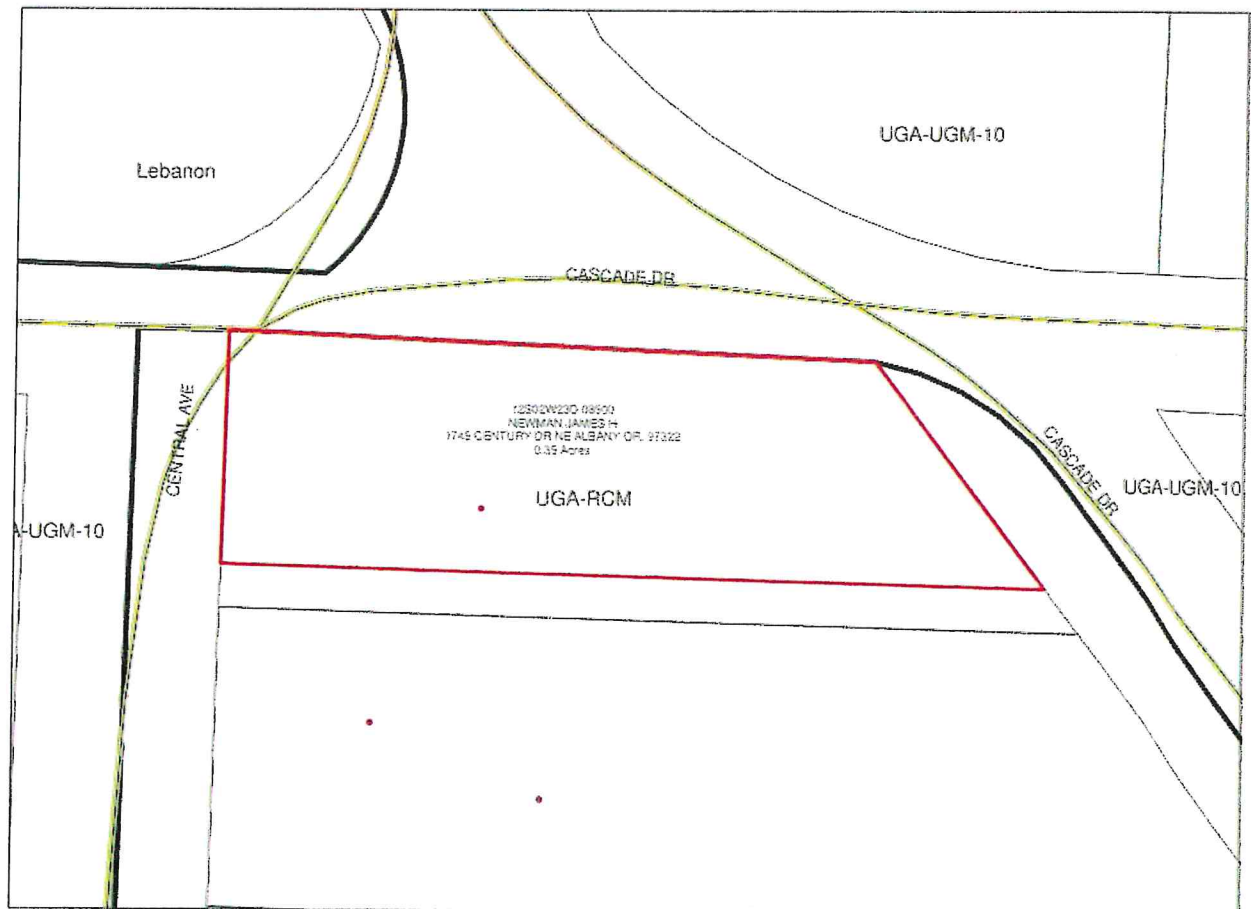
HEARING DATE: February 22, 2022

APPLICATION: **PLN-2021-00586: An application by Julie Moore** for a Zoning map amendment on a 0.35-acre property identified on Linn County Assessor maps as T12S, R02W, Section 23D, Tax Lot 8500. The applicant proposes to amend the Zoning map designation of the subject property from Urban Growth Area-Commercial (UGA-RCM) to Urban Growth Area-Rural Residential-One Acre Minimum (UGA-RR-1).

PLAN / ZONE: Mixed Use (C-MU) / Urban Growth Area-Commercial (UGA-RCM)

LOCATION: The property is located at 333 Crowfoot Road, at the south corner of the intersection of Cascade Drive, Crowfoot Road, and Central Avenue; and abuts the city limits of Lebanon. The property is identified in Linn County Assessor records as T12S, R02W, Section 23D, Tax Lot 8500.

CRITERIA: The applicable decision criteria are contained in LCC 921.822.



1 inch = 37 feet

Linn County Planning & Building Department

Date: 12/09/2021

## I. APPLICATION SUMMARY

Julie Moore (Applicant) is proposing to change the Zoning Map designation on a 0.35-acre property from Urban Growth Area-Commercial (RCM) to Urban Growth Area-Rural Residential-One Acre Minimum (UGA-RR-1). The subject property is identified on Linn County Assessor maps as T12S, R02W, Section 23D, Tax Lot 8500. The property is located at 333 Crowfoot Road, at the south corner of the intersection of Cascade Drive, Crowfoot Road, and Central Avenue; and abuts the city limits of Lebanon.

The subject property is located within the Urban Growth Boundary for the city of Lebanon. The Comprehensive Plan (Plan) referenced in this report is the city of Lebanon's. The Plan designation of the property is Mixed Use (C-MU). The proposed zone map amendment does not require an exception to Statewide Planning Goal 14 because the property is located within an urban growth boundary.

The application indicates that the purpose of the zoning map amendment is to be able to establish residential uses upon the property. The application indicates that the applicant wants to convert the existing commercial building into a residence and possibly a drop-off center in the future. The proposed UGA-RR would allow for a residence as an outright use. The UGA-RR zoning district does not allow for a drop-off center. This zoning map amendment does not authorize the conversion of the existing building as a dwelling on the subject property, nor adds a drop-off center as an allowed use in the UGA-RR zoning district.

The applicant must provide evidence that the proposal is consistent with the decision criteria, including all applicable Comprehensive Plan policies. The application is attached to this report as **Exhibit A**.

## II. PUBLIC MEETINGS AND DECISION CRITERIA

### A. PLANNING COMMISSION REVIEW

The Linn County Planning Commission (Commission) conducted a public meeting on this matter at **7:00 p.m., Tuesday, February 8, 2022**. The purpose of the meeting was to accept public comment on the application and to make a recommendation to the Board of Commissioners (Board).

After considering the application material, staff analysis and public comment presented at the Commission hearing, the Commission voted 6-0 to recommend that the Board approve the zoning map amendment as proposed. Voting in favor of the motion were Commissioners Alderman, Cromwell, Legras, Boshart, McKinney, and Stutzman.

### B. BOARD HEARING

The Board is scheduled to conduct a public hearing on this matter at **10:15 a.m., February 22, 2022**. The Board hearing will be held in the Board Hearing Room, Linn County Courthouse, Room 200. The Board will make a final land use decision following the close of the public hearing.



### C. DECISION CRITERIA

The subject property is located within the Urban Growth Boundary for the city of Lebanon. The *Comprehensive Plan (Plan)* referenced in this report is the city of Lebanon's. The *Plan* designation of the property is Mixed Use (C-MU). The proposed zone map amendment does not require an exception to Statewide Planning Goal 14 because the property is located within an urban growth boundary.

The zoning map amendment application will be reviewed and decided based on the applicable zoning map amendment criteria and procedures in Linn County Code (LCC) Section 921.822. The decision criteria are attached to this report as **Exhibit B**.

### III. LAND USE INFORMATION

#### A. SITE LOCATION

The subject property is identified on Linn County Assessor maps as T12S, R02W, Section 23D, Tax Lot 8500 and is zoned Urban Growth Area-Rural Commercial (UGA-RCM). The property is located at 333 Crowfoot Road, at the south corner of the intersection of Cascade Drive, Crowfoot Road, and Central Avenue; and abuts the city limits of Lebanon.

#### B. ZONING AND DEVELOPMENT BACKGROUND

Previous land use actions involving the subject property include:

- CPMA-21-01- A *Comprehensive Plan* map amendment, approved by the city of Lebanon, to change the *Comprehensive Map* designation from Commercial (C-CM) to Mixed Use (C-MU).
- CP-33-84/85 - A *Comprehensive Plan* map and zone amendment to change the *Comprehensive Plan* map from Mixed Use to Commercial, and the zoning designation from UGA-UGM to UGA-RCM.

**Table 1**  
**Existing and Proposed Conditions**

CONDITION	EXISTING	PROPOSED
Plan Designation	Mixed Use	Same
Zone Designation	Urban Growth Area-Rural Commercial (UGA-RCM)	Urban Growth Area-Rural Residential-One Acre Minimum (UGA-RR-1)
Site Location	T12S, R02W, Section 23D, Tax Lot 8500	Same
Access	333 Crowfoot Road	Same
Land Use	Commercial (Grange Hall)	Residential



#### IV. PROPERTY CHARACTERISTICS

##### A. SOILS

The following analysis of the subject property's soil composition is based upon information in the National Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), publication Soil Survey of Linn County Area, Oregon, July, 1987, and is derived from the Linn County GIS database:

**Table 2**  
**Subject Property Soil Classifications**

Soil Type	HVFL type	SCS type	% of parcel	# of acres	Cu ft/ac/yr
Clackamas Variant Silt Loam	1	llw	100%	0.35	120
TOTAL			100%	0.35	42

- B. TOPOGRAPHY** – The property is relatively flat with less than 5 feet of elevation change over the entire property.
- C. NATURAL FEATURES** – The subject property does not contain any natural features.
- D. NATURAL AND/OR GEOLOGIC HAZARDS** – The subject property is not within a designated flood hazard area, or a mass movement area, as inventoried in the Environmental Geology of Western Linn County, Oregon (DOGAMI, 1974). The property is not located within a designated flood hazard area according to the Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas dated September 29, 2010.

#### V. ENVIRONMENTAL FACTORS

- A. WILDLIFE HABITAT** – The subject property does not contain any inventoried wildlife habitat.
- B. WETLANDS** – The subject property does not contain any inventoried wetlands.

#### VI. AVAILABILITY OF PUBLIC FACILITIES AND SERVICES

- A. FIRE** – The subject property is located within Lebanon Fire District.
- B. POLICE** – The Linn County Sheriff's Department provides police protection.
- C. SCHOOL** – The property is in the Linn Benton Lincoln Education Service District, the Linn-Benton Community College District, and the Lebanon School District.
- D. OTHER DISTRICTS** – The property is within the 4H Extension District.
- E. SEWAGE DISPOSAL** – The property contains an existing septic system.
- F. WATER SUPPLY** – The property contains a well.

**G. ACCESS** – The property has access via Crowfoot Ave.

## **VII. CRITERIA AND ANALYSIS**

The applicable decision criteria for use in this zone amendment application are identified in Linn County Code (LCC) 921.822. The applicable decision criteria are attached to this report in **Exhibit B**.

### **LCC 921.822 Decision criteria for Zoning Map amendments**

- (A) When a Zoning Map or Land Development Code text amendment is necessary due to a proposed *Comprehensive Plan* amendment, only findings and conclusions responding to the *Comprehensive Plan* amendment criteria for decision are necessary to amend the Zoning Map or Code text provisions.**

**STAFF ANALYSIS:** The application does not require a Comprehensive Plan amendment; therefore, this criterion is not applicable.

- (B) Except as stated in subsection (A) and LCC 921.824, a Zoning Map amendment from one zoning district to another may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:**

**LCC 921.822(B)(1): The presence of development limitations including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability, do not significantly adversely affect development permitted in the proposed zoning district;**

**FACTS:** The subject property is not located within an inventoried geologic hazard area or within the special flood hazard area. The subject property contains a well and septic system to serve the existing building.

**STAFF ANALYSIS:** The application states there are no conditions on the property that will significantly affect development allowed under the proposed Urban Growth Area-Rural Residential-One Acre Minimum (RR-1) zoning district. The applicants state the subject property currently contains a septic system and a domestic well. The applicant proposes to use the existing grange hall building as a residence, and potentially develop a drop-off center in the future.

The application indicates the subject property contains an existing well. Water quality is regulated by requires evidence the Oregon Health Authority (OHA) Drinking Water Drinking Services. Adequate supply of water is at least 5 gallons per minute. The well log on file with the Oregon Water Resources Department indicates that the well has a flow rate of 13 gallons per minute, which exceeds the acceptable industry standard of five (5) gallons per minute. The applicant may be required to provide proof of adequate supply of potable water to the Department prior to the acceptance of development permits.

The subject property currently contains a septic system to serve the existing grange hall. The existing septic system upon the subject property is currently rated for 150 gallons per day maximum wastewater load. The Linn County Environmental Health Program was notified of



the proposed zone amendment. Comments from the Linn County Environmental Health Program state the following:

*"An authorization notice or construction installation permit will be required for the change in use from a commercial building to a residence. Due to the size of the property, well setbacks and soil limitations, approval may be extremely difficult or impossible."*

The City of Lebanon states that the subject property is located within connecting range of City water and sewer service. Comments from the City also state in order for the subject property to connect to City services the subject property would be required to annex into the city of Lebanon.

The proposed zoning map amendment does not authorize specific development. Any proposed future development would be subject to the list of allowed uses, conditional uses, and property development standards of the UGA-RR-1 zoning district.

**LCC 921.822(B)(2): The amendment will result in a development pattern having no significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities;**

**FACTS:** The subject property is located within the Lebanon Fire District. The property is served by the Linn County Sheriff's Office. The property currently has access via Crowfoot Road, a Linn County maintained right-of-way. The subject property does not contain a storm drainage facility and is not connected to the city services.

**STAFF ANALYSIS:** The applicant believes the zone map amendment will not create a significant adverse impact upon public facilities since the property is currently developed as a grange hall.

The property is located within the Lebanon Fire District and receives protection from the Linn County Sheriff's Department. Notice of the zoning map amendment was sent to the both Lebanon Fire District and the Linn County Sheriff's Department. The Linn County Sheriff's Department submitted comments, which did not express concern regarding the proposed zone amendment. The Lebanon Fire District did not submit comment as of the date of this staff report indicating any significant adverse impacts to fire protections.

The subject property has access via Crowfoot Road, a Linn County maintained right-of-way. The Linn County Road Department was notified of the proposed zone map amendment. The Linn County Road Department submitted comments which indicated the proposed zoned amendment would not significant adverse impacts to transportation facilities or the road network.

**LCC 921.822(B)(3): The amendment will result in a development pattern compatible with uses on nearby lands and will have no significant adverse impact on the overall land use pattern in the area;**

**FACTS:** Linn County zoning maps indicate the subject property is contiguous to properties that permit residential uses in (UGA-UGM) and outside of the County's limits, as well as some commercial uses directly to the south (UGA-RCM).

**STAFF ANALYSIS:** The applicant states that the proposed zoning designation of UGA-RR-1 is consistent with the surrounding properties which are one acre or less in size. The subject property abuts the city limits of Lebanon to the north; to the east and west are properties in the UGA-UGM zoning district and to the south is a small cluster of properties zoned UGA-RCM.

The subject property is 0.35 acres in size with an existing commercial building. The applicant is proposing the one-acre lot size due to the current density of the surrounding properties and the size of the subject property. The existing zoning in the area transitions north to south from city limits of Lebanon, to UGA-UGM-5 or UGA-RCM, which has a one-acre minimum lot size, to larger UGA-UGM zoning districts. The existing land use pattern in the area transitions from small mixed use, residential/commercial to the north and south, out to larger residential properties.

**LCC 921.822(B)(4): The amendment is consistent with the intent and purpose statement of the proposed zoning district;**

**FACTS:** The Urban Growth Area-Rural Residential zoning statement of purpose is contained in LCC 930.600. The statement of purpose for the UGA-RR zoning district reads:

*"The purpose of the Urban Growth Area-Rural Residential (UGA-RR) zoning district shall be to provide for residential development within adopted urban growth boundaries and to allow for limited agricultural and forest uses where appropriate."*

**STAFF ANALYSIS:** The applicant states the following:

*"We are currently using (the grange hall) as residence, our home, future plans (as) a drop off center"*

The subject property currently contains a commercial building (grange hall), a septic system, and a well supporting the existing building. The applicant proposes to convert the existing grange hall into a residential building to be occupied.

The UGA-RR zoning district allows for one single family dwelling as an outright use. The applicant states a drop-off center as a proposed use in the future. A drop-off center is not an allowed use in the UGA-RR zone, but may be permitted through a review if the property were to be annexed into the City.

**LCC 921.822(B)(5): The amendment is consistent with the existing Comprehensive Plan map designation;**

**FACTS:** The subject property is located within the city of Lebanon's Urban Growth Boundary. The subject property has a *Comprehensive Plan* map designation of Mixed Use (C-MU).

**STAFF ANALYSIS:** The City of Lebanon's *Comprehensive Plan* map designation is applicable. The subject property currently has a *Plan* map designation of Mixed Use (C-MU). The Mixed Use *Plan* designation, as described in the Annexation Zoning Matrix contained in Table 4-2 of the



*Plan* indicates the future city zoning would be Mixed Use Zone (Z-MU). The Z-MU zone allows for residential uses as an outright use and a drop-off center as a Class II use that may be permitted through an administrative review.

The City's *Plan* contains two policies applicable to properties with a Mixed Use Plan designation. The policies state:

1. Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety, and welfare.
2. Allow appropriate areas to be designated for Neighborhood Mixed Use. Such a classification is intended as primarily residential, with flexibility to allow neighborhood commercial services. Such areas are intended to be a transition between commercial and residential areas where mixing of single and multiple family dwellings and neighborhood-scale commercial activities can occur.

The UGA-RR zone allows a single family dwelling or manufactured home as an outright use, consistent with the future City zoning.

**LCC 921.822(B)(6): The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat; and**

**FACTS:** The subject property is not located within an inventoried sensitive fish or wildlife habitat.

**LCC 921.822(B)(7): The amendment, if within an adopted urban growth boundary, is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city.**

**FACTS:** The subject property is located within the city of Lebanon's Urban Growth Boundary. The subject property has a *Comprehensive Plan* map designation of Mixed Use (C-MU).

**STAFF ANALYSIS:** The policies contained in the City of Lebanon's *Comprehensive Plan* are applicable. The subject property currently has a *Plan* map designation of Mixed Use. The Mixed Use *Plan* designation, as described in the Annexation Zoning Matrix contained in Table 4-2 of the *Plan* indicates the future city zoning would be Mixed Use Zone (Z-MU). The Z-MU zone allows for residential uses as an outright use and a drop off center as a Class II use that may be permitted through an administrative review.

The City's *Plan* contains two policies applicable to properties with a Mixed Use Plan designation. The policies state:

1. Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety, and welfare.

2. Allow appropriate areas to be designated for Neighborhood Mixed Use. Such a classification is intended as primarily residential, with flexibility to allow neighborhood commercial services. Such areas are intended to be a transition between commercial and residential areas where mixing of single and multiple family dwellings and neighborhood-scale commercial activities can occur.

The UGA-RR zone allows a single family dwelling or manufactured home as an outright use, consistent with the future City zoning.

## VIII. NOTICE TABLE AND PROCEDURE

### A. NOTICE

Property owners within 100 feet of the subject property boundaries were mailed a notice of this application. There are nine (9) property owners within the notification area. No comments were received from surrounding property owners regarding the zone amendment application. The following agencies have been provided notice. The indicated agencies provided comments before this report was submitted.

AGENCIES	PROVIDED	RESPONDED	AGENCIES	PROVIDED	RESPONDED
Environmental Health	x	x	Linn County Sheriff	x	x
Linn County Assessor	x		Dept. Land Cons. & Dev.	x	
Linn County Road Dept.	x	x	Lebanon RFPD	x	
City of Lebanon	x	x	Linn County Building Official	x	

### B. PROCEDURE

The Planning Commission (Commission) conducted a public meeting on February 8, 2022, to review the application and receive public comment. At the conclusion of the meeting the Commission adopted a motion to recommend that the Board of Commissioners (Board) approve the Zoning Map amendment application as presented.

The Board is scheduled to conduct a quasi-judicial public hearing on this matter at **10:15 a.m., February 22, 2022**. The Board hearing will be held in the Board Hearing Room, Linn County Courthouse, Room 200. The Board will make a final land use decision following the close of the public hearing.

The Board may consider the application for 42 days from the close of the public hearing. Tabling of the request for a period not to exceed 35 days may also occur if the applicant consents. Specified findings, stating the reason for decision, are required in taking action on the proposal. The Board will consider all the testimony in the matter and may take action to: (1) Approve the application; (2) Deny the application; or (3) Modify the application.

All testimony and evidence must be directed toward the applicable decision criteria including applicable criteria in the plan or other land use regulations. Failure to raise an issue before the close of the record, 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.

If additional documents or evidence are provided by any party, the Board may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. 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 Board 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 Board grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.

## **IX. EXHIBITS**

- A. Application and Supporting Documents
- B. Decision Criteria
- C. Agency Comments
- D. Legal Notice & Correspondence

EXHIBIT

A





LINN COUNTY PLANNING AND BUILDING DEPARTMENT  
Robert Wheeldon, 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

Lebanon  
OR NO. 2021-13  
22969

**ZONING MAP AMENDMENT APPLICATION**

Application Fee: \$2000.00

**INTRODUCTION**

- A. An application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
- B. A separate application to amend the Zoning Map shall be required for each proposed map designation. Approval of one application shall not mandate approval of other applications. The application may be consolidated for public hearing purposes if the applications are interrelated and consolidation would expedite their review.
- C. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text. Approval of one application shall not mandate approval of the other application.
- D. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.

**Application Check List (for departmental use only)**

Date Received: 11/9/21 Receipt number: PIN-2021-00586 Fee paid: \$2000  
Application accepted by: [Signature] File number assigned: PIN-2021-00586  
Planner assigned: [Signature] Date deemed complete: 12/10/21  
Scheduled PC hearing date: 2/8/22 Scheduled BC hearing date: 2/22/22  
Date notice mailed to DLCD: 12/8/21 Date adoption mailed to DLCD: \_\_\_\_\_  
Other applications included: \_\_\_\_\_ Plan Map Amendment \_\_\_\_\_ Plan Text Amendment  
\_\_\_\_\_ Code Text amendment \_\_\_\_\_ Other \_\_\_\_\_  
\_\_\_\_ Proposal is located within:  
UGA [check] Planning area [check]  
Fire District Lebanon A.O./Airport notification area [check]  
Floodplain \_\_\_\_\_ Hazard Area \_\_\_\_\_ Wetland \_\_\_\_\_  
Wildlife Habitat \_\_\_\_\_ Riparian Habitat \_\_\_\_\_ Fish Habitat \_\_\_\_\_  
S.B.H.O. \_\_\_\_\_ Historic \_\_\_\_\_ Greenway \_\_\_\_\_  
\_\_\_\_ EHP approval, if required. \_\_\_\_\_ Accurate maps and site plans

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

- A. Applicant(s) Julie Moore  
Address 333 Crowfoot Road  
City Lebanon State OR Zip Code 97355  
Phone number (home) 541-990-7093 (work) \_\_\_\_\_
- B. Property owner(s) Julie Moore  
Address 333 Crowfoot Road  
City Lebanon State OR Zip Code 97355  
Phone number (home) 541-990-7093 (work) \_\_\_\_\_
- C. Applicant's representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

II. Property Information

- A. Legal description of property: Township 12 South Range 2 West Section(s) 23D  
Tax Lot(s) 8500
- B. Site Address (if any): 333 Crowfoot Road  
Lebanon OR 97355
- C. Property size in acres 15,000 square feet
- D. Adjacent tax lots in same ownership:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_
- E. Nearest city or town Lebanon Distance Adjacent  
Nearest cross road Central Crowfoot Cascade Distance Adjacent
- F. Zoning designation UGA-RM Plan designation Multi Use (Lebanon)
- G. What is the area of the aggregate resource site in acres? N/A
- H. Name of Fire Protection District: Lebanon Fire District #34
- I. How is vehicle access provided to the property?  
Frontage on County Road (name) County Road Crowfoot Road

Frontage on Local Access Road (name) Crowfoot Road

Frontage on State Highway (name) \_\_\_\_\_

Volume and Page of recorded easement to a public road (attach copy) \_\_\_\_\_

J. Is the property located within an urban growth boundary or planning area? ☒ Yes ( ) No  
If yes, name of City: Lebanon

K. What is the current use of the property? (Check all that apply.)

( ) Agriculture ( ) Forestry ( ) Commercial ( ) Industrial ☒  
Residential

L. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)

House, wood fence  
septic well

M. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)

### III. Proposed Amendment

A. Current zoning designation of the subject property: UGA-NRM

B. Proposed zoning designation of the subject property: Multi use UGA-R12

C. Will the map amendment affect all of an existing tax lot or only a portion? ALL TAX lot  
If the proposal will affect only a portion, how large is the affected area? \_\_\_\_\_

D. Please describe the intended use of the property that will result if the zoning map is amended.

If there is no use proposed, please describe the purpose of the zone amendment.

Multi use Residential



- E. Please describe the operating characteristics of the intended use. Include a description of structures, size and use of structures, hours and days of operation, vehicles, machinery, and any other operational and design characteristics.

Residential.  
maybe later drop off center

- F. Why was this location chosen?

- G. Describe the land uses on adjoining properties.

North: Church, school houses residential

South: Store - residence Attached to store

East: houses residential

West: houses residential

- H. Describe the land uses occurring within a one-half-mile radius of the subject property.

North: school - church

South: Store - houses

East: houses



West: houses

#### IV. Decision Criteria for Zoning Map Amendments

The decision criteria for a Zoning Map amendment are in Linn County Code (LCC) 921.822(B).

**The applicant for a Zoning Map amendment has the burden of proof to prove the decision criteria are satisfied.**

A Zoning Map amendment from one zoning district to another may be granted only if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

A. The presence of development limitations, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability, do not significantly adversely affect development permitted in the proposed zoning district [LCC 921.822(B)(1)].

1. Please describe any development limitations that exist on the property, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability.

none

2. Attach documents that establish the site's suitability for the proposed zoning district. Include documentation of septic suitability, water availability and water quality, and information on natural or geologic hazards.

3. Would the development limitations identified in Question 1 above significantly adversely affect development permitted in the proposed zoning district?

( ) Yes ☒ No

If not, explain why not. Attach another sheet if necessary.

No Limitation

B. The amendment will result in a development pattern having no significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities [LCC 921.822(B)(2)].

1. If the proposed zone amendment is approved, will the development allowed on the property result in a development pattern having a significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities? ( ) Yes (X) No

2. If not, explain why not. Attach another sheet if necessary.

Residential

C. The amendment will result in a development pattern compatible with uses on nearby lands and will have no significant adverse impact on the overall land use pattern in the area [LCC 921.822(B)(3)].

1. Will the proposed amendment result in a development pattern compatible with uses on nearby lands? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

store has house Attached  
residential ALL around us

2. Will the proposed amendment result in a development pattern having a significant adverse impact on the overall land use pattern in the area? ( ) Yes (X) No

Please explain why or why not. Attach another sheet if necessary.

Mixed-use covers everybody  
and future uses we may have

D. Is the amendment consistent with the intent and purpose statement of the proposed zoning district [LCC 921.822(B)(4)]? ( ) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

We are currently using AS Residence  
at our home, future plans drop off  
center

- E. Is the amendment consistent with the existing *Comprehensive Plan* map designation [LCC 921.822(B)(5)]? ☒ Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

BECAUSE ALREADY WENT THROUGH  
PLANNING COMMISSION YOU ARE LAST STEP

If the amendment is not consistent with the existing *Comprehensive Plan* map designation, an application for an amendment to the *Comprehensive Plan* map is also required.

- F. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat [LCC 921.822(B)(6)].

1. Is the property located within a sensitive fish or wildlife habitat? ( ) Yes (X) No

If yes, please describe. \_\_\_\_\_

2. Will the land uses allowed by the amendment have a significant adverse impact on sensitive fish or wildlife habitat? ( ) Yes (X) No

Please explain why or why not. \_\_\_\_\_

Residential

- G. The amendment, if within an adopted urban growth boundary, is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city [LCC 921.822(B)(7)].

If the property is located within a designated urban growth area, explain why the proposed amendment is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city. Attach another sheet if necessary.

BECAUSE THERE IS MIXED USE IN  
THE AREA



**VII. Owner/Applicant Certifications**

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature Jul A Moore

Date 10-5-21

Owner/applicant signature \_\_\_\_\_

Date \_\_\_\_\_

**VI. Verification of Ownership**

Only the owner of the property is authorized to complete this section.

A. I hereby certify that this application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property:

\_\_\_\_\_ owner of record

X land sales contract purchaser

\_\_\_\_\_ holder of a recorded exclusive option to purchase

C. Property Owner Signature Jul A Moore

Date 10-5-21

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township\_\_\_\_, Range\_\_\_\_, Section(s)\_\_\_\_, Tax Lot(s)\_\_\_\_\_

is owned or is being purchased by: \_\_\_\_\_

If more than one owner is included, please list all other owners.

Other owners:

(1) \_\_\_\_\_

(3) \_\_\_\_\_

(2) \_\_\_\_\_

(4) \_\_\_\_\_

Assessor or Planning Staff Signature \_\_\_\_\_

Date \_\_\_\_\_

Buy out Partnership  
Purchased as a Partnership

333 Crowfoot Road  
Lebanon Oregon 97355

James Newman shall release all Interest in property

333 Crowfoot Road

Lebanon Oregon 97355

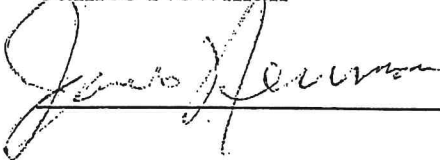
Release to:

Julie Vallee for the sum of \$210,000.00

To Close on or before May 30<sup>th</sup> 2021

James Newman

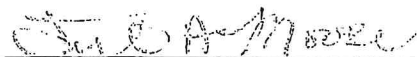
Date:

 3-31-21

---

Julie A Vallee *MOORE*

Date:



---

To Albany Planning

Sept 28<sup>th</sup> 2021

333 Crowfoot Road  
Lebanon Or 97355

We would like to change the zoning from Rcomm to Multi-use  
We would like to make this into our home.  
Thanks for your consideration.

Julie Moore  
Jeffery Moore



# PURCHASE AGREEMENT

DEC 08 2021

This PURCHASE AGREEMENT (the "Agreement") is made and entered into on June 5, 2021 (the "Effective Date") by and between JAMES NEWMAN (the "Seller") and Julie Vallee (the "Buyer"). Buyer and Seller may be referred to individually as the "Party", or collectively, the "Parties".

## RECITALS

WHEREAS, Seller desires to sell certain property to Buyer in an "as is" condition; and

WHEREAS, Buyer desires to purchase certain property from Seller in an "as is" condition.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

## TERMS

### 1. PROPERTY

Seller agrees to sell, convey, assign, and transfer to Buyer, and Buyer agrees to purchase from Seller, the following property (the "Property"):

#### HOME AND PROPERTY

It is located at 333 Crowfoot Rd, Lebanon, Oregon 97355. The sale, conveyance, assignment, and transfer of said Property shall become effective as of the Effective Date.

*Closing of Escrow*

### 2. "AS IS" CONDITION

Seller agrees to sell, convey, assign, and transfer to Buyer, on an "AS-IS" basis, and makes no warranties, either expressed or implied, unless otherwise stated herein, and Buyer agrees to purchase from Seller, on an "AS-IS" basis. The sale, conveyance, assignment, and transfer of said Property shall become effective as of the date set forth above, and the Seller shall deliver said Property to Buyer in "AS-IS" condition.

### 3. PURCHASE PRICE

Buyer shall purchase Property from Seller for the total sum of \$230,000.00.

### 4. LIMITATION OF DAMAGES

Each Party hereby waives any right which it may have to claim or recover any incidental, special, exemplary, punitive or consequential damages or any damages other than, or in addition to, actual damages.

**5. FORCE MAJEURE**

Neither Party shall be in default nor liable to the other for any failure to perform directly caused by events beyond that Party's reasonable control, such as acts of nature, labor strikes, war, insurrections, riots, acts of governments, embargoes and unusually severe weather provided the affected Party notifies the other party within ten (10) days of the occurrence. Such an event is an excusable delay. THE PARTY AFFECTED BY AN EXCUSABLE DELAY SHALL TAKE ALL REASONABLE STEPS TO PERFORM DESPITE THE DELAY.

**6. AMENDMENTS**

This Agreement may only be changed or supplemented by a written amendment, signed by authorized representatives of each Party.

**7. ASSIGNMENT**

Neither Party may assign its rights or delegate its obligations under this Agreement without the prior written approval of the other Party. Any attempted assignment or delegation without such an approval shall be void.

**8. GOVERNING LAW; CHOICE OF FORUM**

8.1 To the extent not preempted by federal law, the provisions of this Agreement shall be construed and enforced in accordance with the laws of the State of Oregon, notwithstanding any choice-of-law or conflicts-of-law rules to the contrary.

8.2 The Parties agree that any legal action relating to this Agreement shall be commenced and maintained exclusively before any appropriate state court of record in the State of Oregon.

**9. SEVERABILITY**

If any provision of this Agreement is held to be illegal, invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected.

**10. EFFECT OF TITLE AND HEADINGS**

The title of the Agreement and the headings of its Sections are included for convenience and shall not affect the meaning of the Agreement or the Section.

**11. WAIVER**

Failure of either Party to insist in any strict conformance to any term herein or failure by either Party to act in the event of a breach or default shall not be construed as a consent to or waiver of that breach or default or any subsequent breach or default of the same or any other term contained herein.

## 12. ENTIRE AGREEMENT

This Agreement is the complete statement of the Parties' agreement and supersedes all previous and contemporaneous written and oral communication about its subject.

## 13. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same document.

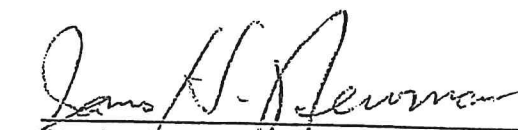
## 14. AUTHORITY

The Parties represent that they have full capacity and authority to grant all rights and assume all obligations they have granted and assumed under this Agreement.

## 15. ATTORNEYS FEES

If any legal proceeding is brought for the enforcement of this Agreement, or because of an alleged breach, default or misrepresentation in connection with any provision of this Agreement or other dispute concerning this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorney's fees incurred in connection with such legal proceeding. The term "prevailing party" shall mean the Party that is entitled to recover its costs in the proceeding under applicable law, or the party designated as such by the court.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement on the date first written above.

  
(Authorized Seller(s) Signature)

6-6-21  
(Date Signed)

  
(Buyer(s) Signature)

6-6-21  
(Date Signed)





2021-221

136-

Local file number

## APPLICATION, LICENSE, AND RECORD OF MARRIAGE

State file number

LOCAL OFFICIAL		County: <b>Linn</b>	License effective on or after: <b>JUNE 06, 2021</b>	License expires (month, day, year): <b>AUGUST 04, 2021</b>
<b>PARTY A:</b> <input type="checkbox"/> Groom <input checked="" type="checkbox"/> Bride <input type="checkbox"/> Spouse 1a. Current legal name (first, middle, last): <b>JULIE ANNE VALLEE</b> 1b. Legal name at birth (if different): <b>JULIE ANNE EDWARDS</b> 1c. Previous name (if different): <b>JULIE ANNE VOGT</b> 2. Birthplace (state or foreign country): <b>ALASKA</b> 3. Date of birth (month, day, year): <b>MARCH 04, 1958</b> 4. Age: <b>63</b> 5. Sex: <b>FEMALE</b> 6. Occupation: <b>PERSONAL SUPPORT WORKER</b> 7. Previous marital status (single, widowed, divorced): <b>DIVORCED</b> 8a. Current address: Street and number <b>333 CROWFOOT ROAD</b> City or town <b>LEBANON</b> State/country <b>OREGON</b> ZIP <b>97355</b> 8b. COUNTY of residence: <b>LINN</b> 9. Legal name taken after this marriage (first, middle, last): <b>JULIE ANNE MOORE</b> 10a. Father's / Parent's name (first, middle, last name at parent's birth): <b>DALE THOMAS EDWARDS</b> 10b. Birthplace (state or foreign country): <b>IDAHO</b> 11a. Mother's / Parent's name (first, middle, last name at parent's birth): <b>NADINE HOLMES</b> 11b. Birthplace (state or foreign country): <b>IDAHO</b>				
<b>PARTY B:</b> <input checked="" type="checkbox"/> Groom <input type="checkbox"/> Bride <input type="checkbox"/> Spouse 12a. Current legal name (first, middle, last): <b>JEFFERY ALAN MOORE</b> 12b. Legal name at birth (if different): <b>---</b> 12c. Previous name (if different): <b>---</b> 13. Birthplace (state or foreign country): <b>OREGON</b> 14. Date of birth (month, day, year): <b>MARCH 19, 1966</b> 15. Age: <b>55</b> 16. Sex: <b>MALE</b> 17. Occupation: <b>DISABLED</b> 18. Previous marital status (single, widowed, divorced): <b>DIVORCED</b> 19a. Current address: Street and number <b>333 CROWFOOT ROAD</b> City or town <b>LEBANON</b> State/country <b>OREGON</b> ZIP <b>97355</b> 19b. COUNTY of residence: <b>LINN</b> 20. Legal name taken after this marriage (first, middle, last): <b>JEFFERY ALAN MOORE</b> 21a. Father's / Parent's name (first, middle, last name at parent's birth): <b>HERBERT ANDREW MOORE</b> 21b. Birthplace (state or foreign country): <b>OREGON</b> 22a. Mother's / Parent's name (first, middle, last name at parent's birth): <b>KATHY ELAIN FRANKLIN</b> 22b. Birthplace (state or foreign country): <b>OREGON</b>				
23. <input type="checkbox"/> Party A - name and address of affiant: 24. <input type="checkbox"/> Party B - name and address of affiant: We certify that the information is correct and complete to the best of our knowledge and we are free to marry under Oregon law. 25. Party A's legal signature: <i>Julie A Vallee</i> Date: <b>6-3-21</b> 26. Party B's legal signature: <i>Jeffery A Moore</i> Date: <b>6-3-2021</b> Neither you nor your spouse is the property of the other. The laws of the State of Oregon affirm your right to enter into marriage and at the same time to live within the marriage free from violence and abuse. This license authorizes the marriage in this state of the parties named above by any person duly authorized to perform a marriage ceremony under the laws of the State of Oregon. 27. Date license issued: <b>JUNE 03, 2021</b> 28. Signature of issuing official: <i>Robert R. Bledin</i> 29. Title of issuing official: <b>DEPUTY</b> 30a. Date of marriage: <b>June 12, 2021</b> 30b. Where married (city, town or location): <b>Lebanon</b> ZIP: <b>97355</b> 30c. County: <b>Linn</b> State: <b>OREGON</b> 31a. I certify that the above named persons were married on the date listed above (30a). Signature of person performing ceremony (officiant): <i>Antonio P. Sunseri</i> 31b. Title: <b>Ordained Minister</b> 31c. Officiant (person performing ceremony): Name: <b>Antonio Elvy Sunseri</b> Phone: <b>541-990-9220</b> Address: <b>2602 Pine Ln SE</b> City, State, ZIP: <b>Albany OR 97322</b> 31d. Name of authorizing religious or secular congregation/organization of officiant: <b>Life Church of San Jose CA</b> 32. Witness name (print): <b>Raymond L Moore</b> 33. Witness name (print): <b>Richard L Moore</b> 34. Signature of county official: <i>Steve Druckemiller</i> 35. Date filed by county official (month, day, year): <b>JUNE 14, 2021</b>				

I hereby certify this copy to be a true, full and correct copy of the original now on record in my office.  
**STEVE DRUCKENMILLER**  
**June 14, 2021**

County Clerk Exhibit # **A**Deputy Page **14** of **27**

## 2021 ACCOUNT SUMMARY

LINN COUNTY, OREGON

11/10/2021 1:51:53 PM

Account: 213856

REAL PROPERTY (N)

Site Address: 333 CROWFOOT RD, LEBANON

Map/TL: 12S02W23D0 08500

\*\*\*\*\*

Owner: NEWMAN JAMES H

DN 2017-16002

Property Class: 201

RMV Class: 201

Nbrd: 03 02 012

Comment: 3/11/2013: Disqualified from exemption due to non-use. AA

2013MX: VALUE REVIEW AND MAV RECALC FOR DISQUALIFICATION. 8/14/13 JS

2015MX: LAND SIZE CHANGE FROM .50 TO .35 AC. RECOMPUTE AND STRIP TO TL 8599.  
9/10/15 JS19MX: PROPERTY SOLD IN 2017, OWNER PLANS TO REMODEL. REVIEWED, SOME WORK BEING  
DONE, VERY SLOW, SEE 2021 FOR PROGRESS. 12/18 NB21MX: SOME PROGRESS MADE ON EXT OF BLDG, UNSURE OF INT. SEE 2022 FOR PROGRESS.  
12/20 NB

## --- Value Section ---

Code	AV	M5	RMV New	RMV Land	RMV Imps	RMV
00902	80690	111170	10960	73630	37540	111170

## --- Land Section ---

Code	ID	Program	LUC	Cls	ExFlg	Size	SA AV	RMV
00902	1	COMMERCIAL SITE	002			0.05 AC		0
00902	1	COMMERCIAL SITE	002			0.30 AC		73630
Total						0.35 AC		

## --- Improvements Section --- Tax Code 00902 ---

Description	Ex%	Stat	Cls	YB	EfYB	SqFt	RMV
MISCELLANEOUS-COMMERCIAL BLDG		593	9			4224	37540
CROWFOOT GRANGE HALL							

## --- Sales Section --- Date --- Price ---

DN	Date	Price	Remarks
2017-16002	08/31/2017	50000.00	33B CONFIRMED SALE (B)

\*\*\* End \*\*\*\*\*

A BILL FOR AN ORDINANCE AMENDING THE  
LEBANON COMPREHENSIVE PLAN MAP  
DESIGNATION TO ESTABLISH THE  
MIXED USE DESIGNATION FOR THE  
PROPERTY (12S-02W-23D, TAX LOT 8500)  
File CPMA-21-01; JULIE MOORE

) ORDINANCE BILL NO. 2021-13

) ORDINANCE NO. 2969

WHEREAS, the City of Lebanon has received a submission by written request to amend the Comprehensive Plan Map Designation from Commercial to Mixed Use for the property herein described in Exhibit "A"; and

WHEREAS, on August 18, 2021, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. CPMA-21-01, making findings recommending establishment of the Residential Mixed Density (C-RM) designation; and

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed Comprehensive Plan Map designation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Comprehensive Plan Map amendment is in the best interest of the City.

NOW, THEREFORE, the City of Lebanon ordains as follows:

**Section 1. Findings.** In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

**Section 2. Comprehensive Plan Map Amendment.** Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the property herein described in Exhibit "A" shall be designated Mixed Use (C-MU).

**Section 3.** Said Ordinance shall be forwarded to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor this 8<sup>th</sup> day of September 2021.

CITY OF LEBANON, OREGON

*Paul R. Aziz*

Paul Aziz, Mayor  
Jason Bolen, Council President



Attested:

*Kim Scheafer*

Kim Scheafer, MMC, City Recorder





## EXHIBIT B LEBANON CITY COUNCIL FINDINGS

### I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of Julie Moore to amend the comprehensive plan map designation from Commercial to Mixed Use for the subject property.

### II. GENERAL INFORMATION

#### A. Site Location

The subject property is located on the south side of Crowfoot Road between Central Avenue and Cascade Drive with the property address of 333 Crowfoot Road. The County Assessor Map places the parcels within Township 12 South; Range 2 West; Section 23D; tax lot 8500.

#### B. Application Proposal

The property is currently within County unincorporated area within the City's Urban Growth Boundary. There is no proposal to annex the property into the City, and no development proposal.

The property is currently designated as Commercial (C-CM). The Applicant is requesting authorization to change the land use designation to Mixed Use (C-MU)

The Planning Commission consideration is whether to amend the Comprehensive Plan Map designation for the property from Commercial to Mixed Use.

#### C. Adjacent Zoning and Land Uses

The subject property is located at the intersection of Central Avenue, Crowfoot Road, and Cascade Drive. The property is located within the County and currently designated as Commercial. The properties to the west and east are located within the County in the Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Mixed Density (C-RM) and are generally improved with single-family residences. To the south is property within the UGB with a Comprehensive Plan designation of Commercial (C-CM) and the properties are generally improved with a mixture of commercial and residential uses. To the north, within city limits is the Seven Oaks middle school within the Public Use (Z-PU) zone, and the Crowfoot Baptist Church within the County in the Residential Mixed Density (C-RM) designation.

### III. PUBLIC HEARING

#### A. Planning Commission Action

On August 18, 2021, the Lebanon Planning Commission held a hybrid public hearing on this application. At the hearing, Planning File CPMA-21-01 was made a part of the record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. The

Planning Commission considered written and verbal testimony provided prior to and during the meeting. At the end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Comprehensive Plan Map Amendment. The Commission found the proposal consistent with the applicable decision criteria.

#### IV. FINDINGS OF FACT-GENERAL

The Lebanon Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is Julie Moore, the property owner.
- B. The subject property is located on the south side of Crowfoot Road between Central Avenue and Cascade Drive with the property address of 333 Crowfoot Road. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 23D; Tax Lot 8500.
- C. The total property contains approximately 15,000 square feet. The proposal includes modification of the comprehensive land use designation for the entire parcel from Commercial to Mixed Use.
- D. For City public facilities, there is currently no city sewer facilities in the vicinity. There are future planned public facility projects that would bring sewer in the general vicinity of the subject site. Water is available in Cascade Drive, north of the subject property.
- E. The land is currently located within the Lebanon UGB and designated Commercial (C-CM).
- F. The property is largely surrounded by residential uses to the east and west. To the north are public uses including a school and religious institution, and to the south are properties with a mix of commercial and residential uses.
- G. The applicant is requesting approval to modify the comprehensive plan designation of Commercial to Mixed Use.
- H. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.27 – Comprehensive Plan Map and Zoning Map Amendments and Urban Growth Amendments.

#### V. APPLICATION SUMMARY

- A. The request would change the Comprehensive Plan Map designation for the subject property from Commercial (C-CM) to Mixed Use (C-MU). There is no concurrent annexation or development proposal.
- B. The Department contacted the Department of Land Conservation and Development, affected agencies and area property owners regarding the application. No comments were received.



## VI. CRITERIA AND FINDINGS

Section 16.27.050 of the Lebanon Development Code identifies the criteria in which to consider amendments to the Comprehensive Plan Map.

1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

The Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

- a. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.
- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

FINDING: The subject property has been previously developed to urban standards and includes commercial structures and parking areas. The property is not located within a designated floodplain, does not contain any steep slopes, is not identified as a scenic or open space resource, and has no known historical value. As such, this chapter does not apply.

- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. Staff finds the following policies apply:

### Public Facilities Capability Policies

- P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.
- P-11: Require that new developments are either served by existing and/or proposed public infrastructure improvements and/or are served by privately funded infrastructure extensions and improvements.

FINDING: Within the City's existing facility master plans, there are planned projects to extend the City's sewer and water facilities to the vicinity of the subject site. The City sewer main would include the Westside Interceptor that would service the southern portion of the city. The City water main would include a 16-inch main along Cascade Drive. The City Engineer evaluated the planned facility projects and determined the facilities would be able to accommodate any development opportunity of the subject property. Extensions from the City facilities to the subject site would be required to be provided by privately funded infrastructure improvements. Although no annexation or

development is proposed as part of the Comprehensive Plan Map amendment, there will be public facilities built in the vicinity to accommodate the capacity associated with the site, as such, the Map amendment could be consistent with the Urbanization Chapter of the Comprehensive Plan.

- d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. Staff finds the following policies apply:

#### General Policies for Land Use

- P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.
- P-40: Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety and welfare.

FINDING: The review process, evaluation, and determination of compliance with the Comprehensive Plan as part of the review process addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed in another finding. For the subject property, the site is currently limited for commercial opportunity and development, and the change to the Mixed-Use designation would allow for a greater opportunity of compact pedestrian friendly development and a mix of commercial and residential uses within the neighborhood. (P-40).

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Staff determined policies in this Chapter did not directly apply to the request as the request would establish a residential land use as well as existing commercial opportunities.
- f. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

FINDING: Staff reviewed the policies and provides the following summation:

9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighborhood commercial uses and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan map change requests.

9.2 Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan map change requests.

9.3 Housing Density and Affordability – This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to



meet the community's needs. These policies apply to site development and do not address the matter of the Plan map change requests.

9.4 Housing and Open Space – This subsection notes adequate open space must be included in multifamily projects. The policy applies to the site development and not to the request.

9.5 Housing and Transportation Connectivity – The subsection includes policies on placement of schools in residential area; sidewalk and ADA requirements; placement of bikeways and pedestrian trails; development of local street standards and emergency vehicle access. These policies apply to specific development requirements and not to the Plan and zone change.

9.6 Housing, Public Utilities and Services – Policies call for adequacy of utilities to serve development and undergrounding of all utilities. Further, street lighting is required, street names should be approved by the Fire District and streets should align. Only Policy P-24 regarding public facility provisions directly applies to the request. As noted, services are available to serve the property.

9.7 Refinement Plans – This subsection allows development of neighborhood refinement plans. This policy section does not apply to the request.

Generally, the policies related to housing are development related and do not directly apply to the request. Any development that would occur on the property would be required to be consistent with the development code. The Development Code was developed to implement the goals of the Comprehensive Plan, and as such, if the Map amendment is approved, any development to occur on the site would be consistent with the Comprehensive Plan.

- g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. In addition, the Chapter focuses on historical preservation. The focus on Community Friendly design is associated with infill development, promotion of mixed-use opportunities, and development specific standards. The proposal is not inclusive of a development request, as such the development specific goals and policies to not apply. In addition, there are no historical sites on the property, as such, the historical preservation goals are not applicable.
- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. Staff finds the following policies apply:

#### Transportation System Planning Policies

P-12: The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

FINDING: The site fronts three improved rights-of-way of Crowfoot Road, Cascade Drive, and Central Ave. There is a planned roundabout at this intersection within the City master plans. This roundabout would not require any land dedication from the property. With the change in designation for the property to Mixed Use, there is not an anticipated significant increase in traffic from historical patterns based on the size and previous uses of the property. As such, with the planned improvements, and size and



condition of the property, the amendment would be compliant with this chapter.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. Staff finds the following policies apply:

#### General Policies

- P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. (Duplicated in Chapter 3, Urbanization)
- P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. (Duplicated in Chapter 3, Urbanization)
- P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.

FINDING: Within the City's existing facility master plans, there are planned projects to extend the City's sewer and water facilities to the vicinity of the subject site. The City sewer main would include the Westside Interceptor that would service the southern portion of the city. The City water main would include a 16-inch main along Cascade Drive. The City Engineer evaluated the planned facility projects and determined the facilities would be able to accommodate any development opportunity of the subject property. Extensions from the City facilities to the subject site would be required to be provided by privately funded infrastructure improvements. Although no annexation or development is proposed as part of the Comprehensive Plan Map amendment, there will be public facilities built in the vicinity to accommodate the capacity associated with the site. With the planned public facility improvements, the modified land use designation to mixed-use would be accommodated by the public facility plans.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination— This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map. Specific applicable policies include:
  - P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
  - P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
  - P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
  - P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:

- a. Updated data demonstrates significantly different trends than previous data;
- b. New data reflects new or previously undisclosed public needs;
- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:

- a. There is a need for the proposed change;
- b. The identified need can best be served by granting the change requested;
- c. The proposed change complies with the Statewide Planning Goals; and,
- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

**FINDING:** Policies P-1, P-2 and P-3 relate the processing of a Plan text or map amendment. The City is obligated to follow these requirements and does so with the public hearing process.

Evidence is clear that the state of Oregon is facing a housing crunch, and the 2019 Housing Needs Analysis identifies that over 2,500 new residential dwellings are needed to accommodate the 20-year population growth projection (P-4). By changing the property to Mixed Use, additional housing opportunities would be available, in a largely residential area with limited commercial activities. In addition, based on the site characteristics, unless lot consolidation is pursued with neighboring property owners, a viable commercial use would be difficult to pursue on the property. Due to the site characteristics, there is a need for the proposed change to allow for a greater opportunity for urbanized development. By changing the designation to Mixed-Use, this expands the opportunity for needed housing, while preserving the opportunity for future commercial development if a lot consolidation project were to be feasible in the future.

Compliance with the Statewide Goals (P-5.c) is noted as follows:

**Goal 1, Citizen Involvement:** Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

**Goal 2, Land Use Planning:** The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

**Goal 3, Agricultural Lands:** This Goal does not apply, as the land is not designated farmland.

**Goal 4, Forest Lands:** This Goal does not apply, as the land is not designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The is fully developed with no known wetlands or historic areas. The site has not been designated for open space, a scenic area, or known for having natural resources. Has such, this goal is not applicable.

Goal 6, Air, Water and Land Resource Quality: the map designation would change from a commercial designation to mixed use. With the designation change, similar land use types are permissible in the mixed-use designation as the commercial. The industrial uses they may be permissible in the mixed-use designation would be considered light industrial, oriented more toward storage uses and light manufacturing. However, the size of the subject site would not be conducive to an industrial use, but rather a commercial or residential use. The applicable uses suited for the site would be consistent under the mixed-use designation as the commercial designation, therefore, there should be no significant impacts on air, water or resource quality than would otherwise occur.

Goal 7, Natural Hazards: The site is not located within any designated flood plain, does not contain steep slopes or contain any other identified natural hazard.

Goal 8, Recreational Needs: The proposed map amendments do not create uses which would adversely impact recreational opportunities.

Goal 9, Economic Development: The map amendments will allow a greater variety of uses thereby increasing development potential and provide opportunities for residential and commercial uses.

Goal 10, Housing: This Goal directly applies, as the map amendments create additional opportunities to meet housing needs of the community. The City has an adopted Comprehensive Plan that projects the housing needs for the City through 2025. In addition, the City commissioned the 2019 Housing Needs Analysis which identified how the City is able to accommodate the projected housing needs over a 20-year period. The Housing Needs Analysis identified that the City had a surplus of land available to accommodate the projected housing needs. Specifically, a total of 2,503 housing units are identified as the housing need within the City's UGB, including 1,320 low density units, 643 medium density units and 540 high density units. To accommodate the need, a total of 437 acres of buildable land was needed to accommodate the housing demand. The City identified a total of 735 acres available, as such, there is a surplus of available housing. In terms of the surplus, there is 240 acres of low-density surplus, 0 acres of medium density surplus, and 63 acres of high-density surplus. The proposal is to change the designation from Commercial to Mixed Use, which would allow residential development subject to the Residential Mixed Density standards upon annexation. This change would increase housing opportunities, as such, this proposal would comply with Goal 10.

Goal 11, Public Facilities and Services: Previous findings indicate services would be available to serve the property and the map amendments will not affect the City's ability to provide necessary public facilities.

Goal 12, Transportation: Previous findings indicate the map amendments will not significantly affect planned transportation improvements.



Goal 13, Energy Conservation: The map amendments are neutral regarding energy conservation.

Goal 14, Urbanization: The change in the designation from Commercial to Mixed-Use would allow for the property to be developed consistent with the commercial designation or provide additional opportunities for development of the small parcel that would otherwise likely require lot consolidation to create a viable commercial development. With the change to Mixed-Use, the property would be able to be developed to an urbanized standard as an individual parcel but would maintain the consistent land use opportunity as adjacent parcels for a future lot consolidation and development. As such, the change in designation would allow for greater urbanization of the parcel.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

2. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

FINDING: The property is currently designated as Commercial, and the proposal includes a revised designation to Mixed Use. The Mixed-Use designation allows for a mix of uses including commercial, residential, and light industrial. The property is approximately 15,000 square feet, and is not located on a truck route, as such would not be suitable for industrial development. The property was previously utilized as a commercial meeting hall, and potential uses for the property under the Mixed-Use designation would be similar commercial uses, or small residential uses. Based on the size of the property, and the similar uses permitted and feasible on the property, the existing facility plans would not require amendment.

3. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Plan.

FINDING: The proposal is to amend the Comprehensive Plan Map. Once the Comprehensive Plan Map is amendment, the zoning will automatically be designated based on Table 16.26-1 of the Lebanon Development Code. As this is an application for an amendment to the comprehensive plan map only, the project complies with this decision criteria as the action is occurring before any proposed zone change

## VII. CONCLUSION

The City Council concludes the Comprehensive Plan Map Amendment to designate the subject property as Mixed Use (C-MU), complies with the applicable decision criteria.

**EXHIBIT**

**B**



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.

**PLN-2021-00586; Julie Moore**

The applicable decision criteria are contained in LCC Sections 921.822.

**921.822 - Decision criteria for Zoning Map amendments**

- (A) When a Zoning Map or Land Development Code text amendment is necessary due to a proposed *Comprehensive Plan* amendment, only findings and conclusions responding to the *Comprehensive Plan* amendment criteria for decision are necessary to amend the Zoning Map or Code text provisions.
- (B) Except as stated in subsection (A) and LCC 921.824, a Zoning Map amendment from one zoning district to another may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:
  - (1) The presence of development limitations including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability, do not significantly adversely affect development permitted in the proposed zoning district;
  - (2) The amendment will result in a development pattern having no significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities;
  - (3) The amendment will result in a development pattern compatible with uses on nearby lands and will have no significant adverse impact on the overall land use pattern in the area;
  - (4) The amendment is consistent with the intent and purpose statement of the proposed zoning district;
  - (5) The amendment is consistent with the existing Comprehensive Plan map designation;
  - (6) The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat; and
  - (7) The amendment, if within an adopted urban growth boundary, is consistent with the Comprehensive Plan and implementing ordinances of the affected city.

**EXHIBIT**

**C**

1/26/2022

Cepello, Jennifer - Outlook Web App

New mail

<<

4 Favorites

Inbox 33

Sent Items

4 Cepello, Jennifer

1 Inbox 33

Drafts 11

1 Sent Items

Deleted Items 443

Deleted Items

Junk E-Mail 13901

Notes

RSS Feeds

Search mail and people

INBOX

CONVERSATIONS BY DATE

All Unread To me Flagged

LAST WEEK

lyne.mcallister@dsl.oreg  
WN2022-0004 Response to Local C  
We have completed our review of the W...

✓ May, Brittany

Notice of Land Use Hearing; PLN-21  
An authorization notice or construction i...

May, Brittany

Thanks! Brittany K May, REHS Linn Coun...

Putnam, Kerri

Nationwide Teaching Tuesdays, Q1  
Good Afternoon, The attached flyer desc...

Boles, Alyssa

Brownsville Properties w/ Water &  
Morning ladies... I stumbled across this y...

National Archives Catalog

Coast Guard Canines  
Today we salute the hard working canine...

Barracuda Networks

Barracuda's Email Gateway Defense  
MANAGE QUARANTINE: 1 Inbound Qu...

Kyle Latimer

Helms Dr PLA  
Good afternoon, Our job list notes that t...

Woehler, Angelina P (Ang

PLN-2021-00133:

Calendar

People

Cepello, Jennifer

Notice of Land Use Hearing; PLN-2021-00586;  
MOORE, Julie

REPLY

REPLY ALL

FORWARD

May, Brittany

Fri 1/21/2022 8:58 AM

Mark as unread

To: Cepello, Jennifer

An authorization notice or construction installation permit will  
be required for the change in use from a commercial building to  
a residence. Due to the size of the property, well setbacks and  
soil limitations, approval may be extremely difficult or  
impossible.

*Brittany K May, REHS*

Linn County Environmental Health Program  
PO Box 100

315 SW 4th Ave, 1st Floor

Albany, OR 97321

Phone: (541) 967-3821 x2260

Fax: (541) 924-6904

[bmay@co.linn.or.us](mailto:bmay@co.linn.or.us)

<https://www.linncountyhealth.org/eh> - *\*Septic Records are  
available online!\**

From: Hunt, Suzanne

Sent: Tuesday, January 18, 2022 10:02 AM

To: Wills, Steve <[swills@co.linn.or.us](mailto:swills@co.linn.or.us)>; RINGO Jennifer B \* ODFW

<[jennifer.b.ringo@state.or.us](mailto:jennifer.b.ringo@state.or.us)>; KELLEY Elise X \* ODFW

<[elise.x.kelley@state.or.us](mailto:elise.x.kelley@state.or.us)>; Gregory J. Wacker@oregon.gov;

jboelen@lebanonfire.com; Fountain, Brandon (SO)

<[bfountain@linnsheff.org](mailto:bfountain@linnsheff.org)>; Barnett, Steve

Exhibit # 0  
Page 1 of 3

<https://exchange.postoffice.net/owa/#path=/mail>





# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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 February 8, 2022 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); and on February 22, 2022 at 10:15 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 (Board). 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 this 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.

PLN-2021-00586; an application by Julie Moore for a Zoning map amendment on an 0.35-acre property identified as Tax Lot 8500 on map T12S, R02W, Section 23D. The applicant proposes to amend the Zoning map designation from Urban Growth Rural Commercial (UGA-RCM) to Urban Growth Area-Rural Residential-One Acre Minimum (UGA-RR-1). The property is located at 333 Crowfoot Road, at the south corner of the intersection of Cascade Drive, Crowfoot Road, and Central Avenue; and abuts the city limits of Lebanon. The applicable decision criteria are contained in LCC 921.822. The application is available for review in the Planning and Building Department Office, Room 114, Linn County Courthouse; copies will be made for a reasonable cost.

COMMENTS: NO Comment

BY H. Berlinger AGENCY (IF ANY) Linn Co. Sheriff's Office DATE 01/18/2022

STAFF CONTACT PERSON: Jennifer Cepello; (541) 967-3816, ext. 2368 or [jcepello@co.linn.or.us](mailto:jcepello@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	DSL	x DLCD	x City Of: Lebanon
x	GIS		Surveyor	x Water	Parks	Other:
			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.



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816 Fax 541-926-2060  
www.co.linn.or.us

LINN COUNTY

FEB 08 2022

Planning & Building  
Department

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COMMENTS:

*No comments*

BY

*Stephanie Taylor*

AGENCY (IF ANY)

*Linn*

DATE

*2-7-22*

**STAFF CONTACT PERSON:** Jennifer Cepello; (541) 967-3816, ext. 2368 or [jcepello@co.linn.or.us](mailto:jcepello@co.linn.or.us)

Linn County				State of Oregon		Other
<input checked="" type="checkbox"/> EHP	<input checked="" type="checkbox"/> Sheriff			DEQ	ODOT/OSHD	School:
<input checked="" type="checkbox"/> Parks	<input checked="" type="checkbox"/> Bldg Official			DOGAMI	ODSF	<input checked="" type="checkbox"/> Landowners
<input checked="" type="checkbox"/> Assessor	<input checked="" type="checkbox"/> Roads			DSL	<input checked="" type="checkbox"/> DLCD	<input checked="" type="checkbox"/> City Of: Lebanon
<input checked="" type="checkbox"/> GIS	<input checked="" type="checkbox"/> Surveyor	<input checked="" type="checkbox"/> Water		Parks		Other:
	<input checked="" type="checkbox"/> Flood Official	<input checked="" type="checkbox"/> ODFW		State Fire Marshal	<input checked="" type="checkbox"/> RFD: Lebanon	

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Exhibit # *1*

Page *3* of *3*

**EXHIBIT**

**D**





## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816 Fax 541-926-2060  
[www.co.linn.or.us](http://www.co.linn.or.us)

**PLEASE BILL ACCOUNT NUMBER 60001417  
PUBLISH IN THE ALBANY DEMOCRAT HERALD**

### Legal Notice

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The applicable decision criteria are contained in LCC 921.822. For more information, contact Jennifer Cepello at 541-967-3816 ext. 2368 or [jcepello@co.linn.or.us](mailto:jcepello@co.linn.or.us). The proposed amendment is available for viewing in the Planning and Building Department Office, Room 114, Linn County Courthouse during normal office hours. Copies are available for a reasonable cost.

DATED this 14<sup>th</sup> day of January 2022

LINN COUNTY BOARD OF COMMISSIONERS

PUBLISH: January 18, 2022

# Customer Ad Proof

60001417 LINN COUNTY PLANNING

Order Nbr 142197

Publication	AlbanyCorvallis Paper	PO Number	
Contact	LINN COUNTY PLANNING	Rate	Legal Open
Address 1	PO BOX 100	Order Price	342.48
Address 2		Amount Paid	0.00
City St Zip	ALBANY OR 97321	Amount Due	342.48
Phone	5030000000		
Fax			
Section	Public Notices	Start/End Dates	01/19/2022 - 01/19/2022
SubSection		Insertions	1
Category	990 Public Notice	Size	64
Ad Key	142197-1	Salesperson(s)	09 LEGAL SALESPERSON
Keywords	PLN-2021-00586	Taken By	Pam Burright
Notes	Boles, Alyssa <aboles@co.linn.or.us> [Pam Burright 1/14/2022 3:17:16 PM]		

Ad Proof

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on February 8, 2022 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); and on February 22, 2022 at 10:15 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 (Board). 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 Planning and Building 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.

PLN-2021-00586; an application by Julie Moore for a Zoning map amendment on an 0.35-acre property identified as Tax Lot 8500 on map T12S, R02W, Section 23D. The applicant proposes to amend the Zoning map designation from Urban Growth Rural Commercial (UGA-RCM) to Urban Growth Area-Rural Residential-One Acre Minimum (UGA-RR-1). The property is located at 333 Crowfoot Road, at the south corner of the intersection of Cascade Drive, Crowfoot Road, and Central Avenue; and abuts the city limits of Lebanon.

The applicable decision criteria are contained in LCC 921.822. For more information, contact Jennifer Cepello at 541-957-3816 ext. 2368 or jcepello@co.linn.or.us. The proposed amendment is available for viewing in the Planning and Building Department Office, Room 114, Linn County Courthouse during normal office hours. Copies are available for a reasonable cost.

DATED this 14th day of January 2022

LINN COUNTY BOARD OF COMMISSIONERS

#142197

PUBLISH: January 19, 2022



## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

### CERTIFICATION OF MAILING

I, *Suzanne Hunt*, of the Linn County Planning and Building Department, certify that the attached notice concerning matters to be reviewed on the 8<sup>th</sup> day of February, 2022 was mailed to the persons on the attached list at the address shown below their name on the 18<sup>th</sup> day of January, 2022. These persons are shown as the owners of property within 1000 ft. of the property described in the attached notice on the current tax rolls of the Linn County Assessor.

DATED this 18<sup>th</sup> day of January, 2022.

*Suzanne Hunt*

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PLN-2021-00586; MOORE, Julie





# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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 **February 8, 2022 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); and on **February 22, 2022 at 10:15 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** (Board). 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 this 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.

**PLN-2021-00586**; an application by Julie Moore for a *Zoning* map amendment on an 0.35-acre property identified as Tax Lot 8500 on map T12S, R02W, Section 23D. The applicant proposes to amend the Zoning map designation from Urban Growth Rural Commercial (UGA-RCM) to Urban Growth Area-Rural Residential-One Acre Minimum (UGA-RR-1). The property is located at 333 Crowfoot Road, at the south corner of the intersection of Cascade Drive, Crowfoot Road, and Central Avenue; and abuts the city limits of Lebanon. The applicable decision criteria are contained in LCC 921.822. The application is available for review in the Planning and Building Department Office, Room 114, Linn County Courthouse; copies will be made for a reasonable cost.

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

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

STAFF CONTACT PERSON: Jennifer Cepello; (541) 967-3816, ext. 2368 or [jcepello@co.linn.or.us](mailto:jcepello@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	DSL	x	DLCD	x City Of: Lebanon
x	GIS		Surveyor	x	Water	Parks	Other:
	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.

Exhibit # 0  
Page 4 of 13

1. This application will be reviewed and a decision will be made using the applicable decision criteria for Zoning Map amendments identified in Linn County Code (LCC) 921.822.

**921.822 Decision criteria for Zoning Map amendments**

(B) Except as stated in subsection (A) and LCC 921.824, a Zoning Map amendment from one zoning district to another may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

- (1) The presence of development limitations including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability, do not significantly adversely affect development permitted in the proposed zoning district;
- (2) The amendment will result in a development pattern having no significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities;
- (3) The amendment will result in a development pattern compatible with uses on nearby lands and will have no significant adverse impact on the overall land use pattern in the area;
- (4) The amendment is consistent with the intent and purpose statement of the proposed zoning district;
- (5) The amendment is consistent with the existing Comprehensive Plan map designation;
- (6) The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat; and
- (7) The amendment, if within an adopted urban growth boundary, is consistent with the Comprehensive Plan and implementing ordinances of the affected city.

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.



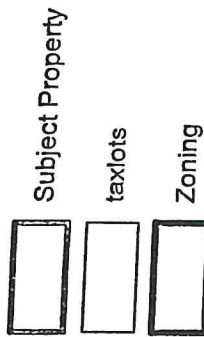
8. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The decision maker shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional 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.

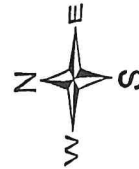


# Linn County Planning & Building Department

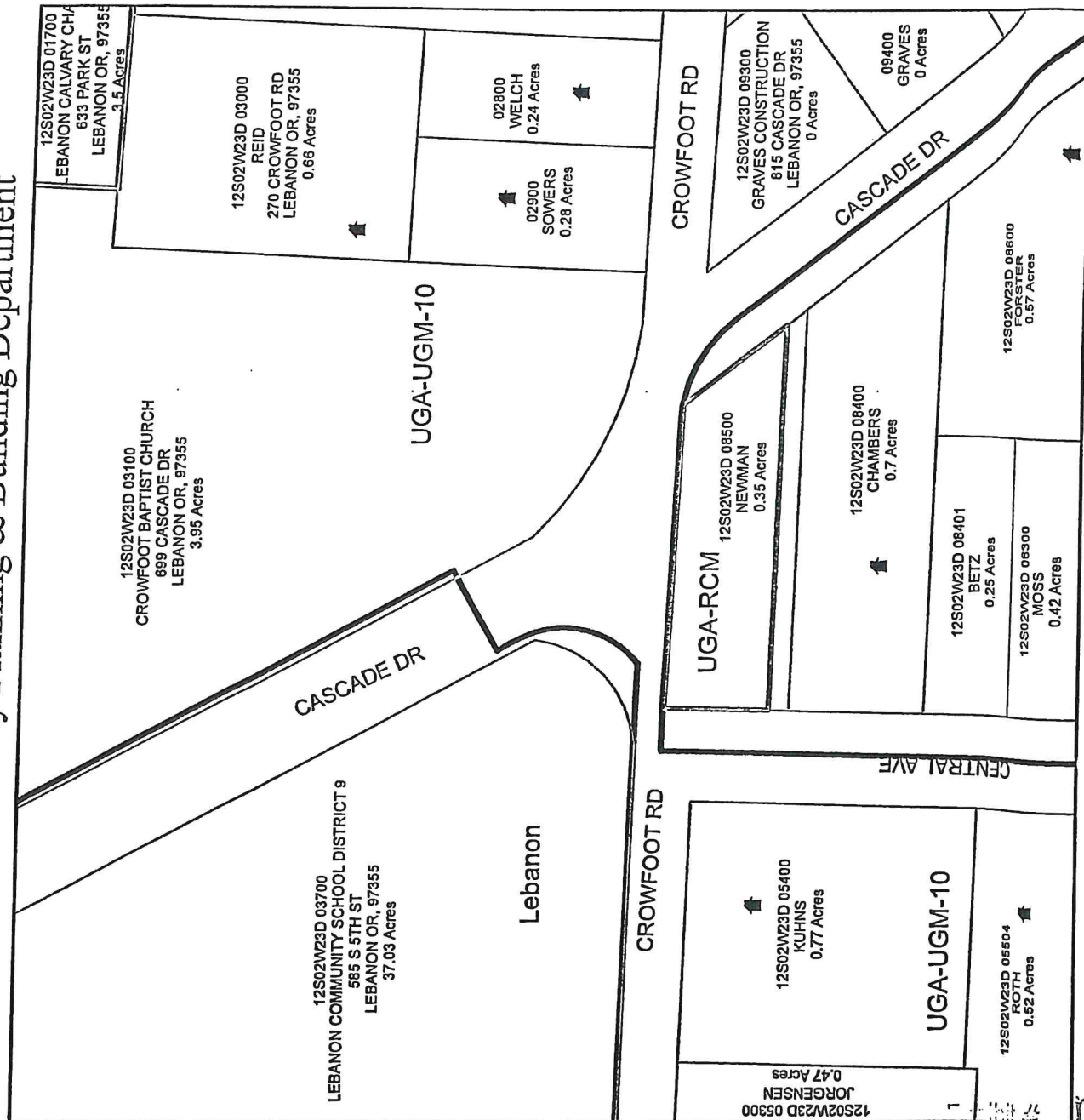
## Notice Map



PLN-2021-00586  
12S02W23D 08500  
MOORE, JULIE  
333 CROWFOOT ROAD  
LEBANON, OR 97355  
0.35 acres



12/15/2021



1 inch = 100 feet



## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816 Fax 541-926-2060  
[www.co.linn.or.us](http://www.co.linn.or.us)

### NOTICE OF COMPLETE APPLICATION

December 10, 2021

Julie Moore  
333 Crowfoot Road  
Lebanon, OR 97355

RE: PLN-2021-00586; completeness review of an application for a Zoning Map Amendment (T12S, R02W, Section 23D, Tax Lot 8500).

Dear Ms. Moore:

Your application was reviewed and deemed complete on December 10, 2021, pursuant to the criteria in LCC 921.040. The application is classified as a Type IIIB review and will be decided in accordance with the applicable procedures, time frames and decision criteria of the Linn County Land Development Code (Code). A final action will be made by the Board of Commissioners (Board) consistent with the time limitations set forth in Linn County Code (LCC) Section 921.140. The application will be reviewed and a decision will be made using the applicable decision criteria for Zoning Map amendments identified in LCC Section 921.822.

Your application is scheduled to be presented to the Linn County Planning Commission on February 8, 2022 at 7:00 p.m. and before the Board on February 22, 2021 at 10:15 a.m. You will be contacted if we need additional information from you. Failure to submit requested information deemed necessary for the timely disposition of your permit application may result in denial of your application.

Pursuant to LCC Section 921.060(D)(8), if you submit any evidence or testimony after notice has been given on an application deemed complete and the new evidence or testimony substantially changes the proposal, then the Board shall not consider such evidence and shall not receive such new evidence into the record. If you desire that the new evidence be received you must withdraw the application and submit a new application, including fees.

If you have any questions, please contact me at the Linn County Planning and Building Department at (541) 967-3816, ext. 2368 or [jcepello@co.linn.or.us](mailto:jcepello@co.linn.or.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Cepello".

Jennifer Cepello  
Associate Planner

Cc: James Newman



## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816 Fax 541-926-2060  
[www.co.linn.or.us](http://www.co.linn.or.us)

November 18, 2021

Julie Moore  
333 Crowfoot Road  
Lebanon, OR 97355

RE: PLN-2021-00586; T12S, R02W, Section 23D, Tax Lot 8500, completeness review for a zone amendment application.

Dear Ms. Moore,

Your application has been reviewed pursuant to the criteria in Linn County Code (LCC) 925.040 and has been found to be **incomplete**. The application is missing the following information:

- ♦ Evidence that the applicant is the property owner of the subject property. Evidence could be a deed with the applicant's name as the property owner, a copy of a land sales contract or the current property owner's signature upon the application.
- ♦ The minimum acreage designation of Urban Growth Area-Rural Residential zone. Linn County has the following acreage standards
  - UGA-RR-5 (five acre minimum)
  - UGA-RR-2.5 (two and a half acre minimum)
  - UGA-RR-1 (one acre minimum)

You must submit this missing information within 30 days. Pursuant to LCC 921.060(E), if the Department does not receive the necessary information by December 18, 2021, the application shall be dismissed.

Once all additional information has been submitted and the application is deemed complete, your application will be reviewed and decided in accordance with the applicable procedures, time frames, and decision criteria of the Linn County Land Development Code. You will be contacted if we need additional information from you. Failure to submit requested information deemed necessary for the timely disposition of your permit application may result in denial of your application.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Cepello", is written over a horizontal line.

Jennifer Cepello  
Associate Planner

Cc: James Newman



# LINN COUNTY PLANNING & BUILDING DEPARTMENT

## LAND USE SHEET

CASE: PLN-2021-00586

LEGAL: Property A: 12S02W23D 08500

Property B:

Property C:

APPLICANT: JULIE MOORE  
333 CROWFOOT ROAD  
LEBANON, OR 97355

OWNER: Property A:

Property B:

Property C:

APPLICANT REPRESENTATIVE:

ZONE: UGA-RCM

NOTIFICATION DISTANCE: 100 ft.

- SPO's: 8
- AGENCIES: 2
  - EMAIL: ☐ Director
  - EMAIL: ☐ Albany Democrat Herald
  - EMAIL AS NEEDED:
    - ☒ Assessor
    - ☒ EHP
    - ☒ GIS
    - ☒ Lebanon Fire District
    - ☒ Roads
    - ☒ Building Official
    - ☐ Floodplain Manager
    - ☒ Sheriff
    - ☐ Surveyor
    - ☐ ODFW
    - ☐ DSL
    - ☐ ODOT
    - ☐ Oregon State Fire Marshal
    - ☐ Parks
    - ☒ Water

12S02W23D 02900  
SOWERS HAROLD J & LAURA A  
33725 FORD MILL RD  
LEBANON  
OR

12S02W23D 08500  
NEWMAN JAMES H  
1745 CENTURY DR NE  
ALBANY  
OR

12S02W23D 08599  
GOAN LORA ESTATE OF  
C/O LINN COUNTY  
PO BOX 100  
ALBANY  
OR

12S02W23D 09300  
GRAVES CONSTRUCTION  
C/O NATHANEIL D GRAVES  
815 CASCADE DR  
LEBANON  
OR

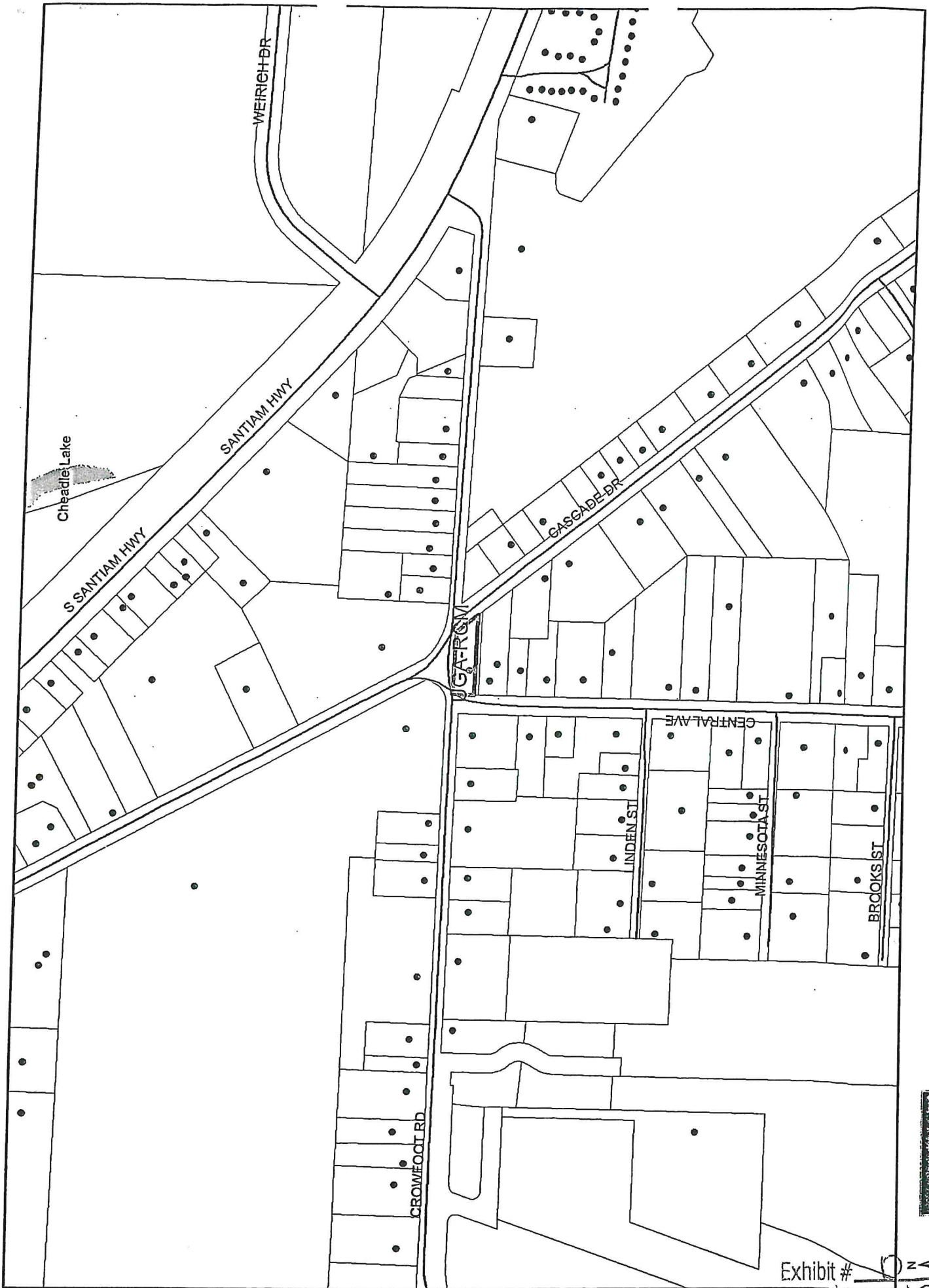
12S02W23D 08400  
CHAMBERS DAVID L & KATHLEEN R  
115 CENTRAL AVE  
LEBANON  
OR

12S02W23D 03700  
LEBANON COMMUNITY SCHOOL DISTRICT 9  
585 S 5TH ST  
LEBANON  
OR

12S02W23D 03100  
CROWFOOT BAPTIST CHURCH  
699 CASCADE DR  
LEBANON  
OR

12S02W23D 05400  
KUHNS DONALD L & MATTIE E  
PO BOX 2228  
LEBANON  
OR





Date: 11/9/2021

# Linn County Planning & Building Department

1 inch = 387 feet



Exhibit #

0 = A

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