

AGENDA – LINN COUNTY BOARD OF COMMISSIONERS

DATE: February 12, 2019

DEPARTMENT: COMMISSIONERS / BUDGET OFFICE

ACTION REQUESTED:

ORDER # 2018 – 376

GRANT INCREASE

- WITHIN THE GRANTS FUND
- WITHIN THE SHERIFF'S OFFICE
- WITHIN CORRECTIONS
- WITHIN MATERIALS & SERVICES
- FROM COMMISSARY & JAIL PHONES
- IN THE AMOUNT OF \$ 77,000

This is from the Sheriff's Corrections office and documents are attached to explain the reason for the Grant. They will be here to address this grant.

February 12 Agenda Item

To: Board of Commissioners
From: Linn County Transportation Advisory Committee/
Mark Volmert, Special/Rural Transportation Coordinator
Subject: Special Transportation Fund 2019-2020 Allocations

Recommendations:

The Linn County Transportation Advisory Committee recommends that the Board of Commissioners:

1. Approve 2019-2020 Special Transportation Fund allocations to 11 programs totaling \$268,911 and a contingency of \$24,546 (as listed in this report), subject to available funding from ODOT.
2. Approve a non-binding prioritization of STF-funded programs (as listed in this report) in the event funding from ODOT is reduced.
3. Authorize the Special/Rural Transportation Coordinator to submit the grant application documents required by ODOT.
4. Authorize the Special/Rural Transportation Coordinator and the County Attorney to prepare intergovernmental agreements and subrecipient agreements between the agencies and the County.

Background:

Funding from the Oregon Special Transportation Fund (STF) Program is available to maintain or improve transportation services for seniors 60 years of age and older and/or persons of any age with disabilities.

Eligible applicants include public entities and public or private non-profit corporations. Eligible projects include maintenance of existing transportation programs and services for the elderly and people with disabilities; expansion or creation of such programs and services; transportation capital items; and planning and development of transportation services for the elderly and people with disabilities.

In Linn County STF funds are leveraged by many programs as the source of local match required for federal and state grants (ranging from 45% local/55% federal to 10% local/90% federal). STF funds are also used to support transportation services provided by local volunteer-based programs.

The program has long been funded through cigarette taxes (two cents of the current total tax of \$1.31 per pack), the sale of DMV identification cards and off-road fuel tax allocated to counties and transit districts based on population.

Beginning in 2009 the Legislative Assembly provided, through the state's general fund, additional funds for the Special Transportation Operations (STO) program. It was similar to the STF program except that funds could not be used for capital projects. This funding was not consistent. In 2009-2011 it was \$10 million; in 2011-2013 it was \$2 million; and in 2013-2015 it was \$2 million.

In 2013 the Legislative Assembly changed the state income tax code to eliminate most medical deductions for seniors with high income. This resulted in additional general fund revenue income of about \$45 million for 2013-2015 and some of this revenue was allocated to the STF program. Additional funds were allocated to STF agencies at three different times: STF Supplement A in September 2013 (Linn County's allocation was \$133,958); STF Supplement B in March 2014 (Linn County's allocation was \$100,065) and STF Supplement C in December 2014 (Linn County's allocation was \$44,938).

In 2015-2017 and 2017-2019 the Legislative Assembly allocated \$10 million in general funds to the STF program.

In 2016 ODOT decided to authorize \$8 million in STF discretionary grants. This resulted in a 17% reduction in 2017-2019 STF formula funding.

STF Funding Available in 2019-2021:

In October 2018 ODOT published the 2019-2021 STF allocations which were essentially the same for most agencies as 2017-2019. The 2017-2019 allocation to Linn County was \$584,232 and the published 2019-2021 allocation was \$586,915. By comparison the 2015-2017 allocation was \$711,556.

The combined 2019-2021 revenue from cigarette taxes, the sale of DMV identification cards and off-road fuel tax is approximately the same as 2017-2019. But last month ODOT notified counties/transit districts that the Governor did not include in her 2019-2021 budget request to the Legislative Assembly the \$10 million general fund allocation for the STF program.

If the Legislative Assembly does not allocate \$10 million from the general fund, the STF allocation to counties/transit districts would be reduced by about 35%. The reduction to Linn County would be about \$100,000 a year.

ODOT has requested counties/transit districts to allocate STF funds based on the amount published in October (this amount was based on \$10 million in general funds); and to prioritize in a general manner STF-funded programs in the event general funds are not secured and the STF allocation needs to be reduced in the coming months.

We have made it crystal clear to STF-funded programs in Linn County that the allocation published in October is not currently supported by the Governor's proposed budget and the prospects of receiving some or all of the \$10 million of general funds are simply unknown.

Although the ODOT-requested prioritization of programs is a helpful “heads up” to programs we have also made it very clear that the general prioritization of programs is non-binding. If STF funding to counties/transit districts is substantially reduced the Linn County TAC will need to review all programs and make revised allocation recommendations to the BOC.

2019-2020 TAC Review and Allocation Process:

As in prior years, in December and January the TAC conducted a formal process, under state guidelines, to solicit, receive and review applications. The Linn County Coordinated Public Transit-Human Services Transportation Plan, approved in September 2017, provides guidance in the investment of transportation resources.

Requests were received from 11 programs that currently receive STF funds. A request on behalf of the Title XIX DD53 Local Match Program, which provides third party rides to residents with intellectual/developmental disabilities, was not submitted.

Analysis

The core 2019-2020 allocation question for the TAC relates to the 2017-2018 and 2018-2019 discussions about transportation services for people with intellectual/developmental disabilities.

The TAC has discussed I/DD transportation at countless meetings during the past several years. DHS and statewide advocates have simply failed to adequately address I/DD transportation challenges. Although residential and vocational programs in Linn County have been excellent partners over the years and are very supportive of our efforts to address the challenges in a comprehensive manner, the statewide residential and vocational advocacy groups have simply not considered transportation as a priority item to address.

For a decade we have asked DHS to fund the 35% local match required by the Medicaid Title XIX DD53 Local Match Program but DHS has not provided the funds. Linn County must therefore allocate about 25% of its limited STF funds to support this program that provides to 55-60 people with intellectual/developmental disabilities. These rides from residences to vocational/employment centers are provided by the Senior Citizens of Sweet Home’s transportation program and by Lebanon Dial-A-Bus; and most of the SCSH rides are 15-30 miles in length.

With a 17% reduction in 2017-2019 STF funding the TAC, in February 2017, once again asked all I/DD partners to consider other options in the coming months. The TAC recommended, and the BOC approved, the use of contingency funds to help address the DD53 Local Match Program funding requirements in order to provide time to secure other resources. TAC members made it very clear that “unless DHS provides funding or another funding source is secured the current Medicaid Title XIX DD53 transportation program is not financially sustainable beyond June 2018”.

We did not make any progress with DHS in 2017-2018 and the Legislative Assembly did not provide additional STF funding. The approval of HB 2017 public transportation funding, however, appeared to provide a funding option for I/DD transportation starting in 2019. In April 2018 the TAC accordingly recommended, and the BOC approved, a second allocation of contingency funds for the DD53 Local Match Program. The TAC once again made it very clear to I/DD programs that the DD53 Local Match Program transportation would need to terminate in July 2019 if additional resources cannot be secured. Fortunately ODOT has indicated that STIF funds maybe used for the DD53 Local Match Program (this relates to changes/an expansion of the current program particularly related to the Employment First program).

Summary:

The TAC's recommendations, listed below, allocates funds to programs at their requested amount with the exception of an increase to the Linn-Benton Loop. The recommendation is to increase the allocation to the Linn-Benton Loop from \$17,000 to \$24,000 to match the STF allocation from Benton County. If the ODOT allocation of STF funds is reduced the TAC assumes the \$7,000 increase will not be available.

It is very important, however, to understand that Linn County also allocates Section 5310 funds to the Linn-Benton Loop (\$27,500 per year in 2017-2019 and a recommended \$29,500 per year in 2019-2021). Benton County does not allocated Section 5310 funds. The TAC recommends that Benton County match Linn County's allocation on a "dollar for dollar" basis.

With the elimination of funding for the DD53 Local Match Program and the proposed increase to the Linn-Benton Loop there is an unallocated balance of balance of \$24,546. Until the 2019-2021 STF funding picture is more clear the TAC recommends that these funds be placed in the contingency account

**2019-2020 STF Allocation Recommendations of Linn County
Transportation Advisory Committee**

	2018-2019 Allocation	2019-2020 Request	2019-2020 TAC Recommendations
Lebanon Dial-A-Bus	\$43,082	\$43,082	\$43,082
SH Dial-A-Bus	\$23,500	\$23,500	\$23,500
Linn Shuttle	\$98,000	\$98,000	\$98,000
COG Sen/Dis Service	\$16,000	\$16,000	\$16,000
Volunteer Caregivers	\$21,329	\$21,329	\$21,329
OMRS	\$5,000	\$5,000	\$5,000
Sunshine Industries	\$5,000	\$5,000	\$5,000
Chamberlin House	\$5,000	\$5,000	\$5,000
Linn-Benton Loop	\$17,000	\$24,000	\$24,000
Albany Call-A-Ride	\$25,000	\$25,000	\$25,000
Benton County (D-A-B)	\$3,000	\$3,000	\$3,000
Title XIX DD53 Match	\$70,205	-0-	-0- *
All programs	<u>\$332,116</u>	<u>\$268,911</u>	<u>\$268,911</u>
Contingency	(\$40,000)	\$24,546	\$24,546

* In accordance with 2018 decision, an expanded pilot project will be moved to STIF funding

Non-Binding Prioritization of STF-Funded Programs in the Event Funding from ODOT is Reduced

Maintain current funding if possible (programs have very limited options for other transportation funding sources)

Volunteer Caregivers
Sunshine Industries
Chamberlin House
OMRS
COG Senior/Disabilities Services

Reduce some funding (programs have some options for other transportation funding sources)

Lebanon Dial-A-Bus
Linn Shuttle
Sweet Home Dial-A-Bus
Benton County
Linn-Benton Loop (to match Benton County's contribution)

Eliminate funding, depending on the size of the reduction of ODOT funds
(program has significant options for other transportation funding sources)

Albany Call-A-Ride

**Please see Marsha or Heather
for a copy of the applications**

February 12 Agenda Item

To: Board of Commissioners
From: Linn County Transportation Advisory/Review Committee
Mark Volmert, Special/Rural Transportation Coordinator
Subject: Federal Section 5310 Transit Grant
2019-2021 Allocation Recommendations

Recommendations:

The Transportation Advisory/Review Committee recommends that the Board of Commissioners:

1. Approve 2019-2021 federal Section 5310 allocations as recommended by the Linn County Transportation Advisory/Review Committee.
2. Authorize the Special/Rural Transportation Coordinator to submit the grant application documents required by ODOT.
3. Authorize the Special/Rural Transportation Coordinator and the County Attorney, following the review of applications by ODOT, to prepare the appropriate intergovernmental agreements and subrecipient agreements between the County and agencies for the review and approval by the Board of Commissioners.

Background:

The application and allocation process related to federal Section 5310 funds (for programs serving seniors and people with disabilities) is similar to the process of the past several biennia. Starting in 2009-2011 ODOT moved from a statewide competitive process to a local decision-making process, with funds allocated by ODOT on a per-capita formula to each STF Agency (county or transit district). In simple terms, that means counties/transit districts allocate Federal Section 5310 funds to local programs, subject to the final review of ODOT to ensure compliance with state and federal laws and regulations.

There are two parts to the federal Section 5310 program in Oregon:

1. The Oregon Transportation Commission transfers \$25 million a biennia from federal highway funds to the Section 5310 transit program. These funds are allocated, on a population basis, to counties/transit districts for their allocation to local transit programs.
2. The Federal Transit Administration allocates Section 5310 to states and urban programs based on population. Prior to 2013 these funds were allocated to ODOT which then allocated the funds to counties/transit districts based on population. MAP-21, the 2012 federal transportation act, changed the allocation to provide 60% to large urban areas, 20% to small urban areas and 20% to small city/rural areas. Jurisdictions in Oregon receive \$8 million from these FTA funds. About \$5 million is allocated directly to the

three large urban areas in Oregon; \$1.5 million to seven small urban areas; and \$1.5 million to small city/rural areas.

Although the small urban area funds must be spent for transit programs within the small urban area, ODOT decided that the allocation decisions for small urban area funds would remain with counties (similar to the other Section 5310 fund decisions) rather than the small MPOs.

The small urban area funds are deducted from the county allocation formula and then redistributed on a statewide basis. As a result of MAP-21 the 2013-2015 Section 5310 allocation to Linn County dropped from \$789,000 to \$690,00 but the Albany urban area was allocated \$181,000; so the combined amount was \$871,000--\$84,000 larger than 2011-2013.

2019-2021 Funding:

In 2017-2019 ODOT decided not to distribute the \$1.5 million FTA funds for small city/rural areas through its prior population formula to small city/rural areas. Instead ODOT developed a statewide competitive grant program with these funds.

Because this \$1.5 million was eliminated from the population-based formula the 2017-2019 Section 5310 allocation to Linn County was \$630,509, a reduction of nearly 7% from the 2015-2017 allocation of \$673,141. The Albany small urban area allocation for 2017-2019 was \$191,714, a 2% increase from the 2015-2017 allocation of \$187,793. The two allocations totaled \$822,222, a decrease of nearly 5% from the total 2015-2017 allocation of \$860,934.

The published 2019-2021 allocation to Linn County is \$623,206 (1% less than 2017-2019) and the allocation to the Albany urbanized area is \$204,539 (6% more than 2017-2019). The two allocations total \$827,745, an increase of less than 1%.

Decision-Making Process:

The grant process is similar to the past five biennia. ODOT held grant workshops for local programs in late 2018. As in prior years the Linn County Transportation Advisory Committee conducted a formal process, under state and federal guidelines, to solicit, receive and review applications. The Linn County Coordinated Public Transit-Human Services Transportation Plan, approved in September 2017, provides guidance in the investment of transportation resources.

Requests were received from the seven programs that currently receive Section 5310 funds.

The applications were forwarded to the members of the Linn County Transportation Committee together with a staff analysis. In accordance with our commitment to partnership and discussions with ODOT about federal regulations, a staff member of the Albany Area MPO served as a non-voting member of the review committee.

The members of the Linn County Transportation Advisory/Review Committee met on January 31 to review the grant review process and the priorities identified in the Linn County Coordinated Public Transit-Human Services Transportation Plan. Each transportation program made a brief presentation about their application and answered Transportation Advisory/Review Committee questions.

Albany Small Urban Area 2019-2021 Requests:

Purchase Service Operations

Albany Call-A-Ride	\$145,539 (\$136,714 for 2017-2019)
Linn-Benton Loop	\$59,000 (\$55,000)

With an increase of \$12,825 for “small urban area” funding, Albany Call-A-Ride has requested \$145,539 for purchase service operations, an increase from the \$136,714 funded in 2017-2019. The allocation in 2015-2017 (before the Linn-Benton Loop funding was transferred to “small urban area” funding) the allocation to Albany Call-A-Ride was \$187,793.

The Linn-Benton Loop has requested an increase for purchase service operations from \$55,000 (funded in 2015-2017 and 2017-2019) to \$59,000.

As a clarification, in 2013-2015 and 2015-2017 the Linn-Benton Loop was funded from the county area allocation. With reductions to the county area allocation in 2017-2019 the Linn-Benton Loop funding was moved to Albany “small urban area” funding.

County Area 2019-2021 Requests:

Preventive Maintenance

Senior Citizens of Sweet Home (Linn Shuttle and SH D-A-B)	\$79,156 (\$69,756 for 2017-2019)
Lebanon Dial-A-Bus	\$20,997 (\$15,407)
Sunshine Industries	\$15,254 (\$15,496)
Chamberlin House	\$10,768 (\$10,768)
OMRS	\$8,076 (\$9,000)
Total	\$134,251 (\$118,391)

Most of the increases relate to additional vehicles. Sunshine Industries and Chamberlin House were, once again, very conservative in their requests in recognition of the limited Section 5310 funds available. It should be noted, however, that the SCSH’s are substantially different than the I/DD programs. Most of the SCSH vehicles are driven long distances/long hours every day. The two SCSH I/DD vehicles, for example, are driven 400 miles a day.

Purchase Service

Senior Citizens of Sweet Home \$153,366 (\$145,000 for 2017-2019)
(for “Lebanon Express”)

\$145,000 has been allocated for the past two biennia and operating costs have increased.

Vehicles \$305,082

The Senior Citizens of Sweet Home has requested \$305,082 to replace one large (35 seats + 2 wheelchair positions) bus and one medium (24 seats + two wheel chair positions) bus. The large bus will be used for Linn Shuttle service. The medium bus will be used for I/DD transportation service, for Linn Shuttle runs with fewer passengers (including the proposed Saturday service between Sweet Home and Albany) and for the Sweet Home Dial-A-Bus Shopper’s deviated fixed route program.

Buses are obviously expensive and this request represents nearly 50% of the total county area funds available. But, as a non-profit agency, the opportunity for STIF-funded vehicles is unclear. STIF funds should be available for Lebanon Dial-A-Bus, Linn-Benton Loop and Albany Transit System vehicles but, at this time, Section 5310 funds represent the best opportunity for Senior Citizens of Sweet Home vehicles.

Mobility Management

Linn County \$60,000 (\$60,000 for 2017-2019)

\$60,000 requested, the same as the past five biennia. This funds part of the staff effort of the Special/Rural Transportation Coordinator.

In addition to technical assistance and regional coordination of services, a large part of this effort in recent years involved a long list of local and regional planning efforts. The effort needed in the next biennia is different. It will largely involve the implementation of the planning efforts; including assistance to local programs in the development of expanded public transportation service. This is, therefore, a different staff effort which can be funded by the STIF program.

Analysis:

The Albany urban area request is the same as the funding available.

The county area requests total \$652,699, with \$623,206 available.

The Transportation Advisory/Review Committee supported the elimination of Section 5310 funding for Mobility Management. Instead of a shortfall of about \$30,000 this would result in a positive balance of about \$30,000.

Since programs have essentially been flat funded for the past two biennia and most programs now have additional vehicles to maintain, the Transportation Advisory/Review

Committee recommended using the \$30,000 to increase preventive maintenance funding to the programs.

A \$1,000 increase to OMRS for preventive maintenance (with three vehicles and 3,500 annual rides); a \$2,000 increase to Chamberlin House (with 11 vehicles and 17,000 annual rides); a \$5,000 increase to Sunshine Industries (with 16 vehicles and 32,000 annual rides); a \$5,000 increase to Lebanon Dial-A-Bus' request (7 vehicles); and a \$16,993 increase to the Linn Shuttle/Sweet Home Dial-A-Bus' request (with 15 vehicles most of which are large/expensive to repair vehicles and with far more annual mileage than Lebanon Dial-A-Bus).

Footnote:

The TAC once again noted the difference between the support of the Linn-Benton Loop from its partners.

OSU and Linn-Benton Community College currently contribute equal financial support for the Linn-Benton Loop.

For the past decade Albany/AAMPO allocated more money to the Linn-Benton Loop than Corvallis/CAMPO. Corvallis/CAMPO increased its 2018-2019 allocation to the Linn-Benton Loop and now contributes nearly as much financial support as Albany/AAMPO

For the past decade Benton County has not contributed nearly as much financial support as Linn County. Several years ago Benton County allocated \$4,000 a year at the time that Linn County contributed \$72,000. A few years ago Benton County increased its STF allocation and in 2018-2019 Benton County will contribute a total of \$22,000 and Linn County will contribute a total of \$44,000.

Benton County recently increased its annual STF contribution to \$23,500 (with no allocation of Section 5310 funds). The TAC recommendations regarding annual STF and Section 5310 funding total \$53,500.

The TAC strongly believes that Benton County should match Linn County's allocations to the Linn-Benton Loop in the future. The TAC recommends that the Linn-Benton Loop Governing Board and Linn-Benton Loop TAC support and pursue allocations of STF, Section 5310 and STIF funds from Benton County in amounts equal to the funding from Linn County.

Following the review of the applications and guided by the long-standing highest priorities identified in the Linn County Coordinated Public Transit-Human Services Transportation Plan, the Transportation Advisory/Review Committee at its January 31 meeting made the following recommendations regarding 2019-2021 federal Section 5310 allocations:

Total of \$827,745: \$623,206 County area plus \$204,539 Albany UZA Area

Amounts listed are the net federal funds requested from
ODOT after subtracting the required local match

Vehicle Preventive Maintenance

\$164,758 City of Lebanon Dial-A-Bus (\$25,997 for 7 vehicles), Senior Citizens of Sweet Home/Linn Shuttle and Sweet Home Dial-A-Bus (\$96,663 for 16 vehicles), Chamberlin House (\$12,768 for 11 vehicles), Oregon Mennonite Residential Services (\$9,076 for 3 vehicles) and Sunshine Industries (\$20,254 for 16 vehicles).

Purchase of New Vehicles

\$305,082 Senior Citizens of Sweet Home/Linn Shuttle: One propane fueled bus (35 passenger + 2 wheelchair positions capacity) and one propane fueled bus (24 passengers + 2 wheelchair positions).

Purchase Service (Operations)

\$357,905 Senior Citizens of Sweet Home/Linn Shuttle \$153,366 to continue the "Lebanon Express" between Lebanon-LBCC/Albany that started in 2013-2015.

Linn-Benton Loop **Albany UZA Section 5310 funding** \$59,000 to continue additional service between Corvallis and LBCC that started in 2013-2015.

City of Albany Call-A-Ride **Albany UZA Section 5310 funding** \$145,539 to help support on-going demand response service in Albany.

In accordance with the Linn County Special/Rural Transportation Title VI/Non-Discrimination Plan, Linn County requires each grant recipient to ensure it shall not discriminate on the basis of race, color or national origin in the performance of federal grant funded projects.

Please see Marsha Meyer or Heather Gravelle for a copy of all applications and the staff report/analysis to the Linn County Transportation Committee/Review Committee

February 12 Agenda Item

To: Board of Commissioners
From: Linn County Transportation Advisory Committee
Mark Volmert, Special/Rural Transportation Coordinator
Subject: ODOT STIF Sub-Allocation Method

Recommendation:

The Transportation Advisor Committee recommends that the Board of Commissioners approve the Linn County STIF Sub-Allocation Method

Background:

As indicated in the attached January 31 memo to the Linn County TAC, ODOT STIF guidance requires transit districts/counties/tribes to work collaboratively with Public Transportation Service Providers to develop a method for sub-allocating Statewide Transportation Improvement Fund (STIF) Formula Fund money to public transportation service providers. Oregon Administrative Rules require, as a starting point for funding prioritization, the amount of employee payroll tax revenue generated within the geographic territory of each public transportation service provider. This is intended only as a “starting point” for the funding prioritization process of districts/counties/tribes. ODOT specifically notes it is “not an entitlement to public transportation service providers and decision criteria may affect the prioritization of projects”.

Linn County Process:

The Linn County TAC has worked closely with public transportation service providers in Linn County regarding the sub-allocation method. It is important to note that three of the four managers of public transportation programs in Linn County have between 9 and 22 years of service on the TAC. The Special/Rural Transportation Coordinator provided information regarding population, income and jobs/wages.

TAC members and public transportation service providers worked on drafts of the sub-allocation method at the December 4 and January 31 TAC meetings and ODOT staff was present as an STIF resource.

The TAC, with the strong support of Public Transportation Service Providers, on January 31 recommended the approval of the attached Linn County Sub-Allocation Method (it was forwarded to the Board of Commissioners on February 2).

Oregon Administrative Rules establish a minimum for the sub-allocation method: “to the extent possible, using the best available data, the sub-allocation method used must be proportionate to the amount of employee payroll tax revenue generated within the

geographic territory of each Public Transportation Service Provider...the sub-allocation estimate shall be a starting point for the funding prioritization process. The sub-allocation is not an entitlement to the Public Transportation Service Provider and decision criteria may affect the prioritization of Projects". *OAR 732-040-0020*.

Simply as background information, the preliminary conceptual requests discussed by Albany, Lebanon and Sweet Home each exceed the payroll tax that is estimated to be collected in their community.

The TAC and Public Transportation Service Providers considered it very important to consider far more items than the location where payroll taxes collected; and to provide a clear picture to local policy makers and the general public of the allocation factors that will be considered. They wanted to include the long list of HB 2017/ODOT OAR priorities (certainly with an emphasis on service to low income households). Population, improved service connections, gaps in service, service for high school students and the capability/capacity to deliver high priority and cost-effective service in a reasonable time frame are just some of the other factors. "Good value to taxpayers" is included as a specific factor in the allocation decision.

The sub-allocation method also outlines (1) the assessment of Albany, Millersburg and Tangent as a single "AAMPO area"; and (2) the general concept of allocating most of the first funding cycle revenue to communities that currently have an interest in expanding transit service as well as the capability/capacity to deliver high priority and cost-effective service in a reasonable timeframe. The working concept is to work with other communities in the next two years and look toward potential service to these areas in the second funding cycle.

January 31, 2019

To: Linn County TAC and Public Transportation Service Providers
From: Mark Volmert, Special/Rural Transportation Coordinator
Subject: ODOT STIF Sub-Allocation Method

Background:

ODOT STIF guidance requires transit districts/counties/tribes to work collaboratively with Public Transportation Service Providers to develop a method for sub-allocating Statewide Transportation Improvement Fund (STIF) Formula Fund money to public transportation service providers. Oregon Administrative Rules require, as a starting point for funding prioritization, the amount of employee payroll tax revenue generated within the geographic territory of each public transportation service provider. This is intended only as a “starting point” for the funding prioritization process of districts/counties/tribes. ODOT specifically notes it is “not an entitlement to public transportation service providers and decision criteria may affect the prioritization of projects”.

I wish to note the discussion at many TAC and BOC meetings over the years regarding public transit service. Transit, by nature, involves the movement of people between their residence and their place of employment, school, shopping center, medical office, public facility and other locations. When, for example, a person who lives in Lebanon and uses public transit to access a site in Albany both communities are served.

It is also important to understand that HB 2017/STIF, through its allocation process, amends this core benefit. In theory, HB 2017/STIF funds could be allocated on an equal formula basis to the place of residence (where the taxpayer lives) as well as the place of employment (where the taxes are collected). But, for reasons of administrative and reporting convenience (as well as Tri-Met’s concerns about how to allocate payroll tax from residents of Washington), ODOT and the Department of Revenue allocate HB 2017/STIF formula funds based solely on the place where the tax is collected. When a Sweet Home resident, for example, rides the Linn Shuttle nearly 30 miles to LBCC and transfers to a Linn-Benton Loop bus (Linn County’s funding of the Linn-Benton Loop has for many years been more than twice the funding provided by Benton County) to her/his employment site in Corvallis, the HB 2017/STIF taxes paid by the Sweet Home resident are allocated to Benton County.

Linn County, in its Transportation Advisory Committee’s Bylaws, defines “low income individuals” as “individuals with an income at or below 200% of the current Federal Poverty Level, also known as the Federal Poverty Guideline, updated periodically in the Federal Register by the U.S. Department of Health and Human Services”; and defines “low-income households” as “a household with a total income which does not exceed 200% of the federal poverty guidelines”.

In the bylaws Linn County defines, for the purposes of the Statewide Transportation Improvement Fund “areas with high percentage of low-income households” as “areas where the percentage of low-income households exceeds the Oregon statewide average of low-income households”. Additionally, “areas with high percentage of low-income individuals”

are defined as “areas where the percentage of low-income individuals exceeds the Oregon statewide average of low-income individuals”.

Information from the Oregon Department of Employment and the American Community Survey

The payroll information listed below reflects the most recent information available from the Oregon Department of Employment. The information about residents with low income reflects the most current information from the U. S. Census Bureau American Community Survey (200% below Federal Poverty Guideline).

The available U.S. Census Bureau data regarding income is admittedly limited regarding small cities and rural areas. The Census Bureau no longer asks/collects income information in its decennial census. It now relies on its American Community Survey (ACS) which some U.S. Census Bureau staff admit is not particularly accurate/reliable for small cities and rural areas. The ACS is based on a small sample survey completed every 3-5 years in small cities and rural areas and is therefore not particularly accurate/reliable in providing information for the small cities and rural areas of Linn County. For large urban areas the ACS considers the data to have a 1% margin of error rate for individuals and a 4% margin for families. In cities the size of Lebanon and Sweet Home the margin of error rate is about 6% for individuals and about 10% for families. In cities with a population of less than 5,000 the margin of error rate is reported as about 10% for individuals and about 50% for families.

Area	Population	Jobs	Payroll/Wages	Low Income Households
AAMPO Area	39%	57%	57%	35%
Lebanon	13%	15%	14%	50%
Sweet Home	8%	5%	4%	46%
Harrisburg	2%	2%	2%	38%
Small Cities Combined*	3%	2%	2%	38%
Unincorporated Area/Smallest Cities	35%	19%	21%	39%

* Data for each city is on file

The population reported by the Oregon Department of Employment is 124,010. The population reported by ACS is 118,638.

The total payroll/wages for 2017-2018 is reported by the Oregon Department of Employment as \$1,874,105,434.

The number of Linn County households with income less than 200% of the Federal Poverty Guideline is reported by ACS as 38% and the statewide average is 34%. ACS reports all cities in Linn County to have a higher percentage of low income households than the statewide average with the exception of Scio which is reported as 26%. It is important, however, to note that with a population of 734 the ACS margin of error for Scio is 50%.

Linn County defines “community”, for the purposes of STIF, to be “Linn County”. *Linn County Transportation Advisory Committee action of January 31, 2019.*

Preliminary Considerations:

First, in accordance with Oregon Administrative Rules (732-042-0010 (3) (d,e f, g) Linn County will consider, as a starting point, a sub-allocation proportionate to the amount of payroll tax revenue generated within the geographic territory of each Public Transportation Service Provider. This shall be a starting point and is not an entitlement.

Second, in addition to considering wages, it is appropriate to also consider population in order to address the jobs-housing balance issue listed in the above “background” information. It is also important to consider the low income individuals/households in cities/communities and how well Public Transportation Service Providers will address their transportation needs.

Third, the TAC has generally discussed most of the 2018-2021 STIF Formula Funds should be allocated to areas currently served by public transportation; with perhaps a small expansion of the service to Brownsville and Tangent and unincorporated areas near Lebanon and Sweet Home.

While the TAC and public transportation service providers are interested in expanding public transportation to areas throughout Linn County, the realistic first step is to significantly increase transit to communities that have a long history of transit usage/support. More frequent service, for example, will hopefully encourage existing riders to use transit more often, as well as encourage new riders. Improved linkage to other existing transit programs is important, as well as utilizing existing/improved transit infrastructure including transit centers, bus shelters and ADA curb cuts at bus stops.

STIF funding is essentially limited to Public Transportation Service Providers. A city that is not currently served by a qualified Public Transportation Service Providers can (1) discuss expansion of service options with existing providers and (2) discuss with Linn County/propose planning efforts for future public transportation services. All cities have been informed about the STIF program. Realistically, there is a current limit of public transportation infrastructure, including vehicles and staff, to develop service/deliver transit to areas that have never before had transit service.

The general realistic concept discussed at TAC meetings is to look toward 2021-2023 for additional expansion of geographic areas served by public transportation with 2017/STIF funds. During the next two years we will: (1) review the results of the first biennium of HB 2017/STIF funding; (2) review the actual amount of HB 2017/STIF funds collected; (3) determine the interest by other communities in specific forms of public transit; and (4) determine whether sufficient transit infrastructure can be developed to deliver service to new areas. This concept, however, does not impact a local city's ability to pursue the options listed above.

As listed above, the total population of the small city areas is about 3% and the payroll/wages for these small cities is about 2%. For the total population of unincorporated areas is about 35% and the payroll/wages for these small cities is about 20%.

It is important to note that Salem-Keiser Transit currently provides limited service to Lyons and Mill City (and the service may increase somewhat in 2019-2021) and Lebanon may be able to provide limited service to Brownsville in 2019-2021. We have made efforts, over the years, to engage Harrisburg in a discussion about transportation options. At this point Harrisburg has not indicated specific interest in public transportation. If the city shows interest a limited volunteer-based demand response service may be available on a pilot project basis, through Volunteer Caregivers.

In reference to unincorporated areas, Sweet Home Dial-A-Bus serves a large part of unincorporated in eastern Linn County and some increase in that service is expected in 2019-2021. Lebanon may be able to provide some limited service to the unincorporated area near Lebanon. Albany Call-A-Ride provides a small amount of ADA service to incorporated areas.

Indeed, Oregon Administrative Rules simply indicate "the sub-allocation method must be proportionate to the amount of employee payroll tax revenue generated within the geographic territory of each public transportation service provider". OARs appear to be silent about payroll tax revenue generated from an area where there is no public transportation service provider (or applicant).

Fourth, another basic consideration is how we should analyze Albany, Millersburg and Tangent. Since Albany, Tangent and Millersburg (together with unincorporated Linn County area and Jefferson) receive about \$950,000 a year in federal Section 5307 funds allocated by the Albany Area Metropolitan Planning Organization, it seems logical that the payroll tax revenue generated in the three communities should be combined for the sub-allocation assessment. Although AAMPO/City of Albany currently essentially allocates all Section 5307 funds (and the Albany Urbanized Area also receives Section 5310 funds) to transit within the city limits of Albany, this is a policy decision for the AAMPO Board to consider/provide guidance. The City of Albany is the logical provider of service and if the TAC/Board of Commissioners allocate HB 2017/STIF funds to Albany, the city (working with AAMPO regarding Section 5307/5310 funds) can determine whether service should be extended in some manner to Millersburg and Tangent.

Fifth, an assessment of the interest that local communities have in expanding transit service as well as the capability/capacity of Public Transportation Service Providers to deliver high priority and cost-effective service in a reasonable time frame. Albany, Lebanon and Sweet Home have a long history of providing public transportation service and financially supporting it. Albany, for example, currently annually contributes \$630,000 in general fund money to public transportation; far more on a per capita basis than Lebanon or Sweet Home.

Linn County TAC January 31, 2019 Recommendations Regarding the Linn County Sub-Allocation Method:

As a foundational element it very important to note that the Linn County Board of Commissioners, with assistance from the Linn County Transportation Advisory Committee and in partnership with local public transportation providers and non-profit agencies, has a very long history of allocating state and federal public transportation funds in an objective and equitable manner to serve the residents of Linn County in an efficient, cost effective and “good value to taxpayers” manner.

These allocations have been based on multiple elements. In a similar manner, the STIF Formula Fund allocations will be based on multiple elements including the seven factors identified by the Legislative Assembly in HB 2017, visions outlined in the Oregon Public Transportation Plan and the priorities of Linn County Coordinated Human Services-Public Transportation Plan and local and regional transportation plans; and not simply based on the location that the employee tax is collected. Many of the taxes are, indeed, paid by individuals who live in a different city/community than where they work.

The following sub-allocation factors shall be a starting point for the Transportation Advisory Committee’s allocation recommendations to the Board of Commissioners and the final allocation decisions of the Board of Commissioners:

1. In accordance with Oregon Administrative Rules Linn County will consider, as a starting point for funding prioritization, the amount of employee payroll tax revenue generated within the geographic territory of each public transportation service provider. This shall be a starting point and is not an entitlement.
2. In addition to considering the location where the payroll tax is collected, population will also be considered in order to address the jobs-housing balance issue. It is also important to consider the low income individuals/households in cities/communities and how well Public Transportation Service Providers will address their transportation needs.
3. The Albany Area Metropolitan Planning Organization area within Linn County (Albany, Millersburg, Tangent and unincorporated Linn County area) will be treated as one area for the allocation of funds (since the AAMPO area receives about \$950,000 a year in federal Section 5307 funds in addition to \$100,000 a year of federal Section 5310 funds) and these funds will be leveraged by STIF funds.
4. Linn County will carefully consider, in addition to service to low income individuals/households, all priorities listed in HB 2017/STIF including more frequent service and reliable service; improved service connections; addressing gaps in service; addressing (where practicable) some transit service to high school students; and the acquisition of low/no emission vehicles.

5. The allocation review will include an assessment of the interest that local communities have in expanding transit service; as well as the capability/capacity of Public Transportation Service Providers to deliver high priority and cost-effective service in a reasonable time frame.

6. The allocation review will carefully consider the strength of the entire application from each transit provider. This will include, but not be limited to, the manner in which application addresses: (a) priorities of the Legislative Assembly and the criteria listed in Oregon Administrative Rules including service to low income individuals/households; (b) the visions outlined in the Oregon Public Transportation Plan (c) transit opportunities and priorities outlined in local/regional transit plans; (d) partnerships, linkages and coordination of service with other transit providers; (e) an assessment of the interest that local communities have in expanding transit service; (f) the capacity/capability of the transit provider to initiate service in a cost-effective/"good value to taxpayers" and timely manner; and (g) the ability of the transit provider to address all accountability and reporting methods required by ODOT and Linn County. The review shall also carefully consider geographic equity.

7. With capacity limitations of transportation service providers, areas currently served by public transportation are a high priority for the 2018-2021 Formula Fund allocations with a small expansion of current transportation service providers to adjacent service areas. Expansion into other areas, as capacity is built/available, in 2021-2023 is a high priority.



Linn County Road Department

*Providing safe and efficient transportation to
citizens and visitors of Linn County.*

Memorandum

Date: 2/04/2019

To: Linn County Board of Commissioners

From: Darrin Lane, Roadmaster 

RE: Background Information for Agenda Items – 2/12/2019

The Road Department has the following item on the Board of Commissioners agenda for the weekly meeting on February 12, 2019. The following is a brief description of the item.

Resolution & Order 2019-026 – Change Order 2, Foster Dam Road Improvement Project

This is a Resolution & Order to execute change order number 2 to the contract between Linn County and North Santiam Paving Company for the Foster Dam Road Improvement Project. The estimated total change order cost is \$6,164 and includes an allowance for an energy surcharge and a modification to the guardrail installation.

We request your approval.



LINN COUNTY GENERAL SERVICES

330 Third Avenue SW Albany, Oregon 97321
Phone: (541) 967-3880 Fax: (541) 928-3517

RUSSELL WILLIAMS
Director

Date: February 12, 2019

To: Board of Commissioners

RE: Foreclosed Property Sealed Bid, Property Account #304192

Rachel Adamec will appear with a sealed bid for the following property.

- #304192 – .11 acre strip in Crawfordsville
 - RMV - \$550
 - Minimum bid – none
 - Deeded to the County on September 20, 2010

LINN County Assessor's Summary Report
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2018

February 6, 2019 8:47:11 am

Account # 304192
 Map # 14S01W18AC 07300
 Code - Tax # 05506-304192

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name LINN COUNTY

Deed Reference # 2010-15095

Agent

Sales Date/Price 09-20-2010 / \$0

In Care Of C/O BOARD OF COMMISSIONERS FOR LINN COUN

Appraiser UNKNOWN

Mailing Address PO BOX 100
 ALBANY, OR 97321

Prop Class 950 MA SA NH Unit
 RMV Class 400 04 00 002 28777-1

Situs Address(s)		Situs City			
Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
05506 Land	550			Land	0
Impr.	0			Impr.	0
Code Area Total	550	540	540		0
Grand Total	550	540	540		0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class
05506	1		<input checked="" type="checkbox"/>		Market	100	A	0.11		
Grand Total								0.11		

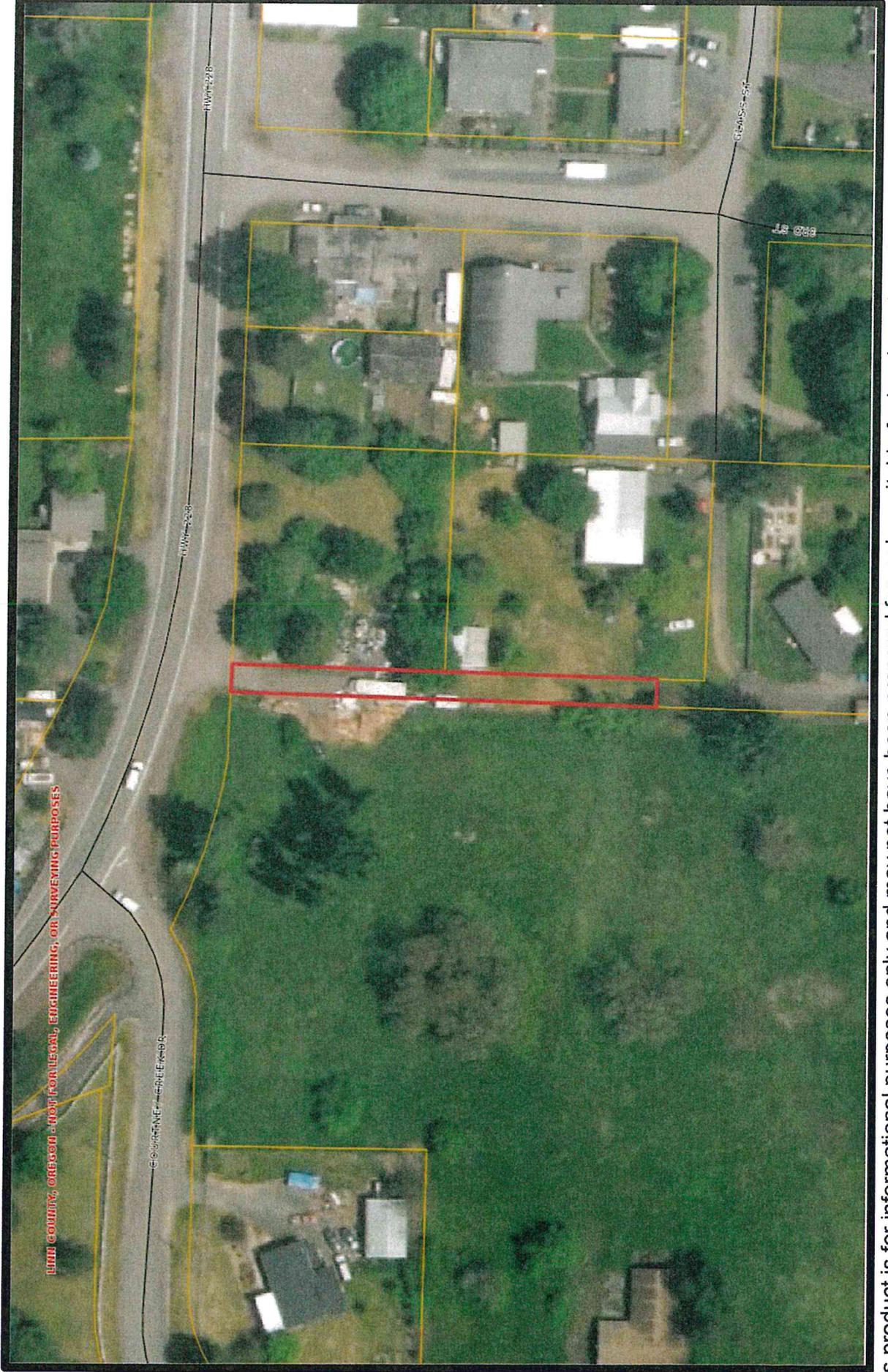
Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
Grand Total						0			0

Code Area		Exemptions/Special Assessments/Potential Liability								
Type										
NOTATION(S):										
■ COUNTY GOVERNMENT ORS 307.090 ADDED 2018 STATE										

Comments: 2012MX: PROP CLS CHANGE TO EXEMPT CLS. 8/21/12 JS



Map #304192



This product is for informational purposes only and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

AGENDA – LINN COUNTY BOARD OF COMMISSIONERS

DATE: February 12, 2019

DEPARTMENT: COMMISSIONERS / BUDGET OFFICE

ACTION REQUESTED:

ORDER # 2018 – 377

REVENUE INCREASE

- WITHIN THE GENERAL FUND
- WITHIN NON-DEPARTMENTAL
- WITHIN OTHER REQUIREMENTS
- FROM BEGINNING CASH, PRIOR YEARS TAXES
- AND MISC. REVENUES
- IN THE AMOUNT OF \$ 803,874

The reason for this increase is to move money into the Alcohol & Drug Health Fund because they are in a negative position starting out this year. Ralph has asked that I move money from Beginning Cash and Prior year's taxes. I am also making an appropriation for the Samaritan Treatment and Recovery Services grant. We also need to move money from Workman's Comp account to the General Fund so we can move it to the Alcohol & Drug fund. Bill has asked that it not be directly given to them, but accounted for in a transfer within our non-departments budget. There is also funding for the P&P loan to Roads built into this allocation as we didn't build it in this year's budget but needs to start the payoff this year. This is within our ability to accept during the year according to budget law.

ORDER # 2019 – 011

REVENUE INCREASE

- WITHIN THE ROAD FUND
- WITHIN THE ROADMASTERS
- FROM GENERAL FUND TRSF
- TO CONTINGENCY
- IN THE AMOUNT OF \$ 83,495

This is the transfer of money from the General Fund to make the loan payment for the Parole and Probation building remodel. It is a 10 year loan and should start this year.

ORDER # 2019 – 012

REVENUE INCREASE

- **WITHIN THE HEALTH FUND**
- **WITHIN ALCOHOL & DRUG**
- **WITHIN MATERIALS & SERVICES**
- **FROM GENERAL FUND TRSF**
- **IN THE AMOUNT OF \$ 95,379**

This is the transfer of money from the General Fund to help Alcohol & Drug remain operational. Documents attached for explanations. There is also a movement of money that is from their Managed Care that they will not be getting to the transfer of money from the General Fund.

COPY

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY OREGON

IN THE MATTER OF APPLICATIONS FOR A)
PARTITION, A VARIANCE, CONDITIONAL)
USE PERMITS AND AN ACCESS REVIEW IN)
THE URBAN GROWTH AREA-URBAN)
GROWTH MANAGEMENT-20 ACRE)
MINIMUM ZONING DISTRICT;)
MONTY & LINDA ELLISON)

RESOLUTION & ORDER No. 2019-009
(PD18-0236)
(Findings and Conclusions)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on January 22, 2019, for the purpose of considering the matter of applications for a partition, a variance, two conditional use permits, and an access review by Monty and Linda Ellison.

WHEREAS, The applicants propose to divide a 16.7-acre property into one, 5.00-acre parcel and one, 11.7-acre parcel. The proposed partition requires a variance to the minimum parcel size of 20 acres. The conditional use permits are to site a dwelling on the resulting parcels. The access review is to modify an existing 30-foot-wide easement to provide access to the proposed parcels. The subject property is described on Linn County Assessor maps as T10S, R03W, Section 35, Tax Lot 101; a 16.7-acre property zoned Urban Growth Area-Urban Growth Management-20 Acre Minimum (UGA-UGM-20) zone; and

WHEREAS, This matter comes now before the Board on appeal pursuant to the provisions of Linn County Code (LCC) Chapter 921; and

WHEREAS, The Board reached a consensus at the January 22, 2019 hearing to approve the partition, variance, conditional use permits, and access review, and to include in the decision permit conditions and Code requirements to ensure compliance with the applicable decision criteria and the Land Development Code; and

WHEREAS, The findings and conclusions to approve the applications are attached hereto as Exhibit 1 (PD18-0236 Decision Criteria, Findings and Conclusion); and now therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County adopts the Findings and Conclusions as set forth in Exhibit 1 (PD18-0236 Decision Criteria, Findings and Conclusions); and

RESOLVED, That the Board of County Commissioners for Linn County approves the partition, variance, conditional use permits, and access review applications for property described on Linn County Assessor maps as T10S, R03W, Section 35, Tax Lot 101; and

ORDERED, That the partition, variance, conditional use permits, and access review applications are approved, subject to the following permit conditions and Code requirements:

CONDITIONS

1. A partition is approved to divide a 16.7-acre parcel (described on Linn County Assessor's Map as T10S, R03W, Section 35, Tax Lot 101) into one, 5.00-acre parcel (Parcel 1) and one 11.7-acre parcel (Parcel 2).
2. A variance to the minimum lot size of 20 acres in the UGA-UGM-20 zoning district is approved to create each parcel at less than 20 acres (5.00 acres and 11.7 acres).
3. A conditional use permit is approved for the siting of one single-family dwelling on Parcel 1. A conditional use permit is approved for the siting of one single-family dwelling on Parcel 2.
4. A 30-foot wide easement, traversing property described as Tax Lot 100 on Assessor map T10S, R03W, Section 35, is approved to be modified to provide access to proposed Parcel 1 and Parcel 2.
5. The property owner shall comply with all applicable requirements of the Albany Rural Fire District.
6. **Prior to the issuance of residential development permits for the resulting parcels**, an access permit and driveway review for each parcel is required from the Linn County Road Department.
7. The conditional use permit shall be initiated within two years of the approval date, as described in Linn County Code (LCC) Section 921.920. The conditional use permit is considered initiated subsequent to the provisions of LCC 920.100(B)(157).

CODE REQUIREMENTS:

1. Pursuant to ORS 92.050-92.080, **parcels being created that are 10 acres or smaller are required to be surveyed and to have a partition plat map prepared.** The plat map must receive final approval from the Planning and Building Department within **180 days**. An extension is available upon written request if one becomes necessary. Once Planning and Building Department approval has been given, the plat map must be recorded with the Linn County Clerk. The partition plat must include the following:
 - a. A certificate which indicates whether or not the lands described have been surveyed and shall indicate that the survey complies with ORS. 92.050-080 and ORS 209.250. It shall include a notation of any monuments which could not be set and for which a reference monument was set;
 - b. The surveyor's stamp and the notarized signature of the owner(s) of the land proposed for partitioning;
 - c. The Planning and Building Department's case file number and a designated space for the Director, Linn County Planning Department to indicate when the partition has received final planning approval. A designated space for the signature of the Linn County Surveyor and Linn County Assessor shall also be provided.
 - d. A partition plat report containing the following information shall accompany the final plat: name of current owner; any easements of record; and any other encumbrances on the subject property.

The plat map must receive final approval from the Planning and Building Department. Once approval has been given, the plat map must be recorded with the Linn County Clerk.

All taxes must be paid in full per ORS 92.095 before the subdivision or partition plat will be recorded. A partition must be approved, platted and recorded before ownership interests in the authorized parcels are changed.

2. The property owner must obtain all required building, electrical, plumbing, and mechanical permits required to construct each dwelling. Each dwelling must be located at least 30 feet from the front property line and at least 10 feet from the rear and side property lines.
3. **Prior to issuance of any residential development permits for the resulting parcels**, the property owner shall demonstrate that the property has an adequate supply of potable water. A water quality test is required to demonstrate that total coliform, e-coli, and nitrate levels meet the Oregon Drinking Water Program standards. A pump test or other means to verify the flow rate of water from the well is required to show proof of water supply.
4. **Prior to the issuance of any other residential development permits for the resulting parcels**, the property owner shall comply with any installation requirements as determined by the Environmental Health Program (EHP). For more information, please contact Environmental Health at 541-967-3821.
5. An approved address shall be placed in a position that is plainly legible and visible from the road. The numbers shall be a minimum of four inches in height.
6. The construction of the road must comply with the following improvement standards before development permits (building permits, manufactured home placement permits or sewage disposal permits) for a primary use of the land may be issued:
 - a. The all-weather roadway must be built and maintained to the minimum access requirements of LCC 935.020 and shall be at least 20 feet in width and consist of a minimum of six inches of crushed rock or crushed gravel. An acceptable alternative base for a roadbed is six inches of quarry-run rock topped with minimum of four inches of 1" minus crushed rock or 1" minus crushed gravel. The access route, including any culverts and bridges, must be capable of supporting gross vehicle weights (GVW) of 60,000 pounds. The County reserves the right to require written verification of compliance with the GVW standard from an Oregon Registered Professional Engineer;
 - b. The road will be provided with an unobstructed vertical clearance of at least 13 feet six inches, an unobstructed horizontal clearance of 20 feet and a minimum curve radius of 48 feet;
 - c. At least one intervisible turnout every 500 feet shall be provided in any access roadway less than 20 feet wide. The turnout should provide passage space at least 40-foot radius measured from the center of the road or a hammerhead turnaround with dimensions of 20 foot wide and 70 feet long;
 - d. Roadside ditches must be provided if deemed appropriate by the Linn County Road Department;
 - e. Dead-end roadways over 150 feet in length should provide and maintain a cleared turnaround, with a turning radius of at least 40 feet, adequate for emergency vehicles. When a dead-end access serves four or more dwellings, a turnaround with a turning radius of 48 feet shall be provided and maintained; and
 - f. Road grades shall not exceed 12 percent.
 - g. The driveway shall be marked with the resident's rural address unless the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers shall be a minimum of three inches in height and constructed of reflective material.
7. Deed covenants and conditions shall be incorporated into the chain of title for all properties using the roadway that:

- a. Identifies the road as a private road that is not part of the county maintained road network; and
- b. Assigns monetary responsibility for road and bridge maintenance and dust control to landowners of parcels served by said access.

A copy of the deed or other document of legal conveyance with the attached covenants and conditions shall be provided to the Planning and Building Department. The covenants and conditions, written in a manner that runs with the title to the land, shall be recorded with the County Clerk.

- 8. If a manufactured home is to be sited on the subject property, the property owner shall provide evidence of compliance with LCC 934.790 (manufactured home standards for placement on individual authorized units of land) (attached) for property located within an Urban Growth Area (UGA) at the time the building permit is submitted. A garage or carport is required if a manufactured home is located on the property.

Resolved this _____, day of February, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

Roger Nyquist, Chairman

John K. Lindsey, Commissioner

William C. Tucker, Commissioner

APPROVED AS TO CONTENT:

Robert Wheeldon
Director, Linn County Planning and Building

APPROVED AS TO FORM:



Deputy County Attorney for Linn County



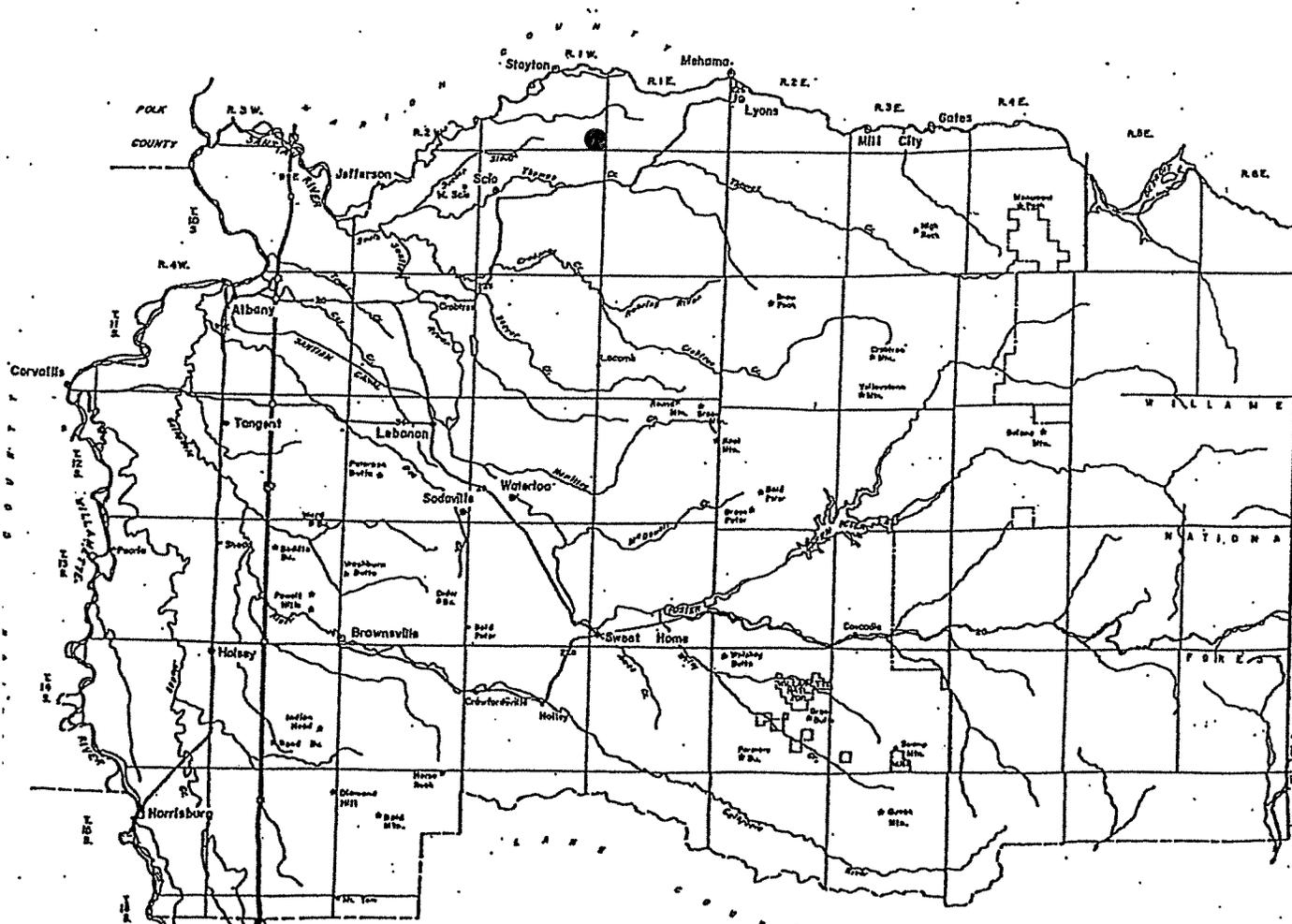
STAFF REPORT

February 12, 2019

TO: Linn County Board of Commissioners

FROM: Linn County Planning and Building Department

RE: PD18-0283: An appeal by Frank Walker, on behalf of the Mount Pleasant Community Church, of the Linn County Historic Resource Commission (HRC) decision approving a Historic Resource Alteration Review and a Non-Conforming Use Review to site a modular building to be used for classrooms and sanitary facilities for the church. The applicant is appealing the HRC permit condition prohibiting the addition of a covered breezeway. The property is located at 41935 Ridge Drive, at the intersection of Ridge Drive and Kingston-Jordan Drive, and approximately .527 miles southeast of Stayton (T09S, R01W, Section 36, Tax Lot 300) and is zoned Exclusive Farm Use (EFU). The applicable decision criteria and standards are contained in LCC Sections 936.150(C), 932.935(A), 932.940(A), and 934.430(B).



I. INTRODUCTION

The matter before the Board of County Commissioners for Linn County (Board) is an appeal of a decision of the Linn County Historic Resource Commission (HRC). The HRC conducted a public hearing on November 15, 2018, and voted unanimously to approve the Mt. Pleasant Community Church application for the Alteration of a Historic Resource. The approved alteration is to construct an accessory building on the historic church property to expand the church use of the property. The HRC decision includes a permit condition that a covered breezeway leading to the accessory building is not permitted. The applicant subsequently filed an appeal of the condition prohibiting the construction of a covered breezeway on the property. This matter is before the Board on appeal. The hearing will be conducted as a *de novo* hearing.

A. APPLICATION SUMMARY

Frank Walker and Associates (Applicant) submitted an application for the Alteration of a Historic Resource on behalf of Mt. Pleasant Community Church. The applicant's information to address the decision criteria and standards is included within the application and is attached as **Exhibit A**.

The application proposes to place a modular building on the subject property, which is listed in the Linn County Register of Historic Resources (HR-5-84/85) and the National Register of Historic Places (January 24, 1974). The applicant proposes to place the modular building 15 feet from the existing church in order to provide classrooms and sanitary facilities for the church.

The Historic Resource Commission (HRC) conducted a public hearing on this matter on November 15, 2018. The HRC adopted a motion to approve the permit to alter the historic resource by the construction of the proposed accessory building. The HRC decision includes a condition that a covered breezeway is not permitted on the property, finding that it would negatively impact and alter the unique features of the Historic Resource which support the listing of the Mount Pleasant Presbyterian Church in the Linn County Register of Historic Resources, and in the National Register of Historic Places.

The Notice of Decision and the HRC permit for the Alteration of the Historic Resource, including the decision findings and permit conditions, were issued on November 29, 2018. A copy of the HRC decision, including findings and conditions, is attached to this report as **Exhibit E**. Concurrent with the HRC permit approval, the Director issued a permit for the alteration of a nonconforming use (church) on the property. A copy of the Director decision and the permit for the Alteration of a Nonconforming Use, including findings and conditions, is attached as **Exhibit D**.

Frank Walker and Associates submitted a letter of appeal along with the required appeal fee on December 13, 2018. The letter of appeal is attached as **Exhibit B**. The Department accepted the appeal letter and deemed it complete on January 9, 2019.

The applicant's appeal of the HRC decision to prohibit the construction of a covered breezeway on the historic property is based on Applicant's assertions of the following omissions or errors:

"The proposed walkway will only consist of some posts that will support a nearly flat and visually subordinate covering. The entire structure as shown in Exhibits 1 and 2 attached is only 30 feet long, by 5 feet wide and 7.5 feet tall. The structure will not actually touch the church structure but will be partially attached to the proposed modular by and awning.

The proposed walkway will be open on both the east and west. The width of the overhead weather protection structure is five feet. The posts and the roof will match the church and modular in color. I want to establish for the record that the modular is a proposed adjunct structure but is nevertheless central to the safety and comfort of the congregants who support that church. The church is without a central heating system or a restroom but the congregants are willing to have heaters on during worship but they are no longer willing or able to endure having to go out during periods of inclement weather at this exposed prairie location to battle wind and rain to reach a portable restroom. The proposed obscure covered walkway which will have an all-weather walking surface allows for safe access to sanitation. It is also a shorter walking distance to use a restroom than currently exists.

My client agrees that the historical nature of the church is important and is a draw to congregants, but if the church is to fulfill its main function as a place of worship, access to safe and modern sanitation facilities is imperative including some mitigation to inclement weather."

B. HISTORIC RESOURCES COMMISSION RECOMMENDATION

The Historic Resource Commission (HRC) conducted a public hearing on this matter at 7:00 p.m., November 15, 2018. After considering the written and oral testimony presented at the HRC hearing, the HRC voted 3-0 to approve the request to alter the historic resource, with modifications and conditions. Voting in favor of the motion were Commissioners Cole, Robertson, and Harrison. Chair Harper abstained from voting.

C. ZONING AND DEVELOPMENT BACKGROUND

The subject property has been zoned Exclusive Farm Use since June 16, 1971. Department records show that the church has been on the property since 1854. In 1985, the property was added to the Linn County Register of Historic Resources (HR-5-84/85). The church is identified in the Historic Register as the Mount Pleasant Presbyterian Church, reflecting the name of the church at that time. The church is now known as the Mount Pleasant Community Church, referred to herein as "Church". No other previous land use actions have been reviewed on this property.

D. EXISTING AND PROPOSED CONDITIONS

CONDITION	EXISTING	PROPOSED
Plan Designation	Agricultural-Resource	Same
Zone Designation	Exclusive Farm Use (EFU)	Same
Site Location	T09S, R01W, Section 36, Tax Lot 300	Same
Access	Ridge Drive	Same
Land Use	Existing church and septic system	Addition of modular building, septic system, and breezeway

II. PHYSICAL CHARACTERISTICS OF THE PROPERTY

A. SOIL TYPES

The following 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:

Soil Type	HVFL type	SCS type	% of parcel	# of acres	Cu ft/ac/yr
51C – Jory Silty Clay Loam, 2 to 12 Percent Slope	1	Ile	100%	0.89	164
TOTAL			100%	0.89	145.96

B. TOPOGRAPHY –There are no natural features on the subject property. The property is mostly flat and developed with a church building.

C. NATURAL FEATURES AND IMPROVEMENTS – There is a structure and septic system on the property.

D. NATURAL AND/OR GEOLOGIC HAZARDS – The property is not within a designated base flood area and there is no mass movement topography identified on the property in the Environmental Geology of Western Linn County, Oregon. The subject property is not located within the 100-year floodplain.

III. ENVIRONMENTAL FACTORS

A. WILDLIFE HABITAT – The property is not located within an identified big game habitat area. The property is not located next to any sensitive fish habitat.

B. WETLANDS – The property does not contain any inventoried wetlands.

IV. AVAILABILITY OF PUBLIC FACILITIES AND SERVICES

A. FIRE - Fire protection is provided by the Stayton Rural Fire Protection District.

B. POLICE - The Linn County Sheriff's Department provides police protection.

C. SCHOOL - The property lies within the North Santiam School District, the Willamette Regional ESD and the Linn Benton Community College District.

- D. **OTHER DISTRICTS** - This property is within the 4H Extension District.
- E. **SEWAGE DISPOSAL** – There is an existing sewage disposal system on the subject property. The Linn County Environmental Health Program (EHP) has not reviewed a separate site on the property for a sewage disposal system. EHP comments are attached in **Exhibit E**.
- F. **WATER SUPPLY** – The applicant has not indicated that there is a well on the property. No information has been provided regarding the quality of the water on the property.
- G. **ACCESS** – The property has approximately 166 feet of frontage on Ridge Drive, to the intersection with Kingston-Jordan Drive.

V. DECISION CRITERIA AND ANALYSIS

Linn County Code (LCC) 932.940 (A) and LCC 934.430(B) contain the decision criteria and standards applicable to an application for the Alteration of a Historic Resource. LCC 936.150(C) contains the decision criteria applicable to an application for the Alteration of a Nonconforming Use. The decision criteria and standards are attached as **Exhibit C**.

LCC 932.940(A) Historic Resource Alteration Decision Criteria:

LCC 932.940(A)(1): The standards in LCC 932.945 ; and

FACTS: This criterion requires that the standards set forth in LCC 934.430 shall apply to the alteration of a historic resource

STAFF ANALYSIS: The standards in LCC 934.430 are discussed in further detail later in this staff report and are incorporated herein by reference.

LCC 932.940(A)(2): Applicable state and local codes and ordinances related to building, fire and life safety.

FACTS: No comments were received from the Linn County Building Official or the Stayton Rural Fire Department expressing concerns regarding the proposed alteration. No comments were received from surrounding property owners expressing concern about any issues relating to building, fire, and life safety.

STAFF ANALYSIS: All construction associated with the proposed alteration must comply with the applicable regulations and construction standards in the *Oregon Structural Specialty Code*. Compliance with building code requirements includes determining that the construction meets established health and safety standards. If the Board approves the applications, the permit can include a requirement that the property owner obtain all applicable development permits for the construction of the modular building, and also, if approved, the breezeway, and that the development pass all applicable inspections. The applicant must address how the proposed alteration will comply with this criterion.

LCC 934.430(B) Historic property alteration review standards

LCC 934.430(B)(1) The distinguishing original qualities or characteristics of a building property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

FACTS: The applicant proposes construction of a modular building to provide for classrooms and sanitary facilities in conjunction with the historic church on the property.

The HRC determined that the placement and proposed location of a modular building for use as sanitary facilities and general purpose space in conjunction with the historic church would not impact the distinguishing original qualities and characteristics of the historic resource site or the church.

The HRC determined that construction of a breezeway between the two structures would alter the distinguishing original qualities and characteristics of the historic resource site by creating a visual barrier that substantially alters the visual characteristics of the site and the Church. The HRC determined that the addition of the breezeway would negatively impact a significant characteristic that contributed to the Historic Register listing.

STAFF ANALYSIS: The application states that no alterations to the Church will occur structurally or non-structurally. The applicant is requesting that the Board approve the construction of a breezeway from the church to the modular building. The applicant proposes construction of a modular building to provide for classrooms and sanitary facilities for church use. The applicant stated on page 4 of the application that: "A covered walkway will be on the façade (of the modular building) and will extend to the single use church building". However, the original application site plan did not depict a breezeway between the two structures, nor did the application or the applicant provide any analysis or response to decision criteria to support the addition of a breezeway. To the contrary, the application repeatedly indicates that there will be no alteration to the church structure (application page 3, questions 11 and 14). In response to question 19 on page 5 of the application, which asks the applicant to "describe what alteration (to the Historic Resource/Nonconforming Use) is proposed", the application states:

1. Addition of a modular unit to the site for multiple purposes.
2. (Connecting) the modular to an existing approved septic system.
3. Absolutely no alteration to the church.

The addition of a breezeway on the historic resource site was not adequately indicated in the original application or on the site plan that was provided to the HRC and to interested parties. The application did not include statements to support a finding of compliance with the applicable decision criteria for the alteration of a Historic Resource by constructing a breezeway on the site. The applicant must provide to the Board the necessary site plans and analysis to show that the proposed breezeway will not be detrimental to the historic characteristics of the site.

LCC 934.430(B)(2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

FACTS: The applicant proposes to place a modular building to provide for sanitary facilities and classrooms in association with the Church. The applicant also proposes to construct a breezeway between the modular building and the Church.

STAFF ANALYSIS: The HRC approved the siting of the modular building, but imposed a condition that the modular building be made as reasonably compatible with the historic resource as possible. The applicant states that they plan to match the Church by using horizontal siding, the same siding color, similar front steps, and a façade with a non-structural peak similar to that of the church. The applicant states that the breezeway would consist of posts that will support a nearly flat and visually subordinate covering. Because the modular building is to be located 30 feet from the church, the proposed breezeway is 30 feet long, by 5 feet wide, by 7.5 feet tall. The posts and the roof would match the Church and modular building in color.

LCC 934.430(B)(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

STAFF ANALYSIS: Department records do not identify any previous permits issued to the property for any structural improvements. The application did not note any significant changes to the property over the course of time. Based on images presented at the HRC hearing, the HRC did not find that there have been any significant changes to the Church. During the HRC hearing, the applicant noted that all of the siding had been replaced in the summer of 2018. The applicant states that there have been no significant changes except for the electrical line that enters the front of the church right above the door.

LCC 934.430(B)(4): Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

FACTS: The Church is listed on the National Register of Historic Places due to being one of the last examples of a one room, box construction church.

STAFF ANALYSIS: The applicant states that they plan to match the Church by using horizontal siding, the same color, similar front steps, and a façade with a non-structural peak similar to that of the Church. The applicant states that the proposed breezeway will be 30 feet, by 5 feet, by 7.5 feet and that the posts will match the Church and modular in color. The breezeway will consist of some posts that will support a nearly flat and visually subordinate covering. The appeal letter indicates the breezeway would not be attached to the Church.

The HRC determined that the construction of a covered breezeway between the Church and the modular building would negatively impact the features on which the Historic Register listing of the Church is based. The applicant states that "both the church and the proposed separate building will emphasize a sensitivity that will be mutually beneficial to both structures.

LCC 934.430(B)(5): Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

STAFF ANALYSIS: The applicant is not proposing to repair or replace missing architectural features, or to make any alterations to the existing church structure. Staff believes the application complies with this standard.

LCC 934.430(B)(6): Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

STAFF ANALYSIS: The applicant shall be required to contact the SHPO and the Grand Ronde tribe to determine if there are any archaeological sites or objects likely to be present in the project area. The applicant shall be required to comply with all pertinent requirements described in OAR 736-051-0090 (Archaeological Permits) in the event that a permit is required.

LCC 934.430(B)(7): Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

STAFF ANALYSIS: The application states that Applicant plans to match the Church by using horizontal siding, the same color, similar front steps, and a façade with a non-structural peak similar to that of the Church. Applicant states that the breezeway will consist of posts that will support a nearly flat and visually subordinate covering. The posts and the roof will match the church and modular in color.

The HRC determined that the modular building is able to be made reasonably compatible with the characteristics of the property. The applicant did not provide any renderings or drawings of the proposed breezeway. The HRC determined that the construction of the breezeway would alter the stylistic features of the Church and create a visual barrier that would substantially alter the integrity and visual characteristics of the Church. The HRC found that the covered breezeway would negatively impact a significant characteristic on which the Historic Register listing is based.

Applicant states that:

"The proposed structure...will appear similar to the church by having the following features: horizontal plank siding, white paint color to match exactly that of the church, similar front steps, a façade that has a non-structural peak roof similar to that of the church, an approximate similar setback (possibly inset a small distance to give the building visual subordination) and natural landscaping to match that of the church. The new building will be of wood construction with a metal roof similar to that of the church".

LCC 934.430(B)(8): Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

FACTS: Applicant proposes to place a modular building on the property to provide classroom and sanitary facilities for the existing Church. In the applicant's appeal of the HRC decision, the applicant states that the breezeway will not be attached to the Church, but shall be attached to the modular building by an awning.

STAFF ANALYSIS: The applicant states that Applicant plans to match the Church by using horizontal siding, the same color, similar front steps, and a façade with a non-structural peak similar to that of the Church. Applicant states that the breezeway will consist of posts that will support a nearly flat and visually subordinate covering. The posts and the roof will match the church and modular in color. Applicant states that this criterion will be met as: "The structure is likely going to be a manufactured structure, which means it could be removed from the site in the future. The essential form and integrity of the property would be the same with or without the new structure."

LCC 936.150(C) Decision criteria for voluntary alteration or restoration of a non-conforming use, not required by law.

LCC 936.150(C)(1): The alteration does not change the basic use even though the operational characteristics may change. For example, one type of repair shop may be replaced with a different type of repair shop;

FACTS: The primary use of the property is for a church. The church is listed in the Linn County Register of Historic Resources. The church use of the property is a nonconforming use. The applicant proposes to add a modular building to provide classrooms and sanitary facilities for the church. The applicant also proposes to construct a breezeway to provide for a covered walkway between the modular building and the church.

STAFF ANALYSIS: The application states that the church will continue to be the primary use of the land. It also states that the addition of the accessory building is to support the use of the property as a church. The applicant states that there will be no change in the operating characteristics of the church, other than providing for classrooms and sanitary facilities.

The subject property, including the existing church building, is a protected Goal 5 Historic Resource. The use of the property as a church is classified as a nonconforming use. Any alteration of the use of the property requires a permit for the Alteration of a Historic Resource, issued by the Historic Resource Commission (HRC), as well as a permit for the alteration of a non-conforming use issued by the Planning and Building Director.

LCC 936.150(C)(2) The proposed alteration does not result in any greater adverse impact to the neighborhood; and

FACTS: The property is served by the Linn County Sherriff's Department and the Stayton Rural Fire District. The property has frontage on Ridge Drive.

The Linn County Road Department was notified of the proposed alteration and did not submit comments as of the date this staff report was prepared. The Linn County Sherriff's Department was notified of the proposed alterations and did not identify any greater impacts to the area as a result of the alterations.

STAFF ANALYSIS: Applicant stated at the HRC hearing that people have been unwilling to join the church due to lack of sanitation facilities.

Notice was sent to four surrounding property owners regarding the proposed alteration. The HRC received one written comment regarding the proposed alteration (**Exhibit G, Page 1**). The comment states that there are issues with the parking lot which is being leased from a neighboring land owner. The comment also states that pursuant to the deed for the subject property, the land can be used only for religious purposes otherwise it reverts to surrounding property owners. During the HRC hearing, one of the surrounding property owners testified that the parking lot is located on the corner of a busy intersection and that cars regularly crash into the parking lot or into the neighbor's fence.

Compliance with this decision criterion requires that the applicant show the proposal will not result in any greater adverse impact to the neighborhood.

LCC 936.150(C)(3): The property development standards of the applicable zoning district are met or a variance consistent with LCC Chapter 938 (Variance Procedure Code) is granted.

FACTS: Based on the applicant's site plan included with the letter of appeal, the breezeway is located 28 feet from the front (east) property line. The front yard structural setback is 30 feet, pursuant to LCC 934.530.

STAFF ANALYSIS: The site plan submitted as part of the letter of appeal indicates the breezeway is located 28 feet from the front (east) property line, which does not comply with the required front yard structural setback standard of 30 feet. No variance application has been submitted as part of the application packet. The applicant must address how the proposed alteration will comply with the property development standards of the EFU zoning district.

VI. NOTICE TABLE AND PROCEDURE

A. NOTICE

Property owners within 1000 feet of the boundaries of the subject property were provided notice of this application at least 21 days prior to the initial hearing date. Four property owners received notice of the proposed alteration. The Department has not received additional comments from property owners or other interested parties in response to the notice of appeal. One written comment was received from a surrounding property owner as part of the HRC review and is included in this staff report (**Exhibit G, Page 1**).

The certification of mailing for the HRC hearing and the Board of Commissioners hearing is included in **Exhibit H**. The following agencies have been provided notice and responded before this report was written (**Exhibit E**).

AGENCY	PROVIDED	RESPONDED	AGENCY	PROVIDED	RESPONDED
Environmental Health	x	x	Dept. of Water Resources	x	
Linn County Assessor	x		Linn Bldg. Official	x	
Linn County Road Dept.	x	x	Linn County Sheriff	x	
Dept. Land Cons. & Dev.	x		RFPD: Stayton	x	

B. PROCEDURE

The Board of Commissioners (Board) will conduct a public hearing on this matter on **February 12, 2019 at 10:00 a.m.** in Room 200 of the Linn County Courthouse in Albany, Oregon. The Board will review the application as a *de novo* hearing. The Board will conduct the hearing following the Uniform Hearing Procedures contained in Linn County Policy 34. The Board will make a decision after 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 testimony and evidence presented in this 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.

VIII. EXHIBITS

- A. Application
- B. Letter of Appeal
- C. Decision Criteria and Standards
- D. Non-Conforming Use Decision
- E. Historic Resource Alteration Decision
- F. Agency Comments
- G. Surrounding Property Owner Comments
- H. Legal Notices

Frank Walker and Associates
4674 S.E. Commercial Street, Suite 1
Salem, Oregon 97302

October 23, 2018

Alyssa "Aly" Schrems
Linn County Planning and Development
Linn County Courthouse
Albany, Oregon 97321

Re: Missed Criterion for Mount Pleasant Community Church

Dear Aly:

I have attached a separate sheet to this letter addressing the single criterion I missed in preparing the Land Use Application Form. I have attached a separate copy of the evaluative criteria and have provided a response to each of the eight approval criteria on a separate page. Please contact me if you have any further questions concerning this matter.

Thank you.

Frank Walker
Land Planning and Project Management

Enc.

cc:Richard Neely

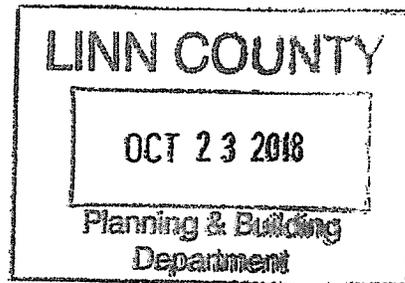


Exhibit # A
Page 1 of 11

Response to Criterion
10/23/2018

"Alteration or expansions of nonconforming uses may only be approved if the minimum development standards normally required are more closely adhered to after the alteration or expansion occurs."

Historic Property Standards

934.430 Historic property alteration review standards.

- (1) This criterion requires that the original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

The answer is definitely in the affirmative for preserving the characteristics of the actual church structure. It will not be altered in any manner structurally or non-structurally.

This criterion also requires a finding that the site and its environment not be destroyed. The site is already degraded to some extent from unchecked trespass in the parking lot area where irresponsible parties apparently have abused it by "spinning out" and doing "cookies." Unfortunately, an incongruous appearing tubular steel gate had to be erected to stop this wanton and destructive trespass. The gate is brightly painted and also has reflective material that does not fit the bucolic character of the area as a whole and the church in particular.

The portable toilet is the most incongruent feature on the church property without a doubt. It is dissimilar in color, bulk, height, building material (plastic next to a white clapboard church dating from 1851) and is aesthetically very displeasing to the eye. This whole effort is principally directed at the removal of this outdoor plastic malodorous structure and replacing it with a structure that will complement the church by having similar building material, architectural congruity, bulk, but somewhat subordinate height and an exact paint match to the church. The new structure will very likely have an underground electric power service because Consumers Power encourages that. Consumers Power also has a charitable trust fund available that could be utilized to underground the existing

overhead power line to the church. Elimination of the post and mast would add greatly to the historic character and appearance of the church facade, not to mention fire safety.

(2) This criterion is the one that the church most wants conformity with. This modest rural church is historical and is now going on 168 years old. The church structure still sets on the large timber beams from the date of origin. The beams were checked and found to be very stable. The objectives of this application are:

- To maintain the architectural and structural stability of the church and to even increase the authenticity by modifying the electrical service. Modifying the appearance of the electrical service will not only authenticate the church but will reduce fire risk, particularly since space heaters are used during worship services.
- No alteration to the church will occur that has a historical basis.

(3) This criterion recognizes that changes over the 168 year history of the church may have acquired significance in their own right and that these changes "shall be respected." There have been no significant changes except for the electrical line that enters the front of the church right above the door. This obvious, but likely necessary change, should be modified, especially since Consumers Power has a program to conduct retrofits on a charitable basis.

The approval by Linn County for an On-Site sewage disposal system and the subsequent installation of the tank and drainfield are changes that have taken place that are positive, especially since the church has no restroom facilities or hand washing places.

(4) This criterion requires that distinctive stylistic features or examples of skilled craftsmanship be treated with sensitivity. The objective of this permit is upgrade the church function by constructing or placing a totally separate structure that is fully complementary to the church. Both the church and the proposed separate building will emphasize a sensitivity that will be mutually beneficial to both structures. The septic system is totally out of sight and mind.

(5) This criterion is not highly applicable to this situation. The church is in relatively good repair and only needs one item changed to have enhanced authenticity, and that is the electrical mast. No other feature will be added except for an upgrade in paint.

(6) This criterion is not applicable since there are no archeological sites present of either the subject property or any adjoining property.

(7) The proposed structure that will contain restrooms, a kitchen, two offices and an "all purpose" room will on the outside appear similar to the church by having the following features: horizontal plank siding, white paint color to match exactly that of the church, similar front steps, a facade that has a non-structural peak roof similar to that of the church, an approximate similar setback (possibly inset a small distance to give the building visual subordination) and natural landscaping to match that of the church. The new building will be of wood construction with a metal roof similar to that of the church.

(8) This proposal would result in the criterion being met. The structure is likely going to be a manufactured structure, which means it could be removed from the site in the future. The essential form and integrity of the property would be the same with or without this new structure.



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

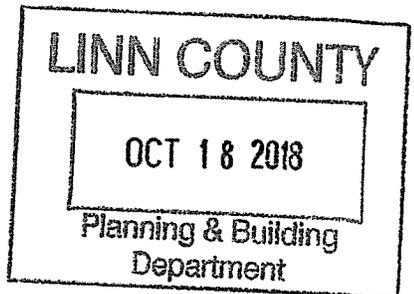
NONCONFORMING USE REVIEW
APPLICATION CHECK LIST

\$1000.00

Hearing Date 11/15/18 Filing Fee Receipt # PD18-0283 Application Accepted By: [Signature]
Site Plan [X] EHD Approval [] Recorded Documents [] Certification of Owners [X]
Verification of Owners [X]

- 1. Applicant's name FRANK WALKER & ASSOCIATES
Address 4674 S COMMERCIAL ST. SALEM, OR 97302
Telephone number (503) 949-5545 or (503) 364-2109
2. Township 9S Range 1W Section 36 Tax Lot(s) 300 Acreage .89
3. Current Zoning EFU Comp Plan AGRICULTURAL RESOURCE
4. Additional parcels in contiguous ownership: NONE
Township 9S Range 1W Section 36 Tax Lot(s) 300
5. What method of fire protection exists for the parcel?
Rural Fire District (Name) SCIO RFPD State Forestry NO
6. How do/will vehicles get from the property to a county or public road? Access must be provided in one of the following ways: lot with existing frontage onto a county or public road [X] (provide the name of county or public road RIDGE DRIVE (609)); road easement of record established before January 4, 1968 N.A. (provide reference to recording volume and page N.A. N.A.); road easement of access recognized by Linn County (provide reference to planning case number N.A.); access yet to be provided N.A.
7. What is the nearest urban center? STAYTON
How many miles? 5 SE.

Exhibit # A
Page 5 of 11



ALTERATIONS OR EXPANSION
NOT REQUIRED BY LAW

NOTE: The following questions are based upon the decision criteria. It is necessary for you, the applicant, to respond to these issues.

11. Please describe what alteration in the structure(s) or in the use(s) of the site is proposed.

NO STRUCTURAL ALTERATIONS ARE BEING MADE TO THE MT. PLEASANT CHURCH STRUCTURE. A NEW STRUCTURE IS BEING PROPOSED SO THE CHURCH CONGREGANTS NO LONGER HAVE TO RELY ON A PORTABLE TOILET.

12. Why is this alteration desired?

THE CONGREGATION IS GROWING AGAIN AND THE CONGREGANTS NEED RUNNING WATER FOR HUMAN CONSUMPTION AND A RESTROOM THAT IS "INDOORS". THE PROPOSED MODULAR UNIT WILL BE LOCATED DUE SOUTH OF THE EXISTING CHURCH. THE MODULAR UNIT WILL BE DETACHED BUT WITH THE SAME SETBACK TO RIDGE DRIVE.

13. Will this alteration change the operating characteristics of the site in a significant manner? NO
If so, how?

ALL OF THE ANCILLARY IMPROVEMENTS ARE IN PLACE: ELECTRICAL POWER, DRIVEWAY ACCESS, ON-SITE SEWAGE DISPOSAL AND A WELL. THE ONLY ALTERATION WILL BE A LEVEL AND COMPACTED PAD FOR THE 27'8" X 32' MODULAR UNIT.

14. Alterations or expansions of nonconforming uses may only be approved if the minimum development standards normally required are more closely adhered to after the alteration or expansion occurs. What site improvements will you provide to accomplish this?

TECHNICALLY, THERE WILL BE ^{NO} ALTERATIONS TO THE CHURCH STRUCTURE. THE MODULAR UNIT WILL BE OF SIMILAR SIZE TO THE CHURCH, SAME COLOR AND WILL LIKELY HAVE A NON-STRUCTURAL STEEP PITCHED ROOF FACADE. THE INTENT IS TO HAVE THE MODULAR UNIT VISUALLY SUBORDINATE TO THE CHURCH BY HAVING A SLIGHTLY OFFSET FRONT YARD SETBACK SO AS NOT TO OVERPOWER THE CHURCH VISUALLY. IT ALSO WILL NOT HAVE AS GREAT A HEIGHT AS THE CHURCH.

CHANGING NONCONFORMING USES

NOTE: The following questions are based upon the decision criteria. It is necessary for you, the applicant, to respond to these issues.

15. Please describe the existing use of structures and the site.

THERE IS ONLY ONE STRUCTURE ON THE SITE, AND THAT IS THE CHURCH. THERE IS A PARKING (GRAVEL) THAT OCCUPIES A LARGE BUT UNDEFINED AREA NORTH OF THE CHURCH. THE CHURCH IS ACTIVELY USED FOR CUSTOMARY CHURCH ACTIVITIES INCLUDING A SUNDAY SERVICE.

16. Please describe the proposed use of structures and the site.

THE PROPOSED MODULAR WILL BE A MULTI-PURPOSE FACILITY WITH 3 OFFICES, 2 RESTROOMS, A TRAINING ROOM AND A RECEPTION AREA. A COVERED WALKWAY WILL BE ON THE FACADE AND WILL EXTEND TO THE SINGLE USE CHURCH BUILDING (WORSHIP, WEDDINGS, FUNERALS).

17. Will this proposal change the operating characteristics of the site in a significant manner? If so, how?

THE KEY WORD HERE IS "SIGNIFICANT." THE CHURCH AND THE MAJORITY OF THE SITE WILL REMAIN UNCHANGED. NO AREAS WILL BE PAVED NOR ANY TREES CUT DOWN TO ALLOW THE MODULAR MULTI-PURPOSE STRUCTURE. ACCESS AND THE EXISTING SEPTIC SYSTEM WILL REMAIN UNCHANGED.

18. Changes in nonconforming uses may only be approved if the minimum property development standards normally required of the proposed use will be more closely adhered to after the change in use. What site improvements will you provide to accomplish this?

THE PROPOSED USE WILL BE VISUALLY CONGRUENT, VISUALLY SUBORDINATE. NON-VIEW OBSTRUCTIVE AND WILL BRING BONA FIDE SANITATION TO THE SITE. THE SITE IMPROVEMENT IS THE ADDITION OF THE MODULAR AND THE PRESENCE OF RUNNING WATER AND SANITATION. THE CHURCH WILL BE BETTER PRESERVED BECAUSE THE MODULAR CAN TAKE SOME OF THE PRESSURE OFF OF THE CHURCH BUILDING AND SHIFT SOME OF THOSE ACTIVITIES TO THE MODULAR.

ALTERATIONS OR EXPANSIONS REQUIRED BY LAW

NOTE: The following questions are based upon the decision criteria. It is necessary for you, the applicant, to respond to these issues.

19. Please describe what alteration is proposed.

1. ADDITION OF A MODULAR UNIT TO THE SITE FOR MULTIPLE PURPOSES.
2. Hooking UP THE MODULAR TO AN EXISTING APPROVED SEPTIC SYSTEM. (CONNECTING)
3. ABSOLUTELY NO ALTERATION TO THE CHURCH.

20. What agency is requiring this alteration or expansion?

NONE.

21. What legal requirement is being made?

THOUGH IT IS PERMISSIBLE TO HAVE A PORTABLE TOILET, THE GROWTH OF THE CHURCH WARRANTS A CONNECTION TO THE RECENTLY APPROVED AND INSTALLED SEPTIC SYSTEM.

22. What is the required alteration or expansion?

A MODULAR UNIT WITH MULTIPLE HOSES THAT RELIEVE PRESSURE OFF OF THE 1851 CHURCH.

23. Please submit a statement from the agency that has required the alteration or expansion, verifying the requirement.

NONE.

24. Does your alteration or expansion incorporate changes not required by the agency? _ If so, what additional changes are proposed?

N.A.

Exhibit # A
Page 8 of 11

25. Alterations or expansions of nonconforming uses may only be approved if the minimum development standards normally required are more closely adhered to after the alteration or expansion occurs. What site improvements will you provide to accomplish this?

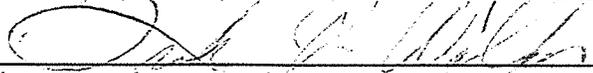
Verification of Owner Statement.

The Linn County Assessor's Office verifies that Twnshp 95 S, Rnge 1W, Section 36, Tax Lot(s) 300, is owned or is being purchased by:

If more than one owner is included on your records, please list all persons involved.

Other owners:

MOUNT PLEASANT COMMUNITY CHURCH


Signature of assessor's representative or stamp

10-17-2018
Date

I hereby certify that:

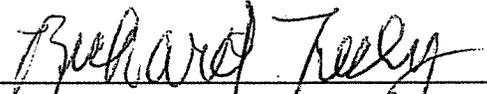
- a. The above request does not violate any recorded codes, covenants, and/or restrictions that are attached to the subject property.
- b. That all the statements, attachments, exhibits, plot plan, and additional oral testimony submitted are true and any approval granted based on this information may be revoked if it is found that such statements are false.
- c. That I have the following legal interest in the property:
owner of record _____ contract purchaser _____ lessee _____, holder of a recorded exclusive option to purchase _____, duly authorized to act for the person who has the following legal interest _____, and that the owner of record is knowledgeable of this application.

Applicant's signature: 

Address: 4674 S. COMMERCIAL STREET SALEM, OR 97302

Phone: (503) 949-5545

If different owner:

Owner's signature: 

Address: 41935 RIDGE DRIVE SEASIDE, OR 97137

Phone: (503) 930-0460 / (503) 659-4457

Exhibit # A
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RESTORATION OR REPLACEMENT OF STRUCTURES DAMAGED BY
FIRE, CASUALTY, OR NATURAL DISASTER

NOTE: the following questions are based upon the decision criteria. It is necessary for you, the applicant, to respond to these issues.

8. Please describe the size, type, and use of the structure that existed before it was damaged or destroyed?

NOT APPLICABLE. THE CHURCH HAS NOT BEEN DAMAGED
OR ALTERED.

9. Please describe how the structure was damaged or destroyed and give the date of the occurrence.

NOT APPLICABLE. THE CHURCH HAS NOT BEEN DAMAGED
OR ALTERED.

10. Are you proposing to restore or to replace the present structure? If you are proposing to replace the structure, describe the size, type and use of the replacement structure.

No.



1 inch = 30 feet

Linn County Planning & Building Department

Date: 10-18-2016

SITE PLAN

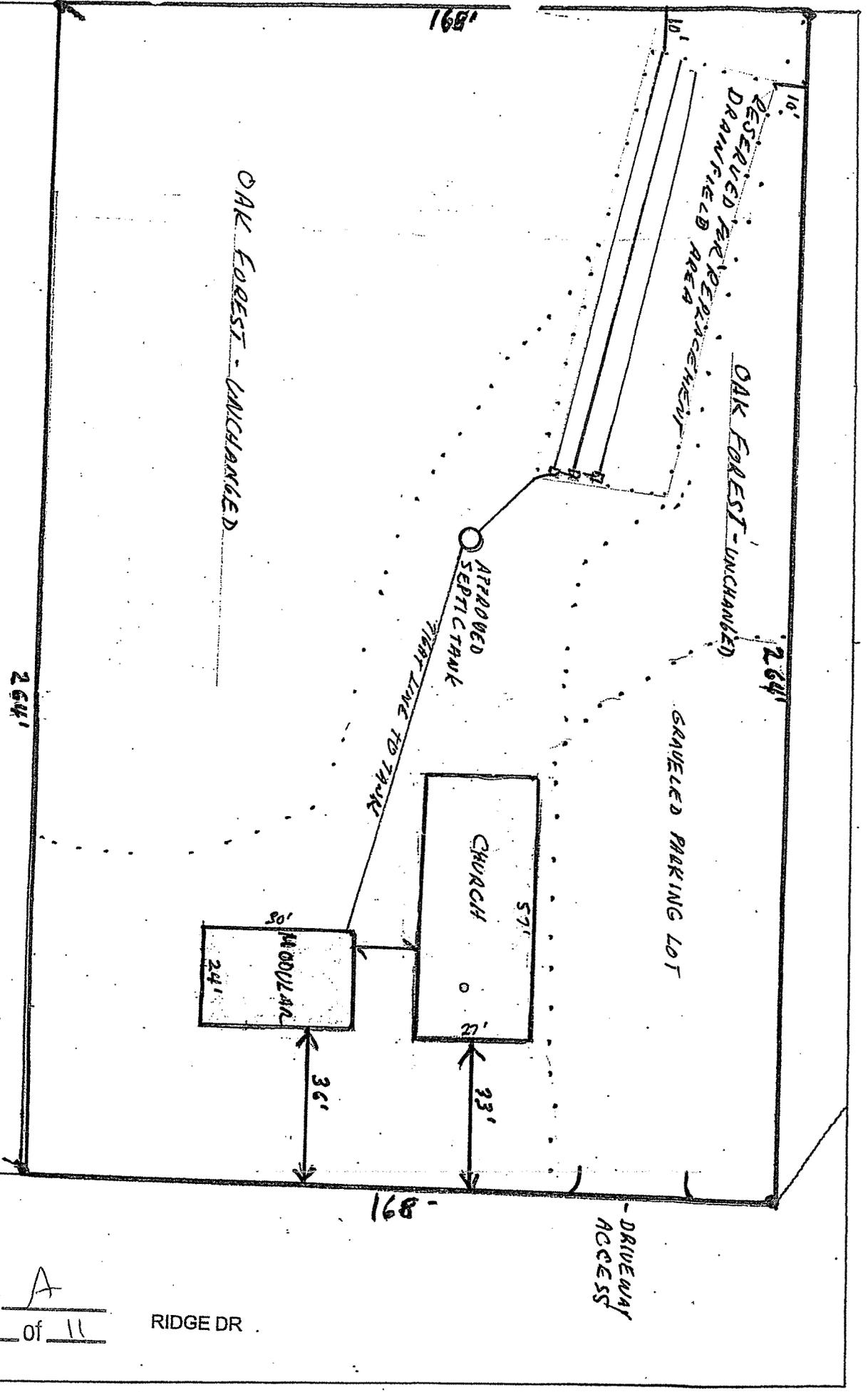


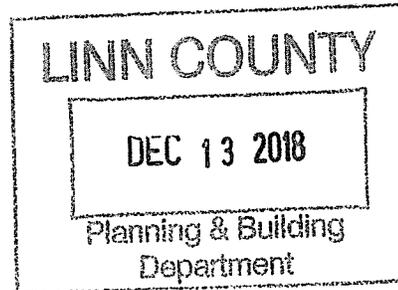
Exhibit # A
Page 11 of 11

RIDGE DR

Frank Walker and Associates
4674 Commercial Street, S.E., Suite 100
Salem, Oregon 97302
(503) 949-5545/364-2103
frankwalkerllc@gmail.com

December 13, 2018

Linn County Planning Department
Robert Wheeldon, Director
Room 114, Linn County Courthouse
Albany, Oregon 97321



Re: Case PD18-0283

Dear Robert and Staff Members:

On behalf of my client, Mount Pleasant Community Church, I am filing an appeal in objection to Condition 1 of the November 29, 2018 Decision. More specifically, it is that portion of Condition 1 where a covered breezeway between the proposed Modular Building and the Church is not permitted.

The proposed walkway will only consist of some posts that will support a nearly flat and visually subordinate covering. The entire structure as shown in Exhibits 1 and 2 attached is only 30 feet long, by 5 feet wide and 7.5 feet tall. The structure will not actually touch the church structure but will be partially attached to the proposed modular by an awning.

The proposed walkway will be open on both the east and west. The width of the overhead weather protection structure is five feet. The posts and the roof will match the church and modular in color. I want to establish for the record that the modular is a proposed adjunct structure but is nevertheless central to the safety and comfort of the congregants who support that church. The church is without a central hearing system or a rest room but the congregants are willing to have heaters on during worship but they are no longer willing or able to endure having to go out during periods of inclement weather at this exposed prairie location to battle wind and rain to reach a portable restroom. The proposed obscure covered walkway which will have an all-weather walking surface allows for safe access to sanitation. It is also a shorter walking distance to use a restroom than currently exists.

My client agrees that the historical nature of the church is important and is a draw to congregants, but if the church is to fulfill its main function as a place of worship, access to safe and modern sanitation facilities is imperative including some mitigation to inclement weather.

My client is therefore requesting a removal of that condition.

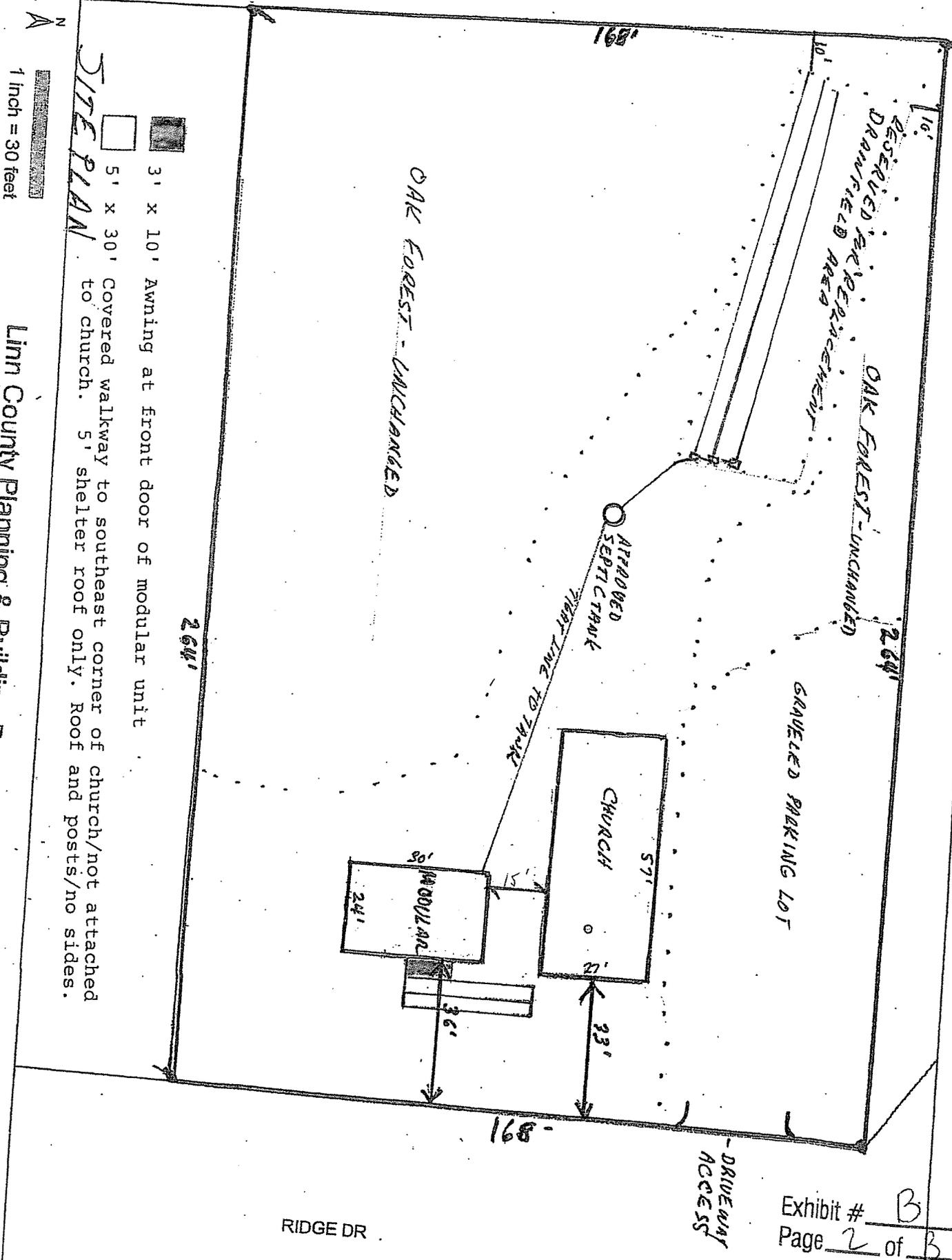
Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank D. Walker".

Frank D. Walker, Land Planning and Project Management

CC: MT. PLEASANT CHURCH

Exhibit # B
Page 1 of 3



SITE PLAN

- 3' x 10' Awning at front door of modular unit
- 5' x 30' Covered walkway to southeast corner of church/not attached to church. 5' shelter roof only. Roof and posts/no sides.

1 inch = 30 feet

Linn County Planning & Building Department

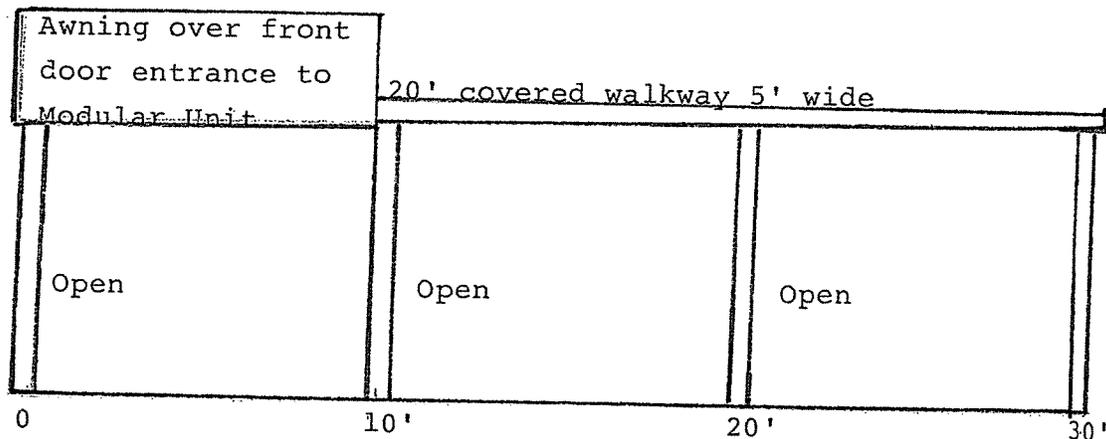
Date: 10-18-2016
 Revised 12-13-2018

MT. PLEASANT COMMUNITY CHURCH
Proposed Covered Walkway from Accessory Structure
to the southeast corner of the church
Scio, Oregon

12/13/2018

The proposed covered walkway represented below will have the following characteristics:

- The structure will be attached only to the proposed modular unit, and will not attach to the church or otherwise obstruct or visually impair the east facade of the church building.
- The weather protection roof will be of narrow gauge metal, and will only have enough pitch to drain water off. No gable is proposed to assure visual subordination.
- The weather protection roof will be supported by 6" x 6" wooden posts that are color matched to the church and modular unit.
- The covered walkway will be open (unenclosed) and an all weather surface underneath it will be at least 4' wide but in no event wider than 5 feet. No lighting is proposed for the walkway.



6" x 6" Posts on 10' centers for roof support. Area between posts to remain open.

Scale: 1" = 5'

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.

PD18-0283- Frank Walker and Associates

Sections 936.150(C), 932.935(A), and 932.940(A) of the Linn County Land Development Code contain the decision criteria applicable to this review. Section 934.430(B) contains the standards applicable to this review.

Decision Criteria for Historic Property Voluntary Alteration

932.940 - Decision criteria

(A) To preserve the historic architectural integrity and provide for building safety of historic properties, recommendations concerning alterations shall be based on the following:

- (1) The standards in LCC 932.945 ; and
- (2) Applicable state and local codes and ordinances related to building, fire and life safety.

934.430(B) - Historic property alteration review standards:

(B) Alteration review standards.

(1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

(4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

(6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

(8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

936.150(C) - Decision Criteria for voluntary alteration or restoration of a non-conforming use, not required by law.

(C) Decision criteria.

(1) The alteration does not change the basic use even though the operational characteristics may change. For example, one type of repair shop may be replaced with a different type of repair shop;

(2) The proposed alteration does not result in any greater adverse impact to the neighborhood; and

(3) The property development standards of the applicable zoning district are met or a variance consistent with LCC Chapter 938 (Variance Procedure Code) is granted.



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

NOTICE OF DECISION NON-CONFORMING USE REVIEW

November 29, 2018

Frank Walker and Associates
4674 S Commercial St.
Salem, OR 97302

RE: PD18-0283; an application to alter a non-conforming use by siting an accessory structure to be used in conjunction with an existing church on a 0.89-acre property zoned Exclusive Farm Use (EFU) (T09S, R01W, Section 36, Tax Lot 300).

To Whom It May Concern:

The Linn County Planning and Building Department Director (Director) completed review of your application to alter a non-conforming use on November 29, 2018. The Director finds your application, pursuant to Linn County Code (LCC) Section 936.110, complies with the specified decision criteria in Section 936.155(C) of the Linn County Land Development Code (Code). Your application is approved, subject to the following permit conditions and Code requirements:

CONDITIONS:

1. The alteration of the existing non-conforming use is approved to place a modular building to provide classroom and sanitary facilities to the Mount Pleasant Community Church.
2. The placement of the modular building shall comply with the permit conditions and Code requirements described in the Historic Resource Commission decision approving the alteration of a historic resource (enclosed).

REQUIREMENTS:

1. All appropriate building, mechanical, electrical, and plumbing permits shall be obtained from the Linn County Planning and Building Department for the modular building. All construction is required to meet all applicable codes for the type of occupancy proposed. Plans must be prepared and stamped by an Oregon licensed architect or engineer. Please contact the Linn County Building Official at 541-967-3816, ext. 2367 for additional information.

Exhibit # D
Page 1 of 4

2. The property owner must comply with all requirements of the Linn County Environmental Health Program (EHP) for any septic system alterations or modifications required to accommodate the modular building. Please contact EHP at 541-967-3821 for additional information regarding this requirement.
3. Unless a separate structural setback variance is approved, the modular building shall be located at least 30 feet from the north and east (front) property lines and 50 feet from the south and west (side) property lines of the 0.89-acre property. The modular building shall be located at least 50 feet from the top of the bank of any identified riparian areas on the 0.89-acre property.

This decision is effective unless an appeal to the Linn County Planning Commission is filed with the Department before 5:00 p.m. December 13, 2018. Appeals will be accepted only when based upon identified inadequacies, omissions, or errors in the decision's findings and conclusions. A \$250.00 filing fee must accompany an appeal.

Your proposal shall be initiated up to twelve (12) months after the date of decision. Please note that a 14-day period exists during which this decision may be appealed. Permits may be obtained only after the appeal period expires on December 13, 2018 at 5:00pm, **and after the approval conditions and requirements have been met.** An appeal prevents initiation of the proposal; you will be notified of an appeal filed by another party. Please contact Alyssa Schrems in our Department at (541) 967-3816, ext. 2366 or aschrems@co.linn.or.us if questions arise or if we may be of assistance.

Sincerely,



Robert Wheeldon
Director

RW: AS

Enclosure

c: Linn County Assessor's Office
Linn County Road Department
Linn County Environmental Health Program
GIS
Cheryl and George Degner

Exhibit # D
Page 2 of 4

DECISION CRITERIA, FINDINGS AND CONCLUSION

I. DECISION CRITERIA

Section 936.150(C) of the Linn County Land Development Code contains the applicable decision criteria.

II. FINDINGS

- (1) The alteration does not change the basic use even though the operational characteristics may change. For example, one type of repair shop may be replaced with a different type of repair shop;

Based on information submitted by the applicant, the modular building being proposed is intended to serve as a sanitary facility for the existing congregation, as well as a general purpose space for the congregation to use. The basic use of the property is intended to remain as a church. The applicant states that no structural alterations are being made to the Mount Pleasant Church structure in order to place the modular building.

A public hearing was held before the Linn County Historic Resources Commission (Commission) on November 15, 2018 to discuss the alteration of a historic resource on the Linn County Register of Historic Resources (The Mount Pleasant Presbyterian Church). Testimony was received from two surrounding property owners who were concerned that the church would use the modular building as an office for a business and not for church uses. As stated above, the application indicates the building would be used in support of the existing church on the property. At the hearing, the applicant stated the building was to be used to provide sanitary facilities for the congregation, as well as a classroom that could also be used as a church office. Because the property is zoned EFU, a separate land use review is required for any additional uses proposed on the property, depending on the proposed use and also depending on the applicable provisions of the Linn County Code.

During the public hearing, the Commission determined that the proposed alteration of the historic resource site complis with criteria found in LCC 932.940(A). The commission issued a decision approving the addition of the modular building on the subject property, subject to permit conditions and Code requirements. The Commission decision is incorporated herein by reference and is included as part of this decision. As a condition of approval, the placement of the modular building shall comply with the permit conditions and Code requirements described in the Commission decision. Based on these facts, the Director determines that the proposed alteration does not change the use of the property as a church. The Director finds this criterion is met.

- (2) The proposed alteration does not result in any greater adverse impact to the neighborhood; and

The modular building is proposed to serve as a sanitary facility for the existing congregation of the church. The application indicates the modular building

will serve as an accessory structure to the church and will only be used in conjunction with the main use of the property as a church. One comment was received from surrounding property owners expressing concern about the proposed modular building. Concerns included an increase in traffic to the church and the modular building being used as a business office. The application indicates the proposed building will not have any greater adverse impact because the modular building will be used as an accessory structure in church activities, and no business has been proposed. No substantial increase in church capacity or in traffic is anticipated. The Road Department was notified of the proposal and did not identify any concerns as a result of the modular building.

Based on these facts, the Director finds that there will not be an increase in adverse impacts to the neighborhood due to this proposal. The Director finds this criterion is met.

- 3) The property development standards of the applicable zoning district are met or a variance consistent with LCC Chapter 938 (Variance Procedure Code) is granted.

Based on the site plan submitted by the applicant, the proposed modular building can meet the structural setbacks standards for the Exclusive Farm Use (EFU) zone. A variance was not submitted as part of the application. As a requirement of approval, the modular building shall be required to maintain setbacks of 30 feet from the north and east (front) property lines and 50 feet from the south and west (side) property lines. The current structural coverage on the property is at 2.4%. With the addition of the modular building, which is proposed to be 30 feet by 24 feet, the structural coverage of the property will increase to 4.4%. The maximum structural coverage in the EFU zone is 20%. Based on these facts, the Director finds the property development standards of the EFU zoning district are met. The Director finds this criterion is met through compliance with Code requirements.

III. CONCLUSION

Sufficient information is available to conclude the proposal is consistent with the applicable decision criteria, subject to compliance with the permit conditions identified in this notice of decision and other applicable Code requirements. Therefore, the non-conforming use review application to place a modular building on the subject property is approved.



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

NOTICE OF DECISION HISTORIC RESOURCE ALTERATION

November 29, 2018

Frank Walker and Associates
4674 S. Commercial St.
Salem, OR 97302

RE: PD18-0283; T09S, R01W, Section 36, Tax Lot 300; A request by Frank Walker and Associates on behalf of Mount Pleasant Community Church to alter a property listed on the Linn County Register of Historic Resources and the National Register of Historic Places, identified as the Mount Pleasant Presbyterian Church (HR-5-84/85).

To Whom It May Concern:

The Linn County Historic Resource Commission (Commission) convened on November 15, 2018 to review your request to alter a historic resource known as the Mount Pleasant Presbyterian Church, listed on the Linn County Register of Historic Resources (HR-5-84/85) and on the National Register of Historic Places (January 24, 1974). Based on evidence in the record and testimony given at the public hearing, the HRC determined that the request complies with the decision criteria found in Linn County Code Section 921.700 to 921.740.

Commissioner Cole made a motion to approve the request to alter the historic resource with modifications, subject to permit conditions and Code requirements. Commissioner Harrison seconded the motion. The motion passed unanimously, with Commissioners Cole, Robertson, and Harrison voting in favor of the motion.

The Mount Pleasant Presbyterian Church (referred to locally as the Mount Pleasant Community Church) is approved for the placement of a modular building to provide classrooms and sanitary facilities for the church, subject to compliance with permit conditions and Code requirements.

CONDITIONS:

1. The placement of a modular building to provide classroom and sanitary facilities for the existing historic resource is approved, with modifications. A covered breezeway proposed between the modular building and the historic resource is not permitted.

This Commission review authorizes the alteration of a historic resource only. A separate land use review is required for the alteration of a non-conforming use, pursuant to LCC Chapter 936 and is subject to the review procedures described in LCC Chapter 921.

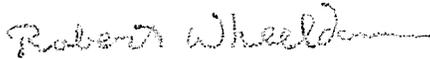
2. No additional trees are to be removed for the placement of the modular building.

Exhibit # E
Page 1 of 6

3. The modular building shall be made as reasonably compatible with the Mount Pleasant Presbyterian Church as possible, with considerations given to color, siding, and a pitched architectural feature.
4. Pursuant to Oregon Administrative Rule (OAR) 736-051-0090, the applicant shall be required to contact the State Historic Preservation Office (SHPO) and the Grand Ronde tribe in regards to the proposed on site development to determine if there are archaeological sites or objects likely to be present on site. Applicants shall comply with any requirements of SHPO in regards to site preparation and development.

Please contact Alyssa Schrems in the Planning and Building Department at (541) 967-3816, ext. 2366 if questions arise or if we may be of assistance.

Sincerely,



Robert Wheeldon
Director

RW: AS

Attachment

C: HRC
Oregon SHPO
File (PD18-0283 & HR-5-84/85)
Cheryl and George Degner

Exhibit # E
Page 2 of 6

DECISION CRITERIA, FINDINGS, AND CONCLUSION

I. DECISION CRITERIA

Section 932.340 of the Linn County Land Development Code (LCC) contains the applicable decision criteria. LCC 934.430 contains the applicable standards for this review.

II. FINDINGS

LCC 932.940 - Decision criteria

(A) To preserve the historic architectural integrity and provide for building safety of historic properties, recommendations concerning alterations shall be based on the following:

- (1) The standards in LCC 932.945; and

These standards are addressed below and the findings are incorporated into this decision. Based on this, the Director finds that the application meets this criterion.

- (2) Applicable state and local codes and ordinances related to building, fire and life safety.

Notice was sent to both the Stayton Rural Fire Department as well as the Linn County Building Official. Neither agency noted any concerns with the proposal. As a condition of approval, the applicant shall be required to obtain the necessary permits to place the modular building on the property, as well as any pertinent permits for electric, plumbing, or mechanical work that is proposed. The applicant shall also be required to complete any necessary permitting to connect to the existing septic system on the property. Based on these facts, the Director finds that this application meets the criterion.

LCC 934.430(B): Historic Property Alteration Review Standards

- (1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

The Commission determined that the placement of a modular building for classroom and sanitary facilities on the property would not destroy the distinguishing original qualities or characteristics of the Mount Pleasant Presbyterian Church (Church), subject to compliance with three specific conditions of approval. The first condition requires that no further trees are to be removed for the placement of the modular building. In order to protect the integrity of the historical resource, the second condition requires that the placement of the modular building shall be made as reasonably compatible with the historic resource as possible, with consideration given to color, siding, and a pitched architectural feature. A covered breezeway connecting the modular building and the church is not allowed. The Commission determined that construction of a covered breezeway would alter the distinguishing original qualities and characteristics of the Church by creating a visual barrier that substantially alters the visual characteristics of the Church. The Church is listed on the Linn County Register of Historic Resources and the National Register of Historic Places due to being one of the last examples of a one room, box construction church. The

Commission finds that the addition of a covered breezeway would negatively impact a significant characteristic that contributed to the Historic Register listing. Based on compliance with permit conditions, the Commission finds that this criterion is met.

- (2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

The applicant proposes to place a modular building separate from the historically designated Church. The applicant did not propose any alterations to the listed church. In order to protect the integrity of the historical resource, the Commission decision includes a condition that requires the placement of the modular building be made as reasonably compatible with the historic resource as possible, with considerations given to color, siding, and a pitched architectural feature. The Commission finds that this criterion is met based on the site plan submitted as part of the application and through compliance with permit conditions.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

The Commission did not find any significant changes in the Church. The Commission finds this criterion is not applicable.

- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

The Commission determined that the architectural features of the Church, especially the pitched architectural feature at the top, are examples of skilled craftsmanship. To create visual cohesion between the Church and the proposed modular building, the Commission included a condition requiring considerations to be given to matching the color, siding, and pitched architectural feature of the Church. The Commission also determined that construction of a covered breezeway attached to the church and connecting the church and the modular building would alter the stylistic features of the Church and create a visual barrier that substantially alters the integrity and visual characteristics of the Church. The Church is listed on the Linn County Register of Historic Resources and the National Register of Historic Places due to being one of the last examples of a one room, box construction church. The Commission finds that the attachment of a covered breezeway to the church would negatively impact a significant characteristic on which the Historic Register listing is based. Based on these facts and compliance with Permit conditions, the Commission finds that this criterion is met.

- (5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the

material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

The application proposes to place a new modular building to be used as classroom and sanitary facilities. Alteration of the existing church structure is not authorized. The Commission finds this criterion is not applicable.

- (6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

The Church is listed on the Linn County Register of Historic Resources and the National Register of Historic Places. The applicants shall be required to comply with all pertinent requirements described in OAR 736-051-0090. Pursuant to OAR 736-051-0090(2)(a), it is strongly recommended that any development projects on undisturbed ground contact the SHPO and appropriate tribes to determine whether archaeological sites or objects are likely to be present in the project area. To ensure compliance, the applicant shall be required to contact the SHPO and the Grand Ronde tribe to determine if there are any archaeological sites or objects likely to be present in the project area. The applicant shall comply with any requirements imposed by the SHPO. The Commission finds this criterion is met through compliance with permit conditions.

- (7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

The applicant is proposing to place a modular building on site to serve as a classroom and sanitary facility for the existing Church. The Commission determined that the proposed building can be made compatible with characteristics of the subject property through compliance with a permit condition that the modular building must be made reasonably compatible with the Church in respect to color, siding and pitched architectural feature. The Commission also determined that construction of a covered breezeway attached to the church and connecting the church and the modular building would alter the stylistic features of the Church and create a visual barrier that substantially alters the integrity and visual characteristics of the Church. The Commission finds that the attachment of a covered breezeway to the church would negatively impact a significant characteristic on which the Historic Register listing is based. The Commission finds that this criterion is met through compliance with permit conditions and Code requirements.

- (8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

The applicant is proposing to place a modular building on the property to provide classroom and sanitary facilities for the existing Church. The applicant states that no alterations to the Church are proposed. However, applicant proposed at the hearing that a covered breezeway be attached to the building, which would constitute an alteration of the historic structure. The Commission adopted a condition that a covered breezeway attached to the modular building and connecting the Church and the modular building shall not be permitted. The Commission determined that the addition of a covered breezeway would visually alter the integrity of the Church and negatively impact a significant characteristic on which the National Register of Historic Places listing is based. The Commission determined that the permit condition shall keep any alterations to the essential form and integrity of the property from being compromised in the event the modular building is removed. The Commission finds that this criterion is met through compliance with permit conditions and Code Requirements.

III. CONCLUSION

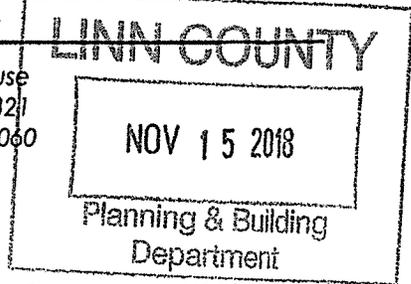
Sufficient information is available to conclude the proposal is consistent with the applicable decision criteria, subject to compliance with the permit conditions identified in this notice of decision and other applicable Code requirements. Therefore, the historic alteration review to place a modular building on the subject property is approved, with modifications.



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



NOTICE OF LAND USE HEARING

The following request will be reviewed by the Linn County Historic Resources Commission (HRC) at a public hearing on November 15, 2018 at 7:00 p.m. in the Old Armory Building, George Miller Room B, on the corner of 4th Avenue and Lyon Street, Albany. 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 date.

PD18-0283; an application by Frank Walker and Associates on behalf of Mt. Pleasant Community Church for a non-conforming use review to alter a property listed on the Linn County Register of Historic Resources and the National Register of Historic Places, identified as the Mount Pleasant Presbyterian Church. The applicant proposes to place a modular building on the property to provide classrooms and sanitary facilities for the church. No alterations or modifications to the existing church building are proposed. The HRC can approve the request, approve the request with modifications, or deny the request. The property is located approximately 5.27 miles southeast of Stayton at 41935 Ridge Drive, and is identified on Linn County Assessor maps as T09S, R01W, Section 36, Tax Lot 300, in the Exclusive Farm Use (EFU) zone. The request will be reviewed under the procedures in Linn County Code (LCC) Section 921.700 to 921.740. A copy of the application and the applicable decision criteria is available for review or purchase in the Linn County Planning and Building Department office during normal office hours.

COMMENTS: NO comments

BY Stephanie Taylor AGENCY (IF ANY) LCRD DATE 11-15-18

STAFF CONTACT PERSON: Alyssa Schrems; (541)-967-3816, ext. 2366 or aschrems@co.linn.or.us.

Table with columns for Linn County, State of Oregon, and Other. Rows include EHP, Parks, Assessor, GIS, Sheriff, Bldg Official, Roads, Surveyor, Flood Official, DEQ, DOGAMI, DSL, Water, ODFW, ODOT/OSHD, ODSF, DLCD, Parks, State Fire Marshal, School, Landowners, City Of, RFD: Stayton, Other: SHPO.

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 # F Page 1 of 2

Schrems, Alyssa

From: May, Brittany
Sent: Thursday, October 25, 2018 1:20 PM
To: Schrems, Alyssa
Subject: RE: Notice of Land Use Hearing; PD18-0283; FRANK WALKER & ASSOCIATES

Follow Up Flag: Follow up
Flag Status: Flagged

A septic system has been installed for this proposed use. There will be no additional EH requirements.

Brittany K May, REHS

Linn County Environmental Health Program

PO Box 100

315 SW 4th Ave, 2nd Floor

Albany, OR 97321

Phone: (541) 967-3821 x2260

Fax: (541) 924-6904

bmay@co.linn.or.us

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

From: Oxford, Breeanna

Sent: Thursday, October 25, 2018 8:41 AM

To: May, Brittany <bmay@co.linn.or.us>; Bonn, Christopher <cbonn@co.linn.or.us>; Barnett, Steve <sbarnett@co.linn.or.us>; Taylor, Stephanie <staylor@co.linn.or.us>; Larson, Suzanne <sularson@co.linn.or.us>; Alex Paul <Alex.Paul@lee.net>

Subject: Notice of Land Use Hearing; PD18-0283; FRANK WALKER & ASSOCIATES

Notice of Land Use Hearing; PD18-0283; FRANK WALKER & ASSOCIATES

Breeanna A. Oxford

Office Specialist II

Linn County Planning and Building

300 SW 4th St. Rm 114

PO Box 100

Albany, OR 97321

Phone 541-967-3816 ext 2634

Fax 541-926-2060

boxford@co.linn.or.us

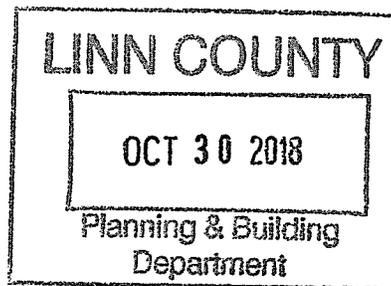


Exhibit # F
Page 2 of 2

Schrems, Alyssa

From: cgdegner <cgdegner@gmail.com>
Sent: Monday, November 05, 2018 7:54 AM
To: WebAdmin; Schrems, Alyssa
Subject: PD 18-0283 Robert Wheeler, aschrems@co.linn.or.us

I am adjacent landowner to Mt Pleasant Community Church 09S01W36 00300 .89 acresDegner09s01w36 00200 15.07 Acres and son's 09S01W 36 00400 56.6 , and 09S01e31 00300. Cheryl S Degner We have received Notice of Land Use Hearing on Nov 15, 2018....to ask for modification and alteration of County and National Historical Church Mt Pleasant Community Church. Church was donated by Washington Crabtree in 1877 by will.....that if church and land ceased to be church , it would revert to land owners. For one I am concerned about this. Otherwise, their asking for religious use and construction modular and restroom while maintaining historical identity of extant historical building does not bother me.

I desire to have it remain so, but wish to examine previous actions and requests by Richard Nealey and Ted Koellman , Others, as represented by PD 18-0283 Frank Walker and Assc I called Historical Society and told them my concerns....as claiming a piece of adjoining land that we LENT to Deacon Haskel Huntley, then Deacon of church in 1973 in order to initiate earlier similar building request ...I'd like to see any other transactions of this group.

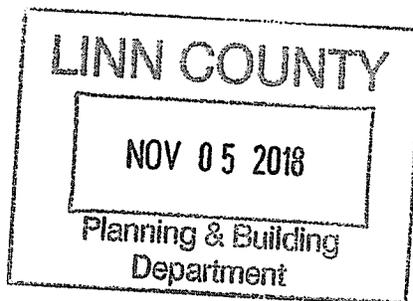
I was told to get copies of all previous transactions this group had concerning church as well as earlier deeds specially by George Washington Crabtree Deed and will of 1877 concerning his 1854 Donation Land Deed Range 1 West Range East Grant 27 Sep 1850 009 Stat.0496 Patentee Washington and Susanna Crabtree LR -2000 Dec 10 3730 counties Linn, Patent 7/24/1873

Really need the 1877 deeded reference to church use

Again ...Copies of any previous actions by this group, Please Apparently they were denied permission build earlier due to? I was told "parking lot" was too small". For what...I believe they thought it belonged to them and had a plea for earlier work at site.

My husband and I are coming up from Eugene today to get copies of pertinent documents. How should we do this.... Can someone look for them? Please advise

Thank you for any effort, Cheryl Degner csdegner@yahoo.com Sent from my iPad





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

CERTIFICATION OF MAILING

I, *Breeanna Oxford*, of the Linn County Planning and Building Department, certify that the attached notice concerning matters to be reviewed on the 15th day of November 2018 was mailed to the persons on the attached list at the address shown below their name on the 25th day of October 2018. 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 25th day of October 2018.

Breeanna Oxford

PD18-0283; FRANK WALKER & ASSOCIATES

Exhibit # H
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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

NOTICE OF LAND USE HEARING

The following request will be reviewed by the Linn County Historic Resources Commission (HRC) at a public hearing on **November 15, 2018 at 7:00 p.m.** in the Old Armory Building, George Miller Room B, on the corner of 4th Avenue and Lyon Street, Albany. 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 date.

PD18-0283; an application by Frank Walker and Associates on behalf of Mt. Pleasant Community Church for a non-conforming use review to alter a property listed on the Linn County Register of Historic Resources and the National Register of Historic Places, identified as the Mount Pleasant Presbyterian Church. The applicant proposes to place a modular building on the property to provide classrooms and sanitary facilities for the church. No alterations or modifications to the existing church building are proposed. The HRC can approve the request, approve the request with modifications, or deny the request. The property is located approximately 5.27 miles southeast of Stayton at 41935 Ridge Drive, and is identified on Linn County Assessor maps as T09S, R01W, Section 36, Tax Lot 300, in the Exclusive Farm Use (EFU) zone. The request will be reviewed under the procedures in Linn County Code (LCC) Section 921.700 to 921.740. A copy of the application and the applicable decision criteria is available for review or purchase in the Linn County Planning and Building Department office during normal office hours.

COMMENTS: _____

BY _____ AGENCY (IF ANY) _____ DATE _____

STAFF CONTACT PERSON: Alyssa Schrems; (541)-967-3816, ext. 2366 or aschrems@co.linn.or.us.

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

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

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 Page 2 of 16

1. This application will be reviewed and a decision will be made using the following decision criteria from Sections 936.150(C), 932.935(A), and 932.940(A) of the Linn County Land Development Code. Section 934.430(B) contains the standards applicable to this review.

All testimony and evidence must be directed toward the criteria described above or other criteria in the plan or land use regulations which you believe apply to the decision. Failure to raise an issue before the close of the record during the comment period/final evidentiary hearing, by letter or in person, or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.

936.150(C) - Decision Criteria for voluntary alteration or restoration of a non-conforming use, not required by law.

(C) Decision criteria.

- (1) The alteration does not change the basic use even though the operational characteristics may change. For example, one type of repair shop may be replaced with a different type of repair shop;
- (2) The proposed alteration does not result in any greater adverse impact to the neighborhood; and
- (3) The property development standards of the applicable zoning district are met or a variance consistent with LCC Chapter 938 (Variance Procedure Code) is granted.

932.935(A) - Historic Resource Commission action

(A) Alteration. In the case of a request for a certificate for alteration of an historic property listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall either:

- (1) Approve the request as submitted.
- (2) Approve the request with modifications.
- (3) Delay final decision on the request for up to 60 days to allow time for an alternative to the alteration being requested. At the end of the 60 day delay period, the Historic Resource Commission shall approve the request, approve the request with modifications or deny the request.
- 4) Deny the request.

932.940 - Decision criteria

(A) To preserve the historic architectural integrity and provide for building safety of historic properties, recommendations concerning alterations shall be based on the following:

- (1) The standards in LCC 932.945 ; and
- (2) Applicable state and local codes and ordinances related to building, fire and life safety.

934.430(B) - Historic property alteration review standards:

(B) *Alteration review standards.*

(1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

Exhibit # H
Page 5 of 16

(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

(4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

(6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

(8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

2. Please note the deadline stated in the accompanying notice for submitting your written comments for decisions to be made by the Planning and Building Department.
3. If a public hearing is scheduled before either the Historic Resources Commission or the Board of County Commissioners, written and/or oral comments may be submitted either before and/or during that hearing. Please note the time and date of the hearing in the accompanying notice.
4. A map(s) depicting the parcel under review and surrounding lands is attached to the notice.
5. A copy of the application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost. For applications scheduled for public hearing, a staff report will be available for inspection at the Department at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.
6. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 150-day time limitations of ORS 215.428.
7. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The decision maker shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional written evidence or testimony. If the decision maker grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.

- (a) At the continued hearing, persons may present and rebut new evidence and testimony. If new written evidence is submitted, any person may request, prior to the close of the continued hearing, that the record be left open for at least seven more days to submit additional written evidence or testimony to respond to the new written evidence.
 - (b) If the record is left open, it shall remain open for at least seven days. During the period the record was left open, any participant may file a written request with the local government for an opportunity to respond to new evidence submitted. If the record has been closed and such a request has been timely filed, the record shall be reopened. Unless waived by the applicant, the applicant shall have at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. **If the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or decision criteria for the application.** Except when requested or agreed to by the applicant, the extension shall be subject to the 150-day limitations of ORS 215.428.
8. Appeal of a decision of the Historic Resources Commission results in a new hearing before the Board of County Commissioners.
 9. Testimony or evidence previously submitted to the Commission must be **resubmitted** by the parties to the Board for the new hearing.
 10. If this case is scheduled for a public hearing, the hearing will begin with a declaration of any ex parte contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision makers. This will be followed by the staff report from the planning department. Then the applicant (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.

State of Oregon)
ss)
County of Linn

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, November 15, 2018 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 Historic Resource Commission (Commission). This hearing is to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present your testimony at the public hearing or provide written comments to this Department before the public hearing dates. The Commission will make a decision after close of the hearing. This meeting location is accessible to persons with disabilities.

PD18-0262: a request by Hans and Shelbie Coon to remove or demolish a house listed on the Linn County Register of Historic Resources and the National Register of Historic Places, identified as the Joseph Hamilton Farmstead. The applicant proposes to replace the dwelling with a new single family dwelling. The property is located approximately 2.94 miles west of Tangent at 30021 Tangent Drive, and is identified on Linn County Assessor maps as T12S, R04W, Section 09, Tax Lot 300, in the Exclusive Farm Use (EFU) zone.

PD18-0283: an application by Frank Walker and Associates on behalf of Mt. Pleasant Community Church for a non-conforming use review to alter a property listed on the Linn County Register of Historic Resources and the National Register of Historic Places, identified as the Mount Pleasant Presbyterian Church. The applicant proposes to place a modular building on the property to provide classrooms and sanitary facilities for the church. No alterations or modifications to the existing church building are proposed. The property is located approximately 5.27 miles southeast of Stayton at 41935 Ridge Drive, and is identified on Linn County Assessor maps as T09S, R01W, Section 36, Tax Lot 300, in the Exclusive Farm Use (EFU) zone.

The complete applications and identified decision criteria are available for review in the Planning and Building Department Office, Room 114, Linn County Courthouse. Copies will be made for a reasonable cost. Please contact Alyssa Schrems at (541)967-3816, ext. 2366 regarding this application.

DATED this 22nd day of October 2018

LINN COUNTY HISTORIC RESOURCE COMMISSION

#100381

PUBLISH: October 25, 2018

LINN COUNTY PLANNING

PO BOX 100
ALBANY, OR 97321

ORDER NUMBER 100381

I, Mary Kay Wiens, being first duly sworn depose and say, that I am the Legal Clerk of the Democrat-Herald, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at 600 Lyon St S. Albany, OR, in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.

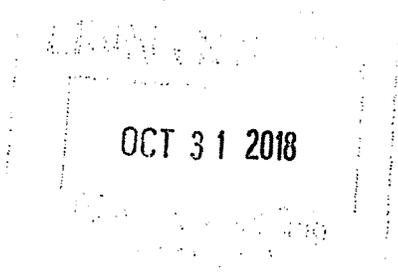
PUBLISHED ON: 10/25/2018

TOTAL AD COST: 276.00

FILED ON: 10/29/2018

Mary Kay Wiens
Mary Kay Wiens
Legal Clerk

Cyndi Rae Sprinkel-Hart
Subscribed and sworn to before me on October 29,
2018
Cyndi Rae Sprinkel-Hart, Notary



OCT 31 2018

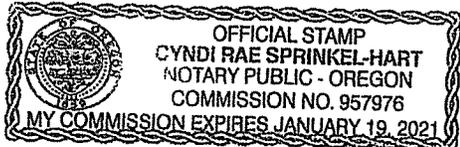


Exhibit # 14
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LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

CERTIFICATION OF MAILING

I, Breeanna Oxford, of the Linn County Planning and Building Department, certify that the attached notice concerning matters to be reviewed by the Linn County Board of Commissioners in a public hearing on February 12th, 2019 and was mailed to the agencies and persons shown as the owners of property within 1000 feet of the property described in the attached notice as on the current tax rolls of the Linn County Assessor on the 22nd day of January 2019.

DATED this 22nd day of January 2019.

Breeanna Oxford

PD18-0283; FRANK WALKER & ASSOCIATES

Exhibit # H
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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

NOTICE OF LAND USE HEARING

The following request will be reviewed by the Linn County Board of Commissioners at 10:00 a.m. on February 12, 2019 in Room 200 of the Linn County Courthouse, 300 SW 4th Avenue, Albany, Oregon. 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 date.

PD18-0283; An appeal by Frank Walker on behalf of the Mount Pleasant Community Church of the Linn County Historic Resource Commission (HRC) decision approving a Historic Resource Alteration Review and a Non-Conforming Use Review to site a modular building to be used for classrooms and sanitary facilities for the church. The applicant is appealing the HRC permit condition prohibiting the addition of a covered breezeway. The property is located at 41935 Ridge Drive, at the intersection of Ridge Drive and Kingston-Jordan Drive, and approximately 5.27 miles southeast of Stayton (T09S, R01W, Section 36, Tax Lot 300). The hearing is de novo. A copy of the application and decision criteria are available for review or purchase at a reasonable cost in the Linn County Planning and Building Department office during normal office hours.

COMMENTS: [Blank lines for handwritten comments]

BY _____ AGENCY (IF ANY) _____ DATE _____

STAFF CONTACT PERSON: Alyssa Schrems; (541)967-3816, ext.2366 or aschrems@co.linn.or.us

Table with 3 main columns: Linn County, State of Oregon, and Other. Rows include various departments like EHP, Parks, Assessor, GIS, Sheriff, Bldg Official, Roads, Surveyor, Flood Official, DEQ, DOGAMI, DSL, Water, ODFW, ODOT/OSHD, ODSF, DLCD, Parks, State Fire Marshal, School, Landowners, City Of, Other: HRC, SHPO, RFD: Stayton.

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 # H
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1. Oregon law [ORS 215.416(5)] requires that local governments make copies of applicable decision criteria available to any participant in a land use hearing. This application will be reviewed, and a decision made, using the decision criteria listed below.

Sections 936.150(C), 932.935(A), and 932.940(A) of the Linn County Land Development Code contain the decision criteria applicable to this review. Section 934.430(B) contains the standards applicable to this review.

All testimony and evidence must be directed toward the criteria described above or other criteria in the plan or land use regulations which you believe apply to the decision. Failure to raise an issue before the close of the record during the comment period/final evidentiary hearing, by letter or in person, or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.

936.150(C) - Decision Criteria for voluntary alteration or restoration of a non-conforming use, not required by law.

(C) Decision criteria.

(1) The alteration does not change the basic use even though the operational characteristics may change. For example, one type of repair shop may be replaced with a different type of repair shop;

(2) The proposed alteration does not result in any greater adverse impact to the neighborhood; and

(3) The property development standards of the applicable zoning district are met or a variance consistent with LCC Chapter 938 (Variance Procedure Code) is granted.

932.935(A) - Historic Resource Commission action

(A) Alteration. In the case of a request for a certificate for alteration of an historic property listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall either:

(1) Approve the request as submitted.

(2) Approve the request with modifications.

(3) Delay final decision on the request for up to 60 days to allow time for an alternative to the alteration being requested. At the end of the 60 day delay period, the Historic Resource Commission shall approve the request, approve the request with modifications or deny the request.

4) Deny the request.

932.940 - Decision criteria

(A) To preserve the historic architectural integrity and provide for building safety of historic properties, recommendations concerning alterations shall be based on the following:

(1) The standards in LCC 932.945 ; and

(2) Applicable state and local codes and ordinances related to building, fire and life safety.

934.430(B) - Historic property alteration review standards:

(B) Alteration review standards.

(1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

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(2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

(4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

(6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

(8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

2. If a public hearing is scheduled before either the Historic Resources Commission or the Board of County Commissioners, written and/or oral comments may be submitted either before and/or during that hearing. Please note the time and date of the hearing in the accompanying notice.
3. A map(s) depicting the parcel under review and surrounding lands is attached to the notice.
4. A copy of the application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost. For applications scheduled for public hearing, a staff report will be available for inspection at the Department at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.
5. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 150-day time limitations of ORS 215.428.
6. 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,

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3

the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.

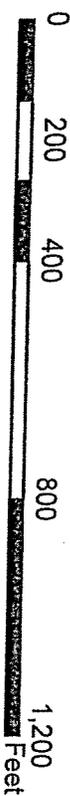
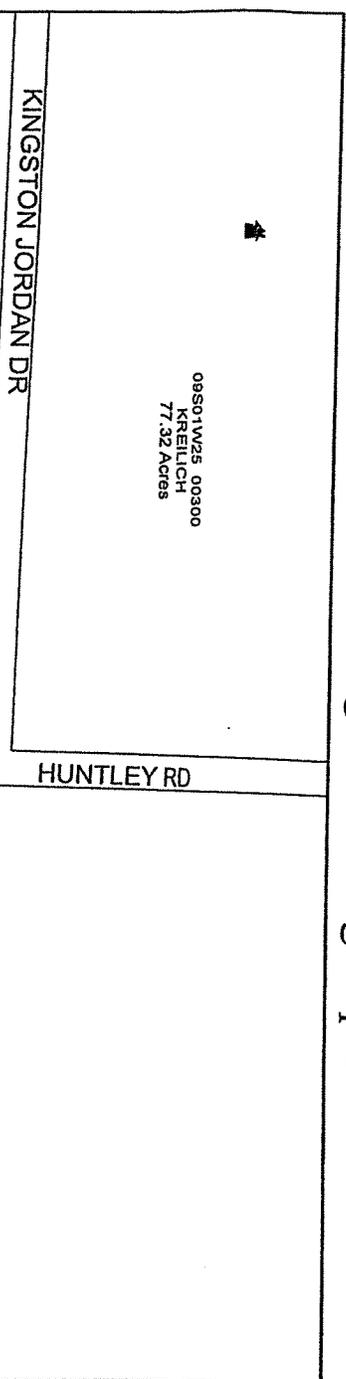
- (a) At the continued hearing, persons may present and rebut new evidence and testimony. If new written evidence is submitted, any person may request, prior to the close of the continued hearing, that the record be left open for at least seven more days to submit additional written evidence or testimony to respond to the new written evidence.
 - (b) If the record is left open, it shall remain open for at least seven days. During the period the record was left open, any participant may file a written request with the local government for an opportunity to respond to new evidence submitted. If the record has been closed and such a request has been timely filed, the record shall be reopened. Unless waived by the applicant, the applicant shall have at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. **If the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or decision criteria for the application.** Except when requested or agreed to by the applicant, the extension shall be subject to the 150-day limitations of ORS 215.428.
7. Appeal of a decision of the Historic Resources Commission results in a new hearing before the Board of County Commissioners.
 8. Testimony or evidence previously submitted to the Commission must be **resubmitted** by the parties to the Board for the new hearing.
 9. 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.

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Linn County Planning & Building Department

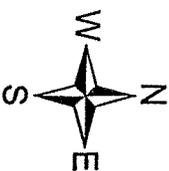
Notice Map



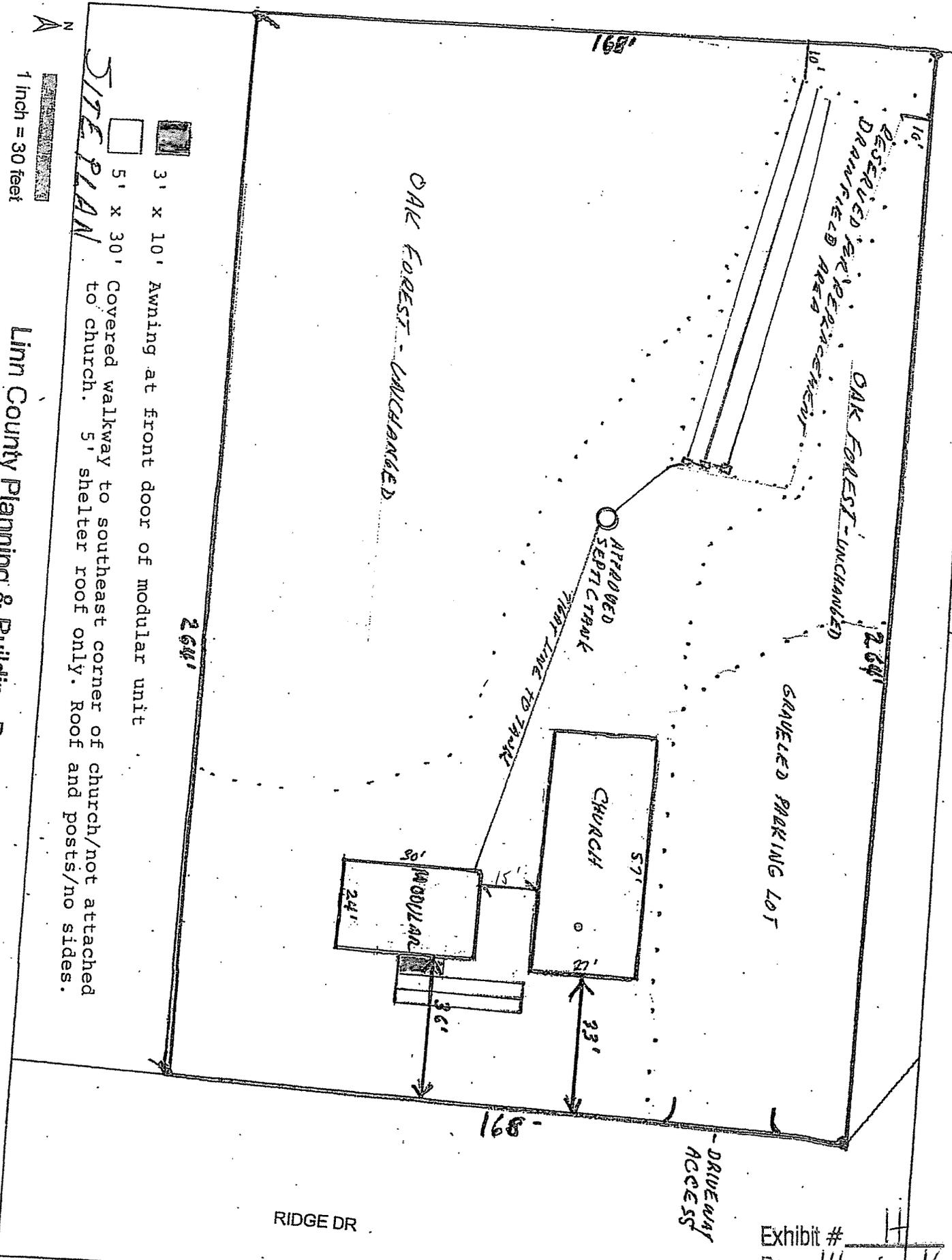
- Subject Property
- taxlots
- Zoning

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PD18-0283
09S01W36 00300
MT. PLEASANT COMMUNITY CHURCH
0.89 acres



10/22/2018



- TYPE PLAN**
-  3' x 10' Awning at front door of modular unit
 -  5' x 30' Covered walkway to southeast corner of church/not attached to church. 5' shelter roof only. Roof and posts/no sides.

1 inch = 30 feet

Linn County Planning & Building Department

Date: 10-18-2018
 Revised 12-13-2018

Customer Ad Proof

60001417 LINN COUNTY PLANNING

Order Nbr 104359

Publication	Democrat Herald	PO Number	
Contact	LINN COUNTY PLANNING	Rate	Legal Non Profit
Address 1	PO BOX 100	Order Price	231.20
Address 2		Amount Paid	0.00
City St Zip	ALBANY OR 97321	Amount Due	231.20
Phone	5030000000	Start/End Dates	01/22/2019 - 01/22/2019
Fax		Insertions	1
Section	Public Notices	Size	59
SubSection		Salesperson(s)	09 LEGAL SALESPERSON
Category	990 Public Notice	Taken By	Pam Burrigh
Ad Key	104359-1		
Keywords	Public Hearing PD18-0283		
Notes	Schrems, Alyssa <aschrems@co.linn.or.us> [Pam Burrigh 1/16/2019 2:28:36 PM]		

Ad Proof

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on February 12, 2019 at 10:00 a.m. in Room 200 of the Linn County Courthouse in Albany Oregon a public hearing will be held before the Linn County Board of Commissioners (Board). This hearing is to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present your testimony at the public hearing or provide written comments to this Department before the public hearing dates. The Board will make a decision after close of the hearing. The meeting location is accessible to persons with disabilities.

PD18-0283; An appeal by Frank Walker on behalf of the Mount Pleasant Community Church of the Linn County Historic Resource Commission (HRC) decision approving a Historic Resource Alteration Review and a Non-Conforming Use Review to site a modular building to be used for classrooms and sanitary facilities for the church. The applicant is appealing the HRC permit condition prohibiting the addition of a covered breezeway. The property is located at 41935 Ridge Drive, at the intersection of Ridge Drive and Kingston-Jordan Drive, and approximately 5.27 miles southeast of Stayton (T09S, R01W, Section 36, Tax Lot 300). The hearing is de novo. A copy of the application and decision criteria are available for review or purchase at a reasonable cost in the Linn County Planning and Building Department office during normal office hours.

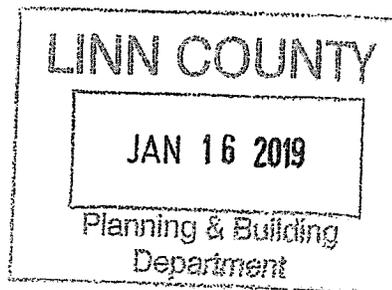
For more information please contact Alyssa Schrems at 541-967-3816 ext. 2366.

DATED this 16th day of January 2019

LINN COUNTY PLANNING COMMISSION

#104359

PUBLISH: January 22, 2019



*** oof of Publication ***

State of Oregon)
ss)
County of Linn

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LINN COUNTY PLANNING

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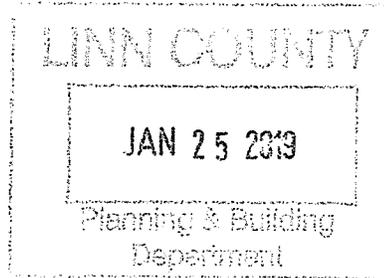
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ORDER NUMBER 104359

I, Pam Burright, being first duly sworn depose and say, that I am the Legal Clerk of the Democrat-Herald, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at 600 Lyon St S. Albany, OR, in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.



Section: Public Notices
Category: 990 Public Notice
PUBLISHED ON: 01/22/2019

TOTAL AD COST: 231.20

FILED ON: 1/23/2019

Pam Burright
Pam Burright
Legal Clerk

Cyndi Rae Sprinkel-Hart
Subscribed and sworn to before me on January 23,
2019
Cyndi Rae Sprinkel-Hart, Notary

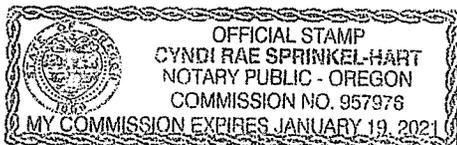


Exhibit # 14
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