



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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## RRZ Conditional Use Dwelling Step One Review

December 18, 2025

Benton J. Davidson  
8311 63<sup>rd</sup> Street Court West  
University Place, WA 98467

RE: PD25-0430; a rural resource zone conditional use dwelling step one review for property identified as T13S, R01W, Section 4, Tax Lot 600; a 75.2-acre property zoned Farm/Forest (F/F).

Dear Benton J. Davidson:

The Linn County Planning Director completed the review of your rural resource zone conditional use dwelling step one application on December 18, 2025. Your application was reviewed using the decision criteria in Linn County Code (LCC) 933.400 to 933.750. The findings are attached.

The subject property is eligible for review under the following conditional use permit application:

1. An alternative forestland dwelling under LCC 933.750.

**This letter does not grant land use approval for a dwelling.** If you choose to pursue a conditional use permit review for any of the eligible dwelling types, you must provide evidence to this Department within 30 days of the date of this notice, or by January 18, 2026, that you have applied with the Linn County Environmental Health Program (EHP) for a site evaluation for an on-site sewage disposal system. The EHP office is available by phone at (541) 967-3821; or on the 2<sup>nd</sup> Floor of the Linn County Community Development Building; 315 4th Avenue SW; Albany. Within 30 days of receiving EHP approval for the proposed on-site sewage disposal system, you must submit the conditional use permit application to this Department, along with proof of on-site sewage disposal system approval and the required conditional use permit application fee. If you have any questions regarding this letter or need any other assistance, please contact Kate Bentz at the Planning and Building Department at (541) 967-3816 ext. 2368 or by email at [kbentz@co.linn.or.us](mailto:kbentz@co.linn.or.us).

Sincerely,

Alyssa Boles  
Planning Director

AB:KB

**PD25-0430**  
**DECISION CRITERIA, FINDINGS AND CONCLUSIONS**

**I. DECISION CRITERIA**

The decision criteria reviewed under the conditional use permit step one application are contained in Linn County Land Development Code (LCC) Sections 933.400 to 933.750.

**II. SOILS SCREEN FINDINGS**

1. The subject property, identified as T13S, R01W, Section 4, Tax Lot 600, is a 75.2-acre authorized unit of land as defined in LCC 920.100(B)(31)(c)(i).
2. The subject tract is zoned Farm/Forest (F/F).
3. The subject property was predominately in forest use on January 1, 1993.
4. There is no dwelling on the tract. The tract consists of tax lot 600 on map T13S, R01W, Section 4.
5. The tract, as it existed on November 4, 1993, did not include a dwelling. The tract consisted of tax lot 600 and 101 on map T13S, R01W, Section 4.
6. The tract, as it existed on January 1, 2019, did not include a dwelling. The tract consisted of tax lot 600 and 101 on map T13S, R01W, Section 4.
7. The soils on the property are determined by the National Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), publication Soil Survey of Linn County Area, Oregon, and analyzed using the county Geographic Information System (GIS).

The results of the soils analysis indicate that the property is predominately comprised of soils capable of producing more than 85 cubic feet per acre per year of commercial tree species. The property capable of producing more than 5,000 cubic feet per year of commercial tree species.

Soil Type	HVFL type	SCS type	% of parcel	# of acres	Cu ft/ac/yr	Total Cu ft/ac/yr
Nekia Silty Clay Loam, 12 To 20 Percent Slopes	1	IIIe	48.35%	36.36	164	5962.91
Nekia Silty Clay Loam, 2 To 12 Percent Slopes	2	IIIe	32.60%	24.52	158	3873.40
Flane Gravelly Loam, 3 To 25 Percent Slopes	1	IIIe	13.18%	9.91	158	1565.99
Ritner Cobbly Silty Clay Loam, 2 To 30 Percent Slopes	non	Vle	2.84%	2.14	129	275.50
Hazelair Silty Clay Loam, 7 To 20 Percent Slopes	non	Vls	2.32%	1.74	129	225.06
Bellpine Silty Clay Loam, 30 To 50 Percent Slopes	non	IVe	0.40%	0.30	45	13.54
<b>TOTAL</b>			<b>100%</b>	<b>75.2</b>		<b>11954.63</b>

8. A 160-acre square grid centered over the center of the subject property contains all or part of at least 13 other properties that existed as of January 1, 1993; and at least 5 dwellings that existed as of January 1, 1993.

9. The table below lists the various rural resource zone conditional use dwelling application options and states whether or not the subject property meets the applicable criteria to apply for that conditional use permit review.

DWELLING TEST TYPE	COMMENTS
Farm dwelling [(LCC 933.400(A))]	Not eligible, The property is predominately in forest use
Farm dwelling [(LCC 933.400(B))]	Not eligible, The property is predominately in forest use
Farm dwelling [(LCC 933.400(C))]	Not eligible, The property is predominately in forest use
Accessory farm dwelling [(LCC 933.410(B))]	Not eligible, The property is predominately in forest use
Farm-relative dwelling [(LCC 933.420(B))]	Not eligible, The property is predominately in forest use
Class IV or worse non-farm dwelling [(LCC 933.500(B))]	Not eligible, The property is predominately in forest use
Class VI or worse non-farm dwelling [(LCC 933.510(B))]	Not eligible, The property is predominately in forest use
Pre-1985 non-HVFL dwelling [(LCC 933.705(B) and 706(B))]	Not eligible, The property is predominately in forest use
Pre-1985 HVFL-1 dwelling [(LCC 933.705(B) and 708(B))]	Not eligible, The property is predominately in forest use
Pre-1985 HVFL-2 dwelling [(LCC 933.705(B) and 707(B))]	Not eligible, The property is predominately in forest use
Alternative forest land dwelling (LCC 933.750)	<b>May qualify:</b> The predominant use of the land on January 1, 1993 was forestry. The 160-acre template contains at least 13 other properties and 5 dwellings that existed as of January 1, 1993.
Large tract forestland dwelling [(LCC 933.740(A))]	Not eligible; The property is less than 160 acres
Pre-1985 forest land dwelling [(LCC 933.705 and 720(B))]	Not eligible; The property owner has not continuously owned the property since prior to January 1, 1985 and the property can produce more than 5,000 cubic feet of commercial tree species per year.

### III. CONCLUSION

Based on the findings above, sufficient information has been provided to conclude that the subject property, identified on Linn County Assessor maps as T13S, R01W, Section 4, Tax Lot 600, comprising a 75.2-acre authorized unit of land, may be eligible to make an application for a conditional use review for an alternative forestland dwelling.