



Linn County Road Department

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

Memorandum

Date: 2/27/2020
To: Linn County Board of Commissioners
From: Darrin Lane, Roadmaster 
RE: Background Information for Agenda Items – 3/3/2020

The Road Department has the following items on the Board of Commissioners agenda for the weekly meeting on March 3, 2020. The following is a brief description of the items.

Refund Paving Deposit to Seth & Amber Basting

This is a refund to Seth and Amber Basting for the deposit of the cost of paving the approach. A paved approach was a provision of their access permit on Holly Lane. The paving was completed on February 25. Refund amount is \$2,950.00.

Resolution & Order 2020-056 – Acceptance of a Permanent Easement – Berlin Road

This is a Resolution & Order to accept a permanent easement along Berlin Road for the Hamilton Creek, Berlin Road Bridge Replacement project. Grantors are Clair and Judith Allen. Easement cost is \$2,200.

Resolution & Order 2020-057 – Bid advertisement for the Hamilton Creek, Berlin Road Bridge Replacement Project

This is a Resolution & Order to approve the invitation to bid and set the bid opening date for the Hamilton Creek, Berlin Road Bridge Replacement Project.

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: March 3, 2020

To: Board of Commissioners

RE: Resolution & Order #2020-055 Approval to Obtain Bids for General Services Building Reroof Project

Russ Williams will appear before the Board with Resolution & Order 2020-055 to request the Board's approval of this resolution and order which authorizes General Services to obtain bids to reroof the General Services Building.

The re-roofing funding request and justification was presented to and approved by the Budget Committee for the 2019.2020 budget for \$108,840.00. The proposed schedule is to award the project in early spring and give the bidders a large installation window to schedule the work between the contract award date and October 2020. Thank you for support in the upkeep of the County's assets.

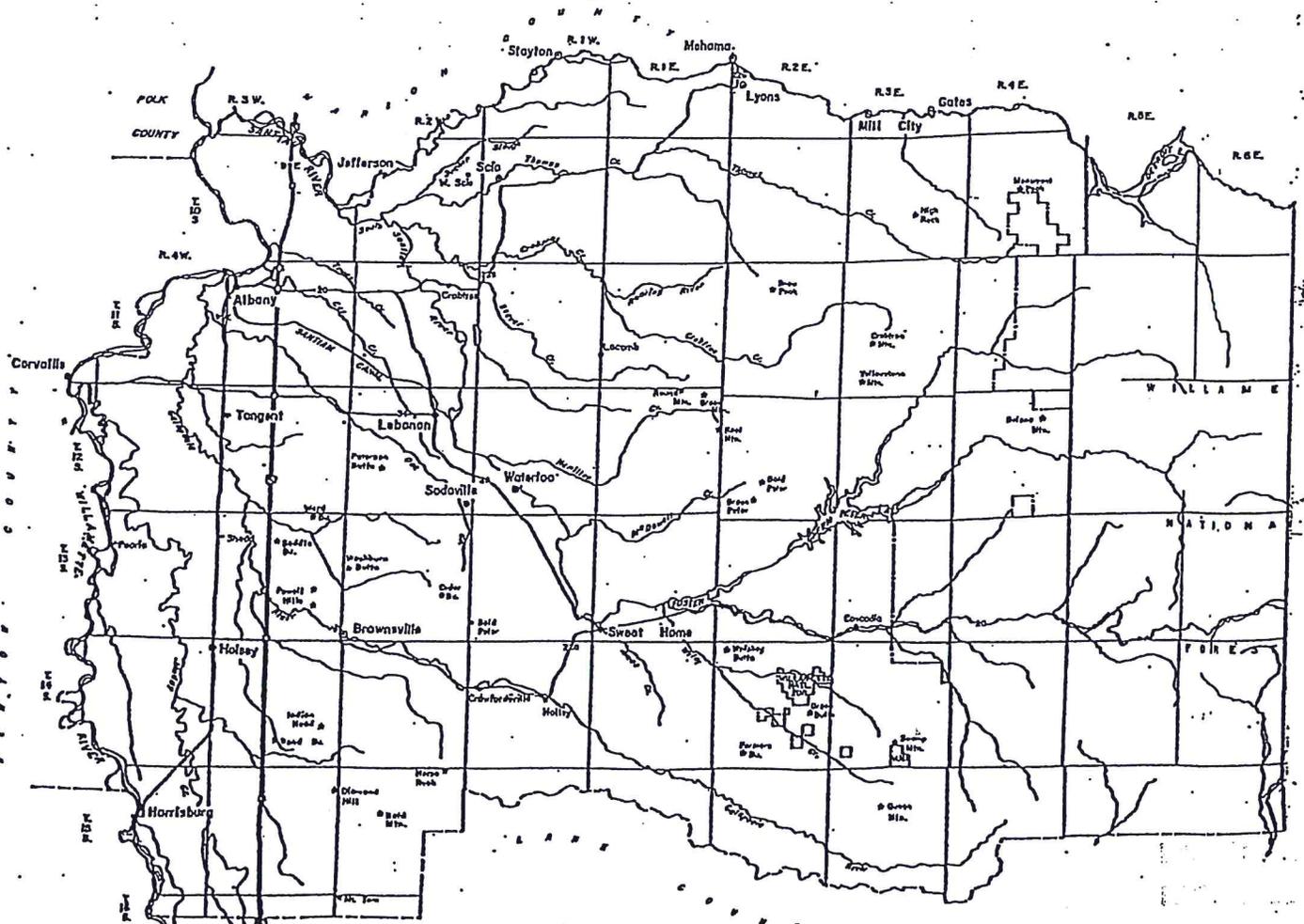
STAFF REPORT

February 25, 2020



TO: Linn County Board of Commissioners
FROM: Linn County Planning and Building Department
PREPARED BY: Alyssa Boles, Senior Planner

RE: **BC19-0007:** An application by Lawrence Benedict for a *Zoning Code Text* amendment to add "Small-scale rural-dependent storage or contractor office and shop principally serving rural residents or rural business, located within a building or buildings not to exceed 3,750 square feet." to LCC 929.530(B) [Rural Center (RCT) uses permitted through a Type IIA conditional use review]. The applicable decision criteria are contained in Linn County Code (LCC) 921.824.



I. INTRODUCTION

A. APPLICATION SUMMARY

Lawrence Benedict (Applicant) submitted a Code text amendment application to amend the Linn County Rural Development Zone Code at Linn County Code (LCC) 929.530(B) [Rural Center (RCT) uses permitted through a Type IIA conditional use review] to add the following use as a Type IIA conditional use:

"(19) Small-scale rural-dependent storage or contractor office and shop principally serving rural residents or rural business, located within a building or buildings not to exceed 3,750 square feet."

A copy of the complete application is attached to this report in **Exhibit A**.

There are currently eight RCT exception areas in the County (Cascadia, Crabtree, Crawfordsville, Holley, Lacombe, Peoria, Shedd, and West Scio). The application proposes the uses be added to the RCT zoning district as a Type IIA conditional use.

As a Type IIA conditional use, a permit to establish the use would require public notice and the adoption of findings that the proposed use at the proposed location is consistent with specific decision criteria and development standards. Among those criteria is a requirement that the location, size, design and operating characteristics of the proposed development will be made reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood.

If the Board of Commissioners (Board) adopts the proposed text amendment, Applicant has indicated his intent to subsequently apply for a conditional use permit for a "contractor office and shop" on a 1.09-acre property zoned RCT-2.5, located at 38061 Jefferson Scio Drive, within the unincorporated rural community of West Scio (T10S, R02W, Section 12CB, Tax lot 900).

B. STAFF RECOMMENDATION

Staff interprets that the intent of the proposed Code text amendment is to permit two separate uses: Storage facilities, and contractor businesses.

Staff also interprets that the "Small-scale rural-dependent" language is unnecessary, as the *Comprehensive Plan* policies for Rural Centers already includes policies to this affect, and any such proposed use must be found to be in compliance with those policies.

Staff therefore recommends the proposed text amendment language be modified for clarity, as follows:

"(19) Contractor office or shop, located within a building or buildings not to exceed 3,750 square feet."

"(20) Storage facility principally serving rural residents or rural business, located within a building or buildings not to exceed 3,750 square feet."

During the February 11, 2020, Planning Commission application review, Applicant and Applicant's representative stated concurrence with the staff recommended modification.

C. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (Commission) conducted a public meeting to review the application and accept public comment on this matter at 7:00 p.m., on February 11, 2020. After considering the staff analysis and the written and oral testimony presented at the Commission meeting, the Commission voted 5-0 to adopt a motion to recommend that the Board approve the proposed text amendments.

II. DECISION CRITERIA AND ANALYSIS

LCC 921.824(A) contains the applicable decision criteria for a Code text amendment. The decision criteria are attached to this report in **Exhibit B**.

CRITERION: LCC 921.824(A)(1); The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and

ANALYSIS: The applicant statement addressing this criterion is included in **Exhibit A, page 5**.

The Rural Center (RCT) Zoning District Section 929.510, statement of purpose is:

(A) The purpose of the Rural Center (RCT) zoning district shall be to recognize existing development in unincorporated rural communities identified as rural centers in the Comprehensive Plan and to provide for orderly development of rural centers.

(B) The RCT zoning district is intended to ensure development at densities that will not require urban services.

(C) The RCT zoning district is composed of three zoning districts (RCT-1, RCT-2½, and RCT-5) which are distinguished only by property size standards

The supporting application narrative reads:

"The proposed text amendment complies with LCC 921.824(A)(1), which provides that the text amendment proposed must be consistent with the intent and purpose statement of the affected Chapter of the Land Development Code.

The subject property is in the Rural Center Zoning District (RCT). The statement of purposes for the RCT zone provides that district is "to recognize existing development in unincorporated rural communities identified as rural centers . . . and to provide for orderly development of rural centers." LCC 921.510(A)(1). The RCT district is "intended to endure development at densities that will not require urban services." LCC 929.510(A)(2)

The proposed text amendment meets the purpose statement for the RCT zone because it will provide for orderly development of rural centers. The RCT zone currently allows for a variety of commercial, residential, and industrial uses to serve the rural community. It is

effectively a mixed-use zone serving as a rural center. However, at the present time, the RCT zone does not permit rural businesses and contractors to utilize storage buildings or shops in which to conduct their businesses. These rural businesses are then unable to adequately serve the people living near the rural center. The text amendment will provide for a rural industrial use currently omitted from the code. The size limitation of the building or buildings proposed in the text amendment is consistent with other size limitations contained in industrial zoning districts serving rural areas. The text amendment will therefore allow for the orderly development of the rural centers.

The uses permitted in the text amendment will not require urban services. By definition, the text amendment is designed only to serve rural uses and for businesses serving the rural community. These uses will not be intense uses. Water and septic service will remain on-site and there is nothing in the text amendment that would necessitate the need for public water or sewer services. There are no other identifiable urban services that will be required to service this use.

For the reasons stated above, LCC 921.824(A)(1) is met."

Applicant proposes to add storage facilities and contractor offices and shops as Type IIA conditional uses in the RCT zoning district. The Type IIA uses listed in LCC 929.530 are included in **Exhibit C**. The listed uses include small scale commercial and industrial uses, such as restaurants, grocery stores, utility facilities, public and semi-public buildings, and farm product receiving plants.

Staff believes the proposed uses are not likely to be more intensive or intrusive than a number of other uses permitted conditionally in the RCT zoning district. In any event, a conditional use permit for such use is a discretionary land use decision subject to public comment and findings of compliance with decision criteria designed to ensure compatibility with the surrounding RCT zoned rural community.

County Code requires the issuance of a conditional use permit prior to conducting most uses within the RCT zoning district. LCC 933.220 contains decision criteria that must be addressed during a conditional use review in the RCT zone. The conditional use review process allows an applicant the opportunity to address and mitigate potential impacts to surrounding properties and to address applicable Code criteria and development standards. The County decision making authority may approve, modify, or deny an application by determining whether the application meets applicable criteria in the Linn County Code.

CRITERION: [LCC 921.824(A)(2)]; The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*.

ANALYSIS: Applicable sections of the *Comprehensive Plan (Plan)* include the Land Use Element Code (Chapter 905).

The applicant statement, attached in **Exhibit A, pages 6-7**, addresses relevant portions of the *Plan*, including applicable goals and policies.

Applicable provisions in LCC Chapter 905 include:

LCC 905.450 Rural Centers; background

West Scio was also established when the Oregon Railway Limited was built in 1880. West Scio has about 100 residents, a grocery store, a tavern and several industries. The amount of industrial development is greater in West Scio than in any other rural center. [LCC 905.450(K)]

The future of most of the rural centers will largely be to provide additional housing opportunities. Vacant land may be developed with residences or limited number of small scale commercial uses. Additional rural industrial land uses may be appropriate in Shedd and West Scio. [LCC 905.450(L)]

LCC 905.470 Policies for rural centers

In rural centers, new commercial and industrial development should be located within or adjacent to the principal area of existing commercial and industrial development. [LCC 905.470(B)(12)]

Applicant proposes to add storage facilities and contractor offices and shops as Type IIA conditional uses in the RCT zoning district. The Type IIA uses listed in LCC 929.530 are included in **Exhibit C**. The listed uses include small scale commercial and industrial uses, such as restaurants, grocery stores, utility facilities, public and semi-public buildings, and farm product receiving plants.

Staff believes the proposed uses are not likely to be more intensive or intrusive than a number of other uses permitted conditionally in the RCT zoning district. In any event, a conditional use permit for such use is a discretionary land use decision subject to public comment and findings of compliance with decision criteria designed to ensure compatibility with the surrounding RCT zoned rural community.

Linn County Code requires the issuance of a conditional use permit prior to conducting most uses within the RCT zoning district. LCC 933.220 contains decision criteria that must be addressed during a conditional use review in the RCT zone. The conditional use review process allows an applicant the opportunity to address and mitigate potential impacts to surrounding properties and to address applicable Code criteria and development standards. The County decision making authority may approve, modify, or deny an application by determining whether the application meets applicable criteria in the Linn County Code.

The land use review process requires the County to determine whether the proposed use is consistent with the statement of purpose of the applicable zoning district, consistent with applicable Rural Center *Plan* policies.

III. NOTICE TABLE AND PROCEDURE

A. NOTICE

Notice was provided at least 21 days prior to the hearing date (Exhibit E). The proposed amendment applies to the Code text and not to individual properties. The review is legislative rather than quasi-judicial and is governed by LCC 921.135. The following agencies have been provided notice. Three agencies have responded as of the time this staff report was written (Exhibit D).

| AGENCY | PROVIDED | RESPONDED | AGENCY | PROVIDED | RESPONDED |
|-------------------------|----------|-----------|------------------------|----------|-----------|
| Linn County GIS | X | | Linn County EHP | X | |
| Linn County Sheriff | X | X | Linn County Assessor | X | |
| Dept. Land Cons. & Dev. | X | | Linn County Building | X | |
| Linn County Road Dept. | X | X | Rural Fire Departments | X | Mill City |
| State Fire Marshal | X | | | | |

B. PROCEDURE

The proposed Code text amendment is classified as a Type IIIA Legislative application. The public notice, evidentiary, and legislative hearing processes will be conducted as set forth in **LCC 921.130: Type IIIA Legislative Procedure**. The "hearing authority" in a Legislative Code text amendment is the Board of County Commissioners for Linn County (Board).

The Planning Commission (Commission) conducted one public hearing on this matter on February 11, 2020. At the close of the hearing, the Commission made a recommendation to the Board to approve the proposed amendments. The Board is scheduled to hold a public hearing on this matter at **10:00 a.m., March 3, 2020** and will make a decision after the close of the public hearing. Any testimony presented before the Commission must be resubmitted in writing or in person before the Board to be included in the record of the Board decision.

The Board shall provide opportunity for the presentation of argument and testimony. All testimony must be directed toward the applicable decision criteria including applicable criteria in the *Comprehensive 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 to LUBA based on that issue.

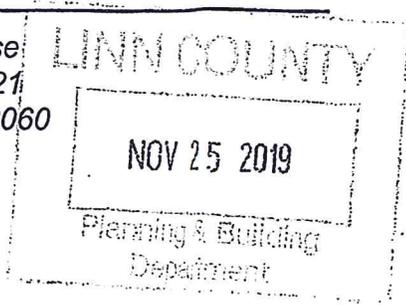
If the Board hearing is continued or tabled, the chairperson shall state on the record the date and time for which the hearing is rescheduled, the place where the hearing will be conducted, and what limitations exist on further comment or submissions of written materials. Once the hearing is closed to public input, the Board shall begin deliberations on a decision or announce the time, date and place when the decision will be made. The Board shall make a decision conforming to the requirements of LCC 921.140 not more than 42 calendar days from the close of the public hearing.

IV. EXHIBITS

- A. Text Amendment Application and Supporting Documents
- B. Decision Criteria
- C. LCC Section 929.530
- D. Written Comments
- E. Hearing Notice and Correspondence



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



**ZONING CODE
TEXT AMENDMENT APPLICATION**

Application Fee: \$2500.00 PLUS NOTICE COSTS

INTRODUCTION

- A. Application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
- B. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text. Approval of one application shall not mandate approval of the other application.
- C. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.
- D. At least two public hearings are held for all Zoning Map or text amendments -- one before the Linn County Planning Commission and one before the Linn County Board of Commissioners. The applicant or an authorized representative must attend all hearings.

Application Check List (for departmental use only)

Date Received: 11/25/19 Receipt number: _____ Fee paid: \$2500
 Application accepted by: CRB File number assigned: LC19-0007
 Planner assigned: CRB Completeness reviewed by: CRB
 Date deemed complete: 12/20/19 Final action time limit date: _____
 Scheduled PC hearing date: 2/11/20 Scheduled BC hearing date: 2/2/20
 Date notice mailed to DLCD: 12/20/19 Date adoption mailed to DLCD: _____
 Other applications included: no Zoning Map amendment
no Plan Map Amendment
no Plan Text amendment
 _____ Other _____

Does the proposal affect property within a UGA? () Yes (X) No

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

I. Applicant Information

- A. Applicant(s) Lawrence H. Benedict
Address: 4923 Delight St. N.
City Keizer State Ore Zip Code 97303
Phone number (home) 503 877 7907 (work) N.A.
- B. Applicant's representative (if any) Joel D Kalberer
Address 130 West 1st Ave PO Box 667
City Albany, Ore. State Ore Zip Code 97321
Phone number (home) _____ (work) 541-926-2255

II. Proposed Code Text Amendment

- A. Please describe the proposed Zoning Code text amendment below.
Include the proposed text amendment(s) in an attachment labeled "Exhibit 1, Proposed Zoning Code Text Amendment."
To allow contractor and storage use for
local businesses
- B. If the proposed text amendment will affect a specific property, for example, if this application is to establish a Limited Use Overlay (LUO) for a specific unit of land, please complete the following:
1. Property owner(s) Lawrence H. Benedict
 2. Mailing Address 4923 Delight St. N.
City Keizer State Ore Zip Code 97303
 3. Phone number (home) 503 877 7907 (work) NA.
 4. Site address (if any) 38061 Jefferson Scio Dr.
City Scio State Ore Zip Code 97374
 5. Legal description of property: Township _____ Range _____ Section(s) _____
Tax Lot(s) _____
 6. Property size in acres 1.09 Acre
 7. Zoning designation RCT-2.5 Plan designation RCT

III. Decision Criteria for Development Code Text Amendments [LCC 921.824(A)]

A. Please present, in as much detail as possible, evidence to show that the proposed text amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code [LCC 921.824(A)(1)].

Include your written testimony showing the proposal complies with this criterion in an attachment labeled "Text Amendment Exhibit 2, Compliance with the Statement of Purpose."

B. Please present, in as much detail as possible, evidence to show that the proposed text amendment is consistent with the intent of the policies within the applicable section(s) of the Comprehensive Plan [LCC 921.824(A)(2)].

Include your written testimony showing the proposal complies with this criterion in an attachment labeled "Text Amendment Exhibit 3, Compliance with the Comprehensive Plan."

C. If the proposed text amendment involves application of a Limited Use Overlay (LUO) to authorize specific uses on a specific unit of land, the following information must also be submitted with the application. Please include this information in an attachment labeled "Text Amendment Exhibit 4, Proposed Land Uses."

1. An accurate drawing, map or survey that clearly illustrates the dimensions and location of the affected property;
2. A complete description of the proposed development;
3. An accurate site development plan identifying property development standards such as building dimensions and location on the property; proposals for off-street parking; methods of access; methods of landscaping and screening; methods of artificial lighting; placement of signs.
4. Operational data including sanitation facilities, water supply, time of operation, control of noise, vibration, smoke and particulate matter and odor; and
5. Any other related operational or design characteristics.

IV. Owner/Applicant Certification

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true

Owner/applicant signature Lawrence H. Benedict

Date Oct 3, 2019

Owner/applicant signature _____

Date _____

Exhibit 1

Proposed Text Amendment

Add LCC 929.430(19):

Small-scale, rural-dependent storage or contractor office and shop principally serving rural residents or rural business activities, located within a building or buildings not to exceed 3,750 square feet.

Exhibit 2

Compliance with Land Development Code Statement of Purposes

The proposed text amendment complies with LCC 921.824(A)(1), which provides that the text amendment proposed must be consistent with the intent and purpose statement of the affected Chapter of the Land Development Code.

The subject property is in the Rural Center Zoning District (RCT). The statement of purposes for the RCT zone provides that district is “to recognize existing development in unincorporated rural communities identified as rural centers . . . and to provide for orderly development of rural centers.” LCC 921.510(A)(1). The RCT district is “intended to endure development at densities that will not require urban services.” LCC 929.510(A)(2)

The proposed text amendment meets the purpose statement for the RCT zone because it will provide for orderly development of rural centers. The RCT zone currently allows for a variety of commercial, residential, and industrial uses to serve the rural community. It is effectively a mixed-use zone serving as a rural center. However, at the present time, the RCT zone does not permit rural businesses and contractors to utilize storage buildings or shops in which to conduct their businesses. These rural businesses are then unable to adequately serve the people living near the rural center. The text amendment will provide for a rural industrial use currently omitted from the code. The size limitation of the building or buildings proposed in the text amendment is consistent with other size limitations contained in industrial zoning districts serving rural areas. The text amendment will therefore allow for the orderly development of the rural centers.

The uses permitted in the text amendment will not require urban services. By definition, the text amendment is designed only to serve rural uses and for businesses serving the rural community. These uses will not be intense uses. Water and septic service will remain on-site and there is nothing in the text amendment that would necessitate the need for public water or sewer services. There are no other identifiable urban services that will be required to service this use.

For the reasons stated above, LCC 921.824(A)(1) is met.

Exhibit 3

Compliance with Comprehensive Plan Policies

The proposed text amendment complies with LCC 921.824(A)(2) in that it is consistent with the intent of the polices applicable under the Comprehensive Plan. The Plan identifies a “Rural Center” as an unincorporated community with a mixture of residential, commercial, and/or industrial uses.” LCC 900.500(C)(2)(b). Here, the applicant’s property is located is in the West Scio RCT. The Comprehensive Plan identifies the West Scio RCT as heavily industrial and that “additional rural industrial land uses may be appropriate” for this area. LCC 905.450(K) and (L). The text amendment, which will allow a small-scale industrial use within the RCT serving the unincorporated community, meets the purpose of the RCT because it is part of the mixture of residential commercial, an/or industrial uses.

The Comprehensive Plan polices for rural centers provide are listed in LCC 905.470 beginning at LCC 905.470(2). The text amendment does not conflict with any of those policies.

First, the text amendment will not affect rural center densities identified in LCC 905.470(2) or minimum lot size standards in LCC 905.470(3) and (4). The text amendment makes no attempt to changes these densities or standards.

Public water and sewer are not permitted in the RCT zone except in limited circumstances. LCC 905.470(5) – (7). The proposed text amendment uses would not require or necessitate the use of public sewer or water systems.

The text amendment is not one that would affect residential uses or groundwater serving those uses under LCC 905.470(8). The text amendment does not affect division of residential parcels in the RCT under LCC 905.470(9). These policies do not apply.

While only applicable to commercial uses, the policy under LCC 905.470(B)(10) provides that such uses shall be “primarily for the purpose of providing goods and services to residents in businesses in the vicinity.” Here, the proposed text amendment is designed primarily for businesses and contractors serving the rural community. While this policy is not directly applicable to the industrial uses allowed under the text amendment, the amendment is nevertheless consistent with this policy statement.

LCC 905.470(B)(11) does not apply because the text amendment is not an individual rural center community plan within the meaning of this policy statement.

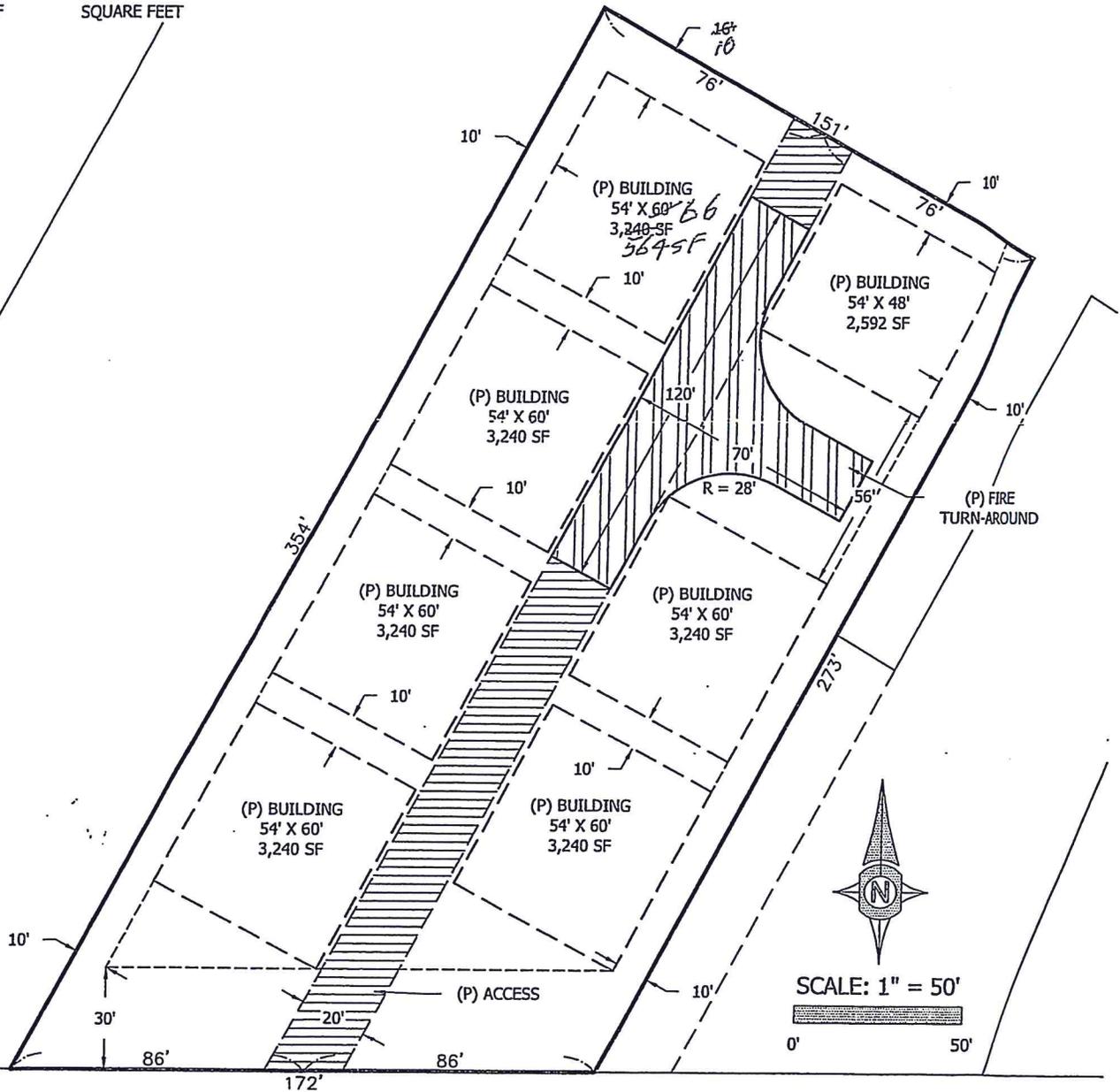
LCC 905.470(B)(12) does not apply because the amendment is not a map amendment. The policy also suggests that new industrial development should be located within or adjacent to the principal area of existing commercial and industrial development. This policy statement would appear to apply at site development review. Regardless, the applicant proposes to have his proposed industrial use immediately adjacent to existing industrial development.

LCC 905.470(B)(13) is policy requiring that development standards apply. The text amendment does not trigger such a review but it would appear it could apply upon site development review. Regardless, the applicant's proposed use will meet applicable property development standards.

For the reasons stated above and for those stated in Exhibit 1, this criterion is met.

LEGEND

(P) PROPOSED
 R/W RIGHT OF WAY
 RD ROAD
 SF SQUARE FEET



PROPERTY INFORMATION

JEFFERSON SCIO DR. (60') R/W

ZONING: RCT-2.5 (RURAL CENTER, 2.5 ACRE MINIMUM)
 LAND USE: VACANT
 OWNER: LAWRENCE HEGBERT BENEDICT
 ASSESSORS MAP: 10S02W12CB
 TAX LOT: 900
 AREA: 1.09 ACRES

Exhibit # A
 Page 8 of 9

SHEET 1
 of 1
 SCALE: AS NOTED



Date: 09/09/2019
 Project: 15-214 BENEDICT CONCEPTUAL LAYOUT
 Drawn by: KWD
 Checked by: KWL

CONCEPTUAL LAYOUT
LARRY BENEDICT
 38061 JEFFERSON SCIO DR.
 SCIO, OREGON 97374

UDELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON, 97355
 541-451-5125



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 COMPLETE APPLICATION

December 26, 2019

Lawrence Benedict
4923 Delight St N
Keizer, OR 97303

RE: BC19-0007; completeness review of an application for a Zoning Code Text Amendment.

Dear Mr. Benedict:

Your application was reviewed and deemed complete on December 26, 2019, pursuant to the criteria in LCC 921.040. The application is classified as a Type IIIA review and will be decided in accordance with the applicable procedures, time frames and decision criteria of the Linn County Land Development Code (Code). A final action will be made by the Board of Commissioners (Board) consistent with the time limitations set forth in Linn County Code (LCC) Section 921.130. The application will be reviewed and a decision will be made using the applicable decision criteria for Development Code text amendments identified in LCC Section 921.824(A).

Your application is scheduled to be presented to the Linn County Planning Commission on February 11, 2020 at 7:00 p.m. and before the Board on March 3, 2020 at 10:00 a.m. You will be contacted if we need additional information from you. Failure to submit requested information deemed necessary for the timely disposition of your permit application may result in denial of your application.

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

If you have any questions, please contact me at the Linn County Planning and Building Department at (541) 967- 3816, ext. 2360 or aboles@co.linn.or.us.

Sincerely,

A handwritten signature in blue ink that appears to read "Alyssa Boles".

Alyssa Boles
Senior Planner

c: Joel Kalberer – Weatherford Thompson

Exhibit # A
Page 9 of 9

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.

Case #: BC19-0007; Lawrence Benedict

LCC 921.824(A) contains the applicable decision criteria for a Code text amendment.

921.824 Decision criteria for Development Code text amendments

(A) A Land Development Code text amendment may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that:

- (1) The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and
- (2) The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*.

929.530 RCT uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses maybe permitted in the RCT zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 and 933.220.

(B) Uses permitted through conditional use review.

- (1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.
- (2) Accessory structures for uses permitted conditionally.
- (3) Home occupations, subject to LCC 932.830 to 932.845.
- (4) Expanded animal husbandry including the raising, tending, pasturing or breeding of pigs or fur bearing animals provided that such activities are not a part of, or conducted in conjunction with any livestock sales yard, slaughter house or animal by-products business.
- (5) Temporary facilities for the primary processing of forest products.
- (6) The breeding, boarding and training of horses for profit.
- (7) Radio or television stations, transmitters, receivers, and towers.
- (8) Utility facilities necessary for public service.
- (9) Public and semi-public buildings and uses.
- (10) Farm product receiving plants, including wineries but excluding canneries and frozen food processing.
- (11) Storage, distribution, or sale of feed, fertilizer, seed, chemicals or other products used for commercial agricultural or timber production.
- (12) Infilling an existing manufactured dwelling park subject to LCC 932.600 to 932.680.
- (13) Staging areas.
- (14) The following are small-scale commercial uses not to exceed 2,000 square feet in total floor area allowed in RCT zoning districts.
 - (a) Grocery store.
 - (b) Laundromat.
 - (c) Barber or beauty shop.
 - (d) Garden center, nursery (greenhouses not included in building size standard).
 - (e) Arts and crafts sales and production.
 - (f) Restaurant.
 - (g) Bar, tavern.
 - (h) General store.
- (15) Public or private schools.
- (16) Churches.
- (17) Parks, playgrounds, hunting and fishing preserves, and community centers.
- (18) Golf course.



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

JAN 27 2020

NOTICE OF LAND USE HEARING

NOTICE IS HEREBY GIVEN that on February 11, 2020 at 7:00 p.m. in the Old Armory Building on the corner of 4th Avenue and Lyon Street, Albany Oregon a public meeting will be held before the Linn County Planning Commission (Commission); and on March 3, 2020 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). The meeting and hearing are to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the applicable decision criteria. You may present your testimony at the public meeting or hearing or provide written comments to this Department before the public hearing dates. The Commission will make a recommendation on this application to the Board. The Board will make a decision after close of the Board hearing.

BC19-0007; an application by Lawrence Benedict for a Code Text amendment to Linn County Code (LCC) Section 929.530(B) [Rural Center (RCT) uses permitted through a Type IIA conditional use review] to add the following new use as Type IIA conditional use:

"(19) Small-scale rural-dependent storage or contractor office and shop principally serving rural residents or rural business, located within a building or buildings not to exceed 3,750 square feet."

The applicable decision criteria are contained in LCC 921.824(A). The proposed amendment is available for viewing in the Planning and Building Department Office, Room 114, Linn County Courthouse during normal office hours. Copies are available for a reasonable cost.

COMMENTS: We have no issues with this amendment.

BY Chief Leland Ohrt AGENCY (IF ANY) Mill City RFPD DATE 01/27/2020

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or aboles@co.linn.or.us

Table with 7 columns: Linn County (EHP, Parks, Assessor, GIS, RFPD), Sheriff, Bldg. Of/Flood, Roads, Surveyor, State of Oregon (DEQ, DOGAMI, DSL, Water, ODFW), ODOT/OSHD, ODSF, DLCD, Parks, Slate Fire Marshal, Other (School, Landowners, City Of, Other).

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 # D Page 1 of 3



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

JAN 22 2020

NOTICE OF LAND USE HEARING

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COMMENTS: No comment. KG

BY Captain Kevin Guilford AGENCY (IF ANY) LCSD DATE 01/22/2020

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or aboles@co.linn.or.us

Table with 3 columns: Linn County, State of Oregon, Other. Rows include EHP, Parks, Assessor, GIS, RFPD, Sheriff, Bldg. Off/ Flood, Roads, Surveyor, DEQ, DOGAMI, DSL, Wafer, ODFW, ODOT/OSHD, ODSF, DLCD, Parks, School, Landowners, City Of, Other.

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Exhibit # D
Page 2 of 3



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
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COMMENTS: No comments

BY Stephanie Taylor AGENCY (IF ANY) Linn DATE 2-3-20

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or aboles@co.linn.or.us

Table with 3 columns: Linn County, State of Oregon, Other. Rows include EHP, Parks, Assessor, GIS, RFPD, Sheriff, Bldg. Off/ Flood, Roads, Surveyor, DEQ, DOGAMI, DSL, Water, ODFW, ODOT/OSHD, ODSF, DLCD, Parks, State Fire Marshal, School, Landowners, City Of, Other.

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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, *Megan Simon*, of the Linn County Planning and Building Department, certify that the attached notice concerning matters to be reviewed on the 21st day of January 2020 was mailed to the persons on the attached list at the address shown below their name on the 11th day of February 2020. These persons are shown as the owners of property within 250 ft. of the property described in the attached notice on the current tax rolls of the Linn County Assessor.

DATED this 21st day of January 2020.

Megan Simon

BC19-0007; BENEDICT, Lawrence

Exhibit # E
Page 1 of 10



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

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COMMENTS: [Blank lines for comments]

BY _____ AGENCY (IF ANY) _____ DATE _____

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or aboles@co.linn.or.us

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

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

1. The hearing will be conducted under the procedures for a Type IIIA Legislative Hearing in Linn County Code (LCC) 921.130. Code amendment procedures and criteria are contained in LCC 921.802 to 921.840. This application will be reviewed and a decision will be made using the following decision criteria from Section 921.874 of the Linn County Land Development Code.

LCC 921.824(A) - Decision criteria for Development Code text amendments

A Land Development Code text amendment may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that:

- (1) The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and
 - (2) The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*.
2. All testimony and evidence submitted by a party must be directed toward the specified criteria or other criteria in the Comprehensive Plan, the Land Development Code, or other criteria in Oregon Administrative rules (OARs) which a party believes apply to the decision. The amendments must comply with applicable decision criteria listed above.
 3. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue.
 4. A copy of the proposed amendments, all documents included in the case file, and the staff report will be available for inspection at no cost beginning seven calendar days prior to the hearing and copies will be provided at reasonable cost.
 5. The proposed Code text amendments are classified as a Type IIIA Legislative application. The public notice, evidentiary, and legislative hearing processes will be conducted as set forth in LCC 921.130: Type IIIA Legislative Procedure. The "hearing authority" in a Legislative Code text amendment is the Board of County Commissioners for Linn County (Board).
 6. The Planning Commission (Commission) will conduct a public meeting on this matter and will make a recommendation to the Board.
 7. The Board shall provide opportunity for the presentation of argument and testimony. All testimony must be directed toward the applicable decision criteria including applicable criteria in the Comprehensive 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 to LUBA based on that issue.
 8. If the Board hearing is continued or tabled, the chairperson shall state on the record the date and time for which the hearing is rescheduled, the place where the hearing will be conducted, and what limitations exist on further comment or submissions of written materials. Once the hearing is closed to public input, the Board shall begin deliberations on a decision or announce the time, date and place when the decision will be made. The Board shall make a decision conforming to the requirements of LCC 921.140 not more than 42 calendar days from the close of the public hearing.

Exhibit # E
Page 3 of 10

LINN COUNTY PLANNING & BUILDING DEPARTMENT

LAND USE SHEET

CASE: BC19-0007

LEGAL: Property A: 10S-02W-12CB-00900

Property B:

Property C:

APPLICANT: Lawrence Benedict
4923 Delight St. N.
Keizer, OR 97303

OWNER: Property A: Same as applicant

Property B:

Property C:

APPLICANT REPRESENTATIVE: None

ZONE: RCT-2.5

NOTIFICATION DISTANCE: 250 ft.

• SPO's: 3 +1

• AGENCIES: _____

- MAIL: Director
- EMAIL: Albany Democrat Herald
- EMAIL AS NEEDED:
 - Assessor
 - EHP
 - GIS
 - Lebanon Fire District
 - Roads
 - Building Official
 - Floodplain Manager
 - Sheriff
 - Surveyor
 - ODFW
 - DSL
 - ODOT
 - Oregon State Fire Marshal
 - Parks

Labels_for_notice20191126_10S02W12CB00900

10S02W11 00700
MILLER WALTER R & SALLY N
PO BOX 12708
SALEM
OR

10S02W12CB00800
OLD HICKORY SHEDS LLC
900 CPT JOE FULGHUM DR
MURFREESBORO
TN

10S02W12CB00200
LEIFERMAN SHANNON D
32840 S ADAMS CEMETERY RD
MOLALLA
OR

10S02W12CB00900
BENEDICT LAWRENCE HEGBERT
4923 DELIGHT ST N
SALEM
OR

10S02W14 00101
OLD HICKORY SHEDS LLC
900 CPT JOE FULGHUM DR
MURFREESBORO
TN

10S02W14 00102
OLD HICKORY SHEDS LLC
900 CPT JOE FULGHUM DR
MURFREESBORO
TN

MI

MI

Notice area

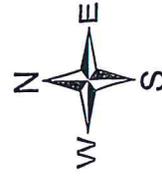


PIN10S02W12CB00900



taxlots

10S02W12CB00900
BENEDICT LAWRENCE HEGBERT
1.09 acres



11/26/2019

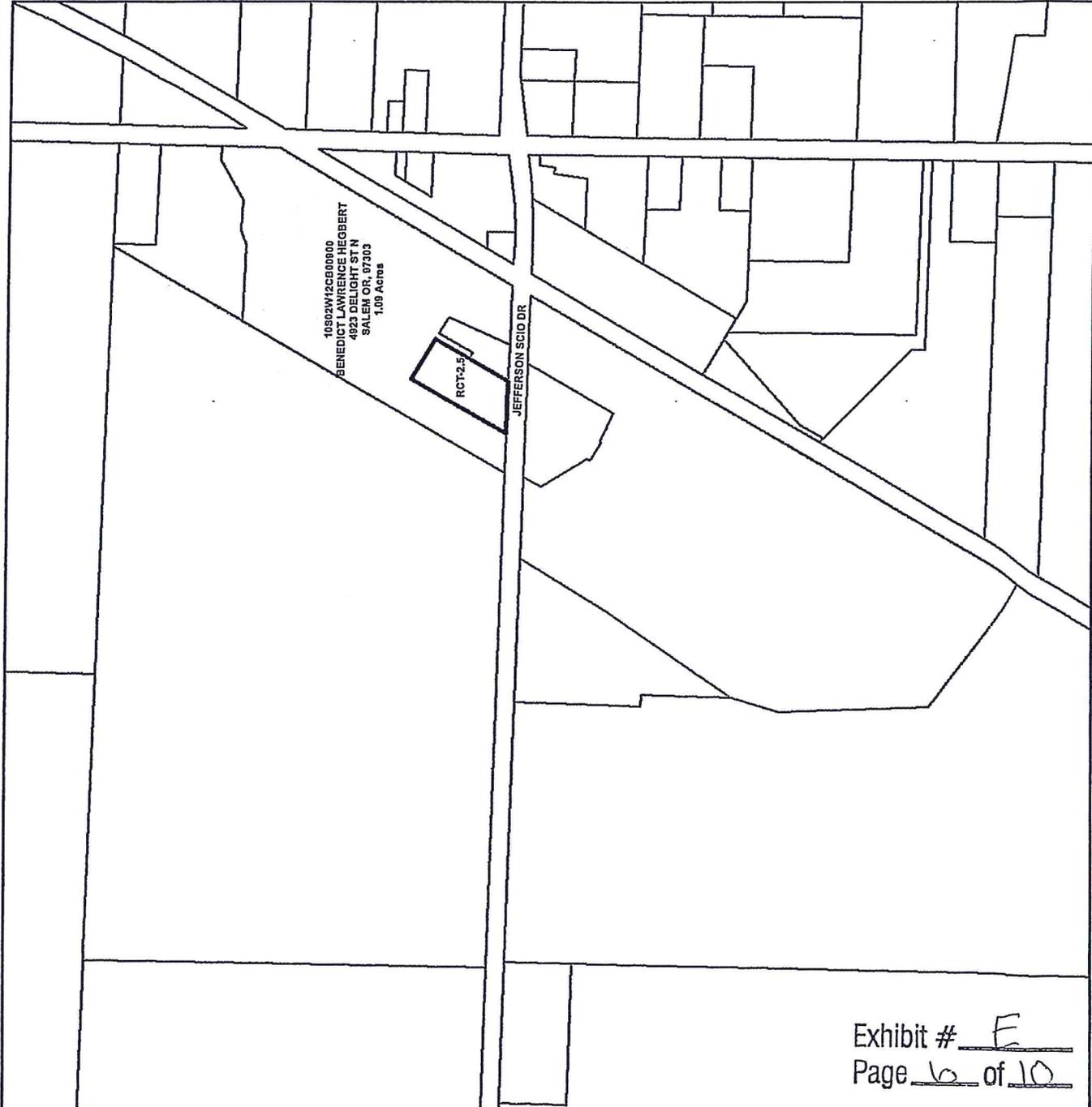


Exhibit # E
Page 6 of 10

1 inch = 500 feet

State of Oregon)
ss
County of Linn

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LINN COUNTY PLANNING

PO BOX 100
ALBANY, OR 97321

ORDER NUMBER 119633

BC19-0007: an application by Lawrence Benedid for a Code Text amendment to Linn County Code (LCC) Section 929.430(B) [Rural Center (RCT) uses permitted through a Type IIA conditional use review] to add "small-scale rural-dependent storage or contractor office and shop principally serving rural residents or rural business, located within a building or buildings not to exceed 3,750 square feet" as Type IIA conditional use.

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DATED this 16th day of January 2020

LINN COUNTY PLANNING COMMISSION
LINN COUNTY BOARD OF COMMISSIONERS

#119633

PUBLISH: January 21, 2020

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.

JAN 27 2020

Section: Public Notices
Category: 990 Public Notice
PUBLISHED ON: 01/21/2020

TOTAL AD COST: 245.20

FILED ON: 1/23/2020

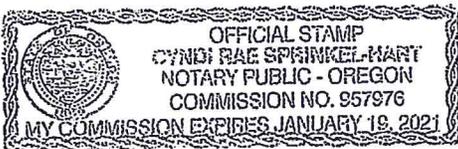
Pam Burright

Pam Burright
Legal Clerk

Cyndi Rae Sprinkel-Hart

Subscribed and sworn to before me on January 23,
2020

Cyndi Rae Sprinkel-Hart, Notary



Customer Ad Proof

60001417 LINN COUNTY PLANNING

Order Nbr 119633

| | | | |
|-------------|--|-----------------|-------------------------|
| Publication | Democrat Herald | | |
| Contact | LINN COUNTY PLANNING | PO Number | |
| Address 1 | PO BOX 100 | Rate | Legal Non Profit |
| Address 2 | | Order Price | 245.20 |
| City St Zip | ALBANY OR 97321 | Amount Paid | 0.00 |
| Phone | 5030000000 | Amount Due | 245.20 |
| Fax | | | |
| Section | Public Notices | Start/End Dates | 01/21/2020 - 01/21/2020 |
| SubSection | | Insertions | 1 |
| Category | 990 Public Notice | Size | 64 |
| Ad Key | 119633-1 | Salesperson(s) | 09 LEGAL SALESPERSON |
| Keywords | Public Hearing BC19-0007 | Taken By | Pam Burrigh |
| Notes | Boles, Alyssa <aboles@co.linn.or.us> [Pam Burrigh 1/16/2020 2:23:53 PM] | | |

Ad Proof

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DATED this 16th day of January 2020

LINN COUNTY PLANNING COMMISSION
LINN COUNTY BOARD OF COMMISSIONERS

#119633

PUBLISH: January 21, 2020

Exhibit # E
Page 8 of 10



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

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

Legal Notice

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DATED this 16th day of January 2020

LINN COUNTY PLANNING COMMISSION
LINN COUNTY BOARD OF COMMISSIONERS

PUBLISH: January 21, 2020

Exhibit # E
Page 9 of 10

Boles, Alyssa

From: DLCD Plan Amendments <plan.amendments@state.or.us>
Sent: Thursday, December 26, 2019 11:22 AM
To: Boles, Alyssa
Subject: Confirmation of PAPA Online submittal to DLCD

Linn County

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: BC19-0007

DLCD File #: 005-19

Proposal Received: 12/26/2019

First Evidentiary Hearing: 2/11/2020

Final Hearing Date: 3/3/2020

Submitted by: aboles

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.



LINN COUNTY BOARD OF COMMISSIONERS

JOHN K. LINDSEY
Commissioner

WILL TUCKER
Commissioner

ROGER NYQUIST
Commissioner

*Linn County Courthouse
P.O. Box 100, Albany, Oregon 97321
(541) 967-3825 FAX: (541) 926-8228*

RALPH E. WYATT
Administrative Officer

March 3, 2020

Optimist International
JOYA Program

Dear JOYA Student:

We would like to congratulate you for being recognized as an Optimist Youth Attitude winner in the Junior Optimist Youth Attitude Awards Program.

Your optimistic attitude has helped establish your character, as well as, impacting those around you. This character quality will benefit you during difficult times and will help you overcome obstacles making you a stronger and successful person in life. Your future challenges will be more rewarding if you continue your positive growth.

We look forward to reading and hearing about your continued success and contribution to our workforce.

Again, congratulations!

Sincerely,

LINN COUNTY BOARD OF COMMISSIONERS

Roger Nyquist, Chairman

John K. Lindsey, Commissioner

William C. Tucker, Commissioner



**OPTIMIST
INTERNATIONAL**

Friend of Youth

**Optimist Club of Lebanon
P.O. Box 681
Lebanon, OR 97355**

February 19, 2020

Commissioner William Tucker
Linn County
300 SW 4th Avenue
Albany, OR 97321

Re: Optimist Youth Attitude Award Program

Dear Commissioner Tucker,

The Optimist Club of Lebanon is preparing for our 23rd Annual Junior Optimist Youth Attitude Awards Night to be held Tuesday May 19th.

Each year the Optimist Club of Lebanon holds a ceremony during which we celebrate the optimistic youth of our community. This is *the* event where each of the chosen students is individually recognized in front of their family, friends and community members for their outstanding positive and caring attitude.

Every month during the school year, the faculty members at each of our local schools (public and private) chose a student to be the recipient of the Junior Optimist Youth Attitude Award.

At the annual awards ceremony, which is held at the River Center, the principal from each school is presented with a special plaque with the student's names engraved upon it to be displayed in perpetuity at the school.

Each student is then individually called to the stage to receive their awards packets, which include special certificates of recognition of our local Optimist Club Chapter, Optimist International and letters from special dignitaries who are not able to present their congratulatory letters in person at the event.

Our club is soliciting your participation in our Junior Optimist Youth Attitude Awards program.

We would greatly appreciate your attendance, but we know you have an extremely busy schedule and may not be able to attend. Should you be able to attend, please contact me for the details regarding our awards ceremony program.

If you would like to participate and are unable to attend, we ask that you consider writing a congratulatory letter for each student. I have enclosed a sample of one of the letters we have received in the past.

There will be 93 students, from grades kindergarten through 12th, who will be chosen as recipients this year.

In order to have all letters in the student awards packet for the event, we would need to receive your letters no later than April 25th.

You may send the letters to me for inclusion in the awards packet at:

Dala Johnson
Optimist JOYA Program
P.O. Box 681
Lebanon, OR 97355

Should you have any questions regarding the Optimist Club of Lebanon's Junior Optimist Youth Attitude Award program, please feel free to contact me.

Thank you in advance for your participation in this program which recognizes and rewards students who exhibit positive and caring attitudes!

Sincerely,



Dala Johnson

JOYA Dignitary Coordinator, Optimist Club of Lebanon

(541) 619-0606

djohnson@ci.lebanon.or.us