



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: (541) 766-6819
4500 SW Research Way
Corvallis, OR 97333

<https://cd.bentoncountyor.gov>

STAFF REPORT

Action:	Appeal of staff decision to deny a request for a Template Test dwelling in the Forest Conservation Zone. (Planning File: LU-26-015)
Review Criteria:	Benton County Code Forest Conservation Chapter 60, and General Development Standards Chapter 99.
Property Location & Size:	A property located at T10S R7W Section 32, Tax Lot 501. The subject property does not have an assigned address. The vacant lot is located west of a property located at 37516 Marys River Rd, Blodgett, OR, 97326. A map is attached to this notice.
Property Owner(s):	Bopenhagen Family Property LLC
Applicant(s) / Appellant:	Angela Hahn & Elizabeth Oliver
Zone Designation:	Forest Conservation, 80-acre minimum (FC)
Com. Plan Designation:	Forestry
CAC Planning Area:	North-Benton (not active)
Staff Contact Information:	Bob Richardson Bob.Richardson@bentoncountyor.gov 541-766-6819 Email written testimony to: PublicComment@bentoncountyor.gov
Date:	July 14, 2026

OVERVIEW

The Planning Commission is considering an appeal of the Planning Official's decision denying an application to establish a dwelling in the Forest Conservation (FC) Zone through the Template Test provisions of Benton County Code (BCC) 60.108 and ORS 215.750.

As provided in more detail in Attachment A, the appeal is based on Staff's interpretation of the phrase "to the maximum extent possible" as used in Benton County Code 60.108(2)(e) and (f). Neither ORS 215.750 nor Benton County Code defines this phrase or prescribes a methodology for determining template alignment with roadways (Attachment A).

Appeals of decisions made by the Planning Official are heard by the Planning Commission. The Planning Commission evaluates the decision and can either overturn the denial and approve the application, deny the application.

This report outlines the application review process to date, highlights key review criteria and addresses issues raised on appeal. The original staff report and notice of decision are attached to this report as Attachment C.

BACKGROUND

The subject property consists of approximately 97.18 acres zoned Forest Conservation (FC). The applicant seeks authorization to establish a dwelling under the Template Test provisions available to qualifying forest properties. The Template Test criteria are intended to maintain long-term protection of commercial forest lands by ensuring that new dwelling right authorizations occur only in areas already disturbed by existing patterns of development. This protection is accomplished through a comparison of timber production capability (determined by soil type) and the number of existing parcels within the template area. A property containing low-production soil requires fewer parcels within the template area, while a property containing high-production soil requires more parcels within the template area.

Oregon House Bill 2225 amended ORS 215.750 by requiring that template analyses be centered on the mathematical centroid of a subject tract and by addressing additional limitations on template dwelling eligibility. The legislation did not define the phrase “to the maximum extent possible aligned with the road,” resulting in some ambiguity in how to apply this aspect of the review criteria.

On March 18, 2026, the department received an application for a Template Test to authorize the placement of a dwelling. The department deemed the application incomplete on March 31, 2026. The application was deemed complete on April 13, 2026.

On April 22, 2026, the department mailed notice, of the Template Test Application to the owners of the properties within 750 feet of the subject property, and to affected public agencies and interested members of the community, as required under Benton County Code (BCC) 51.605-615. On April 21, 2026, the department published notice of the application in a newspaper of general circulation in Benton County, The Gazette Times.

On June 9, 2026, the Planning Official denied the application, and on June 10, 2026, the applicant appealed the decision.

On July 6, 2026, a notice of the Planning Commission hearing on the appeal was mailed to the owners of the properties within 750 feet of the subject property, and to affected public agencies and interested members of the community, as required under Benton County Code

(BCC) 51.605-615. On July 9, 2026, the department published notice of the application in a newspaper of general circulation in Benton County, The Gazette Times.

This report only addresses issues on appeal. It supplements the June 6, 2026, Staff Report and Notice of Decision.

GENERAL FINDINGS OF FACT

1. Subject Property. The subject property is identified as Township 10 South, Range 7 West, Section 32, Tax Lot 501, and contains approximately 97.18 acres.¹

2. Zoning. The property is zoned Forest Conservation (FC) and has a Comprehensive Plan designation of Forestry. Adjacent lands are predominantly zoned Forest Conservation, with Exclusive Farm Use zoned lands to the east.

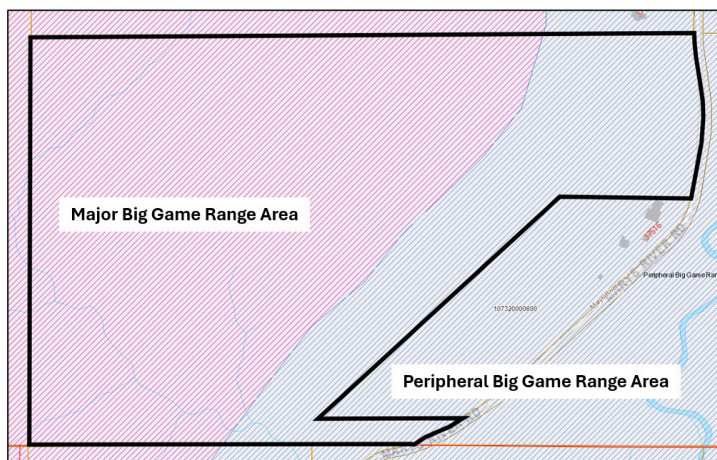
3. Parcel History. The current 97.18-acre configuration of the property was lawfully created by deed in 1967².

4. Access. Primary access is from Marys River Road, a Benton County major collector road.

5. Soils. Mapped soils are capable of commercial forest production exceeding the 85 cubic feet per acre per year of wood fiber threshold applicable to BCC 60.108(2)(c).

6. Natural Resources. The property is located outside the mapped FEMA Special Flood Hazard Area.³ No mapped wetlands are identified on the property, although state and federal wetland regulations remain applicable where present.

7. Big Game Habitat. The west portion of the property is identified as a major big range area and the residential density for Section 32 is less than 1 dwelling per 80 acres. The east portion



¹ Benton County Assessment Maps

² Document Number M-18370-70, Benton County Deed Records

³ Benton County Flood Insurance Rate Map, Panel 41003C 0025F (effective June 2, 2011)

of the property is identified on the Benton County Zoning Map as a peripheral big game range area and the residential density for the section is less than 1 dwelling per 40 acres. Therefore, the siting standard identified in BCC 60.410(8) does not apply.

8. Agency Review. Staff received comments and analysis regarding the application from Benton County Public Works, Environmental Health, Information Technology (GIS), the local Fire District. Information Technology staff assisted with creating and applying a method for orienting the template to Marys River Road (Attachment B). Comments from other staff primarily concern development standards applicable if a dwelling right is authorized.

9. Public Comment. One piece of written testimony was received. It expressed opposition to a new dwelling based on potential conflicts with vehicles and log trucks, and effects on hydrology that might impact water availability (Attachment E).

10. Template Analyses. Staff evaluated the application using multiple template orientations based on different methodologies, including its historical methodology, a GIS directional mean analysis, and a methodology used by Jackson County. Staff found that none of these methods resulted in a template that satisfied applicable review criteria.

11. Other Development Standards. If a template test dwelling right is authorized for this property, evaluation of a dwelling location for compliance with the Forest Conservation zone siting standards identified in BCC 60.405 and 60.410 will occur through zoning compliance review for a placement or construction permit for the dwelling. Satisfying the review criteria to obtain a dwelling right does not guarantee that a dwelling can be built at the proposed location identified in the application materials.

12. Additional development standards typically reviewed after a dwelling right is granted include, but are not limited to: demonstration of adequate water supply, obtaining approvals for septic installation and road approach, driveway suitability for emergency access, etc. If the template test dwelling right is granted, the applicant will be required to obtain approvals for all applicable permits and demonstrate compliance with all applicable development standards prior to establishment of a dwelling on the property.

STAFF ANALYSIS REGARDING APPLICABLE CRITERIA

BCC 60.108 One (1) dwelling may be allowed on a tract in the Forest Conservation Zone under either (1) or (2) of this section, but only if the siting standards of BCC 60.405 and 60.410 are met, it complies with the requirements of the Comprehensive Plan and Development Code, and no dwellings exist or are allowed on other parts of the tract. Deed restrictions shall be required to ensure dwellings are not allowed on other lots or parcels that make up the tract.

The dwelling right request is for a template test dwelling pursuant to BCC 60.108(2). The subject property does not currently contain a dwelling, and the applicant does not own any land adjacent to the subject property. Because no dwellings exist, or have been authorized on, the tract per BCC 60.108, the property is eligible for consideration of a template test dwelling pursuant to BCC 60.108(2).

BCC 60.108(2) Template Test. A dwelling may be allowed if the lot or parcel is predominantly composed of soils that are:

- (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:**
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**
 - (B) All or part of at least 3 dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.**
- (e) Except as described in BCC 60.108(2)(f), if the tract under BCC 60.108(2)(a) through (c) abuts a road that existed on January 1, 1993, the evaluation of parcels and dwellings in the vicinity may be made by creating a 160-acre rectangle that is 1 mile long and ¼ mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.**
- (f) If a tract 60 acres or larger described under BCC 60.108(2) abuts a road or perennial stream, the evaluation of parcels and dwellings in the vicinity shall be made in accordance with BCC 60.108(2)(e). However, 1 of the 3 required dwellings shall be on the same side of the road or stream as the tract, and:**
 - (A) Be located within a 160-acre rectangle that is 1 mile long and ¼ mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or**
 - (B) Be within ¼ mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.**

As noted previously, the site has soils capable of producing more than 85 cubic feet per acre per year of wood fiber, leading to review under BCC 60.108(2)(e) and (f). Neither ORS 215.750 nor Benton County Code defines the phrase or prescribes a methodology for determining

alignment of the rectangular template with the road “to the maximum extent possible”. As explained in the staff report reviewed by the Community Development Director on June 9, 2026, in the absence of a prescribed methodology for how to align the template to a road, Staff employed three different methods: one historically used, a second developed by staff with input from the Department of Land Conservation and Development, and a third based on a method used by Jackson County for determining the “maximum extent possible” (Attachment C).

While Staff were able to reproduce the applicant's final parcel count using their stated orientation, the analysis concluded that the orientation could not be independently reproduced from the methodology as described by the applicant.

The applicant's appeal submittal included additional information regarding their analysis.

A description of Staff's subsequent refined analysis is included as Attachment B. That analysis includes the following five points:

1. The template's center and dimensions are fixed; orientation is the only variable.
2. Marys River Road has a well-defined dominant direction near north (bearing 7.7 degrees).
3. Aligned with that direction, the template encloses nine qualifying parcels. An independent best-fit orientation also encloses nine.
4. The template encloses eleven parcels only within a three-degree orientation window near N20.6W, approximately 26 degrees off the road's direction.
5. The applicant's eleven-parcel count is reproducible from the applicant's supplied bearing but not derivable from the applicant's described method, because the method depends on unspecified tangent locations.

The analysis in Attachment B.6 further states:

The template encloses eleven parcels at only three of the seventy-one orientations tested, a three-degree window centered near N20.6W. That window lies approximately 26 degrees off the road's dominant direction and points the template away from the road's eastern curvature. Every orientation aligned with the direction the road runs encloses nine or ten parcels; none except the narrow western window reaches eleven. The single-degree variations elsewhere in the curve reflect individual parcels entering and leaving the template as it rotates.

Staff also evaluated the applicant's methodology for arriving at an alignment of the template. The following is an excerpt from Attachment B.7 regarding this review:

The County was not able to independently derive that orientation from the applicant's described methodology. The applicant's orientation is the arithmetic average of three roadway tangent directions whose locations along the road are not specified. Different tangent locations yield different averages, and no rule in the methodology fixes where the three are taken. The eleven-parcel result is therefore reproducible only when the final bearing is supplied. This means that the bearing cannot be reproduced from the method itself. As Section 3.3 shows, the count reaches eleven only within a three-degree band, so an unspecified orientation is the operative variable in the applicant's result.

By contrast, the directional-mean orientation is derived from the full road centerline by a defined procedure and returns the same bearing on any repetition.

The above Staff findings are illustrated in the graphics on Attachment B.6 and B.10.

CONCLUSIONS

Both Staff and the applicant used reasonable methods to interpret an undefined phrase in the applicable review criteria. The differing results arise from differing interpretations of how template alignment and roadway direction should be established.

Because neither the Benton County Code nor ORS 215.750 prescribes a specific calculation method, Staff used best available tools, information, and expertise – from the Oregon Department of Land Conservation and Development, to develop a method for determining if the template orientation and roadway direction satisfied the applicable review criteria.

The analysis provided by Staff is objective, reproducible, and represents what Staff believes to be an orientation that is “to the maximum extent possible, aligned with the road”. The Staff identified template orientation does not encompass 11 parcels as required under Benton County Code 60.108(2)(e) and (f).

While the applicant's method for setting the template alignment does result in the template encompassing 11 parcels, as stated previously, this is because the applicant's method for determining the direction of the road does not specify where the roadway segments are taken. Because different segment locations produce different averages, the final orientation can only be reproduced if the applicant's chosen roadway bearing or direction is already known. In other words, the bearing does not follow from the method itself, and it is the unspecified road orientation that is the key factor driving the applicant's eleven-parcel result (Attachment B7).

PLANNING COMMISSION REVIEW

The Commission is asked to determine if the applicant's proposed template alignment satisfies the requirement that the rectangular template be aligned “to the maximum extent possible” with the road, and in this alignment, does it also satisfy other applicable criteria including those

in BCC 60.108(2)(c), that require the template to at least partially encompass 11 other lots or parcels, three of which must contain dwellings built before January 1, 1993.

The Planning Commission is asked to consider the following two options:

Option 1 – Uphold the Planning Official's Decision

- Find that the applicant has not demonstrated compliance with BCC 60.108(2).
- Conclude that the Department's interpretation of 'to the maximum extent possible' represents a reasonable and defensible application of the code.
- Determine that the record does not establish the existence of eleven qualifying parcels within the applicable template.
- Adopt findings affirming the Notice of Decision and deny the appeal.

Option 2 – Grant the Appeal and Approve the Application Subject to Conditions of Approval

- Find that the applicant's method for establishing the template orientation relative to the road is sound and satisfies BCC 60.108(2), including the criterion that it aligns “to the maximum extent possible” with the road.
- Conclude that the record demonstrates eleven qualifying parcels and the required qualifying dwellings are within the template.
- Approve the appeal subject to applicable siting standards, conditions of approval, and subsequent building permit review.

STAFF RECOMMENDATION

Staff have developed a method that can be applied to this application and future applications that can be used to objectively determine if a template, “to the maximum extent possible, aligns with the road”. This approach provides consistency and fairness to all applications. When using this approach to evaluate the applicant’s proposal, it was determined that the proposed template did not satisfy the applicable review criteria. For this reason, Staff recommends the Planning Commission choose Option 1, above, and deny the Template Test application.

ATTACHMENTS

Attachment A – Appeal Application Materials | Engineering Technical Memorandum submitted 06.10.26 | Email submitted 07.07.26

Attachment B – Staff GIS Analysis submitted 07.08.26

Attachment C – Notice of Decision and Staff Report | Includes Application Materials – 06.08.26

Attachment D – Staff Comments

Attachment E – Written Testimony

Attachment A.1


**Benton
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**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

 Office: (541) 766-6819
 360 SW Avery Avenue
 Corvallis, OR 97333

co.benton.or.us/cd

APPLICATION

APPEAL OF A DEVELOPMENT DEPARTMENT DECISION

File #

Fee: \$250

2,966 *oc***Appellant**Name: Angela Hahn Bus Phone: 541 609 6061Address: 31358 Peterson Rd Home Phone: NACity & Zip: Philomath 97370 Email: angelagellatly@yahoo.com

Other individuals to be notified of this application:

NameAddressCity & ZipNone

The appellant hereby requests the Planning Commission to consider the following decision:

File Number: LV-26-015 Nature of Application: Forest Dwelling - Template TestDecision: Denial Decision Date: June 9 2026Assessor's Map & Tax Lot Number: T 11 S, R 7 W, Section(s) 20 Tax Lot(s) 501

REQUIRED: State the reasons for the appeal, citing the specific Comprehensive Plan or Development Code provisions which are alleged to be violated. Failure to cite specific Plan or Code provisions will nullify your appeal. See BCC 51.830. Attach additional sheets if necessary.

BCC 60.108(2)(e) and (f) ORS 215.750* See Attached 18 page Appeal

Signature

Date

(For Office Use Only)

Date Application Received: 6/10/2026 Receipt Number: _____

File Number Assigned: _____ Planner Assigned: _____

APPEAL OF STAFF DECISION

LU-26-015 – TEMPLATE DWELLING APPLICATION

Tax Lot 107320000501

BEFORE THE BENTON COUNTY PLANNING COMMISSION

APPELLANTS:

Bopenhagen Family Property LLC

Angela Hahn

Elizabeth Oliver

CASE:

LU-26-015 Template Dwelling Application

1. INTRODUCTION

This appeal requests reversal of the staff decision denying Template Dwelling Application LU-26-015.

The denial is based exclusively upon staff's interpretation of the phrase "to the maximum extent possible" contained in Benton County Code (BCC) 60.108(2)(e) and (f).

The appeal does not concern the mathematical centroid of the subject tract, the dimensions of the template, the existence of qualifying parcels, or the existence of qualifying dwellings.

Rather, the sole issue is whether the applicant's template orientation constitutes a reasonable and code-compliant interpretation of roadway alignment where the governing code provides no definition or methodology for determining alignment.

The applicant respectfully submits that the staff decision should be reversed because:

1. Neither ORS 215.750 nor BCC 60.108 defines "maximum extent possible";
2. Staff expressly acknowledges that no such definition exists;
3. The applicant submitted a rational and technically supported engineering analysis;
4. Staff acknowledged that the applicant's template identifies eleven qualifying parcels;
5. Staff did not demonstrate that the applicant's methodology is mathematically incorrect;
and
6. The denial is based upon staff preference for alternative methodologies rather than any demonstrated violation of code.

2. STAFF ACKNOWLEDGES THE CODE PROVIDES NO DEFINITION OF ALIGNMENT

The staff report expressly states:

"The definition of maximum extent possible is not provided in state statutes or Benton County Code."

This finding is critical.

The governing code contains no formula, equation, GIS procedure, engineering standard, or surveying standard establishing how roadway alignment must be determined.

The code does not require:

- Tangent alignment;
- Frontage alignment;
- Directional mean analysis;
- Regression analysis;
- ArcGIS directional tools;
- Endpoint bearing analysis; or
- Any other specific methodology.

Because no methodology is prescribed by law, applicants must necessarily exercise professional judgment in interpreting roadway alignment.

The absence of a defined methodology means the issue before the Planning Commission is not whether staff's preferred methodology exists, but whether the applicant's methodology is reasonable and consistent with the code.

3. THE APPLICANT SUBMITTED AN OBJECTIVE ENGINEERING ANALYSIS

The applicant submitted a detailed technical memorandum and supporting exhibits prepared by Trace Hahn, M.E., utilizing objective geometric and engineering principles.

The analysis included:

- Mathematical centroid determination;
- Geometric parcel intersection analysis;
- Evaluation of roadway curvature;
- Determination of dominant roadway bearing;
- Best-fit roadway alignment analysis; and

- Verification of parcel overlap within the template.

The submitted analysis recognized that Marys River Road does not exhibit a constant bearing throughout the one-mile template corridor.

Rather, the roadway follows a curvilinear path containing multiple tangent directions.

Because no single roadway tangent accurately represents the entire roadway corridor, the applicant evaluated the roadway as a complete geometric feature and selected a template orientation corresponding to the dominant roadway bearing.

The methodology is analogous to a least-squares best-fit alignment in which cumulative angular deviation between the roadway and template centerline is minimized across the entire corridor.

This represents a rational, repeatable, and objective engineering approach.

4. STAFF ACKNOWLEDGED THE APPLICANT'S TEMPLATE IDENTIFIES ELEVEN QUALIFYING PARCELS

The staff report expressly states:

"Staff acknowledge that the applicant's submitted template configuration identifies 11 qualifying lots or parcels within the template area."

This finding is significant.

Staff does not dispute:

- The parcel count;
- The parcel locations;
- The existence of the parcels;
- The mathematical centroid; or
- The dimensions of the template.

Staff acknowledges that the applicant's configuration identifies the required eleven qualifying parcels.

Accordingly, the dispute is not whether eleven parcels exist within the applicant's template.

The dispute concerns only staff's disagreement with the alignment methodology.

5. STAFF DID NOT DEMONSTRATE THAT THE APPLICANT'S ANALYSIS IS INCORRECT

The staff report states that staff was able to generally replicate the analytical process described by the applicant.

However, the report never demonstrates that:

- The applicant's calculations are incorrect;
- The applicant's geometry is incorrect;
- The applicant's centroid is incorrect;
- The applicant's parcel analysis is incorrect; or
- The applicant's roadway analysis is incorrect.

Instead, the report concludes that staff could not independently verify the specific alignment selected by the applicant.

A lack of verification is not equivalent to demonstrating error.

The burden should not be shifted to the applicant to prove that staff's preferred methodology is incorrect when the code itself establishes no such methodology.

6. STAFF'S OWN ANALYSIS DEMONSTRATES THAT MULTIPLE REASONABLE INTERPRETATIONS EXIST

The staff report evaluated three separate alignment methodologies:

1. Benton County's historical methodology;
2. ArcGIS Directional Mean analysis;
3. A methodology discussed during the DLCD Rules Advisory Committee process.

Each methodology produced a different result.

This fact demonstrates that roadway alignment is not a fixed or uniquely determinable value.

Rather, it is subject to interpretation when applied to a curvilinear roadway.

The existence of multiple reasonable methodologies supports the applicant's position that no singular interpretation is mandated by the code.

7. Historical and Functional Significance of the One-Mile Template

The original Template Dwelling provisions were developed around a rectangular template measuring one mile in length and one-quarter mile in width. The significance of the one-mile dimension is that it evaluates development patterns over an extended roadway corridor rather than at a single localized point.

The purpose of the Template Test is to identify whether a property exists within an area characterized by a pattern of established parcels and dwellings. This determination necessarily requires evaluation of the broader development pattern surrounding the subject property.

Because the template extends one mile in length, the dominant orientation of the roadway corridor over that full distance is more representative of the development pattern than the bearing of any isolated roadway segment.

8. THE STAFF REPORT EFFECTIVELY REWRITES THE CODE

The denial ultimately relies upon methodologies developed internally by staff, through GIS software, or discussed by advisory committees.

None of these methodologies appear within:

- ORS 215.750;
- BCC 60.108;
- Any adopted Benton County ordinance; or
- Any adopted administrative rule.

The Planning Commission should be cautious about imposing requirements that do not appear in the governing code.

Applicants are entitled to rely upon the standards actually adopted by law.

9. THE APPLICANT'S INTERPRETATION IS CONSISTENT WITH THE PURPOSE OF THE STATUTE

The purpose of the template dwelling statute is to recognize areas where a pattern of parcels and existing development already exists.

The applicant's template:

- Is centered on the mathematical centroid;
- Uses the required dimensions;
- Follows the dominant roadway corridor;
- Identifies eleven qualifying parcels; and
- Satisfies the parcel-count requirement contemplated by the statute.

The applicant's methodology therefore advances the legislative purpose of the template dwelling provisions while remaining fully consistent with the language of the code.

10. STAFF'S GIS DIRECTIONAL MEAN ANALYSIS CONFIRMS THE REASONABLENESS OF THE APPLICANT'S METHODOLOGY

A significant aspect of the staff report is that staff elected to evaluate the roadway using a GIS Linear Directional Mean methodology after consultation with the Oregon Department of Land Conservation and Development (DLCD).

According to the staff report, DLCD personnel recommended that staff evaluate the roadway centerline over the full one-mile length of the template corridor and apply ArcGIS Pro's Directional Mean tool to determine the roadway's dominant directional bearing.

The applicant's submitted methodology employed the same fundamental concept.

The applicant's analysis evaluated Marys River Road over the full one-mile corridor and determined a dominant roadway bearing using an average directional vector derived from roadway centerline geometry. The methodology was described as analogous to a least-squares best-fit alignment that minimizes cumulative angular deviation between the roadway and the template axis across the full extent of the corridor.

Accordingly, both methodologies are founded upon the same underlying geometric principle:

Where a roadway exhibits curvature and changing local tangent directions, the most representative alignment is determined from the roadway corridor as a whole rather than from any isolated tangent segment.

The staff report does not demonstrate that the applicant's methodology is mathematically incorrect.

Rather, the report demonstrates that multiple reasonable methods may be employed to estimate a dominant roadway orientation.

The existence of multiple mathematically defensible approaches supports the conclusion that the phrase "to the maximum extent possible" is inherently interpretive and does not prescribe a single mandatory bearing.

Because neither ORS 215.750 nor BCC 60.108 establishes a required computational method, the applicant's engineering methodology constitutes a reasonable and code-compliant interpretation of the alignment requirement.

11. SUMMARY OF APPEAL

The denial of LU-26-015 rests entirely upon staff's interpretation of the phrase "aligned with the road to the maximum extent possible" contained in Benton County Code 60.108(2). The applicant respectfully requests that the Planning Commission reverse the denial for the following reasons:

1. Neither ORS 215.750 nor Benton County Code 60.108 defines the phrase “maximum extent possible” or prescribes any mathematical, engineering, surveying, or GIS methodology for determining roadway alignment.
2. Staff expressly acknowledged that the applicant’s submitted template configuration identifies eleven (11) qualifying lots or parcels within the template area, satisfying the parcel-count requirement of the Template Test.
3. Staff further acknowledged that the applicant’s analytical methodology could generally be replicated, demonstrating that the submitted engineering analysis is objective, understandable, and reproducible.
4. The staff report evaluated multiple roadway alignment methodologies, each producing different template orientations and different parcel counts. This demonstrates that roadway alignment is not uniquely determined by statute or code and that multiple reasonable interpretations exist.
5. Staff did not identify any error in the applicant’s mathematical centroid determination, parcel intersection analysis, template dimensions, or geometric methodology. Rather, the denial is based solely upon staff’s preference for alternative alignment methodologies.
6. Marys River Road is a curvilinear roadway exhibiting multiple local tangent directions across the one-mile template corridor. Because no single roadway bearing exists for the entire corridor, the applicant reasonably aligned the template to the dominant directional trend of the roadway as a whole.
7. The applicant’s methodology is consistent with accepted geometric and engineering principles and represents a rational interpretation of the code requirement that the template be aligned with the road “to the maximum extent possible.”

For these reasons, the applicant respectfully requests that the Planning Commission reverse the staff decision, determine that the submitted template satisfies the requirements of Benton County Code 60.108(2), and approve the application.

The applicant respectfully submits that where a code provision provides no prescribed methodology and multiple reasonable interpretations exist, the Planning Commission should adopt the interpretation most consistent with the text, purpose, and intent of the Template Dwelling provisions. The applicant's template satisfies those requirements and should therefore be approved.

12. REQUEST FOR RELIEF

For the reasons stated above, the appellants respectfully request that the Benton County Planning Commission:

1. Reverse the staff decision in LU-26-015;

2. Determine that the applicant's template configuration satisfies the requirements of BCC 60.108(2);
3. Determine that the applicant's alignment methodology constitutes a reasonable interpretation of the phrase "to the maximum extent possible"; and
4. Approve the application or remand the matter with instructions consistent with the Commission's findings.

Respectfully submitted,

Bopenhagen Family Property LLC

Angela Hahn

Elizabeth Oliver

Prepared with technical assistance from:

Trace Hahn

Mechanical Engineer

APPENDICES

Appendix A

Template Test Exhibit – Tax Lot 107320000501

Appendix B

Centroid Determination Graphic and Geometric Centroid Reference

Appendix C

Marys River Road Alignment Reference Graphic and Roadway Bearing
Evaluation

Appendix D

PARCEL QUALIFICATION TABLE

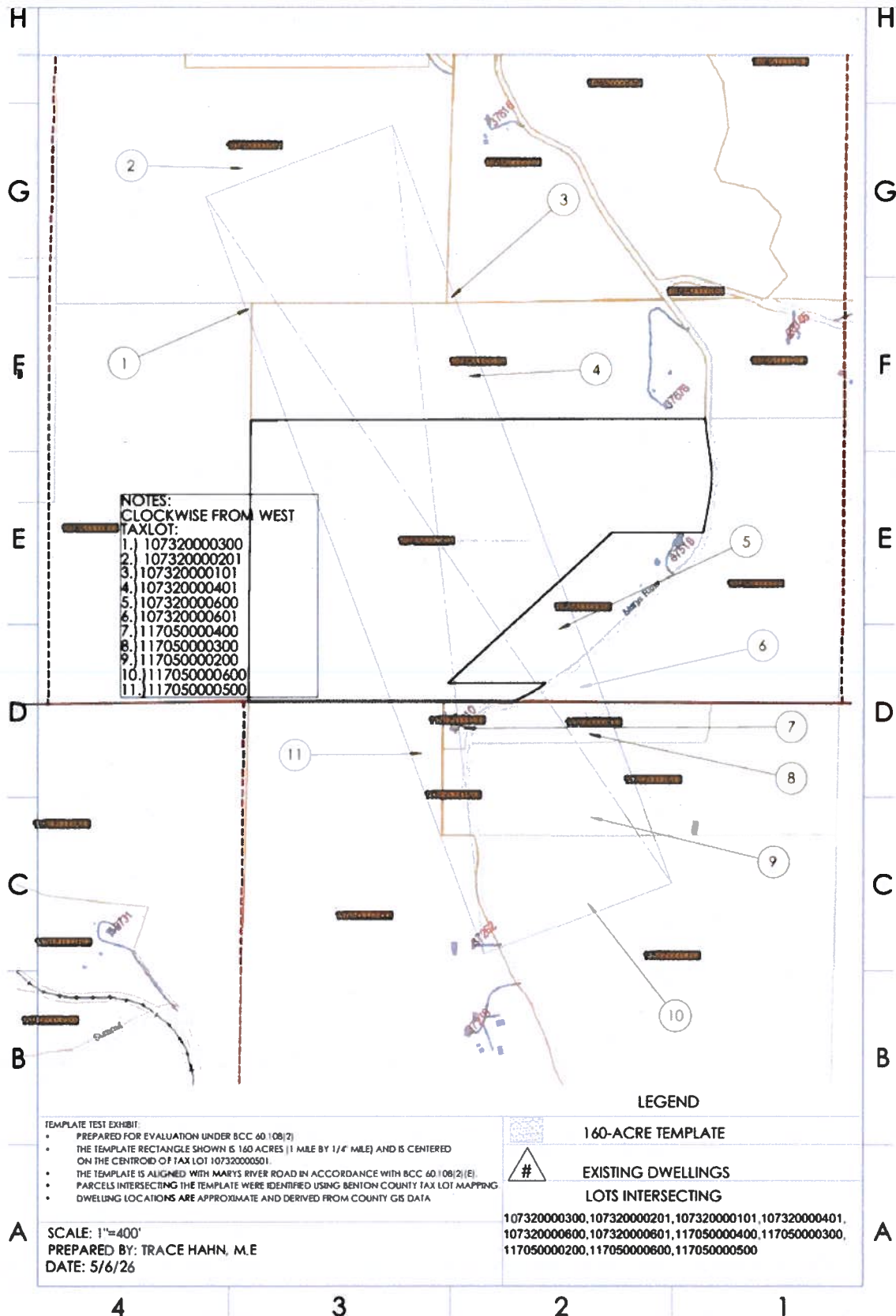
Appendix E

KEY FINDINGS AND ADMISSIONS FROM STAFF REPORT

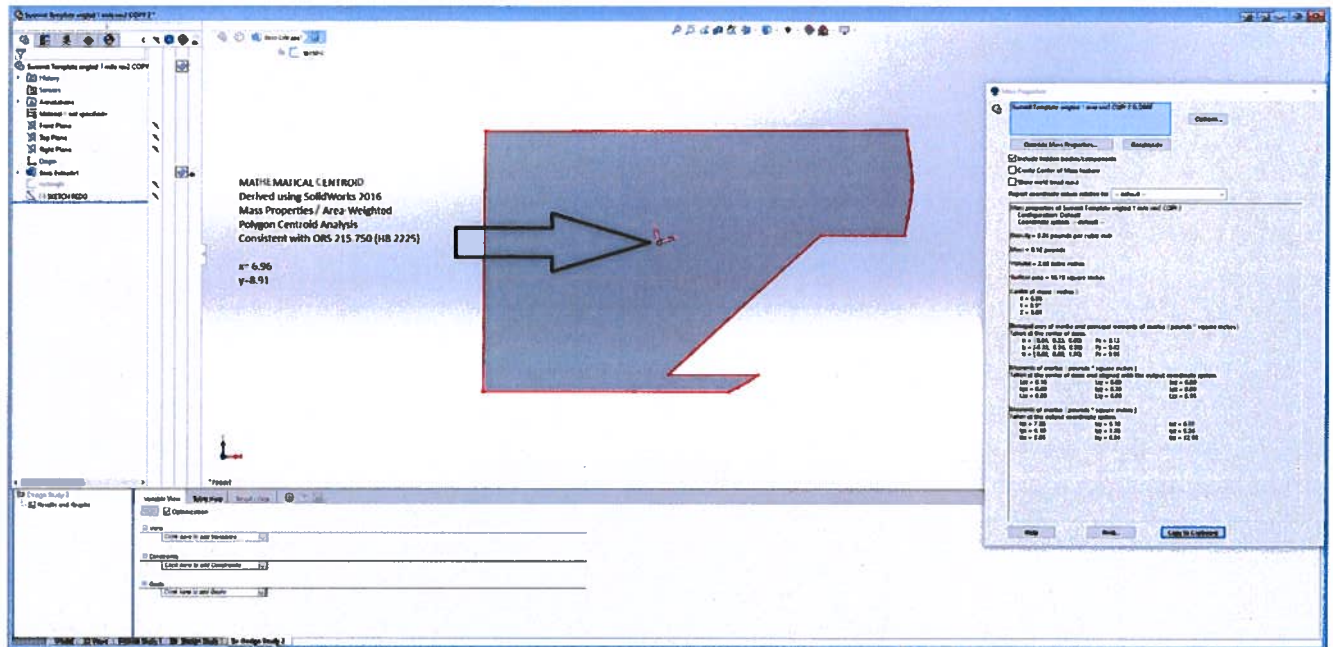
Appendix F

COMPARATIVE ALIGNMENT RESULTS

Appendix A: Template Test Exhibit – Tax Lot 107320000501

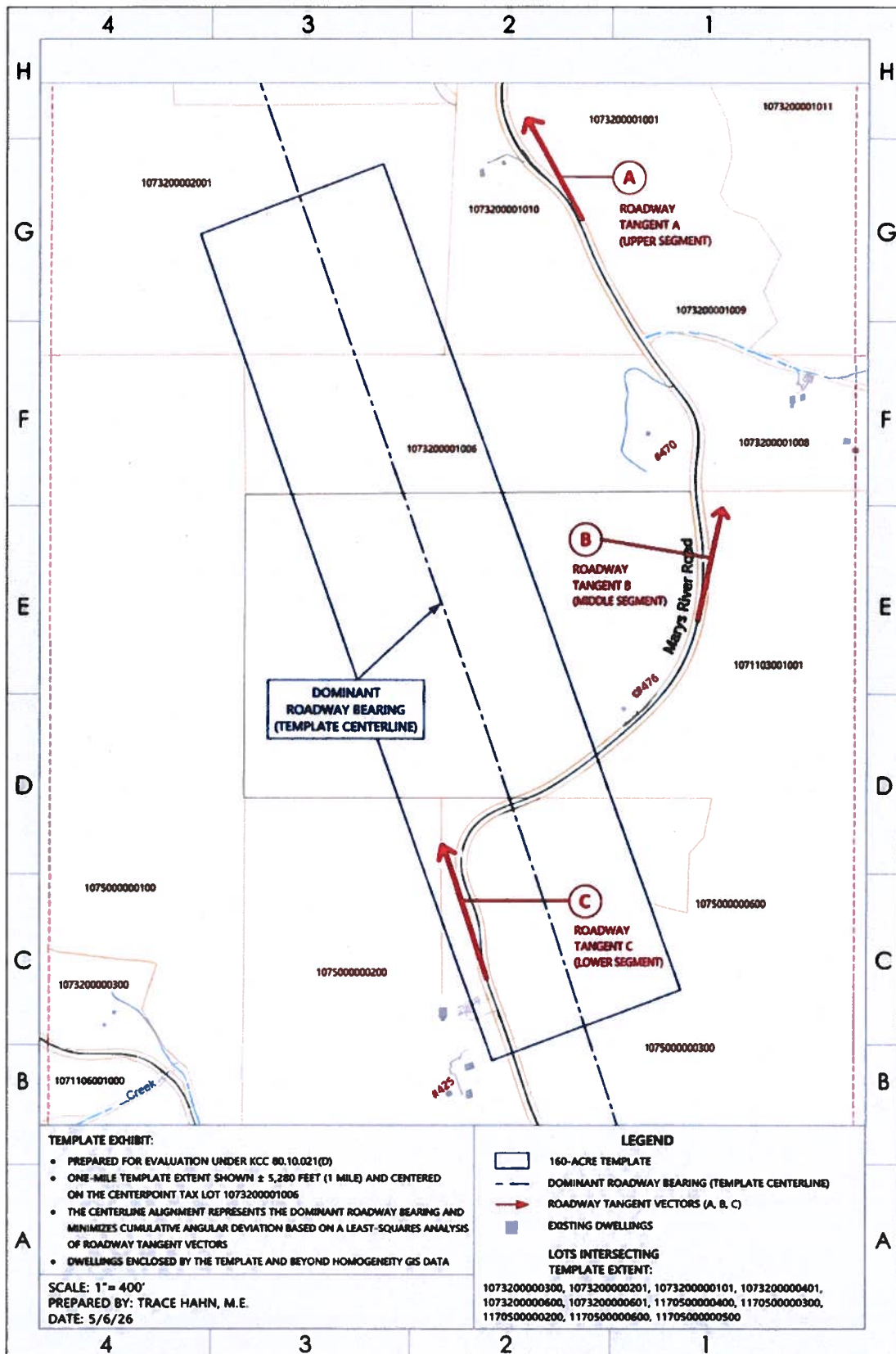


APPENDIX B: CENTROID DETERMINATION TAX LOT 107320000501



Centroid derived using SolidWorks Mass Properties analysis based on closed-polygon area geometry.

Appendix C: Marys River Road Alignment Reference and Roadway Bearing Evaluation



Methodology and Derivation of Roadway Alignment (Appendix C Continued)

The roadway alignment shown in Appendix C was developed using a geometric analysis of Marys River Road within the one-mile template corridor. The objective of the analysis was to determine a roadway orientation that most accurately represents the overall directional trend of the roadway and satisfies the requirement of Benton County Code 60.108(2) that the template be aligned with the road "to the maximum extent possible."

Step 1 – Import Roadway Geometry

Marys River Road was imported into SolidWorks as a scaled geometric reference derived from Benton County GIS mapping. The roadway centerline was represented as a continuous curve within the SolidWorks sketch environment and used as the controlling geometric feature for the alignment analysis.

Step 2 – Establish Local Tangent Vectors

Three representative locations were selected along the roadway centerline. At each location, a tangent line was constructed using SolidWorks sketch geometry. These tangent lines are identified in Appendix C as Tangent A, Tangent B, and Tangent C.

From a mathematical perspective, a tangent line represents the instantaneous direction of a curve at a specific point. If the roadway centerline is represented as a continuous curve $r(t)$, the tangent direction at any point is represented by the derivative:

$$T(t) = dr/dt$$

$r(t)$ = the position of a point along the roadway centerline

t = a parameter representing movement along the roadway

dr/dt = the rate at which the roadway position changes with respect to that movement

$T(t)$ = the resulting tangent vector indicating the local direction of the roadway at that specific location

The tangent vectors shown in Appendix C therefore represent the local direction of travel along Marys River Road at three different locations within the corridor.

Step 3 – Demonstrate Roadway Curvature

Comparison of Tangent A, Tangent B, and Tangent C demonstrates that the roadway direction changes throughout the one-mile analysis area.

Because the tangent directions are not identical, the roadway does not possess a single constant bearing. Rather, Marys River Road follows a curvilinear alignment with multiple local tangent directions.

Accordingly, no individual tangent line can accurately represent the roadway throughout the entire one-mile template extent.

Step 4 – Evaluate the Roadway as a Continuous Corridor

Because the template itself extends one mile in length, the roadway was evaluated as a continuous corridor rather than as a single point measurement.

The purpose of this step was to identify a roadway orientation that represents the overall directional trend of the roadway across the entire corridor rather than emphasizing any isolated tangent segment.

Step 5 – Determine the Dominant Directional Trend

The roadway geometry was then evaluated to establish a centerline representing the dominant directional trend of Marys River Road.

Conceptually, this centerline functions as a best-fit directional axis through the roadway corridor. The methodology is analogous to a least-squares best-fit alignment in which overall deviation between the roadway centerline and the template centerline is minimized across the full one-mile corridor.

This approach is also conceptually consistent with directional mean analyses commonly used in GIS applications to determine the predominant orientation of linear features.

Step 6 – Establish Template Orientation

The template centerline was aligned with the dominant roadway bearing identified in Step 5.

This produced an orientation that follows the overall roadway corridor rather than any individual tangent segment. The resulting alignment reflects the average directional trend of Marys River Road throughout the one-mile analysis area.

Step 7 – Verify Template Parcel Intersections

Following establishment of the template orientation, the template was centered on the mathematical centroid of Tax Lot 107320000501 and parcel intersections were evaluated.

Using the corridor-based roadway alignment described above, eleven qualifying parcels were identified within the template area.

APPENDIX D: PARCEL QUALIFICATION TABLE

Template Dwelling Analysis Tax Lot 107320000501

Ref. No.	Tax Lot Number	Intersects Template	Counted as Qualifying Parcel
1	107320000300	Yes	Yes
2	107320000201	Yes	Yes
3	107320000101	Yes	Yes
4	107320000401	Yes	Yes
5	107320000600	Yes	Yes
6	107320000601	Yes	Yes
7	117050000400	Yes	Yes
8	117050000300	Yes	Yes
9	117050000200	Yes	Yes
10	117050000600	Yes	Yes
11	117050000500	Yes	Yes

Subject Parcel (Not Counted Toward Total): 107320000501

TOTAL QUALIFYING PARCELS INTERSECTING TEMPLATE: 11

Methodology:

Parcels listed above were identified through Benton County GIS tax lot mapping and evaluated for geometric intersection with the submitted 160-acre template centered on the mathematical centroid of Tax Lot 107320000501. Parcel qualification was determined consistent with the criteria established by ORS 215.750 and Benton County Code 60.108.

Note: Staff did not dispute the existence, location, or intersection of the parcels identified above. The staff report expressly acknowledges that the applicant's submitted template configuration identifies eleven qualifying lots or parcels within the template area. The denial is based solely upon staff's alternative interpretation of roadway alignment.

Conclusion:

The submitted template identifies eleven qualifying parcels intersecting the template and therefore satisfies the parcel-count requirement of Benton County Code 60.108(2).

APPENDIX E: KEY FINDINGS AND ADMISSIONS FROM STAFF REPORT

LU-26-015

Template Dwelling Application

Tax Lot 107320000501

Purpose

This appendix identifies findings and statements contained within the Staff Report that are relevant to the issues raised in this appeal. These excerpts are provided for ease of reference and to assist the Planning Commission in evaluating the basis for the staff decision.

ADMISSION #1 – NO DEFINITION OF "MAXIMUM EXTENT POSSIBLE"

Staff Finding: "The definition of maximum extent possible is not provided in state statutes or Benton County Code."

Significance: The governing statutes and code provisions contain no prescribed methodology for determining roadway alignment. The absence of a defined standard necessarily requires interpretation and professional judgment when evaluating template orientation.

ADMISSION #2 – STAFF ACKNOWLEDGES THE APPLICANT IDENTIFIED ELEVEN QUALIFYING PARCELS

Staff Finding: "Staff acknowledge that the applicant's submitted template configuration identifies 11 qualifying lots or parcels within the template area."

Significance: The staff report expressly acknowledges that the applicant's submitted template contains eleven qualifying parcels. The denial therefore does not result from a failure to identify the required number of parcels, but rather from staff's disagreement with the applicant's alignment methodology.

ADMISSION #3 – STAFF GENERALLY REPLICATED THE APPLICANT'S ANALYTICAL PROCESS

Staff Finding: "Staff was able to generally replicate the analytical process described in the narrative."

Significance: This statement demonstrates that the applicant's methodology is objective, understandable, and capable of independent reproduction. The report does not conclude that the applicant's calculations were erroneous, only that staff preferred alternative alignment approaches.

ADMISSION #4 – MULTIPLE ALIGNMENT METHODOLOGIES PRODUCE DIFFERENT RESULTS

Staff Finding: The staff report evaluates multiple roadway alignment methodologies, including Benton County methodology, ArcGIS Directional Mean methodology, and DLCD/Jackson County methodology.

Significance: The existence of multiple methodologies producing different parcel counts demonstrates that roadway alignment is not uniquely determined by statute or code. This supports the applicant's position that multiple reasonable interpretations may exist.

ADMISSION #5 – STAFF DID NOT IDENTIFY ERROR IN THE APPLICANT'S CENTROID DETERMINATION

Staff Finding: The staff report accepts the requirement that the template be centered on the mathematical centroid of the subject tract and does not identify any error in the applicant's centroid analysis.

Significance: The mathematical centroid determination is not disputed by staff and is therefore not a basis for denial.

ADMISSION #6 – STAFF DID NOT IDENTIFY ERROR IN THE APPLICANT'S PARCEL INTERSECTION ANALYSIS

Staff Finding: The staff report does not identify computational, geometric, or surveying errors in the parcel intersection analysis submitted by the applicant.

Significance: The denial is based upon roadway alignment interpretation rather than parcel geometry.

SUMMARY

The staff report establishes the following undisputed facts:

1. The code contains no definition of 'maximum extent possible.'
2. The applicant's template identifies eleven qualifying parcels.
3. Staff generally replicated the applicant's analytical methodology.
4. Multiple alignment methodologies produce different outcomes.
5. Staff did not identify error in the applicant's centroid determination.
6. Staff did not identify error in the applicant's parcel intersection analysis.

Accordingly, the central issue before the Planning Commission is whether the applicant's roadway alignment methodology constitutes a reasonable interpretation of the phrase 'aligned with the road to the maximum extent possible' under Benton County Code 60.108(2).

APPENDIX F - COMPARATIVE ALIGNMENT RESULTS

Comparison of roadway alignment methodologies evaluated during review of the template dwelling application.

Method	Parcel Count
Applicant Engineering Analysis	11
Benton County Methodology	10
ArcGIS Directional Mean	9
DLCD / Jackson County Example	8

Discussion

The existence of multiple methodologies producing different parcel counts demonstrates that roadway alignment is not uniquely determined by statute, administrative rule, or Benton County Code. The differing outcomes result from differing interpretations of the phrase "aligned with the road to the maximum extent possible."

The purpose of the Template Test is to identify whether a property exists within an area characterized by a pattern of established parcels and dwellings. This determination necessarily requires evaluation of the broader development pattern surrounding the subject property.

Accordingly, the issue before the Planning Commission is not whether a single mathematically mandated alignment exists, but whether the applicant's methodology constitutes a reasonable and code-compliant interpretation of the alignment requirement. No methodology identified above is prescribed by ORS 215.750 or Benton County Code 60.108.

TECHNICAL MEMORANDUM

Documentation of Roadway Centerline Analysis,
Tangent Vector Measurements,
and Template Orientation Methodology

LU-26-015

Tax Lot 107320000501

Prepared By:

Trace Hahn
Mechanical Engineer

June 11, 2026

Response to Request No. 1

Step-by-Step Methodology Used to Establish Template Centerline Orientation

The template centerline orientation was established through a geometric evaluation of Marys River Road using SolidWorks CAD software and Benton County GIS mapping as follows:

Step 1 – Import GIS Mapping

A Benton County GIS map depicting the subject parcel, surrounding parcels, and Marys River Road was imported into SolidWorks as a reference image.

Step 2 – Establish Scaled Geometry

A new sketch was created within the SolidWorks environment and the imported GIS image was scaled to known dimensions using identifiable reference distances from the Benton County tax lot map. This provided a proportional geometric framework for roadway and parcel analysis.

Step 3 – Trace Roadway Centerline Geometry

The centerline of Marys River Road was traced within the sketch environment using SolidWorks sketch entities to create a continuous geometric representation of the roadway alignment throughout the one-mile analysis corridor.

Step 4 – Evaluate Roadway Geometry

The roadway centerline was evaluated over the full one-mile corridor associated with the template analysis. During this evaluation it was observed that Marys River Road does not maintain a constant bearing but instead follows a curvilinear alignment exhibiting multiple local directional changes.

Step 5 – Construct Representative Tangent Vectors

Representative locations were selected along the roadway centerline and tangent lines were constructed using SolidWorks sketch tools. These tangent vectors are identified in Appendix C as Tangent A, Tangent B, and Tangent C.

The tangent vectors were used to evaluate roadway direction at multiple locations within the corridor and to characterize the changing orientation of the roadway.

Step 6 – Measure Tangent Orientations

Each tangent vector was measured relative to the horizontal reference axis of the SolidWorks sketch environment.

The resulting tangent angles were:

- Tangent A = 127.7236°
- Tangent B = 91.0246°
- Tangent C = 113.0114°

Comparison of these measurements demonstrated that roadway direction varies throughout the corridor and that no individual tangent accurately represents the roadway over the entire one-mile extent.

Step 7 – Determine the Dominant Directional Trend

To establish a representative roadway orientation, the arithmetic mean of the three tangent angles was calculated:

$$(127.7236^{\circ} + 91.0246^{\circ} + 113.0114^{\circ}) \div 3 \\ = 110.5865^{\circ}$$

This average angle represents the dominant directional trend of Marys River Road across the analysis corridor and provides a corridor-scale characterization of roadway orientation rather than a localized bearing derived from any single tangent segment.

Step 8 – Establish Template Centerline Orientation

The template centerline was then oriented to the calculated mean roadway angle. Measurement of the resulting template centerline within the same SolidWorks sketch environment produced an angle of 110.58°, which corresponds to the arithmetic mean of the three representative roadway tangent vectors within less than 0.01°.

Step 9 – Construct Template Geometry

The required template dimensions were then constructed within SolidWorks and aligned with the centerline orientation established in Step 8.

Step 10 – Center Template on Subject Parcel

The template was positioned such that its center coincided with the mathematical centroid of Tax Lot 107320000501, consistent with the requirements of ORS 215.750 as amended by HB 2225.

Step 11 – Evaluate Parcel Intersections

Following establishment of the template orientation and centroid placement, surrounding parcels were evaluated for geometric intersection with the template area.

The resulting template configuration identified eleven qualifying parcels intersecting the template area.

Conclusion

The template centerline orientation was derived by measuring representative roadway tangent vectors within the SolidWorks sketch environment and calculating their mean angular orientation. The resulting template centerline corresponds to the average roadway orientation across the one-mile corridor and therefore represents the dominant directional trend of Marys River Road rather than any individual roadway segment.

Response to Request No. 2

Specific Roadway Segments, Centerlines, and Geographic Area Included in the Analysis

The analysis was based upon the centerline geometry of Marys River Road occurring within and immediately adjacent to the one-mile template corridor associated with Tax Lot 107320000501.

A Benton County GIS map depicting Marys River Road, the subject parcel, and surrounding parcels was imported into the SolidWorks sketch environment and scaled to known dimensions. The roadway centerline was then traced as a continuous geometric feature extending through the analysis area.

The geographic area evaluated corresponds generally to the one-mile template extent centered upon Tax Lot 107320000501. The roadway geometry included in the analysis consisted of the portions of Marys River Road necessary to characterize the roadway's overall directional trend throughout that corridor.

The roadway was evaluated as a continuous centerline rather than as isolated roadway segments. However, three representative locations along the roadway centerline were selected for tangent evaluation in order to characterize local roadway direction at the northern, central, and southern portions of the corridor. These locations are identified in Appendix C as Tangent A, Tangent B, and Tangent C.

Tangent A represents the roadway direction within the upper portion of the corridor.

Tangent B represents the roadway direction within the central portion of the corridor.

Tangent C represents the roadway direction within the lower portion of the corridor.

These tangent locations were selected because they collectively capture the roadway curvature occurring throughout the one-mile analysis area and provide representative measurements of roadway direction across the corridor.

The purpose of the tangent evaluations was not to establish template orientation from any single roadway segment, but rather to characterize the changing roadway direction and determine a representative corridor-scale orientation. The resulting template centerline was subsequently established using the mean angular orientation of the representative roadway tangents as described in Response No. 1.

Accordingly, the roadway centerline analyzed consisted of Marys River Road throughout the one-mile template corridor, while Tangent A, Tangent B, and Tangent C served as representative measurements of roadway direction within that corridor.

Response to Request No. 3

Coordinates, Bearings, Vectors, or Other Data Used in the Analysis

The analysis was performed within the SolidWorks CAD environment using Benton County GIS mapping as the underlying reference dataset.

A Benton County GIS map depicting Marys River Road, Tax Lot 107320000501, and surrounding parcels was imported into a SolidWorks sketch and scaled to known dimensions. The GIS image functioned as a graphical reference layer from which roadway geometry, parcel geometry, and template geometry were developed.

The principal geometric data utilized during the analysis included:

- The mapped centerline alignment of Marys River Road;
- The geographic relationship between Marys River Road and the surrounding tax lots;
- The mathematical centroid of Tax Lot 107320000501;
- The template centerline geometry;
- Representative roadway tangent vectors constructed within the SolidWorks sketch environment; and
- Angular measurements associated with the representative roadway tangent vectors.

Three representative tangent vectors were established along the roadway centerline and measured relative to the horizontal reference axis of the SolidWorks sketch environment.

The measured tangent orientations were:

- Tangent A = 127.7236°
- Tangent B = 91.0246°
- Tangent C = 113.0114°

The arithmetic mean of these tangent measurements was calculated as:

$$(127.7236^{\circ} + 91.0246^{\circ} + 113.0114^{\circ}) \div 3$$
$$= 110.5865^{\circ}$$

This calculated mean angle was used to establish the template centerline orientation and represents the dominant directional trend of Marys River Road across the one-mile analysis corridor.

The resulting template centerline measured 110.58° within the same SolidWorks sketch environment, corresponding to the calculated mean tangent orientation within less than 0.01°.

No survey control network, GPS coordinate dataset, GIS attribute table, or separate coordinate database was utilized in the analysis. Rather, the analysis relied upon geometric relationships developed from the scaled Benton County GIS mapping and evaluated within the SolidWorks sketch environment using roadway centerline geometry, tangent vector construction, angular measurements, centroid location, and parcel intersection analysis.

Accordingly, the primary data used in the analysis consisted of roadway centerline geometry, representative tangent vectors, measured tangent orientations, centroid location, and template geometry developed within the SolidWorks CAD model.

Response to Request No. 4

Bearing or Angular Measurement Associated with Each Roadway Tangent Vector Evaluated

The roadway tangent vectors illustrated in Appendix C were measured within the SolidWorks sketch environment relative to the horizontal reference axis of the sketch.

The resulting angular measurements were as follows:

- Tangent A: 127.7236°
- Tangent B: 91.0246°
- Tangent C: 113.0114°

The arithmetic mean of the three measured tangent orientations is:

$$(127.7236^{\circ} + 91.0246^{\circ} + 113.0114^{\circ}) \div 3$$
$$= 110.5865^{\circ}$$

The template centerline orientation measured within the same SolidWorks sketch environment is 110.58°.

Accordingly, the template centerline orientation corresponds almost exactly to the arithmetic mean of the three representative roadway tangent vectors, differing by less than 0.01°.

This relationship demonstrates that the template centerline represents the average directional trend of the roadway corridor rather than the direction of any individual tangent segment.

The purpose of evaluating multiple tangent vectors was to characterize roadway direction at several locations along the corridor and to account for the curvilinear nature of Marys River Road. The resulting centerline orientation therefore reflects the dominant roadway trend across the analysis area rather than a localized roadway orientation at a single point.

Response to Request No. 5

Calculations and Processing Tools Used to Derive the Reported Dominant Directional Trend

The reported dominant directional trend was derived using geometric analysis performed within the SolidWorks CAD environment.

The roadway centerline of Marys River Road was traced from Benton County GIS mapping and evaluated as a continuous geometric feature throughout the one-mile analysis corridor. Representative tangent vectors were then constructed at three locations along the roadway centerline to characterize roadway direction within the upper, middle, and lower portions of the corridor.

The tangent vectors were measured relative to the horizontal reference axis of the SolidWorks sketch environment and produced the following angular measurements:

- Tangent A = 127.7236°
- Tangent B = 91.0246°
- Tangent C = 113.0114°

To determine a representative roadway orientation, the arithmetic mean of the three tangent angles was calculated as follows:

$$(127.7236^{\circ} + 91.0246^{\circ} + 113.0114^{\circ}) \div 3$$
$$= 110.5865^{\circ}$$

This calculated mean angle was interpreted as the dominant directional trend of the roadway corridor because it represents the average orientation of the representative roadway tangents evaluated throughout the one-mile analysis area.

The resulting template centerline orientation measured 110.58° within the same SolidWorks sketch environment, corresponding to the calculated mean tangent orientation within less than 0.01°.

No GIS directional mean tool, linear regression model, least-squares regression analysis, principal component analysis, or other statistical modeling technique was utilized in the analysis. Rather, the dominant directional trend was determined through geometric evaluation of the roadway centerline and arithmetic averaging of representative roadway tangent orientations developed within the SolidWorks CAD model.

The processing tools used in the analysis consisted of:

- Benton County GIS mapping;
- SolidWorks sketch geometry tools;
- SolidWorks tangent construction tools;
- SolidWorks angular measurement tools; and
- Arithmetic averaging of measured tangent orientations.

Accordingly, the reported dominant directional trend represents the mean angular orientation of representative roadway tangent vectors measured along the roadway corridor and was derived through a reproducible geometric process within the SolidWorks CAD environment.

Response to Request No. 6

Final Bearing or Angle Used to Orient the Template and Calculations Demonstrating How That Value Was Obtained

The final template centerline orientation was established using the arithmetic mean of three representative roadway tangent vectors constructed along the centerline of Marys River Road within the one-mile analysis corridor.

The tangent vectors were measured within the SolidWorks sketch environment relative to the horizontal reference axis of the sketch. Within the sketch environment, the vertical axis corresponds to North-South orientation and the horizontal axis corresponds to East-West orientation.

The measured tangent orientations were as follows:

Tangent Vector Angle from Horizontal Axis

Tangent A 127.7236°

Tangent B 91.0246°

Tangent C 113.0114°

These measurements demonstrate that Marys River Road does not maintain a single constant orientation throughout the one-mile analysis corridor. Rather, the roadway exhibits multiple local tangent directions resulting from its curvilinear alignment.

To determine a representative roadway orientation for the corridor as a whole, the arithmetic mean of the measured tangent angles was calculated as follows:

$$\text{Mean Angle} = (\text{Tangent A} + \text{Tangent B} + \text{Tangent C}) \div 3$$

$$\text{Mean Angle} = (127.7236^\circ + 91.0246^\circ + 113.0114^\circ) \div 3$$

$$\text{Mean Angle} = 331.7596^\circ \div 3$$

$$\text{Mean Angle} = 110.5865^\circ$$

The template centerline was then oriented to this calculated mean angle within the SolidWorks sketch environment.

Subsequent measurement of the completed template centerline produced:

$$\text{Template Centerline} = 110.58^\circ$$

The difference between the calculated mean angle and the measured template centerline angle is:

$$110.5865^{\circ} - 110.58^{\circ} = 0.0065^{\circ}$$

This difference is negligible and attributable to normal rounding precision within the SolidWorks sketch environment.

For reference, the measured roadway tangent orientations span approximately 36.7° of angular variation across the one-mile analysis corridor. This variation demonstrates that no individual tangent orientation can accurately characterize the roadway throughout its full extent.

Accordingly, the template orientation was established using the arithmetic mean of representative roadway tangent vectors, resulting in a final template centerline orientation of 110.58° . This orientation represents the average directional trend of Marys River Road across the analysis area and provides a corridor-scale characterization of roadway alignment rather than a localized orientation derived from any single roadway segment.

Response to Request No. 7

Software Outputs, Worksheets, CAD Files, GIS Files, and Supporting Documentation Used in the Analysis

The analysis was developed using Benton County GIS mapping and SolidWorks CAD software.

The following materials were relied upon during development of the template orientation and supporting exhibits:

1. Benton County GIS Mapping

A Benton County GIS map depicting Tax Lot 107320000501, surrounding parcels, and Marys River Road was used as the underlying graphical reference for development of the roadway geometry and template analysis.

2. SolidWorks CAD Model

A SolidWorks sketch model was developed using the GIS mapping as a scaled reference underlay. The model contains the roadway centerline geometry, tangent reference lines, template geometry, parcel references, and centroid location utilized in the analysis.

3. SolidWorks Angular Measurements

Angular measurements of Tangent A, Tangent B, and Tangent C were obtained using the SolidWorks sketch dimensioning and measurement tools. These measurements were used to determine the representative roadway orientation described in Responses 4, 5, and 6.

4. Arithmetic Mean Tangent Orientation Calculation

The arithmetic mean of the three measured roadway tangent orientations was calculated to establish the dominant directional trend of the roadway corridor and corresponding template orientation.

5. Appendix C – Marys River Road Curvilinear Alignment Analysis

Appendix C documents the roadway centerline geometry, representative tangent locations, roadway curvature, and template centerline orientation used in the analysis.

6. Appendix B – Mathematical Centroid Determination

Appendix B documents the centroid location utilized to position the template in accordance with ORS 215.750.

7. Appendix D – Parcel Qualification Table

Appendix D documents the parcels identified as intersecting the template area following establishment of the template orientation.

No GIS shapefiles, coordinate databases, survey control files, regression models, directional mean software outputs, statistical analysis software, or spreadsheet-based modeling tools were utilized in the determination of the template orientation.

The final orientation was derived using geometric analysis performed within the SolidWorks CAD environment and documented through the exhibits submitted as part of the application and appeal materials.

The complete SolidWorks parametric CAD model and associated drawing files remain available and may be provided upon request. The model contains the imported GIS reference geometry, roadway centerline construction, tangent vector evaluations, centroid determination, template orientation calculations, and parcel intersection analysis utilized in developing the submitted exhibits. The model therefore provides a fully reproducible geometric record of the methodology described herein.

TECHNICAL DOCUMENTATION SUPPORTING APPENDIX C ROADWAY TANGENT ANALYSIS

The purpose of Appendix C was to evaluate the orientation of Marys River Road within the one-mile template corridor and establish a representative roadway orientation for template alignment purposes.

Representative Roadway Tangent Measurements

Three representative roadway tangent vectors were constructed within the SolidWorks sketch environment at locations distributed throughout the roadway corridor and identified as Tangent A, Tangent B, and Tangent C.

The tangent vectors were measured relative to the horizontal reference axis of the sketch.

The resulting measurements were:

Tangent Vector Angle from Horizontal

Tangent A 127.7236°

Tangent B 91.0246°

Tangent C 113.0114°

These measurements demonstrate that Marys River Road does not maintain a single constant bearing throughout the one-mile analysis corridor and that roadway direction varies due to the roadway's curvilinear alignment.

Use of Tangent Vectors in the Analysis

The tangent vectors were not intended to independently establish template orientation. Rather, they were used as representative measurements of roadway direction at multiple locations along the corridor.

Following measurement of the tangent vectors, the arithmetic mean of the three tangent orientations was calculated to determine a representative roadway orientation for the corridor as a whole.

Calculation of Representative Roadway Orientation

The arithmetic mean of the measured tangent angles was calculated as follows:

Mean Angle = (Tangent A + Tangent B + Tangent C) ÷ 3

$$\text{Mean Angle} = (127.7236^\circ + 91.0246^\circ + 113.0114^\circ) \div 3$$

$$\text{Mean Angle} = 331.7596^\circ \div 3$$

$$\text{Mean Angle} = 110.5865^\circ$$

Determination of Final Template Orientation

The template centerline was oriented to the calculated mean roadway angle within the SolidWorks sketch environment.

Subsequent measurement of the completed template centerline produced:

$$\text{Template Centerline} = 110.58^\circ$$

The difference between the calculated mean angle and the measured template centerline angle is:

$$110.5865^\circ - 110.58^\circ = 0.0065^\circ$$

This difference is negligible and attributable to normal rounding precision within the SolidWorks sketch environment.

Independent Replication and Verification

The methodology can be independently replicated by:

1. Importing the Benton County GIS mapping into a CAD environment;
2. Tracing the roadway centerline geometry;
3. Constructing tangent vectors at the locations identified as Tangent A, Tangent B, and Tangent C;
4. Measuring the tangent angles relative to the sketch reference axis;
5. Calculating the arithmetic mean of the measured tangent angles; and
6. Orienting the template centerline to the resulting mean angle.

Supporting Basis for Representative Roadway Orientation

The selected template orientation represents the arithmetic mean of the representative roadway tangent vectors and therefore reflects the average directional trend of the roadway corridor rather than the direction of any single roadway segment.

Because the measured tangent orientations vary significantly throughout the corridor, no individual tangent line can accurately characterize the roadway over the full one-mile

analysis area. The selected orientation therefore provides a corridor-scale representation of roadway direction derived from multiple roadway locations distributed throughout the analysis area.

The underlying SolidWorks CAD model, roadway centerline geometry, tangent constructions, angular measurements, and associated drawing files remain available and may be provided upon request for independent technical review and verification.

Prepared by,

A handwritten signature in blue ink, appearing to read 'Trace Hahn', is positioned above a horizontal line.

Trace Hahn

Mechanical Engineer

Date: 6/11/26

Appendix A – SolidWorks Angular Measurements

The following figures document the angular measurements obtained directly from the SolidWorks sketch environment and were used in the roadway centerline analysis described in this memorandum.



Figure 1: SolidWorks angular measurement of Tangent A showing a measured roadway tangent orientation of 127.7236° relative to the horizontal reference axis of the sketch environment.



Figure 2: SolidWorks angular measurement of Tangent B showing a measured roadway tangent orientation of 91.0246° relative to the horizontal reference axis of the sketch environment.

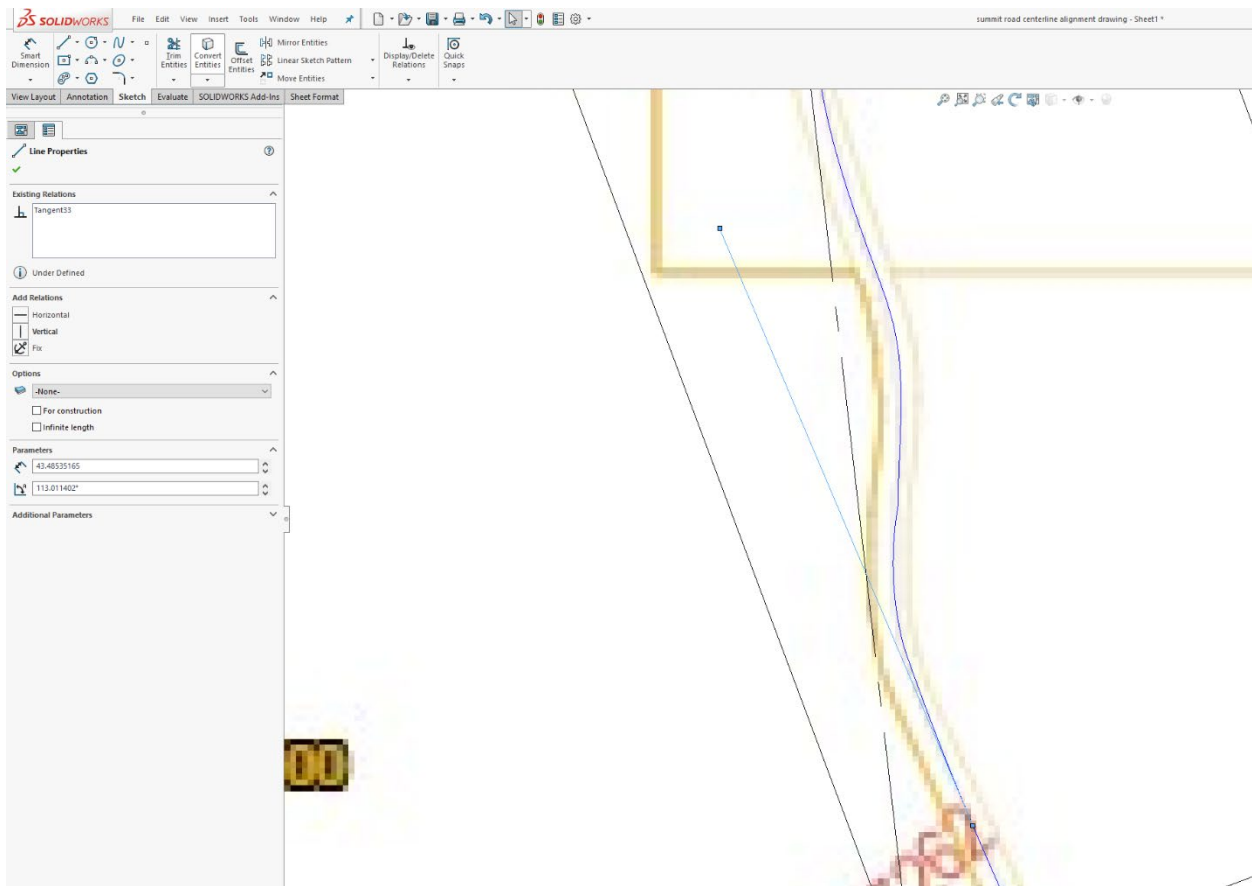


Figure 3: SolidWorks angular measurement of Tangent C showing a measured roadway tangent orientation of 113.0114° relative to the horizontal reference axis of the sketch environment.

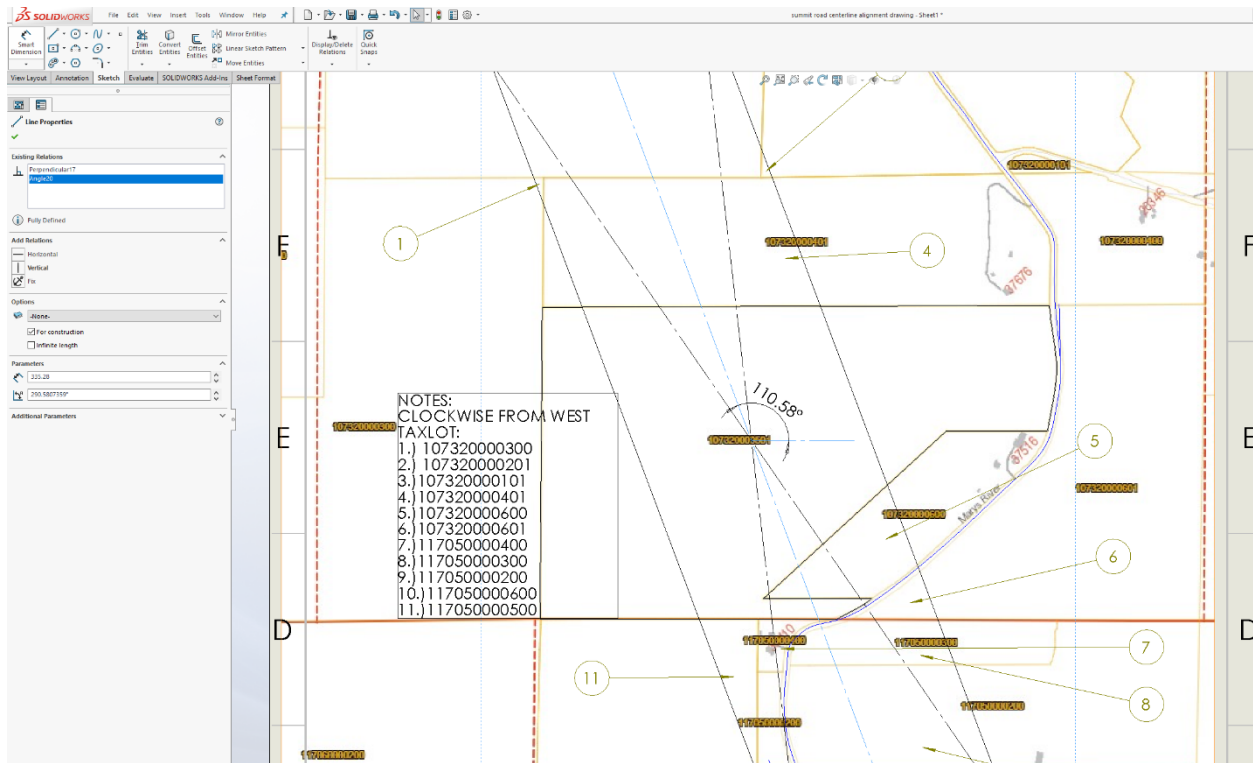


Figure 4: SolidWorks angular measurement of the template centerline showing a measured orientation of 110.58°, corresponding to the arithmetic mean of the representative roadway tangent orientations.

Feature	Angle from Horizontal Axis (°)	Difference from Mean (°)	Notes
Tangent A	127.7236	+17.1371	Upper corridor tangent
Tangent B	91.0246	-19.5619	Central corridor tangent
Tangent C	113.0114	+2.4249	Lower corridor tangent
Arithmetic Mean	110.5865	0.0000	Average tangent orientation
Template Centerline	110.58	-0.0065	Final template orientation

Table 1: Summary of Roadway Tangent Measurements and Template Orientation



Outlook

Re: LU-26-015 - Template Test 11 parcels DWG

From Angela Gellatly <angelagellatly@yahoo.com>

Date Tue 7/7/2026 2:05 AM

To RICHARDSON Bob <bob.richardson@bentoncountyor.gov>

Cc SCHUETZ Petra <petra.schuetz@bentoncountyor.gov>

 1 attachment (1 MB)

IMG_0354.jpeg;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bob and Petra,

The template exhibit that we supplied was a rectangle center on center and 1 mile by 1/4 aligned to the maximum extent.

I will summarize our methodology in creating a template aligned with the road to the maximum extent possible as we took great effort to look at the corridor as a whole. See the attached zoomed out picture of the road corridor from Benton County GIS interactive maps. It shows Marys River Road runs from the west at the north end of Marys River Road to the east in the south. Just as it does in the 11 parcels template we provided. We have done extensive research and have found that numerous methods are used in qualifying applications.

On the contrary the planning staff show in their report two templates that do NOT offer the same angle from the correct direction of this corridor. This is because the staff member decided to look at the two rectangle templates with two completely different methods not taking into consideration the direction of the road corridor as a whole. One method uses the angle at the road in front of the parcel only (arbitrary). The other non qualifying template was generated using tools a GIS software coordinator recommended and then reviewed only to help ensure his method of using the tools were correct. The review by this individual was not done with respect to knowing the code or the current laws. The same GIS software coordinator looked at the 11 parcel template that we supplied and was unable to draw any conclusion that the alignment was incorrect, the size or center were inaccurate in any way. Although, the assigned planning staff member used a method suggested to him with the resources he was given both rectangular templates he came up with had an angle in the opposite general direction of the road corridor. These templates aren't aligned to the maximum extent with the road corridor as a whole.

Since there is no law saying the angle of the template has to be exactly the degree of angle nor is one approach mandatory our alignment could be seen is more accurate based on the trajectory of road as demonstrated in the attachment.

The Benton County Planning Department has used various methods to align with the road(as documented). Other county planning offices in surrounding communities select the angle in effort to qualify an applicant, especially when a parcel count is in question(10 vs. 11) per conversations with two planning staff at Polk and Linn County. Benton County staff report showed 3 totally different methods on our application alone, demonstrating that there is no single template that must be used in qualification. No matter the method the template we supplied that encompasses 11 parcels speaks true according to the law as of 2026.

Again, because a rectangle template needed to be generated, we used a professional engineer who in the SolidWorks sketch environment determined no single tangent vector represents the best angle of alignment. With road alignment as our focus, three vector angles spread over the one mile were selected, and with the mean of those angles the centerline of the rectangle was formed (mean at 110.58 degrees). As a result, the rectangle template that was engineered matches the angle showcased in the attached GIS corridor road map. Hence, the dominant directional trend methodology we used, worked aligning with the road to the maximum extent.

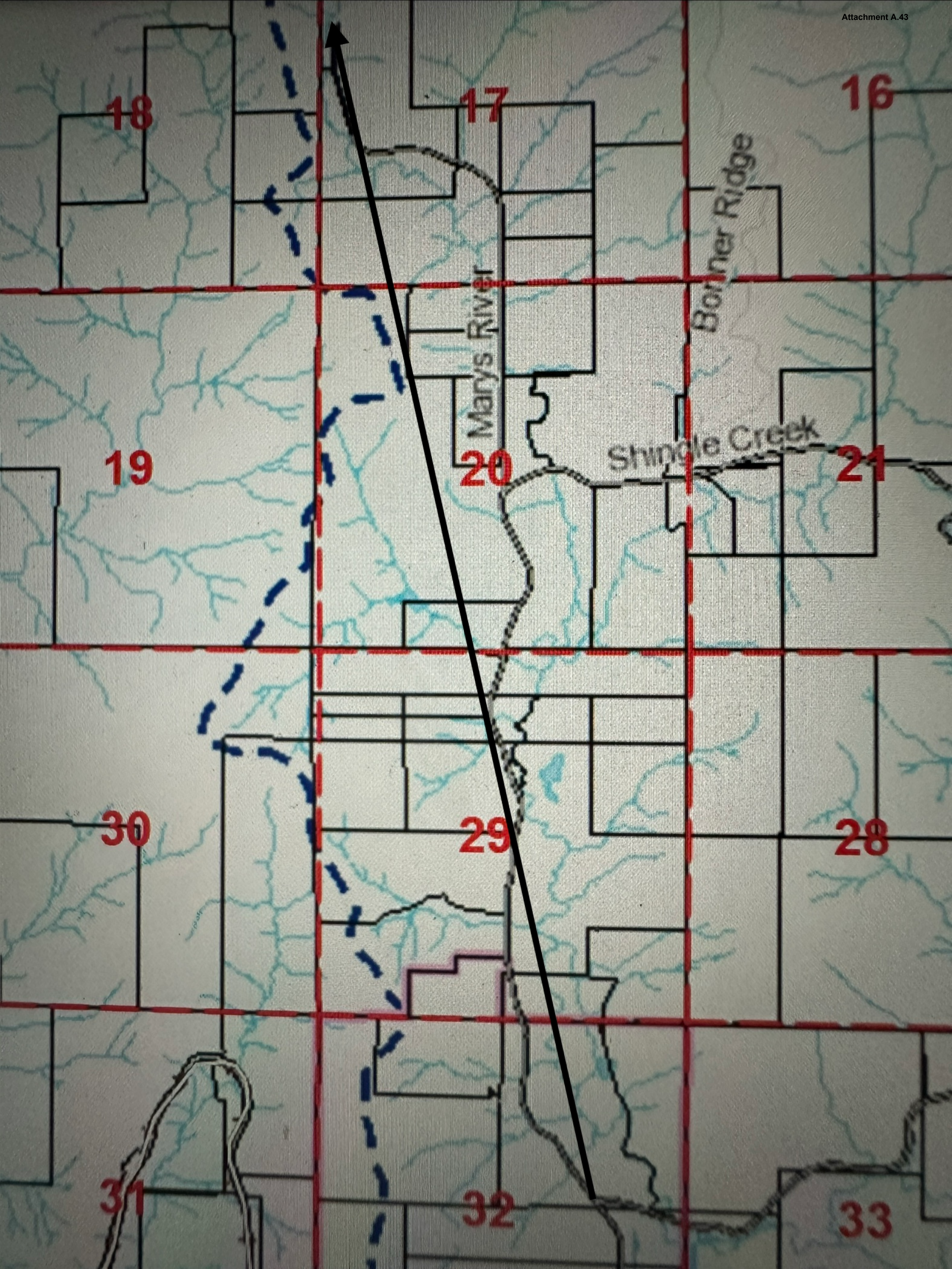
Thank you for including this evidence in your staff report. The step by step process was outlined and supplied to the planning department. One could argue that the planning staff simply chose 3 templates that did not include the qualifying number of parcels with the intent to deny the application. Why would that be the case? The planning staff member at first glance didn't think we should apply at all. He strongly discouraged us to apply because of his quick look. On the contrary, we applied with confidence as we did extensive research, conducted professional drawings and answered all questions thoroughly with supporting documentation. We went above and beyond the application requirements to demonstrate that we have 11 parcels in a qualifying template to avoid wasting anyone's time. We wouldn't have simply applied and paid the hefty fee to waste everyone's time. From the very beginning the staff member assigned didn't want us to apply and with a denial being an "I told you so" attitude instead of simply looking at the facts. Other staff members likely would have NOT gone to these great lengths to deny an application that requires approval.

Thanks again for taking all of the evidence into account when making a recommendation to the planning commission.

Best,
Angela

On Monday, July 6, 2026, 5:30 PM, RICHARDSON Bob <bob.richardson@bentoncountyor.gov> wrote:

Angela,
The person who reviewed your materials is Russell Barlow, GIS Coordinator. As I recall, I spoke with him last Thursday 7/2. I did not ask him to provide a written report, only to review the materials you provided, so I don't have anything from him to share with you. I will continue coordinating with him as I prepare a memo to the planning commission regarding your appeal.





Roadway Alignment Methods Verification

Template Orientation, Tax Lot 107320000501 (LU-26-015)

Benton County, Oregon
GIS Unit

Author: Benton County GIS Unit

Case: LU-26-015

Subject: Tax Lot 107320000501

CRS: NAD83(HARN) OR North (Intl ft), WKID 2913

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1 Introduction

1.1 Purpose and scope

Benton County GIS was asked to independently verify the roadway-alignment method used to orient the template in this case, and to report the qualifying-parcel counts that different alignment methods produce. This report is limited to the geometric alignment methods and the resulting parcel counts. Whether the application qualifies, including any non-geometric criteria, is determined by planning staff and is outside the scope of this analysis.

1.2 Background: the template test

The template test places a fixed rectangle, one mile long and one-quarter mile wide, centered on the mathematical centroid of the subject tract. It then orients it, to the maximum extent possible, with the road the tract abuts. The rectangle’s size and its center are fixed. The only quantity left to analysis is its rotation. The parcel count at issue in this case is eleven.

Because the alignment standard does not prescribe a computational method, this analysis adopts the plain meaning of the phrase “aligned with the road”: the template is aligned with the direction the road runs, measured over the one mile of road the template spans.

1.3 Data sources and coordinate system

All geometry is drawn from the County’s authoritative enterprise layers, in the projected coordinate system NAD83(HARN) StatePlane Oregon North FIPS 3601 (International Feet), WKID 2913. No traced or externally supplied geometry is used.

Role	Source
Parcels	ArcGIS_Prod.SDE.Taxlot (current tax lots; key field MapTaxlot)
Road centerline	ArcGIS_Prod.SDE.centerline, Marys River Road

2 Methodology

2.1 Center of the subject tract

The mathematical (area) centroid of Tax Lot 107320000501 was computed from the tax lot polygon. It is $X = 7,402,941.93$, $Y = 375,220.12$, and lies within the tract. This serves as the fixed center of the template.

2.2 Corridor definition

The road centerline was clipped to a circle of radius 2,640 feet (one-half mile) centered on the centroid. This isolates the one mile of road the template spans. Using a rotation-independent boundary provides a road extent that does not depend on the orientation being determined.

2.3 Length-aware sampling

The clipped centerline was densified to a 25-foot vertex spacing and split at every vertex, producing 277 short segments of approximately equal length. Equal-length segments give each length of road proportional weight in the orientation calculation. This means that long straight runs count more than short bends.

2.4 Roadway orientation: directional mean

The mean orientation of the 277 segments was computed with a linear (axial) directional mean, treating each segment as an undirected line. The result is a compass bearing of 7.7 degrees (N7.7E). The circular variance is 0.17, indicating the segment directions cluster closely about that bearing, and the uniformity test rejects the hypothesis of no preferred direction at $p < 0.001$. The road therefore has a well-defined dominant direction, and it is nearly north-south. This orientation is used as the alignment as it measures the direction the road runs.

2.5 Roadway orientation: independent best-fit check

As a second, independent estimate, the best-fit axis of the densified centerline vertices was computed as the major axis of their standard deviational ellipse. The result is a bearing of 20.3 degrees. The two estimates differ by 12.6 degrees. The difference is a property of the road's shape and is explained in Appendix B. Both estimates are reported; the directional mean is used for the reason stated in Section 2.4.

2.6 Template construction and parcel counting

For each orientation evaluated, a 160-acre template (5,280 feet by 1,320 feet) was centered on the centroid, rotated to the bearing, and intersected with the tax lot layer. A parcel is counted if all or part of it lies within the template. The subject tract (107320000501) and road right-of-way features (1073200ROADS, 1170500ROADS) are excluded from every count, as they are neither other lots nor parcels.

3 Results

3.1 Roadway orientation

Marys River Road has a well-defined dominant direction near north. The directional mean is a bearing of 7.7 degrees; the independent best-fit axis is 20.3 degrees. The road is inflected, curving east through the middle of the corridor and back, which accounts for the 12.6-degree difference between the two (Appendix B).

3.2 Qualifying parcel counts by orientation

Both road-following orientations enclose nine qualifying parcels; the applicant orientation encloses eleven.

Orientation	Bearing	Qualifying parcels
Directional mean (primary)	7.7°	9
Best-fit axis (check)	20.3°	9
Applicant orientation	339.4° (N20.6W)	11

Parcels enclosed by the directional-mean template (9): 107320000101, 107320000201, 107320000401, 107320000600, 117050000200, 117050000300, 117050000400, 117050000500, 117050000600. The best-fit axis template encloses the same nine less 117050000600 and plus 117060000200, also totaling nine.

3.3 Orientation sensitivity

To test whether the count depends on the specific alignment method, the parcel count was computed at every one-degree orientation from 330 degrees through 40 degrees (N30W through N40E), holding the center and dimensions fixed. The result is shown in Figure 3.1.

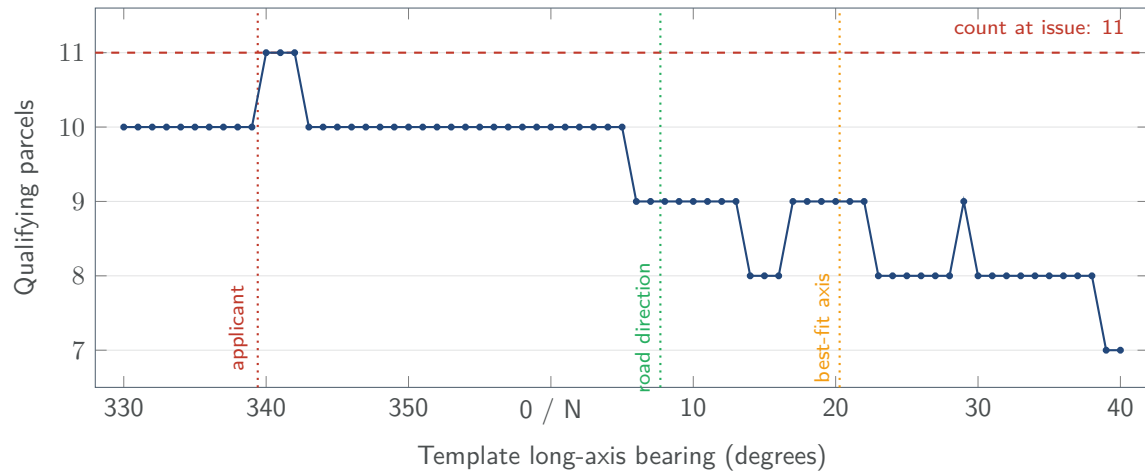


Figure 3.1: Qualifying parcel count as a function of template orientation, center and dimensions held fixed. The count reaches eleven only at three of the seventy-one orientations tested (340 to 342 degrees), a band roughly 26 degrees off the road's dominant direction. Every orientation aligned with the direction the road runs yields nine or ten.

The template encloses eleven parcels at only three of the seventy-one orientations tested, a three-degree window centered near N20.6W. That window lies approximately 26 degrees off the road's dominant direction and points the template away from the road's eastern curvature. Every orientation aligned with the direction the road runs encloses nine or ten parcels; none except the narrow western window reaches eleven. The single-degree variations elsewhere in the curve reflect individual parcels entering and leaving the template as it rotates.

4 Reproduction of the Applicant's Result

Given the applicant's stated template orientation of N20.6W (339.4 degrees), the County reproduced the applicant's eleven-parcel count using the current tax lots. The eleven parcels are the nine enclosed by the directional-mean template plus 107320000300 and 107320000601, which the western tilt draws into the template's corners.

The County was not able to independently derive that orientation from the applicant's described methodology. The applicant's orientation is the arithmetic average of three roadway tangent directions whose locations along the road are not specified. Different tangent locations yield different averages, and no rule in the methodology fixes where the three are taken. The eleven-parcel result is therefore reproducible only when the final bearing is supplied. This means that the bearing cannot be reproduced from the method itself. As Section 3.3 shows, the count reaches eleven only within a three-degree band, so an unspecified orientation is the operative variable in the applicant's result.

By contrast, the directional-mean orientation is derived from the full road centerline by a defined procedure and returns the same bearing on any repetition.

5 Findings

5.1 Summary of findings

1. The template's center and dimensions are fixed; orientation is the only variable.
2. Marys River Road has a well-defined dominant direction near north (bearing 7.7 degrees).
3. Aligned with that direction, the template encloses nine qualifying parcels. An independent best-fit orientation also encloses nine.
4. The template encloses eleven parcels only within a three-degree orientation window near N20.6W, approximately 26 degrees off the road's direction.
5. The applicant's eleven-parcel count is reproducible from the applicant's supplied bearing but not derivable from the applicant's described method, because the method depends on unspecified tangent locations.

5.2 Scope of this analysis

The parcel counts in this report reflect geometric intersection only. Other qualifying criteria that are not geometric, such as when a parcel was created and whether qualifying dwellings are present, are determined by planning staff and are outside the scope of this analysis. Such criteria can only reduce a count, not increase it.

5.3 Reproducibility

The orientation and counts were produced with standard ArcGIS Pro geoprocessing tools against the current tax lots and road centerline, in WKID 2913. Intermediate outputs (centroid, corridor, clipped and densified centerline, split segments, directional mean, best-fit ellipse, and each oriented template) were retained. The sensitivity sweep is provided as a script and its output. Repeating the procedure with the same inputs reproduces the reported bearings and counts.

A Orientation Comparison Exhibit

Figure A.1 shows the two evaluated orientations that anchor the comparison, the road-aligned (County) template and the applicant template, over the current tax lots, with the road centerline, the subject centroid, and the parcels each template intersects. The two templates share the same center and dimensions and differ only in rotation. The road-aligned template tracks the road; the applicant template is rotated west, away from the road's eastern curvature, and the two parcels it adds are shown in red.

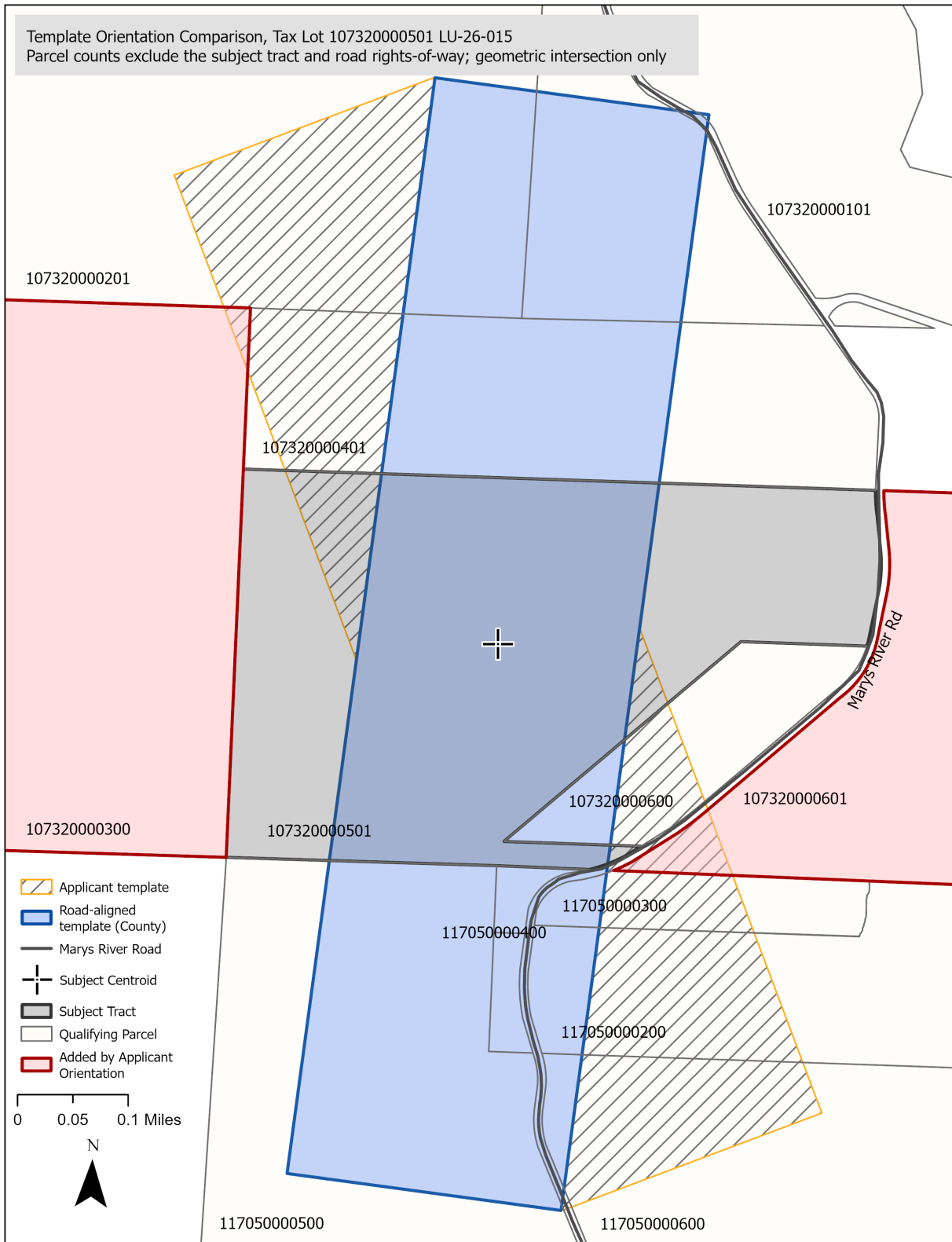


Figure A.1: Template orientation comparison for Tax Lot 107320000501. The road-aligned (County) template and the applicant template over the current tax lots. The two red parcels are enclosed only under the applicant orientation.

B Directional Statistics: Heading Versus Footprint

The directional mean (7.7 degrees) and the best-fit axis (20.3 degrees) differ by 12.6 degrees. The two measure different things, and coincide only for a straight or symmetrically curved road.

The directional mean is the length-weighted average of the direction each segment of the road travels. It depends only on the segment directions, not on where the segments sit. The best-fit axis is the major axis of the road's point footprint. It depends only on where the points sit, not on the direction of travel.

Marys River Road is inflected: it curves east through the middle of the corridor and returns. For an S-shaped alignment, the two opposing curves place points on opposite sides at opposite ends of the corridor, so the footprint stretches on a diagonal and its major axis tilts toward that diagonal. The average direction of travel, however, remains near north, because the opposing curves offset one another in the direction average. The low circular variance (0.17) confirms the segment directions cluster tightly near 7.7 degrees. The directional mean is therefore the measure that answers “which direction does the road run.”

C Geoprocessing Record

Step	Tool and key parameters
Centroid	Feature To Point, Inside unchecked, on Tax Lot 107320000501
Corridor	Buffer, 2,640 ft, on the centroid; road clipped to the buffer
Sampling	Densify, Distance 25 ft; Split Line At Vertices (277 segments)
Directional mean	Linear Directional Mean, Orientation Only; CompassA 7.69, circular variance 0.17, uniformity rejected
Best-fit axis	Feature Vertices To Points (All); Directional Distribution, 1 standard deviation; major-axis bearing 20.28
Templates	Create Fishnet, 5,280 by 1,320 ft, 1 row, 1 column, centered on the centroid, rotated per bearing
Counting	Select By Location, Intersect; subject tract and road right-of-way excluded
Sensitivity	Scripted sweep, 330 to 40 degrees at 1-degree steps; output table retained

All outputs were written to a local scratch geodatabase; no enterprise data was modified.



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4500 SW Research Way
Corvallis, OR 97333
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File Number: LU-26-015

NOTICE OF DECISION

NATURE OF APPLICATION:	Application to establish dwelling rights in the Forest Conservation Zone. This application is for a dwelling in the forest conservation zone, based on the number of parcels and dwellings in the surrounding area ("Template Test").
APPLICABLE CRITERIA:	Benton County Code Forest Conservation Chapter 60, and General Development Standards Chapter 99.
PROPERTY LOCATION:	The property is located at T10S R7W Section 32 Tax Lot 501. The subject property does not have an assigned address. The property is located east of 37516 Marys River Rd, Blodgett, OR 97326.
PROPERTY OWNER: APPLICANT:	Bopenhagen Family Property LLC, Angela Hahn, Elizabeth Oliver
ZONE DESIGNATION:	Forest Conservation, 80-acre minimum (FC)
COMP. PLAN DESIGNATION:	Forestry
CAC PLANNING AREA:	Northwest-Benton (not active)
STAFF CONTACT:	James Wright James.Wright@bentoncountyor.gov

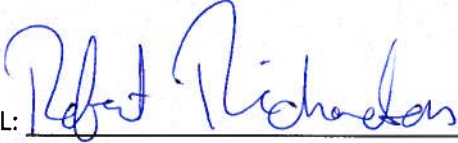
CONCLUSION

The applicant requests authorization to establish a dwelling in the Forest Conservation (FC) Zone through the Template Test provisions of BCC 60.108(2) and ORS 215.750. To qualify, the subject tract must demonstrate the existence of at least 11 other qualifying lots or parcels and at least three qualifying dwellings within the applicable template configuration.

Staff evaluated the proposal utilizing the square template and multiple rectangular template configurations under BCC 60.108(2)(c), (e), and (f), including alignments based on 1) the typical department methodology of "maximum extent possible;" 2) GIS directional analysis; and, 3) guidance discussed through DLCD Rules Advisory Committee materials. Under all evaluated configurations, the subject property failed to demonstrate the existence of at least 11 qualifying lots or parcels that existed on January 1, 1993, within the required template area.

Because the proposal does not satisfy the minimum parcel threshold required under BCC 60.108(2)(c), the application does not qualify for a dwelling under the Template Test provisions of the Benton County Code and ORS 215.750. Therefore, the application is denied.

A dwelling authorization would remain subject to the siting standards, development requirements, and conditions discussed in this report, including compliance with BCC 60.405, BCC 60.410, applicable fire protection requirements, road access standards, forest stocking requirements, and final dwelling siting.

PLANNING OFFICIAL:  Date of Decision: June 9, 2026

THIS DECISION MAY BE APPEALED TO THE PLANNING COMMISSION BY FILING AN APPEAL FORM AND PAYING THE APPEAL FEE BY 5:00 P.M. ON **June 23, 2026** (THE 14TH CALENDAR DAY AFTER THE DATE OF THE DECISION). You may obtain an appeal form, and you may submit the completed form and the appeal fee, at the Community Development Department, 4500 SW Research Way, Corvallis, OR 97333. A person receiving this notice by mail may appeal this decision only to the Planning Commission and may not appeal directly to the Oregon Land Use Board of Appeals.

This decision will not become final until the 14-day appeal period has elapsed. The findings of fact relied upon in making this decision are available for review at the Community Development Department. A copy will be provided at a reasonable cost.

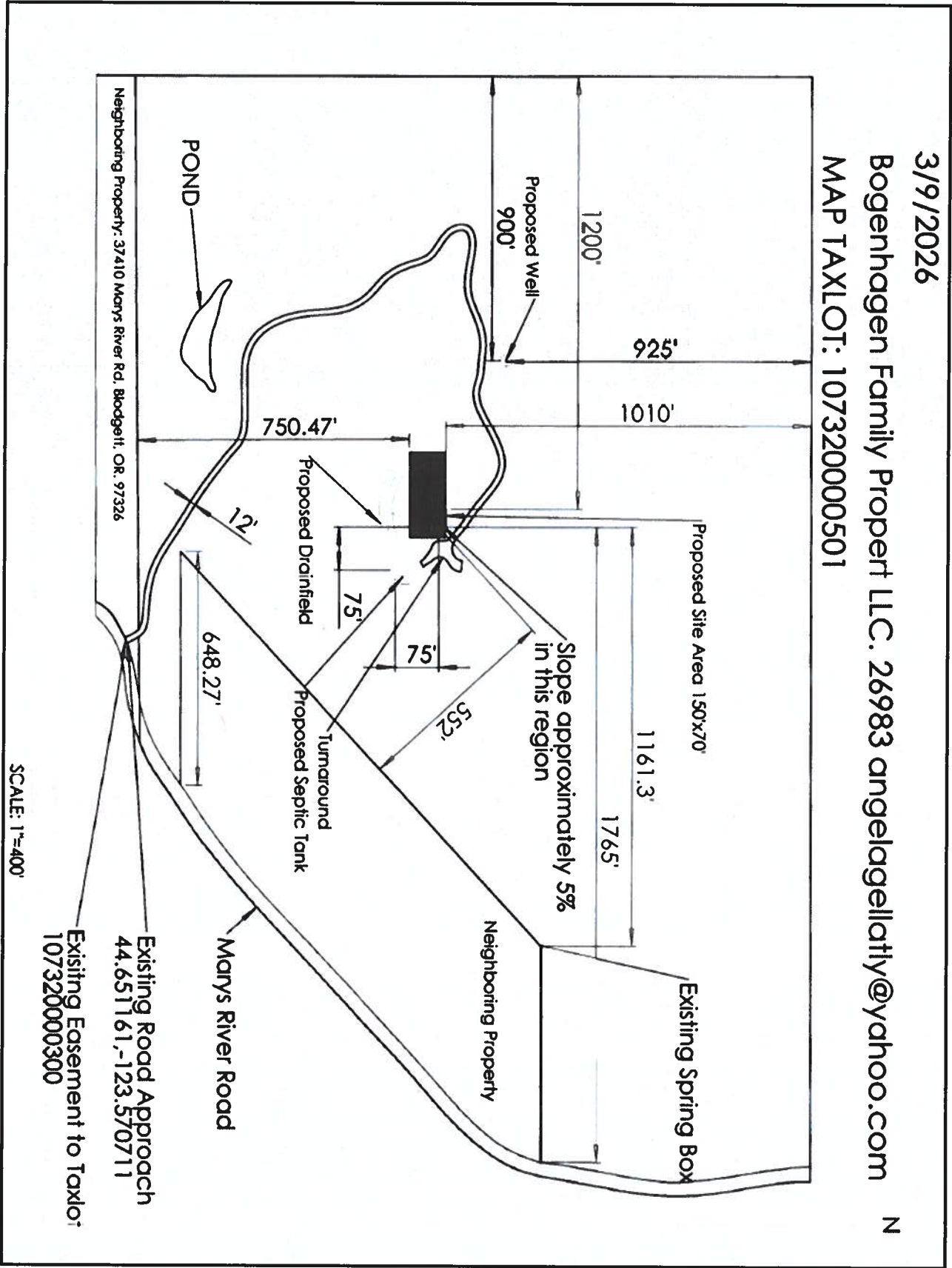
Attachments

A) Site Plan

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Attachment A





(541) 766-6819
4500 SW Research Way
Corvallis, OR 97333
cd.bentoncountyor.gov

File Number: LU-26-015

STAFF REPORT

NATURE OF APPLICATION:	Application to establish dwelling rights in the Forest Conservation Zone. This application is for a dwelling in the forest conservation zone, based on the number of parcels and dwellings in the surrounding area ("Template Test").
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PROPERTY OWNER: APPLICANT:	Bopenhagen Family Property LLC, Angela Hahn, Elizabeth Oliver
ZONE DESIGNATION:	Forest Conservation, 80-acre minimum (FC)
COMP. PLAN DESIGNATION:	Forestry
CAC PLANNING AREA:	North-Benton (not active)
STAFF CONTACT:	James Wright James.Wright@bentoncountyor.gov

I. SUMMARY

This report evaluates the application for consistency with Benton County Code (BCC). The subject property is a 97.18-acre lot zoned Forest Conservation (FC). The applicant is requesting to establish a dwelling right on the property utilizing a Template Test per Benton County Code 60.108. To satisfy the template test requirements, at least 11 other lots or parcels must be located within a 160-acre square or rectangular area, centered on the subject property that existed on January 1, 1993.

As discussed throughout this report, staff finds that the application does not satisfy the applicable approval criteria of the Benton County Code. Therefore, staff recommends denial of the application.

II. BACKGROUND

The subject property is zoned Forest Conservation (FC). The purpose of the FC Zone is to implement Statewide Planning Goal 4 (Forest Lands) by conserving forest resources and maintaining lands suitable for commercial forest management. Forest zoning is intended to limit

the encroachment of non-resource development onto forest lands and minimize conflicts between residential uses and forest operations.

While dwellings are generally limited within forest zones, Oregon law provides several pathways through which a dwelling may be established on forest land. Each pathway contains specific approval criteria intended to ensure that residential development remains consistent with the long-term conservation of forest resources and does not unnecessarily interfere with accepted forest practices.

One such pathway is the template dwelling provision. The template dwelling criteria were established by the Oregon Legislature to allow limited residential development in areas where a pattern of existing development has already occurred. Under this framework, eligibility is determined by evaluating surrounding parcels and qualifying dwellings within a defined template area. The Legislature has modified these provisions over time, including through House Bill 2225, which clarified the methodology used to evaluate qualifying parcels and dwellings for purposes of the template test.

Benton County Community Development Department (referred to as the department) received an application from Angela Hahn (referred to as the applicant) on behalf of Bopenhagen Family Property LLC, requesting a dwelling right authorized by a template test.

On March 18, 2026, the department received an application for a Template Test to authorize the placement of a dwelling. The department deemed the application incomplete on March 31, 2026. The application was deemed complete on April 13, 2026.

On April 22, 2026, the department mailed notice, of the Template Test Application to the owners of the properties within 750 feet of the subject property, and to affected public agencies and interested members of the community, as required under Benton County Code (BCC) 51.605-615. On April 21, 2026, the department published notice of the application in a newspaper of general circulation in Benton County, The Gazette Times.

III. COMMENTS

On May 19, 2026, **Resident Mark Gassner** submitted comments opposing the addition of a dwelling on forest land with the following statement: *"Hi James, I am not sure if the application had been pulled already, but I am writing to oppose converting forest ground to adding a dwelling to this property. The land owner is looking to convert it to increase the property value as they plan to sell it. The drive way will be shared with the timber land owners that access their property through the property. So there could be safety concerns for the shared road with equipment and log trucks. Also the potential effects of adding a well to the property and impact of the hydrology effects to the stream that flows off of the property that neighboring properties rely on for livestock. We are already dealing with decreased flows later in the summer due to the pond that was constructed on the property without a permit. I also don't think this property meets the criteria in order to build on and should remain forest or ag land."*

On April 7, 2026, **Benton County Public Works Gordon Kurtz** submitted a memorandum regarding required road improvements on Marys River Road.

Staff Response: Public Works' recommended conditions are incorporated into Conditions of Approval for this staff report and decision.

On April 4, 2026, **Blodgett Fire Safety Officer Marshall Dunham** provided comments stating *"I checked this out today and talked to the developer who was one of our firefighters for many*

years. He is designing the site with the fire department's needs in mind. I see no problems with approving this template”.

On March 26, 2026, **Environmental Health Specialist Robert Turkisher**, stated in an email “*Septic Site Feasibility required for 10-7-32 Tax Lot 501 as discussed in the Site Consultation Meeting on 3/17/26”.*

No other written comments were received at the time this staff report was written.

IV. FINDINGS OF FACT

1. The subject property is a 97.18-acre property identified as T10S R7W Section 32, Tax Lot 501. This parcel was created by deed¹ in 1967.
2. The subject property and adjacent property to the north, south, and west are zoned as Forest Conservation (FC) 80-acre minimum. The adjacent property to the east is zoned Exclusive Farm Use (EFU) 80-acre minimum.
3. The subject property contains the following soil classification:
 - Preacher-Bohannon-Slickrock complex, with an average forest production of 173 cubic feet per acre of wood fibers.
 - Apt-McDuff complex, with a range of forest production between 158 and 209 cubic feet per year of wood fiber.
4. Access to the subject property is directly from Marys River Road.
5. The building site is not in a FEMA-designated Special Flood Hazard Area.
6. According to the Oregon Explorer Map Viewer website, there are no mapped wetlands identified on the subject property. Note: Any land development proposed within a designated wetland must comply with federal law and all requirements of the Department of State Lands.

V. FINDINGS APPLYING APPLICABLE CODE CRITERIA

All applications are subject to the provisions of Benton County Development Code (BCC).

CHAPTER 60 FOREST CONSERVATION

[BCC 60.108]

Dwellings in the Forest Conservation Zone. One dwelling may be allowed on a tract in the Forest Conservation Zone under either (1) or (2) of this section, but only if the siting standards of BCC 60.405 and 60.410 are met, it complies with the requirements of the Comprehensive Plan and Development Code, and no dwellings exist or are allowed on other parts of the tract. Deed restrictions shall be required to ensure dwellings are not allowed on other lots or parcels that make up the tract.

[BCC 60.108 (1)]

(1) Dwelling on 160 Acres or 200 Acres.

Finding: The subject property is approximately 97 acres in size and, therefore, does not qualify for a dwelling right under the acreage-based criterion in BCC 60.108(1). As a result, the applicant must demonstrate compliance with BCC 60.108(2) to establish a dwelling right on the property.

[BCC 60.108 (2)]

¹ 1970-018370

(2) Template Test. A dwelling may be allowed if the lot or parcel is predominantly composed of soils that are:

(a) & (b) **criteria do not apply as (c) is the applicable criteria based on wood fiber production.

(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) All or part of at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels;

To establish a dwelling right under BCC 60.108(2)(c), the applicant must satisfy the template dwelling standards. In addition to the criteria above, the review must consider amendments made by House Bill (HB) 2225, which modified certain requirements for conducting template dwelling analyses and determining eligibility for a dwelling in forest zones.

House Bill 2225

On July 2, 2019, the legislative assembly enacted HB 2225. HB 2225 changes certain requirements for “Template Dwelling” reviews. Template dwellings are permitted in forest zones within areas that already had a certain number of existing dwellings and parcels on January 1, 1993. HB 2225 changes the following requirements set forth in ORS 215.750:

- ORS 215.750 previously required the 160-acre template to be centered on the tract but does not provide a method for determining the center. HB 2225 specifies that the template must be centered on the “mathematical centroid of the tract.”
- HB 2225 prohibits using property line adjustments to relocate parcels from areas where they would not qualify for a template dwelling to areas where they would qualify.
- ORS 215.750 previously did not allow template dwelling approval on a tract that has an existing dwelling. “Tract” means one or more contiguous lots or parcels under the same ownership. The HB 2225 amendments do not allow template dwelling approval if a parcel was part of a tract on January 1, 2019, and another parcel that was part of the tract on that date has a dwelling.

Finding: The subject property is predominantly composed of Apt-McDuff complex soils, which are capable of producing approximately 209 cubic feet of wood fiber per acre per year. Therefore, the property must satisfy the requirements of having at least 11 other lots or parcels within a designated (160-acre square) space, the subject tract itself is not counted per BCC 60.108(2)(c).

160-acre square Template Test

Attachment C.9

Pursuant to ORS 215.750 and House Bill 2225, staff evaluated the application utilizing a 160-acre square centered on the mathematical centroid of the subject tract. Staff reviewed historical assessor records, deed records, and GIS mapping to determine the number of qualifying lots or parcels and dwellings that existed on January 1, 1993.

Staff identified 10 qualifying lots or parcels that existed on January 1, 1993, within the required square template area.

Figure 1: 160-acre Square Template test

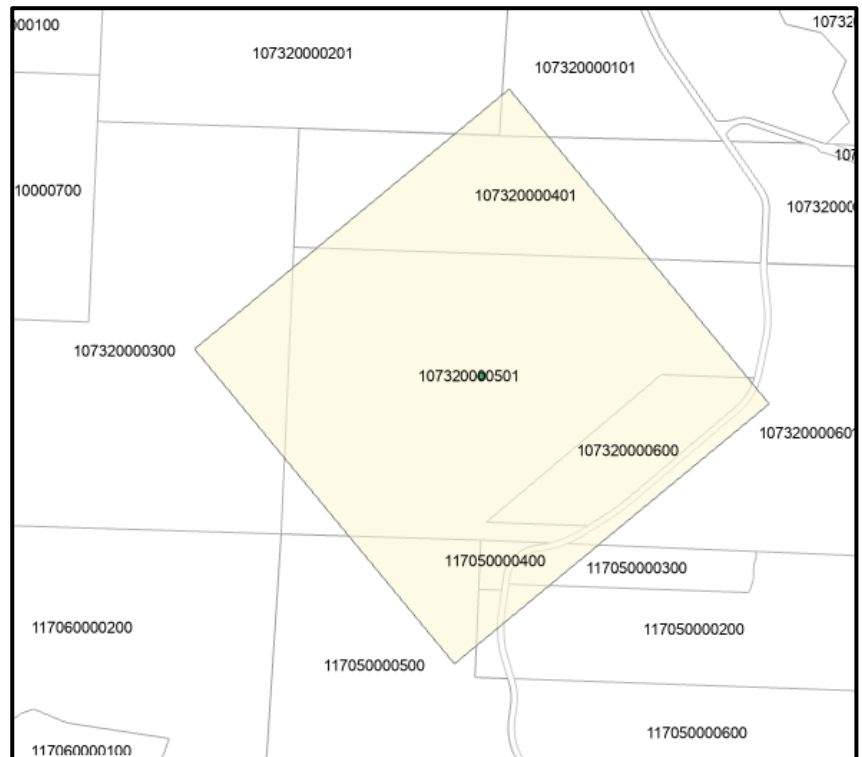


Table 1: 160-acre square Property Table

	<u>Tax Lot</u>	<u>Year Created</u>	<u>Present on</u> <u>01/1993</u>	<u>Dwelling Built</u>
1	107320000201	1963	Yes	No Dwelling
2	107320000101	1969	Yes	2007* (Replacement dwelling of a 1992)
3	107320000401	1972	Yes	1973
4	107320000300	1959	Yes	1920
5	107320000600	1951	Yes	1972
6	107320000601	1974	Yes	No Dwelling
7	117050000400	1969	Yes	1972
8	117050000300	1955	Yes	No Dwelling
9	117050000200	1953	Yes	No Dwelling
10	117050000500	1912	Yes	2011

While several dwellings existed within the template area prior to January 1, 1993, the code requires both a minimum of 11 qualifying lots or parcels and at least three qualifying dwellings. The application does not satisfy the minimum parcel count requirement.

Because fewer than eleven qualifying lots or parcels existed within the 160-acre square template area on January 1, 1993, the proposal fails to satisfy BCC 60.108(2)(c)(A).

The dwelling cannot be approved through the Square Template Test process outlined in BCC 60.108 (2)(c).

Conclusion: The application does not meet the requirements of BCC 60.108(2)(c).

[BCC 60.108 (2)(d)]

(d) Lots or parcels within Urban Growth Boundaries shall not be used to satisfy the eligibility requirements under this section.

Finding: None of the lots or parcels used in the template test are located within a UGB.

Conclusion: This criterion does not apply.

[BCC 60.108 (2)(e)]

(e) Except as described in BCC 60.108(2)(f), if the tract under BCC 60.108(2)(a) through (c) abuts a road that existed on January 1, 1993, the evaluation of parcels and dwellings in the vicinity may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

[BCC 60.108 (2)(f)]

(f) If a tract 60 acres or larger described under BCC 60.108(2) abuts a road or perennial stream, the evaluation of parcels and dwellings in the vicinity shall be made in accordance with BCC 60.108(2)(e). However, 1 of the 3 required dwellings shall be on the same side of the road or stream as the tract, and:

(A) Be located within a 160-acre rectangle that is 1 mile long and ¼ mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

(B) Be within ¼ mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

Finding: At 97.18-acres the subject property is larger than 60-acres, therefore the template test shall comply with BCC 60.108(2)(f). The template test shall be conducted with a 160-acre rectangle that is one mile long and one-fourth mile wide and to the maximum extent possible, in alignment with Mary's River Road.

The definition of maximum extent possible is not provided in state statutes or Benton County Code. For analysis of maximum extent possible, staff consulted with Department of Land Conservation and Development (DLCD) and referred to the department's typical methodologies. Staff evaluated the template test with the following multiple alignments 1) Benton County Planning typical methodologies, 2) GIS Linear Directional Mean along Marys River Road, and 3) DLCD Rules Advisory recommendation. All three of these pathways are presented below.

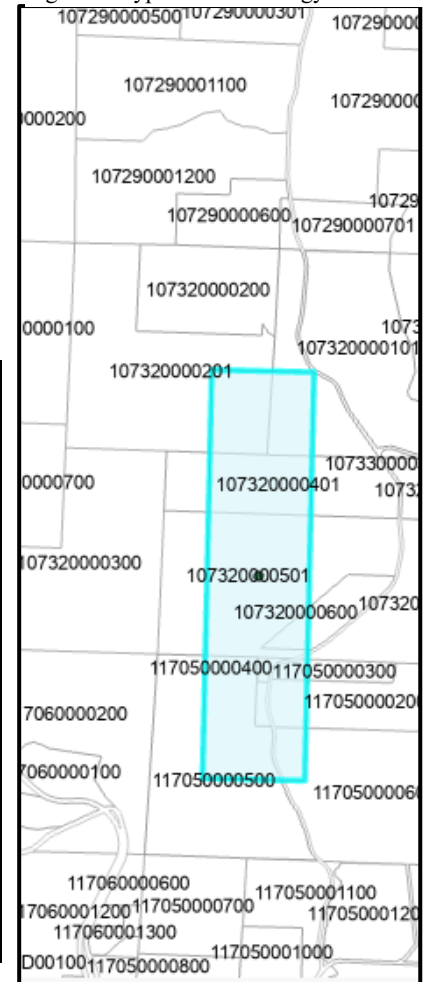
- 1) Benton County Planning Department typical methodology of Maximum Extent possible.

Staff applied the department's typical methodology of "maximum extent possible" by aligning the rectangular template with the overarching orientation of Marys River Road as shown in figure 3. Under this methodology, the template yielded 10 qualifying lots or parcels. The proposal is not compliant with the departments typical methodology.

Table 2: Typical Methodology Table

	<u>Tax Lot</u>	<u>Year Created</u>	<u>Present on 01/1993</u>	<u>Dwelling Built</u>
1	107320000201	1963	Yes	No Dwelling
2	107320000101	1969	Yes	2007* (Replacement dwelling of a 1992)
3	107320000401	1972	Yes	1973
4	107320000600	1951	Yes	1972
5	107320000601	1974	Yes	No Dwelling
6	117050000400	1969	Yes	1972
7	117050000300	1955	Yes	No Dwelling
8	117050000200	1953	Yes	No Dwelling
9	117050000500	1912	Yes	2011
10	117050000600	1953	Yes	No Dwelling

Figure 2: Typical methodology



Staff informed the applicant of the template test results based on the department's typical methodology for determining the "maximum extent possible" alignment with Marys River Road. In response, the applicant submitted a revised template configuration and supporting narrative prepared by Trace Hahn, M.E. (Attachment C), along with accompanying mapping exhibits (Attachment D).

The applicant's materials identified that the template rectangle should be oriented based on the predominant directional trend of roadway centerlines within the vicinity of the subject property. Using that methodology, the applicant identified 11 qualifying lots or parcels within the template area and states that the proposal satisfies the parcel-count requirement of BCC 60.108(2)(c).

Staff reviewed the applicant's narrative, mapping exhibits, and supporting documentation. Staff acknowledge that the applicant's submitted template configuration identifies 11 qualifying lots or parcels within the template area. However, staff were unable to independently verify the specific alignment depicted in the submitted exhibits. While staff was able to generally replicate the analytical

process described in the narrative, the submitted materials did not provide sufficient detail regarding the calculations, GIS processing parameters, or assumptions used to derive the final template orientation.

As a result, staff could not confirm that the proposed alignment represents a template that is oriented "to the maximum extent possible" with Marys River Road, as required by BCC 60.108(2)(f). Staff therefore evaluated the proposal using several alternative methodologies intended to objectively assess roadway alignment, including the department's historical approach, GIS directional analysis, and methodologies discussed through the DLCD rules advisory process.

2) GIS Linear Directional Mean

Staff shared the applicant's narrative with Oregon Department of Land Conservation and Development (DLCD) to gather their interpretation of the applicant's proposal. Staff consulted with Hillary Foote from DLCD for additional guidance on how to identify the "maximum extent possible" alignment with the road. DLCD staff recommended a GIS-based methodology using a polyline representing the road segment for the full one-mile length of the template test. Per DLCD Data Engineer Hannah Gedlaman, staff mapped the road centerline then used the Split Line by Vertices tool to divide the alignment into individual segments. Once completed staff applied the Directional Mean tool in ArcGIS Pro.

The Directional Mean tool was used to evaluate the roadway geometry within the template test area. The tool calculates the mean geographic center, average segment length, and dominant directional bearing of the selected roadway segments, producing an objective, mathematically derived representation of the roadway's predominant orientation.

The roadway polyline analyzed extended the full one-mile length of the template test area and accounted for all changes in roadway alignment. The resulting directional mean, depicted in the figure titled "GIS Linear Directional Mean," was then used to orient the template test.

Figure 3: GIS Linear Directional Mean

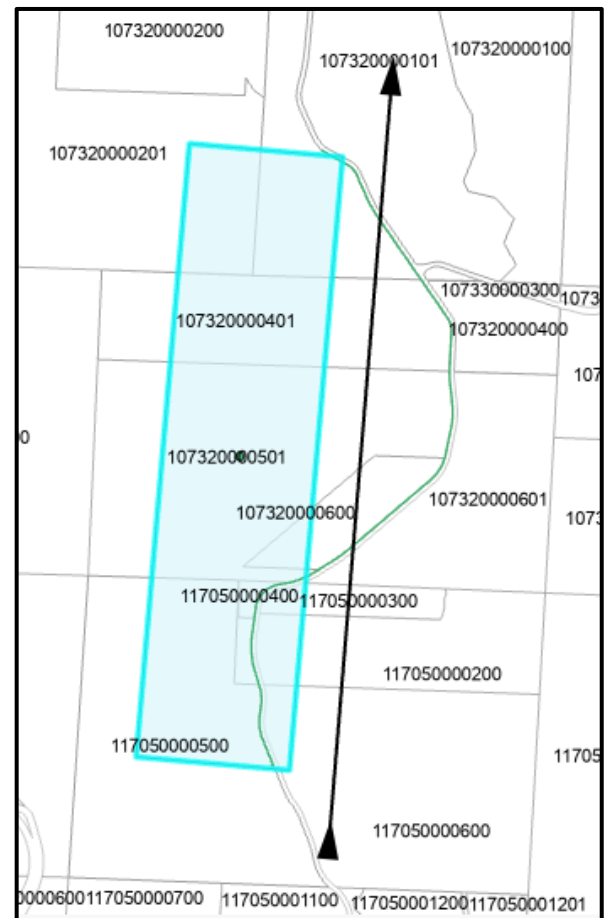


Table 3: GIS Linear Directional Mean

	Tax Lot	Year Created	Present on 01/1993	Dwelling Built
1	107320000201	1963	Yes	No Dwelling
2	107320000101	1969	Yes	2007* (Replacement dwelling of a 1992)
3	107320000401	1972	Yes	1973
4	107320000600	1951	Yes	1972
5	117050000400	1969	Yes	1972
6	117050000300	1955	Yes	No Dwelling
7	117050000200	1953	Yes	No Dwelling
8	117050000500	1912	Yes	2011
9	117050000600	1953	Yes	No Dwelling

Applying the template in alignment with the calculated directional mean resulted in the identification of nine other lots or parcels within the template area, two short of the 11 needed to satisfy the review criteria.

3) DLCD Rules Advisory recommendation

Lastly, due to the unique configuration of the subject property, staff evaluated a third approach for determining the “maximum extent possible” alignment with Mary’s Road. In doing so, staff reviewed Rules Advisory Committee (RAC) meeting notes. RAC materials suggest that Jackson County’s approach was discussed as one example of how local governments have interpreted the statutory alignment requirement. Jackson County’s methodology aligns the template test with the frontage of the subject property. Applying this approach to the subject property resulted in the identification of eight legal lots or parcels, three short of the 11 needed to satisfy the review criteria.

Figure 4: Jackson County Methodology

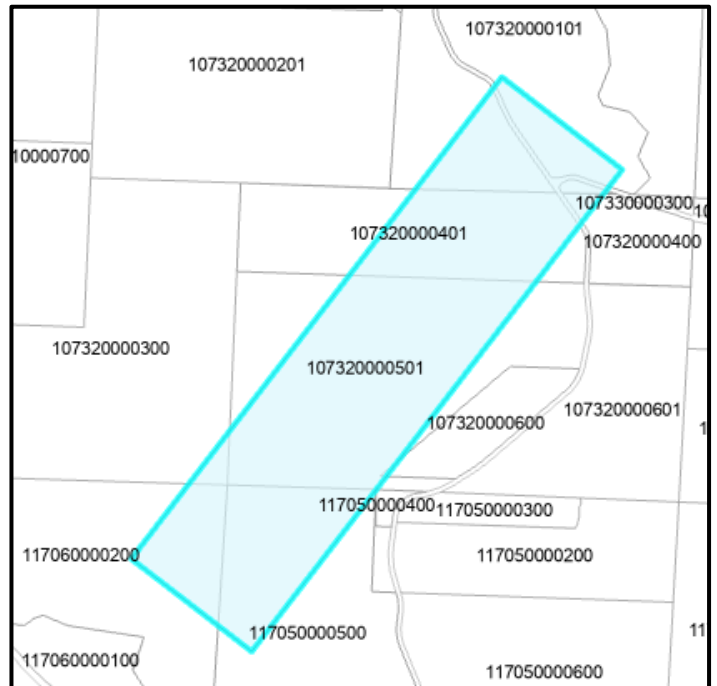


Table 4: Jackson County Methodology

	<u>Tax Lot</u>	<u>Year Created</u>	<u>Present on 01/1993</u>	<u>Dwelling Built</u>
1	107320000101	1969	Yes	2007* (Replacement dwelling of a 1992)
2	107320000400	1969	Yes	1940

3	107320000401	1972	Yes	1973
4	107320000600	1951	Yes	1972
5	117050000400	1969	Yes	1972
6	117050000500	1912	Yes	2011
7	107320000300	1959	Yes	No Dwelling
8	117060000200	1957	Yes	No Dwelling

Because neither ORS 215.750 nor BCC 60.108 defines the phrase "to the maximum extent possible aligned with the road," staff evaluated multiple reasonable interpretations reflected in prior local methodology, DLCD guidance and methodologies discussed through DLCD rules advisory processes. Under each methodology examined, the proposal failed to achieve the minimum parcel count required by BCC 60.108(2)(c).

Conclusion: The applicant fails to meet this criterion.

[BCC 60.405]

Siting Standards.

Criteria 1 through 5 shall be applied as conditions of approval that must be met prior to issuance of a building permit for a forest dwelling authorized by a Template Test. Criteria 7 and 8 will be reviewed through this template test process and the appropriate location of the dwelling will be established in the conditions of approval.

All new structures allowed in the Forest Conservation Zone shall be sited in compliance with BCC Chapter 99 and the following standards:

[BCC 60.405 (1)]

(1) The owner of any new structure shall maintain a primary and secondary fuel-free fire-break surrounding the structure on land that is owned or controlled by the owner, in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry. [BCC 60.405(1)]

[BCC 60.405 (2)]

(2) Non-residential structures shall be located at least twenty (20) feet from a parcel or lot line, except no setback is required for a structure of 120 square feet or less. A required side or rear setback for a non- residential structure may be reduced to three (3) feet if the structure:

- (a) Is detached from other buildings by five (5) feet or more;**
- (b) Does not exceed a height of twenty (20) feet; and**
- (c) Does not exceed an area of 500 square feet.**

[BCC 60.405 (3)]

(3) A structure which is not a water dependent use shall be placed at least fifty (50) feet from the ordinary high-water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high-water line.

[BCC 60.405 (4)]

(4) All new development approved by Benton County shall have a site specific development plan addressing emergency water supplies for fire protection which is approved by the local fire protection agency. The plan shall address:

- (a) Emergency access to the local water supply in the event of a wildfire or other fire-related emergency;**

- (b) Provision of an all-weather road or driveway to within 10 feet of the edge of identified water supplies which contain 4,000 gallons or more and exist within 100 feet of the driveway or road at a reasonable grade (e.g. 12 percent or less); and
- (c) Emergency water supplies shall be clearly marked along the access route with a Fire District approved sign.

[BCC 60.405 (5)]

- (5) All buildings shall have roofs constructed of materials defined under the Uniform Building Code as either Class A or Class B (such as but not limited to composite mineral shingles or sheets, exposed concrete slab, ferrous or copper sheets, slate shingles, clay tiles or cement tiles).

[BCC 60.405 (6)]

- (6) All new structures shall be sited on the lot or parcel so that:
 - (a) They have the least impact on forest operations and accepted farming practices on nearby or adjoining lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.

[BCC 60.405 (7)]

- (7) To satisfy the criteria in BCC 60.405(6), the Planning Official may require that new structures be sited close to existing roads, clustered near existing structures, and sited on that portion of the parcel least suited for growing trees.

[BCC 60.410]

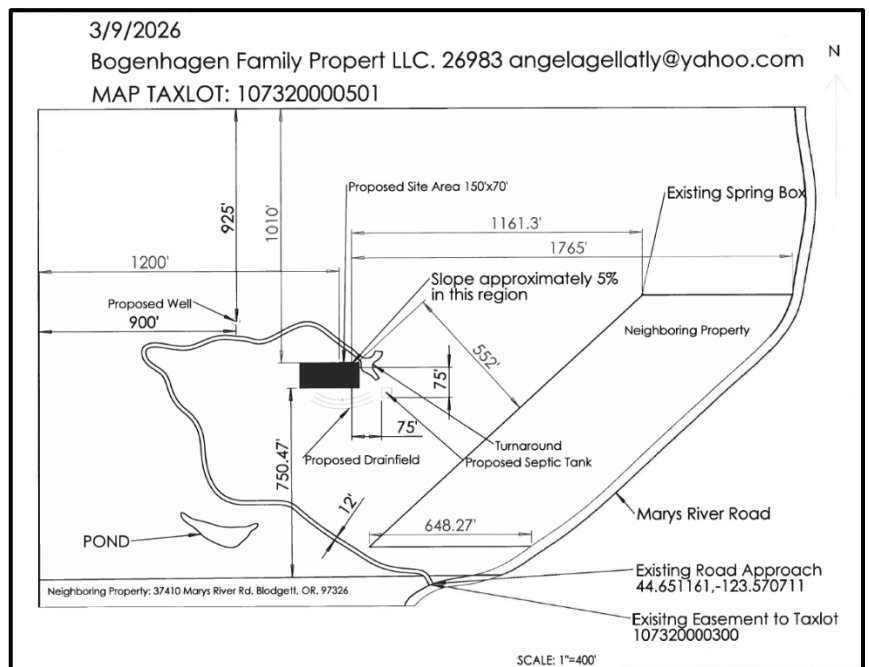
ADDITIONAL SITING STANDARDS AND CONDITIONS FOR DWELLINGS. The following are not approval criteria for the template test. These siting standards, however, must be met prior to issuance of a building permit.

All new dwellings allowed in the Forest Conservation Zone shall be sited in compliance with BCC Chapter 99, BCC 60.405, and the following additional standards:

[BCC 60.410 (1)]

- (1) A dwelling shall be placed at least thirty (30) feet from a property line and at least forty-five (45) feet from a roadway. Architectural features shall not project more than two (2) feet into a required setback.

[BCC 60.410 (2)]



- (2) Each dwelling shall be located at least 300 feet from contiguous resource use or shall conform to this standard to the greatest extent practical. This requirement shall not be applied to setbacks adjacent to an improved public road except when required by an approved conditional use permit.**

[BCC 60.410 (3)]

- (3) Approval of a dwelling shall be subject to the following requirements:**

- (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Oregon Department of Forestry stocking requirements at the time specified in Oregon Department of Forestry administrative rules;**
- (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;**
- (c) If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Oregon Department of Forestry rules.**
- (d) Upon notification by the assessor, the Oregon Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.**

[BCC 60.410 (4)]

- (4) The dwelling will not be sited on a slope of greater than forty (40) percent.**

[BCC 60.410 (5)]

- (5) The dwelling shall use a domestic water supply from a well or spring and a sewage disposal system as provided by Chapter 99. [BCC 60.410(5)]**

[BCC 60.410 (6)]

- (6) The dwelling shall be located upon a parcel within a fire protection district or be provided with residential fire protection by contract. If the County determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the County may authorize an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.**

[BCC 60.410 (7)]

- (7) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.**

[BCC 60.410 (8)]

- (8) The following siting standards shall apply where the residential density is greater than one dwelling per forty (40) acres in the peripheral big game range or one dwelling per eighty (80) acres in the major big game range, calculated on the basis of each 640-acre section or portion of the section within the game range:**
- (a) Dwellings and structures shall be located near each other and existing roads.**

- (b) Dwellings and structures shall be located to minimize habitat conflicts and shall utilize least valuable habitat areas.**
- (c) Road development providing access to the dwelling shall be minimized.**

[BCC 60.410 (9)]

- (9) A dwelling shall be sited on the least valuable wildlife habitat on the property, or clustered near dwellings on other parcels or lots in order to lessen the impact on wildlife habitat and help to maintain an overall density that is compatible with wildlife habitat management. In cases where dwellings are clustered, the 300-foot setback from adjacent property zoned for resource use may not be feasible. A dwelling shall also be sited to avoid intruding unnecessarily on areas free from existing roads and dwellings. The Planning Official shall balance these standards with the required siting and permit standards elsewhere in this code to minimize adverse impacts.**

[BCC 60.410. (10)]

- (10) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.**

[BCC 60.410. (11)]

- (11) As a condition of approval, an applicant for a residence in the Forest Conservation Zone shall sign a declaratory statement consistent with BCC 60.220(2) to be recorded in the County Deed Records for the parcel or lot upon which the dwelling is constructed.**

Finding: BCC 60.405 and BCC 60.410 contains standards and conditions of approval that apply to approved dwelling sites in the Forest Conservation zone. As discussed in the finding applying BCC 60.108 in this report, the application does not meet the requirements necessary to establish a dwelling under the template test criteria. Because the request fails to qualify for dwelling approval, the additional siting standards contained in BCC 60.405-60.410 are not applied or analyzed further, as they become moot in the absence of an approvable dwelling application.

For properties that meet the requirements for a dwelling site the above conditions would apply prior to issuance of a building permit.

Conclusion: Because the application does not satisfy the threshold eligibility requirements of BCC 60.108(2), the proposal cannot be approved as submitted. The application does not satisfy the threshold eligibility requirements for a template dwelling under BCC 60.108(2).

VI. CONCLUSION

The applicant requests authorization to establish a dwelling in the Forest Conservation (FC) Zone through the Template Test provisions of BCC 60.108(2) and ORS 215.750. To qualify, the subject tract must demonstrate the existence of at least 11 other qualifying lots or parcels and at least three qualifying dwellings within the applicable template configuration.

Staff evaluated the proposal utilizing the square template and multiple rectangular template configurations under BCC 60.108(2)(c), (e), and (f), including alignments based on the typical department methodology of “maximum extent possible,” GIS directional analysis, and guidance discussed through DLCD Rules Advisory Committee materials. Under all evaluated configurations,

the subject property failed to demonstrate the existence of at least 11 qualifying lots or parcels that existed on January 1, 1993, within the required template area.

Because the proposal does not satisfy the minimum parcel threshold required under BCC 60.108(2)(c), the application does not qualify for a dwelling under the Template Test provisions of the Benton County Code and ORS 215.750. Therefore, staff recommendation is to deny case file LU-26-015.

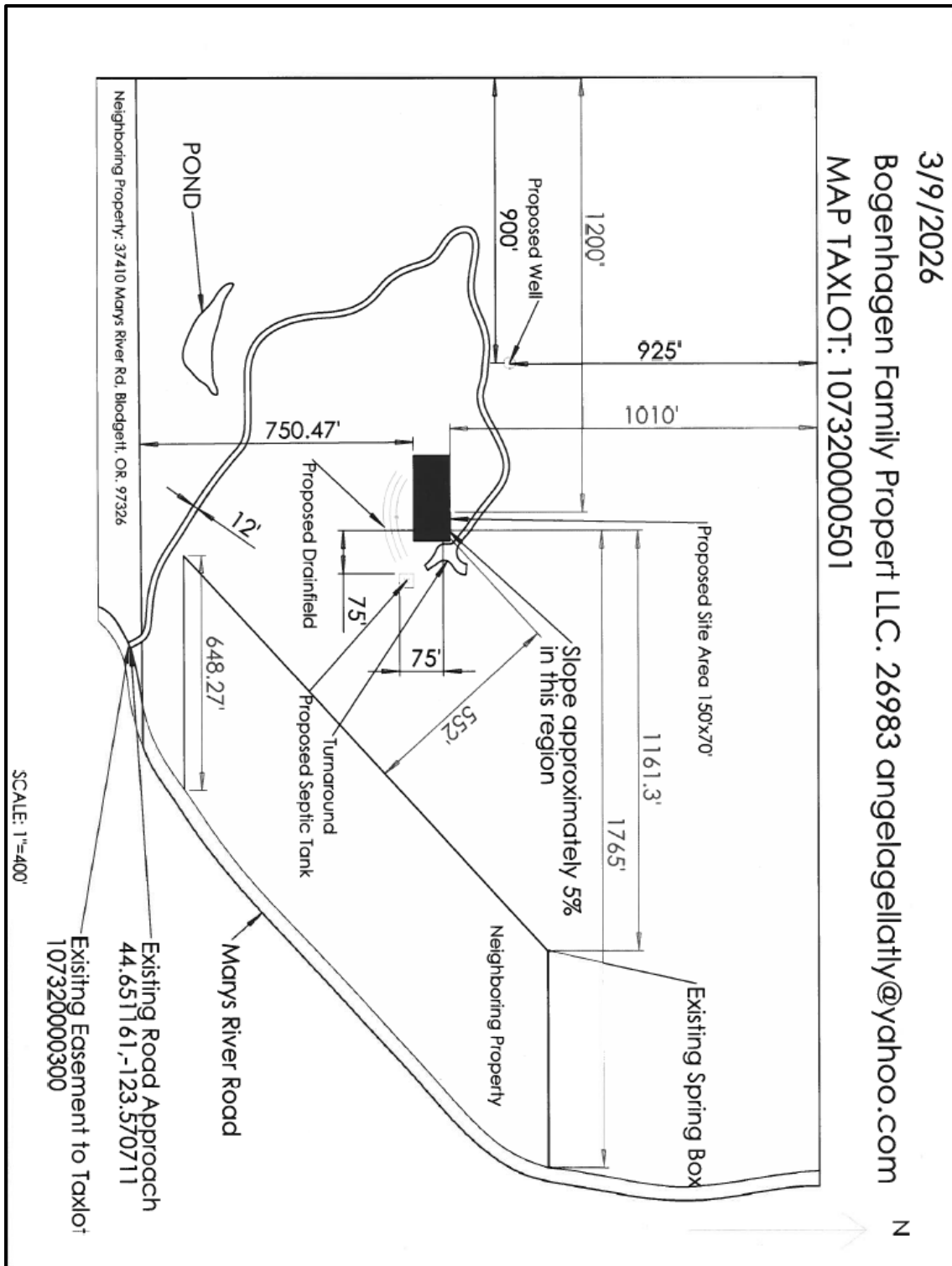
A dwelling authorization would remain subject to the siting standards, development requirements, and conditions discussed in this report, including compliance with BCC 60.405, BCC 60.410, applicable fire protection requirements, road access standards, forest stocking requirements, and final dwelling siting.

Attachments

- A) Site Plan
- B) Public Works Memo
- C) Applicant's Template Test Alignment and Parcel Analysis
- D) Applicant's Proposed Template Test Configuration

While not attached, all submitted application materials were considered in reaching the conclusions in this report.

Attachment A





Attachment B

Attachment C.20 Engineering & Survey Division

Office: (541) 766-6821

Fax: (541) 766-6891

360 SW Avery Avenue.
Corvallis, OR 97333

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DATE: April 7, 2026

TO: James Wright – Associate Planner
Benton County Community Development

FROM: Gordon Kurtz – Associate Engineer
Benton County Public Works

RE: **LU-26-015 – Template Test**
Owner: Bopenhagen Family Property LLC
Applicant: Angela Hahn & Elizabeth Oliver
Marys River Road – County Road # 17055 – MP 1.48
T10S – R7W – Section 32 – Tax Lot 501

Public Works staff have reviewed the application noted above and have comments and conditions as follows.

FINDINGS OF FACT

This land use action requests a Template Test for a 97.18-acre property. The subject property falls within Forest Conservation (FC) zoning and is surrounded by FC-zoned properties on the south, west, and north. Properties to the east are zoned Exclusive Farm Use (EFU).

The segment of Marys River Road fronting the subject property is classified as a Major Collector Road in the 2019 Benton County Transportation System Plan (TSP). The facility falls within Benton County right of way and is under the County's jurisdiction. The minimum right of way width for this functional classification is 60 feet. The existing right of way width is 40 feet and does not meet current standards.

Average daily traffic (ADT) on this segment of Marys River Road is 203 vehicles per day (VPD), based on traffic counts taken in June of 2018. Marys River Road qualifies as a Low Volume Road by AASHTO guidelines.

Marys River Road is a paved facility with two 11-foot travel lanes. The paved and aggregate shoulders of the facility do not meet minimum requirements. Except for the travel lane widths, the facility does not meet current standards as illustrated and specified in the TSP.

Benton County staff can find no record of an approach permit for this property. It appears that the approach fronts and crosses the property to the south of the subject property owned by Lonnette Hess (117050000400).

ROAD APPROACH & ROAD IMPROVEMENT ASSESSMENT

The existing approach will accommodate two-way traffic and therefore support residential and service uses. There is no permit for the approach, and the aprons are not paved. The existing culvert may need to be replaced prior to paving. The applicant

must apply, pay fees, and obtain approval for a Road Approach Permit at the time of building permit application.

Road improvements based on a proportional share may be required at the time of building permit application. Marys River Road does not meet current standards. The section of Marys River Road between Long Road and Hoskins Road was improved with cement treated base and oil mat paving in the summer of 2005. Road widening on the frontage of the subject property may prove to be challenging or impossible without compromising the base created by that project. An alternative to road widening on the frontage is to perform improvements on Marys River Road between the Summit Highway (OR180) and Long Road. Further analysis will be required at the time of building permit application to determine the scope and extent of the required road improvements.

STORMWATER

The project's common plan of development may meet or exceed the quarter acre thresholds of 0.25 acres for disturbance during construction and 0.25 acres for post-construction impervious area. If these thresholds are met or exceeded, Benton County Erosion and Sediment Control (ESC) and Stormwater Management (SWM) permits will be required prior to start of land disturbing activities and building permit issuance. The ESC permit shall be in place prior to any site disturbance related to construction or development on the subject properties.

ADVISORIES

Public Works recommends the applicant be made aware of the following information as it will influence development at the site.

- 1) The applicant shall apply, pay fees, and obtain approval for a Road Approach Permit at the time of building permit application
- 2) A proportional share of road improvements may be required at the time of building permit application. Further analysis will be required at the time of building permit application to determine the scope, location, and extent of road improvements.
- 3) If proposed construction activity or the proposed common plan of development will result in land disturbance of one acre (1.00 ac) or more on the resultant property(ies), the applicant shall apply, pay fees, and obtain approval for an Oregon Department of Environmental Quality (DEQ) 1200-C Construction Stormwater Quality Permit. Upon issuance of the DEQ 1200-C Permit, the applicant shall then apply for a Benton County ESC Permit. These permits must be obtained prior to start of ground disturbing activities.
- 4) If proposed construction activity or the proposed common plan of development will result in land disturbance of one-quarter acre (0.25 ac) or more, the applicant shall apply, pay fees, and obtain approval for a Benton County Erosion and Sediment Control (ESC) permit. In this circumstance, a 1200-C permit would not be required. The Benton County ESC permit must be obtained prior to start of ground disturbing activities.

- 5) If the total impervious area for the project totals one-quarter acre (0.25 ac) or more, the applicant shall apply, pay fees, and obtain approval for a Benton County Stormwater Management (SWM) permit. The SWM permit shall be approved, issued, and a Long-Term Maintenance Agreement signed and recorded prior to building permit issuance and before work begins on the proposed drainage system.
- 6) Construction and post-construction stormwater discharge shall conform to the standards and tenets established by Oregon Drainage Law.
- 7) Construction stormwater discharge shall conform to all current Oregon Department of Environmental Quality and Benton County erosion and sediment control standards using Oregon Department of Transportation erosion and sediment control details and best management practices.
- 8) Post-construction stormwater quantity and quality standards shall conform to all current Oregon Department of Environmental Quality and Benton County stormwater requirements and the most recent edition of the Benton County's Stormwater Support Documents.
- 9) The applicant should note that creation of impermeable surface area on a property is cumulative. The square footage/acreage of impermeable development since March 23, 2023, is recorded in a searchable Benton County database. A Benton County Stormwater Management (SWM) permit is required if a property has reached or exceeded a total of 10,980 square feet (0.25 acres) of impermeable surface since March 23, 2023. Construction of mitigation measures may be available to avoid an SWM permit if the square footage of impermeable surfaces is 13,070 square feet (0.30 acres) or less.

Please contact me if you have questions.

Attachment C

MEMORANDUM

TO: Benton County Community Development Department **FROM:** Trace Hahn, M.E. **DATE:** May 6, 2026 **RE:** Template Test Alignment and Parcel Analysis – Tax Lot 107320000501

INTRODUCTION

This memorandum is provided in support of the submitted Template Test Exhibit prepared for evaluation under Benton County Code (BCC) 60.108(2). The purpose of this document is to describe the methodology used to establish the template location and orientation, and to demonstrate compliance with the applicable criteria for identifying qualifying parcels within the 160-acre template.

TEMPLATE CONFIGURATION

The template rectangle has been constructed as a 160-acre area (1 mile by 1/4 mile) and is centered on the mathematical centroid of Tax Lot 107320000501. The centroid was determined using a true geometric (area-weighted) centroid calculation based on the parcel boundary, consistent with standard engineering practice and in alignment with current statutory requirements.

The template dimensions and placement conform to the requirements of BCC 60.108(2), including the requirement that the template be centered on the subject tract.

ALIGNMENT WITH MARYS RIVER ROAD

BCC 60.108(2)(e) requires that the template be aligned with the road “to the maximum extent possible.” The alignment of the template has been determined using a geometric and analytical approach based on the observed characteristics of Marys River Road within the one-mile extent of the template.

Marys River Road within the subject area does not exhibit a constant linear bearing; rather, it follows a gently curvilinear path. As a result, a single instantaneous bearing does not accurately represent the roadway alignment across the full template length. In recognition of this condition, the template orientation was established using a best-fit alignment methodology.

Specifically, the selected template orientation approximates the dominant directional trend of the roadway by evaluating the roadway centerline across the template extent and determining an average (mean) directional vector. This approach is analogous to a least-squares best-fit line applied to the roadway geometry and results in an orientation that

minimizes angular deviation between the template axis and the roadway over the full one-mile length.

Accordingly, the template is aligned to the dominant (average) bearing of Marys River Road within the analysis area, rather than any single localized segment. This method provides a mathematically consistent and objective interpretation of the requirement to align the template “to the maximum extent possible,” particularly where the roadway exhibits curvature.

PARCEL INTERSECTION ANALYSIS

Parcels intersecting the template were identified using Benton County GIS tax lot mapping. Each parcel included in the analysis was evaluated to confirm that a portion of the parcel lies within the boundaries of the template rectangle, consistent with the “all or part of” standard set forth in BCC 60.108(2).

A total of eleven (11) qualifying parcels, excluding the subject parcel, have been identified as intersecting the template. These parcels are listed in the accompanying exhibit and are depicted graphically with reference numbering for clarity.

All identified parcels exhibit measurable area overlap with the template. Parcel inclusion is not based on boundary adjacency or line contact alone, but rather on verifiable geometric intersection.

CONCLUSION

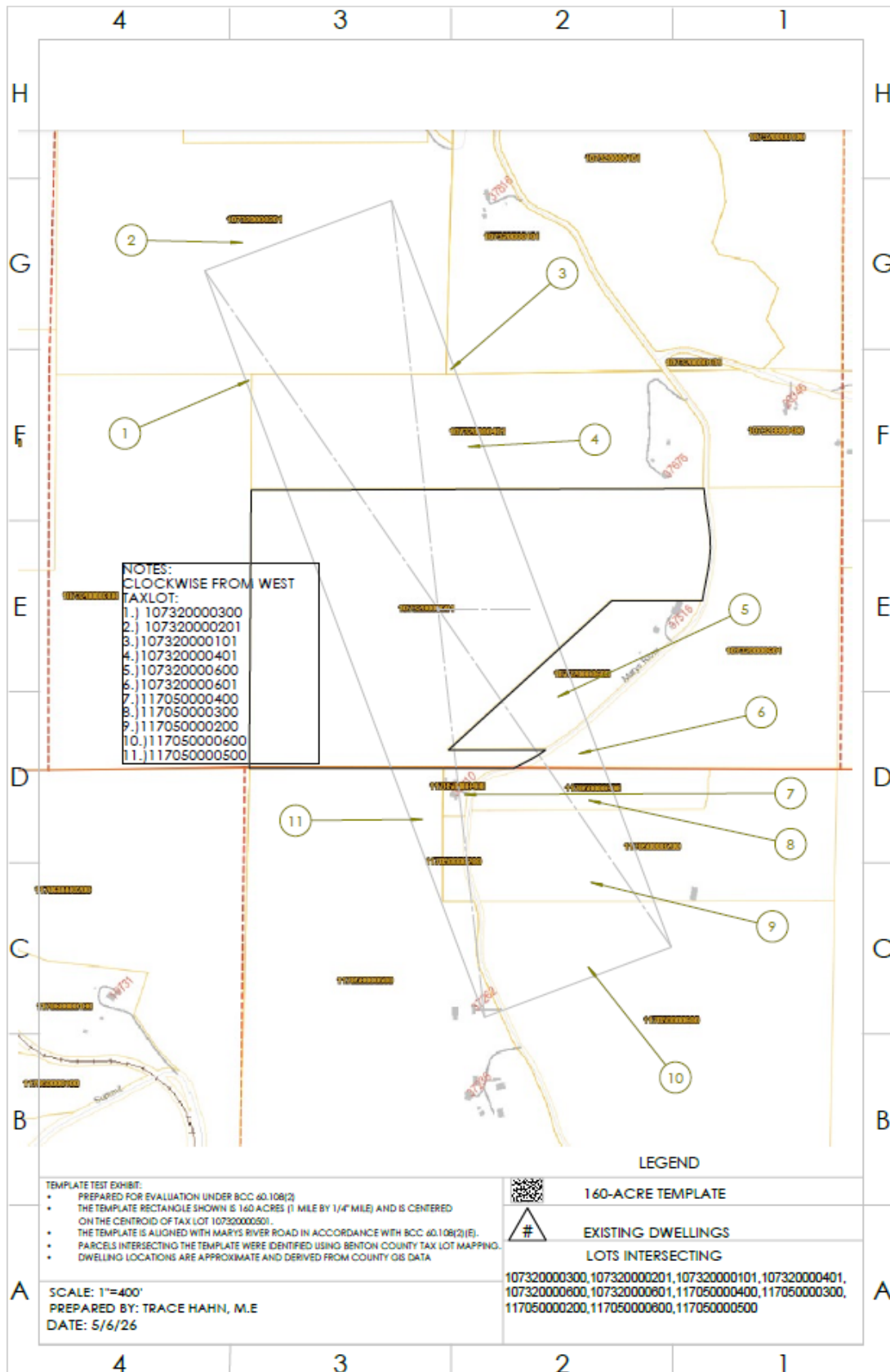
The template configuration, alignment, and parcel identification methodology presented in the accompanying exhibit are consistent with the requirements of BCC 60.108(2). The template is centered on the mathematical centroid of the subject tract and is aligned with Marys River Road to the maximum extent possible using a rational, geometry-based approach.

The analysis demonstrates that eleven (11) qualifying parcels intersect the template, satisfying the applicable criteria for the Template Test.

Respectfully submitted,

Trace Hahn, M.E.

Attachment D





Office: (541) 766-6821

Fax: (541) 766-6891

360 SW Avery Avenue.
Corvallis, OR 97333

co.benton.or.us

DATE: April 7, 2026

TO: James Wright – Associate Planner
Benton County Community Development

FROM: Gordon Kurtz – Associate Engineer
Benton County Public Works

RE: **LU-26-015 – Template Test**
Owner: Bopenhagen Family Property LLC
Applicant: Angela Hahn & Elizabeth Oliver
Marys River Road – County Road # 17055 – MP 1.48
T10S – R7W – Section 32 – Tax Lot 501

Public Works staff have reviewed the application noted above and have comments and conditions as follows.

FINDINGS OF FACT

This land use action requests a Template Test for a 97.18-acre property. The subject property falls within Forest Conservation (FC) zoning and is surrounded by FC-zoned properties on the south, west, and north. Properties to the east are zoned Exclusive Farm Use (EFU).

The segment of Marys River Road fronting the subject property is classified as a Major Collector Road in the 2019 Benton County Transportation System Plan (TSP). The facility falls within Benton County right of way and is under the County's jurisdiction. The minimum right of way width for this functional classification is 60 feet. The existing right of way width is 40 feet and does not meet current standards.

Average daily traffic (ADT) on this segment of Marys River Road is 203 vehicles per day (VPD), based on traffic counts taken in June of 2018. Marys River Road qualifies as a Low Volume Road by AASHTO guidelines.

Marys River Road is a paved facility with two 11-foot travel lanes. The paved and aggregate shoulders of the facility do not meet minimum requirements. Except for the travel lane widths, the facility does not meet current standards as illustrated and specified in the TSP.

Benton County staff can find no record of an approach permit for this property. It appears that the approach fronts and crosses the property to the south of the subject property owned by Lonnelle Hess (117050000400).

ROAD APPROACH & ROAD IMPROVEMENT ASSESSMENT

The existing approach will accommodate two-way traffic and therefore support residential and service uses. There is no permit for the approach, and the aprons are not paved. The existing culvert may need to be

*At your service,
every day.*

replaced prior to paving. The applicant must apply, pay fees, and obtain approval for a Road Approach Permit at the time of building permit application.

Road improvements based on a proportional share may be required at the time of building permit application. Marys River Road does not meet current standards. The section of Marys River Road between Long Road and Hoskins Road was improved with cement treated base and oil mat paving in the summer of 2005. Road widening on the frontage of the subject property may prove to be challenging or impossible without compromising the base created by that project. An alternative to road widening on the frontage is to perform improvements on Marys River Road between the Summit Highway (OR180) and Long Road. Further analysis will be required at the time of building permit application to determine the scope and extent of the required road improvements.

STORMWATER

The project's common plan of development may meet or exceed the quarter acre thresholds of 0.25 acres for disturbance during construction and 0.25 acres for post-construction impervious area. If these thresholds are met or exceeded, Benton County Erosion and Sediment Control (ESC) and Stormwater Management (SWM) permits will be required prior to start of land disturbing activities and building permit issuance. The ESC permit shall be in place prior to any site disturbance related to construction or development on the subject properties.

ADVISORIES

Public Works recommends the applicant be made aware of the following information as it will influence development at the site.

- 1) The applicant shall apply, pay fees, and obtain approval for a Road Approach Permit at the time of building permit application
- 2) A proportional share of road improvements may be required at the time of building permit application. Further analysis will be required at the time of building permit application to determine the scope, location, and extent of road improvements.
- 3) If proposed construction activity or the proposed common plan of development will result in land disturbance of one acre (1.00 ac) or more on the resultant property(ies), the applicant shall apply, pay fees, and obtain approval for an Oregon Department of Environmental Quality (DEQ) 1200-C Construction Stormwater Quality Permit. Upon issuance of the DEQ 1200-C Permit, the applicant shall then apply for a Benton County ESC Permit. These permits must be obtained prior to start of ground disturbing activities.
- 4) If proposed construction activity or the proposed common plan of development will result in land disturbance of one-quarter acre (0.25 ac) or more, the applicant shall apply, pay fees, and obtain approval for a Benton County Erosion and Sediment Control (ESC) permit. In this circumstance, a 1200-C permit would not be required. The Benton County ESC permit must be obtained prior to start of ground disturbing activities.
- 5) If the total impervious area for the project totals one-quarter acre (0.25 ac) or more, the applicant shall apply, pay fees, and obtain approval for a Benton County Stormwater Management (SWM) permit. The SWM permit shall be approved, issued, and a Long-Term Maintenance Agreement signed and recorded prior to building permit issuance and before work begins on the proposed drainage system.

- 6) Construction and post-construction stormwater discharge shall conform to the standards and tenets established by Oregon Drainage Law.
- 7) Construction stormwater discharge shall conform to all current Oregon Department of Environmental Quality and Benton County erosion and sediment control standards using Oregon Department of Transportation erosion and sediment control details and best management practices.
- 8) Post-construction stormwater quantity and quality standards shall conform to all current Oregon Department of Environmental Quality and Benton County stormwater requirements and the most recent edition of the Benton County's Stormwater Support Documents.
- 9) The applicant should note that creation of impermeable surface area on a property is cumulative. The square footage/acreage of impermeable development since March 23, 2023, is recorded in a searchable Benton County database. A Benton County Stormwater Management (SWM) permit is required if a property has reached or exceeded a total of 10,980 square feet (0.25 acres) of impermeable surface since March 23, 2023. Construction of mitigation measures may be available to avoid an SWM permit if the square footage of impermeable surfaces is 13,070 square feet (0.30 acres) or less.

Please contact me if you have questions.



Fw: Re: Comments Requested - LU-26-015 (Template Test)

From RICHARDSON Bob <bob.richardson@bentoncountyor.gov>

Date Tue 7/14/2026 12:05 PM

To RICHARDSON Bob <bob.richardson@bentoncountyor.gov>

 1 attachment (9 KB)

image001.png;



Bob Richardson

Community Development Director

Phone: 541-766-6394

Email: bob.richardson@bentoncountyor.gov

bentoncountyor.gov



From: Honeystone Candles

Sent: Tuesday, April 21, 2026 10:30 AM

To: WRIGHT James

Subject: Fw: Re: Comments Requested - LU-26-015 (Template Test)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

James,

I checked this out today and talked to the developer who was one of our firefighters for many years. He is designing the site with the fire department's needs in mind. I see no problems with approving this template.

Marshall Dunham
Safety Officer
Blodgett Fire

On 3/31/26 08:05, Honeystone Candles wrote:

James,

I tried to check this out but found a locked gate and no trespassing sign and it looked like it was too far to walk.

Marshall Dunham, Blodgett Fire

On 3/26/26 08:50, WRIGHT James wrote:

Greetings,

Attached is the application for your review. The proposal is for a Template Test to be applied to a property within the Forest Conservation (FC) Zone. The file number for this application is LU-26-015.

As part of the staff review process, comments are being requested from both internal departments and external agencies to assist in evaluating the proposal for compliance with applicable land use regulations and standards. Your review will help inform the findings and any recommended conditions of approval.

The goal is to have the staff report completed by April 16.

Comments deadline is April 23, 2026

If no comments are received by that date, it will be assumed that your department or agency has no concerns with the proposal.

Please feel free to contact me if you have any questions or need additional information.

107320000501

Taxlot: 107320000501

Tax Account: [026983](#)

Assessment Map: [10732](#)

Owner: GELLATLY GIOVANNA

Situs Address: [UNASSIGNED PHILOMATH 97370](#)



Fw: RE: Comments Requested - LU-26-015 (Template Test)

From RICHARDSON Bob <bob.richardson@bentoncountyor.gov>

Date Tue 7/14/2026 12:11 PM

To RICHARDSON Bob <bob.richardson@bentoncountyor.gov>

 1 attachment (9 KB)

image001.png;



Bob Richardson

Community Development Director

Phone: 541-766-6394

Email: bob.richardson@bentoncountyor.gov

bentoncountyor.gov



From: TURKISHER Robert

Sent: Friday, March 27, 2026 8:32 AM

To: WRIGHT James

Subject: Fw: RE: Comments Requested - LU-26-015 (Template Test)

James,

Septic Site Feasibility required for 10-7-32 Tax Lot 501 as discussed in the Site Consultation Meeting on 3/17/26.

Rob T.

Robert N. Turkisher

Environmental Health Specialist

Benton County Environmental Health

4500 Research Way

Corvallis, OR 97333

541-766-6841 (Office)

541-766-6169 (Direct)

From: WRIGHT James <james.wright@bentoncountyor.gov >

Sent: Thursday, March 26, 2026 8:50 AM

To: KURTZ Gordon P <gordon.p.kurtz@bentoncountyor.gov >; BYER Laurel <Laurel.Byer@bentoncountyor.gov >; JOHNSON Michael <Michael.Johnson@bentoncountyor.gov >; MALONE David <david.malone@bentoncountyor.gov >; TURKISHER Robert <robert.turkisher@bentoncountyor.gov >; GJOVIK Lars <Lars.Gjovik@bentoncountyor.gov >; SCHOFIELD Ryan <ryan.schofield@bentoncountyor.gov >; WOOSLEY Jessica <Jessica.Woosley@bentoncountyor.gov >; ALTENBACH Bernard S <Bernard.S.ALTENBACH@bentoncountyor.gov >; COLLINS Michele <Michele.L.COLLINS@bentoncountyor.gov >; KRUGER Scott <scott.kruger@bentoncountyor.gov >; LEE Bryan <Bryan.Lee@bentoncountyor.gov >

Cc: candles@honeystonecandles.com

Subject: Comments Requested - LU-26-015 (Template Test)

Greetings,

Attached is the application for your review. The proposal is for a Template Test to be applied to a property within the Forest Conservation (FC) Zone. The file number for this application is LU-26-015.

As part of the staff review process, comments are being requested from both internal departments and external agencies to assist in evaluating the proposal for compliance with applicable land use regulations and standards. Your review will help inform the findings and any recommended conditions of approval.

The goal is to have the staff report completed by April 16.

Comments deadline is April 23, 2026

-----Original Message-----

From: mark Gassner <coveycreekranch@gmail.com>

Sent: Monday, July 13, 2026 2:03 PM

To: Benton Public Comment <PublicComment@bentoncountyor.gov>

Subject: Planning file LU-26-015

hello, I am writing to oppose LU-26-015 converting forest ground to adding a dwelling to this property. The land owner is looking to convert it to increase the property value as they plan to sell it. The drive way will be shared with the industrial timber land owners that access their property through the property. So there could be safety concerns for the shared driveway with equipment and log trucks. Also the potential effects of adding a well to the property and impact of the hydrology effects to the stream that flows off of the property on to our property that our livestock depend on for water. We are already dealing with decreased flows later in the summer due to the pond that was constructed on the property. I do not believe this property meets the minimum criteria for a Template Test Dwelling and should remain forest ag land. Thank you.

Mark Gassner

37262 Mary's River Rd

Blodgett, OR 97326

Sent from my iPhone