

BULDER Rachel

From: Kelly Rose <kkrose33@gmail.com>
Sent: Monday, July 27, 2026 8:11 PM
To: BOC Land Use Appeals
Subject: Formal Opposition and Memo of Concerns: LU-25-067
Attachments: 2026 7 27 memo to Benton County Commission.pdf

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Dear Members of the Benton County Board of Commissioners:

Please find the attached memorandum outlining opposition and critical concerns regarding the proposed development and variance request LU-25-067 appeal for 4500 Powers Avenue.

As residents and long-time community members, we believe the current proposal presents significant risks that have not been adequately addressed in the initial or revised filings.

We respectfully provided the Commissioners with data and analyses regarding county, state, and federal requirements as they relate to the RR2 zoned Powers Avenue area for their review prior to the upcoming hearing.

Thank you for your time and for your commitment to the safety and character of rural residential Benton County.

Please confirm receipt of this memo.

Sincerely,

Kelly Rose and Joseph Thompson

3771 NW Oak Grove Drive, Albany OR; 540-230-5689

7/27/2026

Subject: Formal Opposition & Memo of Concerns

To: Board of Commissioners, landuseappeals@bentoncountyor.gov

Application reference number, LU-25-067

Summary of Concerns and County, State and Federal Requirements with the Proposed Conditional Uses at [4500 Powers Ave, Albany, OR](#)

Summary

The applicant, Northside, is requesting a single permit for multiple conditional uses for a property located at [4500 Powers Ave, Albany, OR](#), which is zoned Rural Residential (RR-2). While their revised application focuses on the “sanctuary” the design and plans for parking, septic, and the building placement are problematic. In addition, they do not make sense if the applicant is limiting their facility to strictly indoor services. Their own website and youtube statements (see www.Savingpowers.com for clips and highlights) demonstrate in their own words their intentions to operate at a scale and scope that far exceeds that of a rural residentially zoned location.

The proposed development features high-capacity parking, large-scale event facilities, and intensive daily activities that conflict with the "rural character" mandated by Benton County and state land-use goals. Based on existing county criteria and state-level guidance, these plans fail to meet key regulatory requirements.

Please refer to the appendices in this memo for statistics, maps, and references to county, state, and federal zoning, laws, and regulations that document the multiple issues and conflicts with the applicant’s conditional use requests.

Alignment with Benton County Criteria ([BCC 53.215](#))

To secure a conditional use permit, an applicant must demonstrate compliance with **BCC 53.215 A and B**, standards that the current proposal fails to meet:

- **Interference with Area Character:** The proposed scale—accommodating up to 700 persons daily for services, sports, and events—inconsistently matches the rural-residential purpose of the zone. Comparable facilities in the region, such as the YMCA or West Albany High School, reside over six miles from the Powers Ave property, lying well within the City of Albany Urban Growth Boundary (UGB) where supporting urban infrastructure exists.

- **Undue Burden on Infrastructure:** The proposal includes parking for 260 vehicles. Supporting roads around Powers Avenue are classified as "low volume local roads" (fewer than 400 cars per day), and Powers Avenue itself is classified by the Department of Transportation as a local road designated for even lower volume uses. Introducing this volume of traffic seven days a week imposes an undue burden on infrastructure lacking proper capacity. Upgrading the roadway infrastructure for safety and increased volume will cost Benton County and taxpayers millions of dollars.
- **Additional Infrastructure Deficits:** Factoring in the lack of city sewer, street lighting, pedestrian and cycling pathways, electrical grids, internet, and water mains, the applicant's requests create further undue burdens on local infrastructure at public expense.

Failure to Comply with Siting Standards ([BCC 63.405](#))

The proposal explicitly conflicts with the siting standards outlined in **BCC 63.405**:

- **Stream/Wetland Setbacks:** Structures must be placed at least 25 feet from the high-water line of a creek or minor stream, a requirement current plans fail to meet.
- **Roadway Setbacks:** Structures must maintain a setback of at least 25 feet from a right-of-way and at least 40 feet from the edge of an existing roadway, standards violated by the revised parking structure plans.

Conflicts with State and Federal Law

Containing two streams, designated wetlands, and a floodplain (spanning approximately one-third of the property, including the proposed sanctuary site), development on this property faces significant legal and implementation barriers:

- **Removal-Fill Law ([ORS 196.795 et seq.](#)):** Any fill or removal of material in wetlands requires a permit from the Oregon Department of State Lands (DSL), which strictly enforces a "no-net-loss" policy.
- **Statewide Planning Goal 5:** Mandates that local governments protect natural resources such as these wetlands.
- **Clean Water Act (Section 404):** Federal oversight applies to the discharge of dredged or fill material into waters of the United States, including wetlands potentially impacted by the sanctuary location.

- **Statewide Planning Goal 14 (Urbanization):** Prohibits "urban uses" outside of UGBs. Introducing high-intensity, high-volume activities into a rural zone constitutes sprawling development inconsistent with the rural landscape.

Additional Statutes and Guidance Conflicting with Proposed Use

- **Oregon Noise Control Act ([ORS 467.010 - 467.030](#)) and Benton County Code Chapter 16:** While state law sets the framework, Benton County enforces specific noise ordinances regarding nuisance and noise. The applicant's application and online statements describe 24-hour parties, events, and outdoor services multiple days a week using amplified audio and generating heavy roadway noise. Without conditions limiting noise emissions, the proposal violates these laws and ordinances regarding the "quiet enjoyment" expectations of a rural-residential zone.
- **Statewide Planning Goal 11 (Public Facilities and Services):** Prohibits the extension of urban services, such as sewers, to rural areas. Connecting to city-level sewer or water to support a 700 to 1,000 person capacity directly violates Goal 11.
- **Oregon Administrative Rule ([OAR 660-004-0040](#)):** Defines "rural use" for residential zoning as one dwelling per 10 acres, emphasizing that the intensity of a multi-use complex is fundamentally incompatible with intended land density limits.

Conclusion

The proposed conditional uses appear to fall significantly short of meeting the burden of proof required by Benton County, nor do they appear compliant with multiple state and federal requirements regarding rural land use, pollution (noise and water), and infrastructure. The scale of the project exceeds rural infrastructure capabilities, violates setback requirements, and threatens environmental resources protected by county zoning, as well as state and federal laws.

Overview & Summary of Issues and Compliance Failures

- The property lies outside the urban growth boundary for any city (Albany, Corvallis, etc.).
- It is zoned rural-residential 2 acres (RR-2) by Benton County.
- It is a property of less than 20 acres that includes 2 streams.
- These streams serve as headwaters for drainages into the Willamette River, alongside designated wetlands and a lake to the south.

- This conflicts with Oregon's **Removal-Fill Law (ORS 196.795 et seq.)** requiring a DSL permit for removing or filling material within state waters/wetlands.
 - This conflicts with **ORS Statewide Planning Goal 5** mandating local protection of natural resources like wetlands.
 - This may conflict with the federal **Clean Water Act (Section 404)**.
- Approximately 1/3 of the property is designated as a floodplain, including the site of the proposed "sanctuary".
- Current plans violate **BCC 63.405 Siting Standards**, which require non-water-dependent structures to be placed at least 25 feet from the ordinary high water line of a creek or minor stream.
- Revised plans show parking structures for 260 vehicles located less than 25 feet from Powers Avenue, conflicting with **BCC 63.405** road right-of-way and roadway edge setback requirements.
- Surrounding roadways are classified as rural or "low volume local roads" (<400 cars per day).
- Proposed plans including 260 parking spaces and 7-day-a-week usage significantly exceed existing rural roadway infrastructure capacity.
- The proposal conflicts with **BCC 53.215 Criteria B**, as it imposes an undue burden on available public improvements, facilities, utilities, and services.
- The proposal conflicts with **BCC 53.215 Criteria A**, as public statements and plans indicate operations 7 days a week—including day care, youth facilities, services, sporting events, all-night parties, and gatherings exceeding 700 persons—that vary significantly from the area character, zone purpose, and interfere with adjacent property uses.
- The only comparable facilities within a 5-mile radius (Albany YMCA at nearly 7 miles, West Albany High School at 6 miles) reside within the Albany UGB and are supported by city infrastructure and urban zoning.
- No facility of this scale or use-type exists outside an urban growth boundary within 6 miles of this location.
- The proposed conditional uses fail to comply with **BCC 53.215 Criteria A** and **OR LCDC Goal 14**.

- Multiple conditional use requests do not appear to qualify under Benton County planning and land use guidance and represent more than a single conditional use request.
- Public filings and YouTube postings indicate plans to host "all night parties," outdoor auditoriums with multiple, weekly amplified summer events and services, and pickleball courts.

Appendix 1 - Extracts from Benton County, OR Planning Guidance for RR2 Zoning

PERMITTED USES 63.105

1. Farm or forest use.
2. One dwelling per parcel (including manufactured dwellings complying with BCC 91.505 to 91.510 and Chapter 91).
3. Residential home.
4. Day care for fewer than thirteen children.
5. One temporary manufactured dwelling for a hardship, subject to BCC 91.545 and 91.550.
6. Home occupation.
7. Accessory use or structure (Accessory dwelling units restricted to properties zoned Rural Residential and only within urban growth boundaries).

CONDITIONAL USES 63.205

1. Park or recreational facility and greenway corridor acquisition.
2. Television or radio station cable television facility, transmitter, or tower.
3. Public or private facility for power, water, or sewage disposal and associated structures and transmission lines.
4. Private airstrip.
5. Church, grange hall, community hall, or other similar non-profit community facility.
6. Commercial kennel.
7. School.
8. Residential facility.

9. Day care center.

10. Fire stations.

63.405 SITING STANDARDS

1. Road right-of-way setback: at least 25 feet; at least 40 feet from the edge of an existing roadway.
2. Side setback: at least 8 feet (minimum 30 feet from existing structures on adjoining properties unless attached).
3. Rear setback: at least 25 feet.
4. Architectural features projection limit: maximum 2 feet into a required setback.
5. Non-residential structures: prohibited within road-abutting setbacks (exemptions apply for structures under 120 sq ft, or reduced side/rear setbacks down to 3 feet if detached by 5+ feet, under 20 feet in height, and under 500 sq ft).
6. Water body setback: at least 50 feet from the ordinary high water line of a river or major stream; at least 25 feet for a creek or minor stream.
7. Resource zone buffer: dwellings must be located at least 300 feet from a resource zone or require a recorded declaratory statement.
8. Fire safety: dwellings within 200 feet of a forested area require spark arrestors and fire-retardant roofs.
9. Fire break: minimum 30-foot fire break around structures contiguous to Forest Conservation Zone land.
10. Height limit: maximum 40 feet (exempting chimneys, spires, domes, towers, aerials, flagpoles, and agricultural buildings not for human occupancy).

Appendix 2 - OR LCDC Statewide Planning Goal 14

Contact: Jon Jinings, Community Services Specialist | jon.jinings@dlcd.oregon.gov |
Phone: 541-325-6928

Oregon's statewide planning program conserves rural land for farming and forestry, protects natural resources, and discourages sprawl outside urban growth boundaries (UGBs). Rural development is permitted in appropriate places via the "exceptions process," overseeing zones like rural residential, recreational, commercial, and industrial in "exception areas".

- **Rural Land & Use:** Generally defined as land outside a UGB. Administrative rules define allowed rural uses.
- **Goal 14 (Urbanization):** Limits new urban uses outside UGBs to prevent urban sprawl across the rural landscape.
- **Goal 11 (Public Facilities and Services):** Limits the extension of urban services like sewerage outside UGBs to lessen demand for urban development.
- **Rural Residential Rules:** Regulated by minimum parcel size and limiting parcels to one dwelling to prevent urbanization.
 - **Existing Exception Areas (Before Oct 4, 2000):** Minimum parcel size is what the county previously allowed, provided it is 2 acres or larger. Counties are prohibited from creating new parcels under 2 acres or reducing minimum lot sizes.
 - **New Exception Areas:** Minimum parcel size must be at least 10 acres with clustering allowances. Existing parcels retain allowance for one dwelling regardless of size.
 - **[OAR 660-004-0040](#) Definition:** Defines "rural use" for residential zoning as one dwelling per 10 acres.

Summary of LCDC Guidance Implications

- **Urban Uses vs. Rural Uses:** Urban uses are prohibited outside UGBs unless a Goal 14 exception is secured. Intensity, scale, and reliance on urban infrastructure (such as centralized sewers) define an urban use.
- **Commercial/Industrial Activities:** Allowed only if demonstrated to be "rural in nature"—compatible with the rural setting without requiring urban services.
- **Exception Areas:**

- *Committed Areas:* Lands physically developed or irrevocably committed to non-farm/non-forest uses.
- *Reasons Exceptions:* Justified exceptions proving a new activity is appropriate for a specific rural location without triggering sprawl.
- **Key Constraints:** Activities requiring significant new infrastructure (like sewer extensions) are generally prohibited. Excessively large or intensive businesses are classified as urban uses requiring difficult-to-obtain Goal 14 exceptions.

Executive Summary of Analysis of Proposed Conditional Uses at 4500 Powers Ave, Albany OR

Summary

The applicant, Northside, is requesting multiple conditional use permits for a property located at 4500 Powers Ave, Albany, OR. This property is zoned Rural Residential (RR-2). The proposed development, which includes high-capacity parking, large-scale event facilities, and intensive daily activity, represents a departure from the "rural character" mandated by Benton County and state land-use goals. Based on existing county criteria and state-level guidance, these plans appear to violate several key regulatory frameworks.

Please refer to Appendices in this memo for statistics, maps, and references to county, state, and federal zoning, laws, and regulations that appear to be in conflict with the applicant's proposed use(s) and conditional use(s) request.

Alignment with Benton County Criteria (BCC 53.215)

To be approved for a conditional use permit, an applicant must demonstrate that the project meets the criteria outlined in **BCC 53.215 A and B**. The current proposal fails to meet these standards:

- **Interference with Area Character:** The proposed scale—accommodating up to 700 persons daily for services, sports, and events—is inconsistent with the rural-residential purpose of the zone. Similar facilities in the region (e.g., YMCA, West Albany High School) are located within the City of Albany Urban Growth Boundary (UGB) where urban infrastructure exists to support them.
- **Undue Burden on Infrastructure:** The proposal includes parking for 260 vehicles. Existing roads (see maps in Appendix report below) supporting Powers Avenue all are classified as "low volume local roads" (fewer than 400 cars per day). Adding this volume of traffic seven days a week imposes an undue burden on infrastructure not designed for such capacity. Powers Avenue itself is classified by DOT as a "local

road” which means it is classified for even lower volume uses. The roadways infrastructure alone will cost Benton County, and by extension tax payers, millions of dollars to upgrade for safety and to comply with the increased volume of use that the applicant is seeking with their conditional use(s) request(s). Thus, just the roadway infrastructure burden, qualifies as a unique burden on the infrastructure.

- When other infrastructure elements, lack of city sewer, street lighting, pedestrian and cycling, electrical, internet, water mains are added into the equation, the applicant’s request(s) pose additional “undue burdens” on local infrastructure that will cost the county and taxpayers. Additional details for these elements are described and discussed below.

Failure to Comply with Siting Standards (BCC 63.405)

The proposal explicitly conflicts with the siting standards in **BCC 63.405**:

- **Stream/Wetland Setbacks:** Structures must be placed at least 25 feet from the high-water line of a creek or minor stream. Current plans indicate non-compliance with this requirement.
- **Roadway Setbacks:** Structures must be set back at least 25 feet from a right-of-way and 40 feet from the edge of an existing roadway. The revised plan for parking structures violates these distance requirements.

Conflicts with State and Federal Law

The property contains two streams, designated wetlands, and a floodplain (see maps in Appendix below). Development here faces significant legal and appropriate implementation barriers:

- **Removal-Fill Law (ORS 196.795 et seq.):** Any fill or removal of material in wetlands requires a permit from the Oregon Department of State Lands (DSL), which strictly enforces a "no-net-loss" policy.
- **Statewide Planning Goal 5:** Local governments are mandated to protect natural resources like these wetlands.
- **Clean Water Act (Section 404):** Federal oversight applies to the discharge of dredged or fill material into waters of the United States, including wetlands, which may be impacted by the proposed sanctuary location.
- **Statewide Planning Goal 14 (Urbanization):** This goal prohibits "urban uses" outside of UGBs. By introducing high-intensity, high-volume activities into a rural

zone, the proposal constitutes "sprawling" development that is inconsistent with the rural landscape.

Additional Statutes and Guidance Conflicting with Proposed Use

1. **Oregon Noise Control Act (ORS 467.010 - 467.030):** While state law provides the framework, Benton County enforces specific noise ordinances. **Benton County Code (BCC) Chapter 16**, addresses nuisance and noise. If the development produces sounds that exceed rural standards (e.g., amphitheaters or sports facilities), it violates the "quiet enjoyment" expectations of a rural-residential zone. The applicant's own statements, online and in their application, describe 24 hour parties and events, outdoor services multiple days a week with loudspeakers, and other increased roadway noise affiliated with a facility of the scale and scope that has been proposed. Thus, as proposed, without conditions to limit their noise emissions, the applicant's proposal will violate ORS and BCC laws and ordinances cited above.
2. **Statewide Planning Goal 11 (Public Facilities and Services):** This prohibits the extension of urban services (like sewers) to rural areas. If the applicant suggests connecting to city-level sewer or water to support their 700 to 1000 person capacity, this would be a direct violation of OR SP Goal 11.
3. **Oregon Administrative Rule (OAR) 660-004-0040:** This rule defines "rural use" as one dwelling per 10 acres for residential zoning. Citing this emphasizes that the intensity of a "multi-use complex" is fundamentally incompatible with the density limits intended for this land.

Conclusion

The proposed conditional uses do not meet the burden of proof required by Benton County. It also appears to be non-compliant with multiple state and federal rural land use, pollution (noise and water), and infrastructure (DOT) requirements. The scale of the project exceeds the rural infrastructure, violates specific setback requirements, and threatens environmental resources protected by both State and Federal law.

Appendix 3 - Analysis of Zoning, Land Use, Hydrologic, Topographic, Roadways and Service Limitations



4500 POWERS AVE, ALBANY, OR

- Analysis of Zoning, Land Use, Hydrologic,
Topographic, Roadways and Service Limitations

ABSTRACT

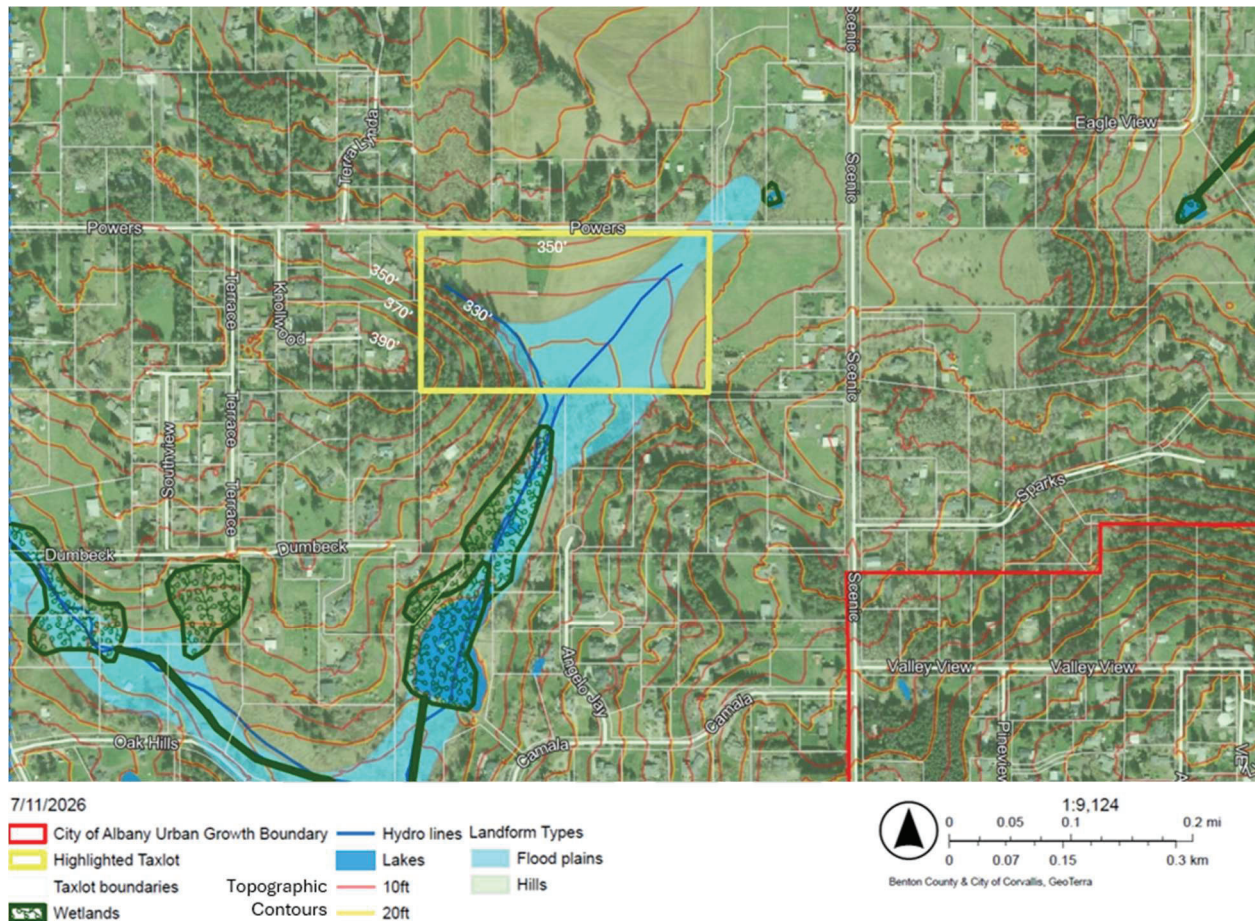
7/11/2026 This report presents a data-driven assessment of the property at Powers Avenue, Albany, OR. The findings demonstrate that the proposed uses are incompatible with current zoning, land use, and infrastructure capacity. Furthermore, the analysis identifies significant environmental, topographic, and regulatory constraints that preclude the development as currently envisioned and demonstrate a clear violation of BCC 53.125.B

Disclaimer: This analysis is provided "as-is" without any express or implied warranties of merchantability, fitness for a particular purpose, or absolute accurate completeness. The author, researchers, and contributors assume no legal liability or responsibility for any inaccuracies, omissions, or subsequent regulatory changes, nor for any financial, legal, or development decisions made by any party in reliance upon the contents of this report. All stakeholders are strongly advised to consult with licensed surveyors, professional engineers, and Benton County planning officials before executing any land transactions or development initiatives.

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- **Figure 4** – Map showing Corvallis to Albany, OR scaled field of view with classes of roadways in and around property of interest.
- **Figure 5** – Map showing classes of roadways in and around property of interest at a finer resolution/scale.
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- **Figure 7** – Map showing public utilities availability and limitations in North Albany, Oregon, closer scale
- **Other Statistics**

Figure 1 – Powers Avenue and surrounding area watersheds, tax lots, urban growth boundary.



Data sources: Benton County OR, City of Albany OR, and USGS

Key features -

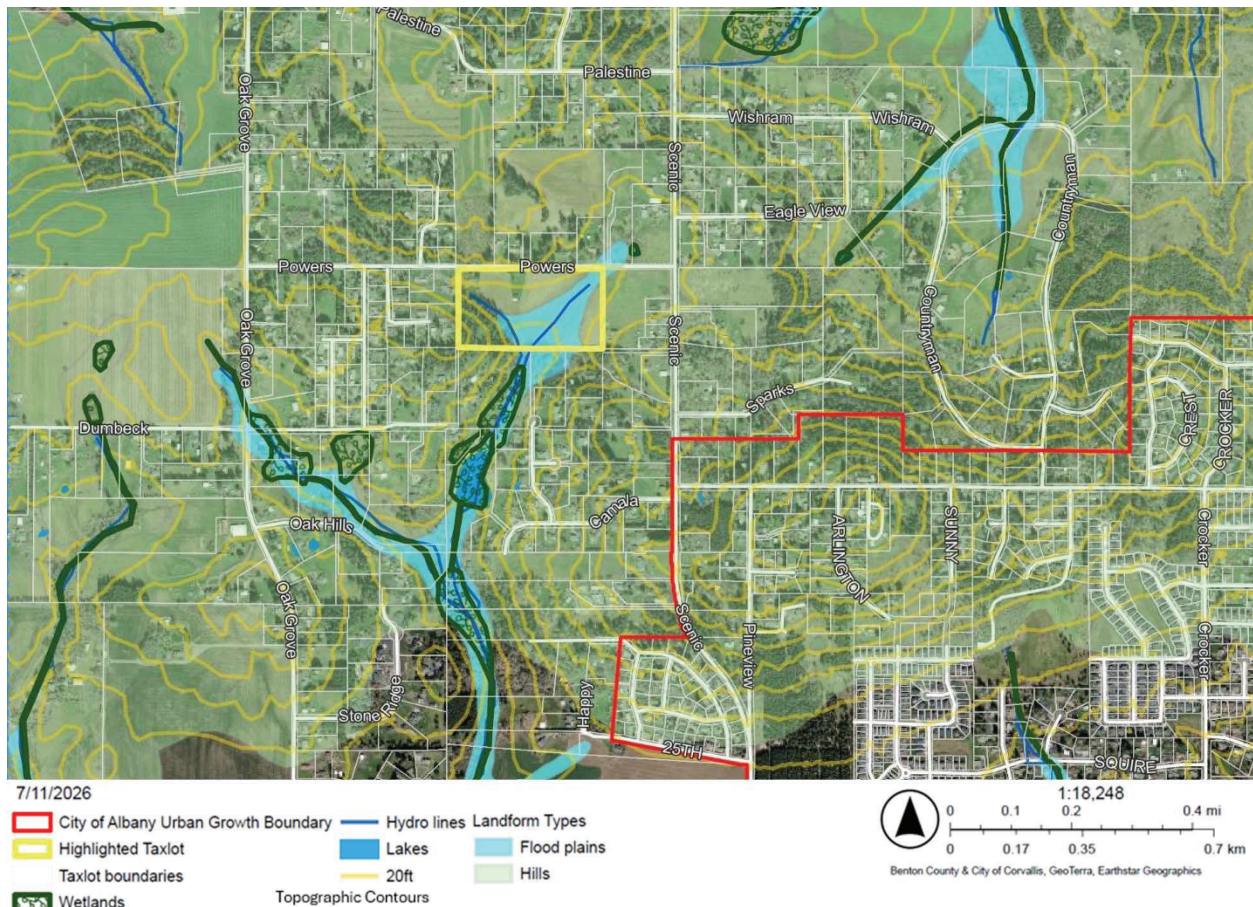
Note the property in question contains:

- Two USGS and Benton County identified active drainages (hydrolines/streams)
- Is significantly occupied with a USGS identified floodplain
- Is the headwaters, draining to the south into USGS and Benton County identified wetlands and bodies of water, ultimately, draining into the Willamette River watershed.

The property in question falls:

- Outside the City of Albany, Urban Growth boundary (red)
- Within Benton County, OR, rural residential 2 acre zoned district (white property lines)

Figure 2 - Powers Avenue and surrounding area watersheds, tax lots, urban growth boundary. Zoomed out.



Data sources: Benton County OR, City of Albany OR, and USGS

Key features -

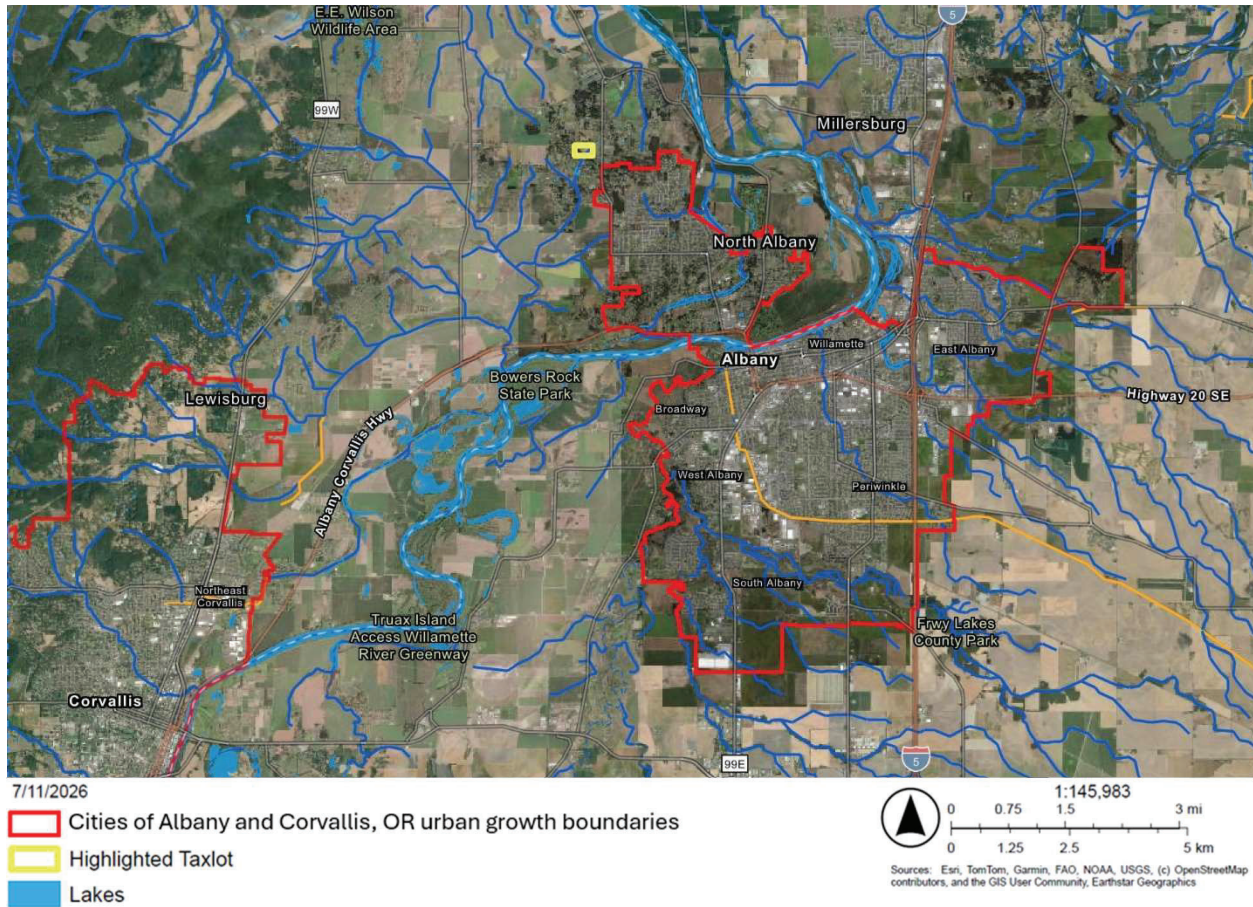
Note the property in question contains:

- Two USGS and Benton County identified active drainages (hydrolines/streams)
- Is significantly occupied with a USGS identified floodplain
- Is the headwaters, draining to the south into USGS and Benton County identified wetlands and bodies of water, ultimately, draining into the Willamette River watershed.

The property in question falls:

- Outside the City of Albany, Urban Growth boundary (red)
- Within Benton County, OR, rural residential 2 acre zoned district (white property lines)

Figure 3 - Powers Avenue and surrounding area watersheds, tax lots, urban growth boundary. Zoomed out to show relation to cities of Albany and Corvallis, OR

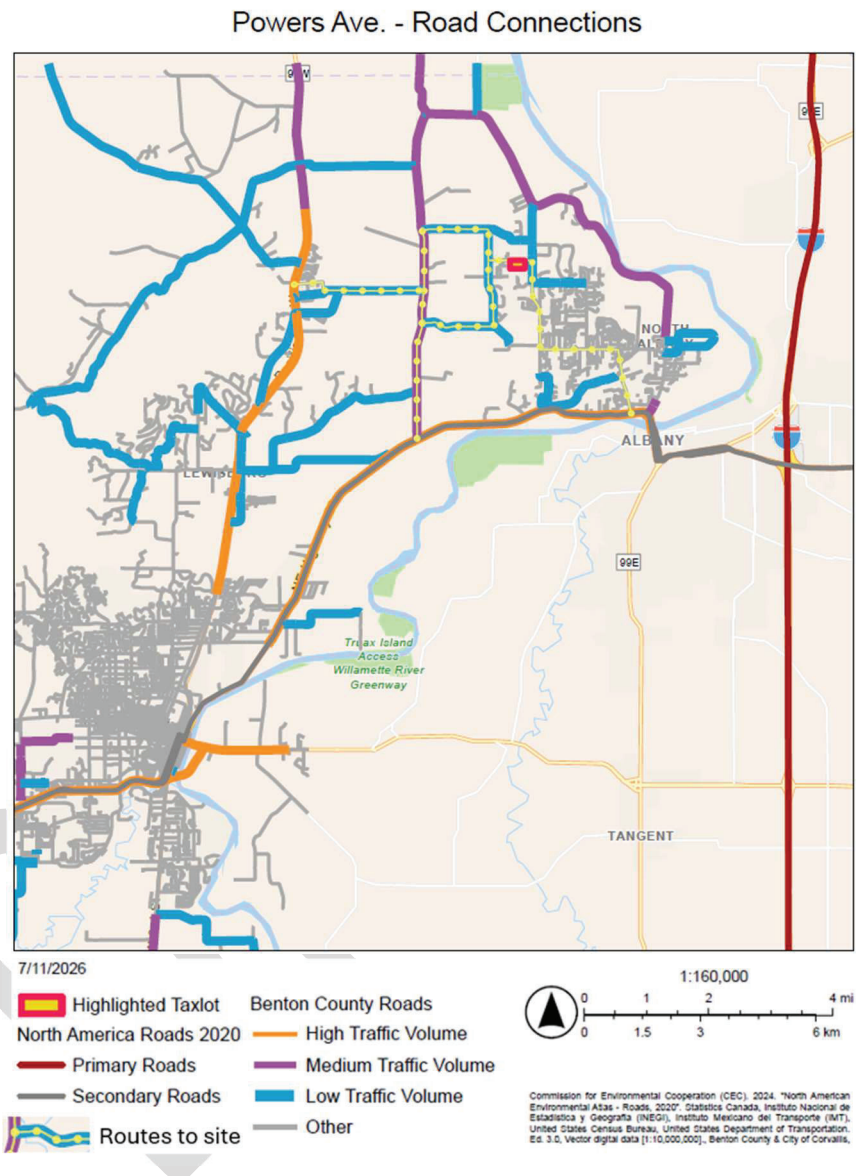


Data sources: Benton County OR, City of Albany OR, and USGS

Key features -

- Shows property in question in relation to urban growth boundaries for the cities of Albany and Corvallis, OR
- Show property in question's role as a headwater drainage to south into the Willamette River.

Figure 4 – Corvallis to Albany, OR scaled field of view showing different classes of roadways in and around property of interest.

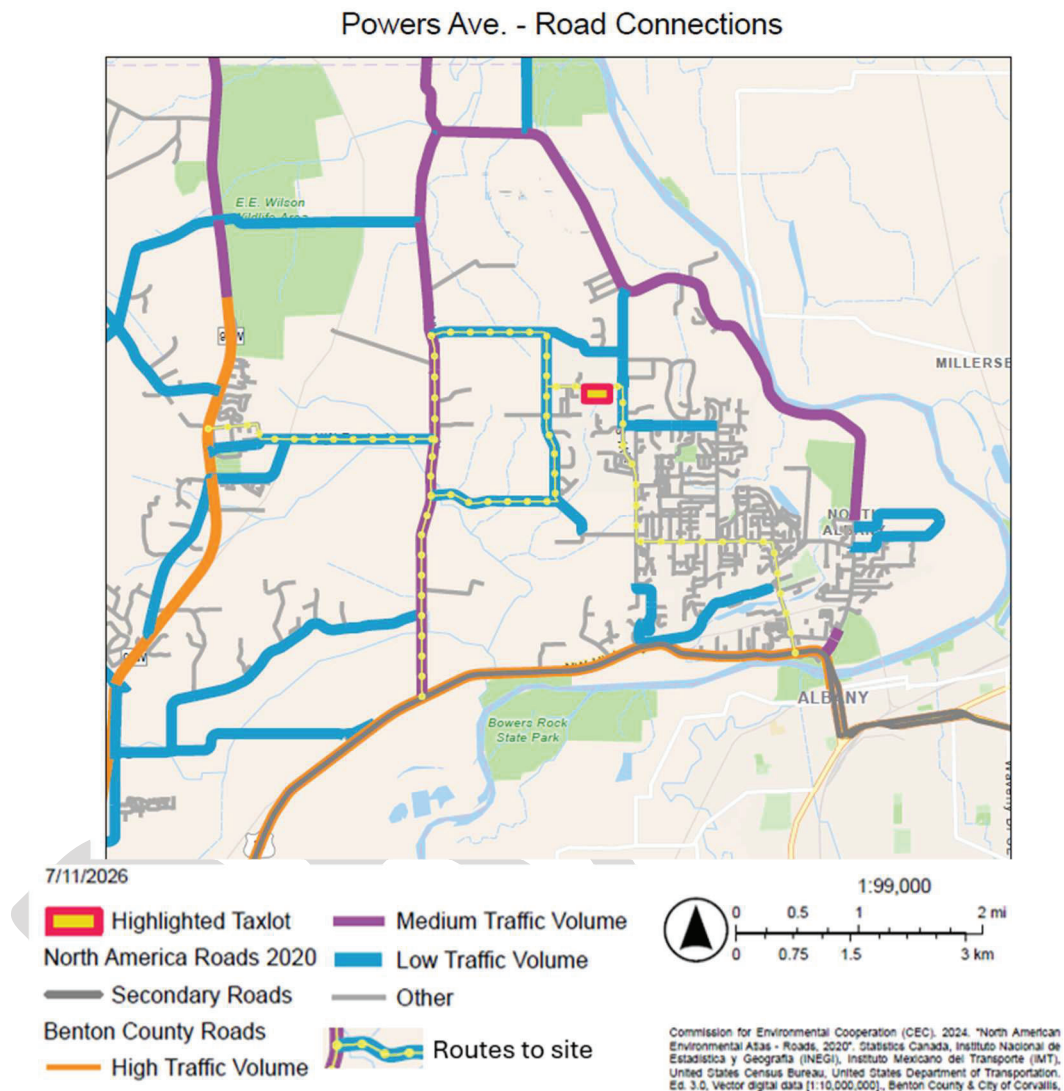


Key Points:

- Note that all roads surrounding the highlighted tax lot, the property of interest, are classified as “low traffic volume” roadways. They are not built to handle traffic over 400 vehicles/day¹.
- There are no routes that can use only primary routes to the proposed site.
- There are no routes that only use high and medium traffic roadways to the proposed site.

¹ According to the AASHTO Guidelines for Geometric Design of Low-Volume Local Roads, as integrated into standard Oregon public works design criteria and the Benton County Transportation System Plan framework, a ‘low-volume road’ is technically defined as a local facility experiencing an Average Daily Traffic (ADT) of fewer than 400 vehicles per day.

Figure 5 – Finer resolution field of view showing different classes of roadways in and around property of interest.



Key Points:

- All roads surrounding the highlighted tax lot, the property of interest, are classified as “low traffic volume” roadways. They are not built to handle traffic over 400 vehicles/day².
- Dashed yellow routes show most likely routes from Corvallis and Albany to this site. All show the location in question will result in dependency on use of multiple low volume roadways beyond Powers AVE. not built to handle the increased traffic volume and impacts of the proposed compound at the site in question.

² According to the AASHTO Guidelines for Geometric Design of Low-Volume Local Roads, as integrated into standard Oregon public works design criteria and the Benton County Transportation System Plan framework, a 'low-volume road' is technically defined as a local facility experiencing an Average Daily Traffic (ADT) of fewer than 400 vehicles per day.

Figure 6 – Map of public utilities availability and limitations in North Albany, Oregon

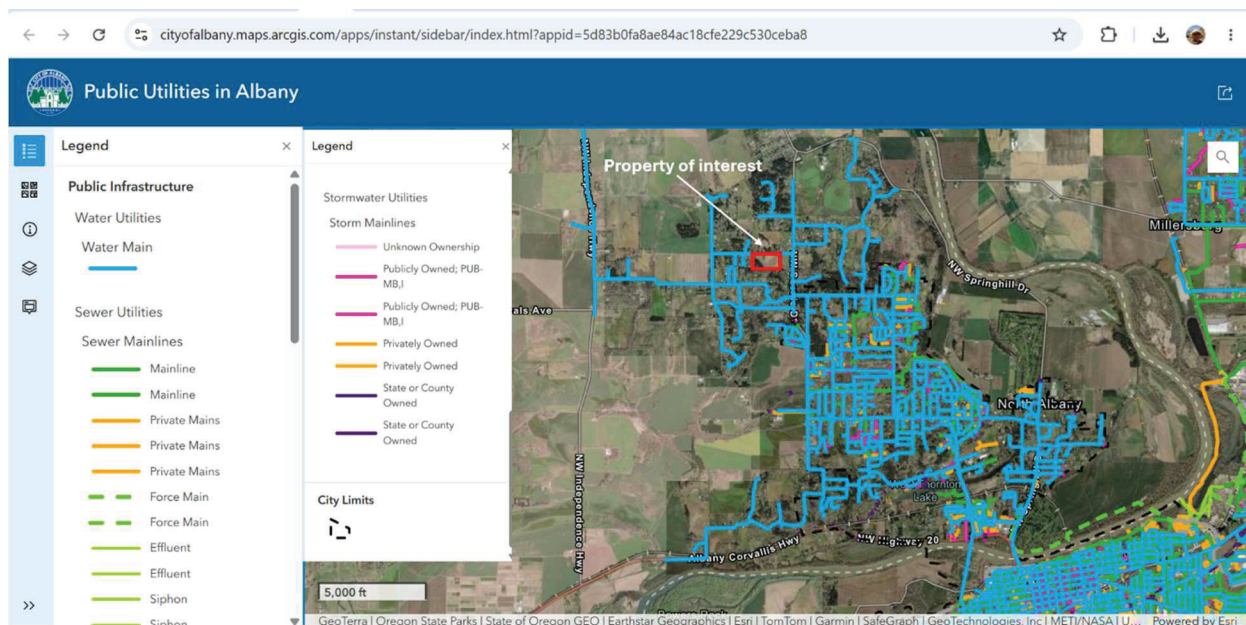
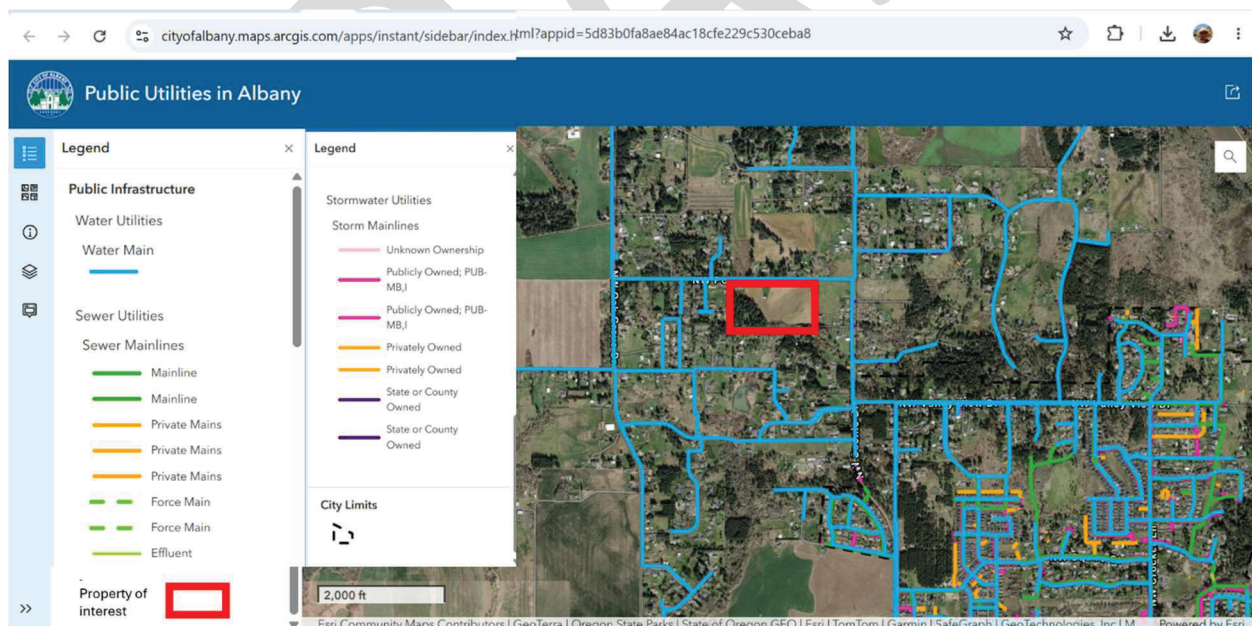


Figure 7 – Map of public utilities availability and limitations in North Albany, Oregon, closer scale



Key Points: Both maps 6 and 7 show,

- The only city services available to the property of interest are water utilities.
- There are no sewer or stormwater services in this area, or anywhere outside the city of Albany limits.

Other statistics:

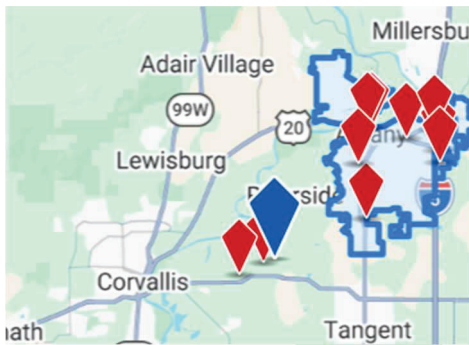
- **Original [meeting packet](#) released 4/28/2026 to the public:**
 - 84 total signatories/letters in support
 - 18 individual letters in support of the church proposal
 - 1 joint letter in support of the church proposal with 66 signatories but no addresses or printed names, making these signatures invalid.
 - **Tally by city/neighborhood**
 - RR2 Powers Neighborhood, 8 (outside urban growth boundary)
 - Albany/North Albany city limits, 8
 - Corvallis, 2
 - Not stated, 66
 - 25 signatories/letters opposed to the church proposal
 - **Most opposition letters are from residents of North Albany, which is a part of the City of Albany, Oregon.** Many letters include specific street addresses or neighborhoods within North Albany.
 - **Tally by city/neighborhood**
 - RRS Power Neighborhood, 18
 - Albany/North Albany, 2
 - Not stated, 5
 - **Note that at least one letter in opposition**, from Kelly Rose & Joseph Thompson, 3771 NW Oak Grove Drive, Albany, OR, was confirmed as received by the Benton County planning commission, but was not included in the packet.
 - Rose raised this issue with the poc with the commission, and she has written confirmation that he had received it and that he apologized for its omission.
 - How many other letters were omitted remains unclear.
- Number of property owners around Powers Ave with **signs opposed to the proposed variance** to the RR2 zoning requirements = **75 signs posted as of 7/11/2026**
- Septic statements made by Northside Church in the [4/28/2026 Benton County Planning Commission Packet](#) are only for initial phase of the process. They do not have full approval for septic. The number of people (700) and daily use (7 days a week) proposed for the site, as well as the flood plain and wetlands associated with the land, make the likelihood of approval for the proposed system at this site, highly dubious.
 - Northside Church stated, on page 80 of the packet the following: “The applicant has applied for and received Septic Site Approval from the Benton County Environmental Health Department. A copy of the Septic Site Evaluation Approval was submitted as Exhibit J of the application submittal. The approval site demonstrates capacity for both primary and replacement drainfield areas to accommodate a daily septic flow of 5175 gallons per day.”

- The process for Benton County, OR for septic approval is a two step process. It appears that Northside Church only completed step 1, the site feasibility step.
 - **Step 1: Site Feasibility (Soil Evaluation)**
 - Before you can install a system, the property must be evaluated to ensure it is suitable for an on-site sewage disposal system.
 - This involves a soil and site evaluation where Environmental Health (EH) specialists check for soil suitability, groundwater conditions, and required setbacks from wells, property lines, and water features.
 - You must submit a **Site Feasibility Application** to the Benton County Community Development Department.
 - Once the application is submitted, you will need to dig test holes for the inspector to examine.
 - **Step 2: Installation Permit (OR DEQ and Benton County requirements)**
 - After receiving site approval, you must apply for an **Installation Permit**.
 - This permit is the formal authorization to install the system. The specific type of system you are permitted to install (e.g., standard, sand filter, pressure distribution) will be determined during the site evaluation phase.
 - If step 2 has not been completed, then it is inaccurate for Northside to claim they have full septic approval.
- **Alternative property options.** Northside Church has stated there were no other suitable properties, with character or proper zoning, for the type of private complex they seek to build. The documentation below, obtained on 7/11/2026, is illustrative only but shows three presently available properties within proximity to the Albany-Corvallis area, with at least 19 acres of property, zoned commercial or industrial, and with access to infrastructure commensurate with the requirements publicly noted as required by the Northside effort. These properties also all are found in country-like settings, also a criteria purported by Northside to be desired. Thus, their claim that this rural-residential zoned property is the only suitable option does not appear to be an accurate statement.

33901-34027 Texas St SW - Albany Development Land

26.32 Acres of Industrial Land Offered at \$2,866,000 in Albany, OR 97321

Industrial Land Parcels / Oregon / Albany / 33901-34027 Texas St SW, Albany, OR 97321



<https://www.loopnet.com/Listing/33901-34027-Texas-St-SW-Albany-OR/37129563/>

Executive Summary

- Industrial or Commercial Development Opportunity
- 3 Tax Lots | UD-II Zoning
- Lot Size: ± 26.32 AC (± 1,146,500 SF)
 - Lot A: ±7.01 AC
 - Lot B: ±10.55 AC
 - Lot C: ±8.76 AC
- Zoning: County-UD-II (Urban Development)
- Sale Price: \$2,866,000 (\$2.50/SF)



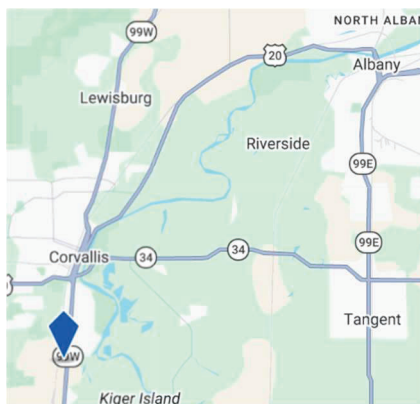
Highway 99 W

65.4 Acres of Commercial Land Offered at \$990,000 in Corvallis, OR 97333

Commercial Land Parcels / Oregon / Corvallis / Highway 99 W, Corvallis, OR 97333



<https://www.loopnet.com/Listing/Highway-99-W-Corvallis-OR/30879149/>



Executive Summary

The subject property is ~65 acres of industrial land located in Benton County, boarding the limits of Corvallis, with Highway 99 frontage.

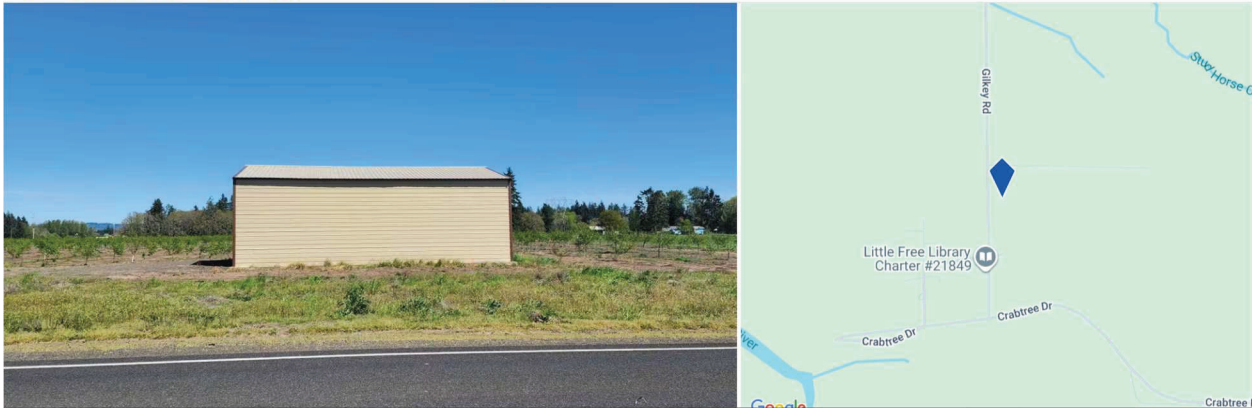
Currently, the property is being farmed and is farm deferral, but has the opportunity to be annexed into the City of Corvallis with the General Industrial (GI) Zoning Designation. This is a great opportunity for a farmer to get their hands on a large site and continue to farm, or an industrial user who needs land for development.

- 65 acres
- \$990,000

36501 Gilkey Rd

20 Acres of Commercial Land Offered at \$508,000 in Scio, OR 97374

Commercial Land Parcels / Oregon / Scio / 36501 Gilkey Rd, Scio, OR 97374



<https://www.loopnet.com/Listing/36501-Gilkey-Rd-Scio-OR/37689619/>

Executive Summary

This nearly 20-acre irrigated hazelnut orchard offers more than just fertile soil—it comes with valuable and increasingly scarce water rights, a key asset in today's agricultural landscape. As access to water becomes more regulated, properties with established water rights are standout investment opportunities. The orchard thrives on Chehalis Silt Clay Loam, ideal for hazelnut production. The orchard, planted in 2019, features Wepster and McDonald trees, now six years old, progressing toward peak production at around 10 years, with continued improvements expected. A legally secured 65 GPM well with an 8" casing and a 7.5 HP pump irrigates the entire orchard. A 30' x 50' shop with concrete flooring and dual roll-up doors offers excellent utility. While not zoned for residential construction, Oregon regulations may allow eligibility under certain conditions. Verify with Linn County.

- 20 acres
- \$508,000

BULDER Rachel

From: Hovis Biddle <hovissimo@bunkercode.com>
Sent: Monday, July 27, 2026 10:31 PM
To: BOC Land Use Appeals
Subject: Re: LU-25-067 — Northside Christian Church CUP appeal
Attachments: Biddle_LU-25-067_letter.pdf

You don't often get email from hovissimo@bunkercode.com. [Learn why this is important](#)

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.

Dear Commissioners,

I am a Benton County resident who lives in the immediate vicinity of the subject parcel. I am not an attorney. I am writing about the applicant's claim that denying this permit would violate the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

I have read the leading Oregon case on this question, and the standard is narrower than the applicant suggests. Under *Corp. of Presiding Bishop v. City of West Linn*, 338 Or 453 (2005), a county only creates a “substantial burden” if its decision forces a church to give up an actual religious practice in order to obtain a permit. Added cost, delay, or having to look at a different site does not meet that bar. The Court of Appeals said as much in *Timberline Baptist Church v. Washington County*, 211 Or App 437 (2007), where it upheld a county's denial of a church school. The applicant, not the County, has to prove the burden exists.

More than anything, I would ask the Board to put its reasoning in writing. Specifically, please make findings that:

1. The County applied the same written standards it would apply to any other applicant;
2. The applicant has not explained which of its site requirements are religious rather than practical or financial;
3. Nothing in the record shows denial would require the applicant to give up a religious practice; and
4. The County treated the applicant fairly, with no hostility toward its religion and no unusual delays.

Whatever the Board decides, clear findings on these points will make the decision much harder to overturn later. Thank you for your service and for considering this.

Respectfully,
Andrew G. Biddle
4853 NW Dumbeck Ave, Albany, OR 97321

Andrew G. Biddle
4853 NW Dumbeck Ave
Albany, OR 97321

July 24, 2026

Benton County Board of Commissioners

Re: LU-25-067 — Northside Christian Church CUP appeal

Dear Commissioners,

I am a Benton County resident who lives in the immediate vicinity of the subject parcel. I am not an attorney. I am writing about the applicant's claim that denying this permit would violate the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

I have read the leading Oregon case on this question, and the standard is narrower than the applicant suggests. Under *Corp. of Presiding Bishop v. City of West Linn*, 338 Or 453 (2005), a county only creates a “substantial burden” if its decision forces a church to give up an actual religious practice in order to obtain a permit. Added cost, delay, or having to look at a different site does not meet that bar. The Court of Appeals said as much in *Timberline Baptist Church v. Washington County*, 211 Or App 437 (2007), where it upheld a county's denial of a church school. The applicant, not the County, has to prove the burden exists.

More than anything, I would ask the Board to put its reasoning in writing. Specifically, please make findings that:

1. The County applied the same written standards it would apply to any other applicant;
2. The applicant has not explained which of its site requirements are religious rather than practical or financial;
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4. The County treated the applicant fairly, with no hostility toward its religion and no unusual delays.

Whatever the Board decides, clear findings on these points will make the decision much harder to overturn later. Thank you for your service and for considering this.

Respectfully,

Andrew G. Biddle
4853 NW Dumbeck Ave, Albany, OR 97321

BULDER Rachel

From: Matthew Laux <mlaux243@gmail.com>
Sent: Wednesday, July 29, 2026 9:06 AM
To: BOC Land Use Appeals
Subject: Re: Written Testimony in Opposition — File No. LU-25-067 (Northside Christian Church CUP Appeal)
Attachments: Powers_Ave_Supplemental_Letter_Staff_Report_Response-1.docx

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.

To the Board of Commissioners,

I'm writing to supplement my written testimony submitted on July 21, 2026, on File No. LU-25-067.

My original letter remains part of the record; the attached letter addresses new information in the Community Development Department's revised staff report, released July 24, 2026.

I also want to flag directly that the attached letter corrects two factual errors in my original testimony — the proposed parking count and a statement about weddings and memorial services — both explained in the first paragraph of the attachment.

I know that I am sending this after the official deadline to be part of the record, but my hope is that since this corrects factual information in my previous letter and addresses the staff report issued very close to the deadline that this can be entered into the record alongside my original letter.

Thank you for your time and consideration.

Matt Laux
3355 NW Sparks Ave
Albany, OR 97321
(503) 884 - 9688

On Sun, Jul 26, 2026, 10:11 AM Matthew Laux <mlaux243@gmail.com> wrote:

To the Board of Commissioners,

Please accept the attached written testimony in opposition to the appeal in File No. LU-25-067 (Northside Christian Church Conditional Use Permit, 4500 Powers Ave NW, North Albany), scheduled for hearing on Tuesday, August 4, 2026.

My name and mailing address are included in the attached letter.

Please let me know if anything further is needed for this to be entered into the record.

Thank you for your time and consideration.

Matt Laux
3355 NW Sparks Ave, Albany, OR 97321

Ph. (503) 884 - 9688

Email: mlaux243@gmail.com

Matt Laux

3355 NW Sparks Ave

Albany, OR 97321

Ph. (503) 884 - 9688

July 29, 2026

Benton County Board of Commissioners

Attn: Land Use Appeals

P.O. Box 3020

Corvallis, OR 97339

RE: Supplemental Written Testimony — File No. LU-25-067

Response to Revised Staff Report dated July 24, 2026

Northside Christian Church Conditional Use Permit, 4500 Powers Ave NW, North Albany

Hearing Date: Tuesday, August 4, 2026, 11:00 a.m.

Dear Commissioners:

This letter supplements my written testimony submitted on July 21, 2026, on File No. LU-25-067. That letter remains part of the record; I'm writing again because the Community Development Department released a revised staff report on July 24, and it contains new information the Board should weigh carefully before the August 4 hearing.

Before I get to that new information, I want to correct two things I got wrong in my July 21 letter. First, I stated that the applicant proposed 189 parking spaces. That figure is actually the code minimum for a building this size under BCC 91.605(5); the applicant's actual proposal, as confirmed in the revised staff report, is a 261-space parking lot. Second, I described weddings and memorial services as activities that would fall outside the disclosed use and require separate review. Benton County's own definition of "church" under BCC 51.020(8), consistent with Oregon law (ORS 215.441), already protects weddings, funerals, childcare, and meal programs as customary activities that come with any approved church use, so that part of my letter was incorrect and I withdraw it. I still believe the broader point stands for activities not covered by that definition — concerts, public markets, and similar community or commercial events — and I address that further below.

I want to be direct about what changed. Staff now recommends the Board approve this application, reversing the position that supported the Planning Commission's denial. But buried in that same report

is the strongest evidence yet that this application shouldn't be approved — and it comes from the County's own hired traffic engineer, not from me or any other resident.

The County retained DKS Associates to independently evaluate the traffic impact of this project. Public Works staff adopted DKS's numbers as their own official finding, and the table in the staff report speaks for itself: existing traffic on the east side of Powers Avenue is 513 vehicles a day; add the church's own generated trips, background counts the applicant's engineer missed, and future traffic from the parcel's own zoning capacity, and the total comes to 990 vehicles a day. The staff report states plainly: "The proposed development will increase traffic on Powers Avenue to levels that exceed what is expected for a Primary Local Road." The threshold for that classification, under the County's own Transportation System Plan, is 700 vehicles a day. Nine hundred ninety is 41 percent over that limit. This is not my calculation, or an advocate's estimate. It is the County's own adopted finding, printed in its own staff report.

Having found that, staff still concludes the application satisfies BCC 53.215(2) — no undue burden — because of a proposed mitigation condition. I'd ask the Board to look closely at what that condition actually requires, because it is weaker than what the County itself said was necessary just months earlier. In March, staff recommended a continuous 4-foot paved shoulder along the entire south side of Powers Avenue from Oak Grove Drive to Scenic Drive, specifically to protect the pedestrians and cyclists who use this road. The applicant rejected that condition, and the Planning Commission denied the application in part because of it. The condition in the new staff report is smaller in every dimension: a narrower paved section, a 2-foot shoulder instead of 4 feet, and a shorter distance, running only from the property's own frontage to Scenic Drive rather than the full corridor. Staff's own report still acknowledges that added traffic "may also introduce additional safety hazards through the potential for more conflicts between vehicles and bikes and pedestrians." I don't see an explanation in the report for why a smaller fix now adequately addresses a safety concern the County itself said required a larger one in March, especially when the traffic volume behind that concern has only gotten worse, not better, since then. If anything, the applicant's own June 9 traffic study now reports 851 Sunday trips, up from the 588 trips in their earlier submission — the problem grew, and the proposed fix shrank.

As I noted above, this 990-vehicle finding does not account for anything beyond the disclosed weekly services and daycare. Concerts, public markets, and other community or commercial events fall outside Benton County's own definition of customary church use, and nothing in this traffic analysis — the applicant's or the County's — accounts for them. A finding of no undue burden built entirely on Sunday services and daycare traffic doesn't tell the Board anything about what happens the day this facility hosts something larger.

For all of the reasons in my July 21 letter, and for the reasons above, I'm asking the Board to:

1. Affirm the Planning Commission's May 5, 2026 denial of File No. LU-25-067; or
2. Find that the County's own adopted traffic finding of 990 vehicles per day on the east leg of Powers Avenue — 41 percent over the Primary Local Road threshold — is not adequately mitigated by Condition of Approval P-12 as currently drafted, and require, at minimum, the fuller Oak Grove Drive to Scenic

Drive improvement and 4-foot shoulder standard County staff themselves identified as necessary in March 2026; and

3. If the Board approves the application, bind that approval strictly to the activities actually analyzed in this record — ordinary church services and weekday daycare — with separate review required before any concert, public market, or other event not customarily associated with church use under BCC 51.020(8).

Thank you again for your time and for the work the Board and County staff have put into this record.

Respectfully,

Matt [Last Name]

[Street Address], NW Sparks Ave, Albany, OR 97321

BULDER Rachel

From: Jim Atkins <atkinsjim333@gmail.com>
Sent: Thursday, July 30, 2026 1:32 PM
To: BOC Land Use Appeals
Subject: Reference: LU-25-067 Letter in Favor of Church Building
Attachments: County Land Use File LU 25 067.docx

You don't often get email from atkinsjim333@gmail.com. [Learn why this is important](#)

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 Benton County Commissioners,

Please take into account the attached letter in your review of the Land Use consideration (File #: LU-25-067). If you have any questions, or would like further input, I would be happy to provide any other information that you might need.

Best Regards,
Jim Atkins

July 24, 2026

Board of Commissioners

Benton County

PO Box 3020

Corvallis, OR 97339

Re: Written Testimony – Land Use File LU-25-067

Dear Benton County Commissioners,

My name is Jim Atkins, and my mailing address is 2693 Oak Ridge ST NW Albany, Oregon 97321. I live in North Albany, not more than 2 miles from the property of the proposed Church. I have lived in Albany all of my life and been a part of this community and contributed to it in many ways.

I am writing in strong support of Land Use File LU-25-067 and respectfully ask the Board of Commissioners to approve the requested land use application that would allow our church to build on property located off Powers Road in North Albany.

First, I would like to thank each of you for your willingness to serve Benton County. I recognize that land use decisions are among the most difficult responsibilities entrusted to elected officials. They require balancing the interests of applicants, neighboring property owners, County regulations, and the long-term welfare of the community. I appreciate the time, effort, and thoughtful consideration you devote to these decisions.

I have lived in the Willamette Valley my entire life and care deeply about this community. My family has raised our children here, and I have seen firsthand the positive impact churches can have—not only on the lives of their members, but on entire communities. It is from that perspective that I respectfully ask you to approve this application.

Our church is founded on three simple pillars: **Christ. Church. Community.**

These are more than words—they define who we strive to be.

Our desire is to follow the example of Jesus Christ by loving God, serving others, and caring for our neighbors. We believe every individual possesses inherent worth and dignity. Whether someone shares our beliefs, attends our church, or even agrees with us, we believe they deserve kindness, compassion, respect, and genuine love.

Those principles have guided our church long before we ever considered purchasing property on Powers Road.

Over the years, our church has intentionally invested in our community through volunteer service, work projects, support for local schools, outreach events, and assistance to families in need. We have sought opportunities to strengthen marriages, mentor young people, serve our neighbors, and partner with organizations that improve the lives of others. Our goal has never been simply to hold church services—it has been to become an active and positive presence wherever we are planted.

That commitment will not change if this application is approved.

Throughout this land use process, our church has also sought to be a responsible applicant.

We understood from the beginning that approval would require much more than good intentions. Benton County established objective standards that every applicant must satisfy, and we have worked diligently to meet each one.

Professional studies addressing traffic, water, wastewater, engineering, and all other applicable land use requirements have been completed. County staff and the professional engineers responsible for evaluating those materials have thoroughly reviewed our application. After completing that review, they determined that our proposal satisfies the applicable approval criteria and have recommended that the Board approve our application.

I believe that fact deserves significant consideration.

Benton County has established a process that relies upon objective evidence, professional expertise, and the application of County land use regulations. While public testimony is an important part of that process, the technical review conducted by County staff exists to ensure decisions are based upon facts rather than assumptions.

Our church has respected that process from the very beginning, and we respectfully ask that our application continue to be evaluated on the evidence contained in the record.

I also understand that some neighboring property owners have expressed concerns regarding this proposal. I appreciate that they care deeply about preserving the rural character of their community. In many respects, we share that same goal.

One concern expressed publicly is that a church would dramatically change the rural nature of the area.

Our vision has always been exactly the opposite.

We intentionally selected this property because we appreciate its peaceful setting and natural beauty. Our desire is to design a church campus that complements the surrounding landscape rather than competes with it. We want the architecture, landscaping, and overall appearance to reflect the rural character that already exists.

Another concern has been that the beautiful stand of trees currently on the property will be removed.

To the best of my knowledge, that has never been our intention.

Those trees are one of the property's greatest assets, and our church has every desire to preserve them as part of the overall design whenever possible. We believe good stewardship includes caring for God's creation, and preserving the natural beauty of the property aligns with that belief.

Ironically, if our church is ultimately unable to build on this property, there is a very real possibility that the property could instead be sold for residential development. My understanding is that developers have already expressed interest, and under the current zoning the property could potentially accommodate multiple homes. Such a development would likely require substantially more tree removal and permanently alter the character of the property far more than the carefully planned church campus currently being proposed.

I do not offer that observation as a threat or prediction, but simply as a practical reality worth considering when evaluating the long-term future of this property.

Throughout this process, there has also been considerable discussion on social media and in public forums. Unfortunately, those discussions have sometimes included misunderstandings and assumptions that are not supported by the evidence presented through the County's review process.

Rather than responding with criticism, our church has chosen to remain focused on the facts, to continue treating others with respect, and to trust the County's process.

As Christians, we believe Jesus called us to love our neighbors—even when we disagree with one another.

That does not mean we abandon our convictions. It means we choose humility over hostility, truth over exaggeration, and grace over resentment. While we respectfully disagree with some of the statements made about our church, we genuinely wish the very best for every family who lives near the property. If this application is approved, they will not simply become our neighbors—they will become people we hope to serve for many years to come.

Churches have historically played an important role in building healthy communities.

They provide hope during times of grief. They strengthen marriages and families. They mentor young people. They mobilize volunteers. They organize charitable efforts. They support schools and community organizations. They encourage personal responsibility, generosity, forgiveness, compassion, and service to others.

Those contributions cannot always be measured by engineering reports or traffic studies, but they are no less real.

Our church has sought to demonstrate those values through action, not merely words.

If approved, we intend to continue partnering with local schools, supporting families, serving our community, and being the kind of neighbor others are grateful to have.

I would also respectfully note that the RR-2 zoning designation specifically contemplates community-serving uses such as churches through the conditional use process. This application is not an attempt to force an incompatible use into an inappropriate location. Rather, it follows the very process Benton County established to thoughtfully evaluate proposals such as this one.

Ultimately, I respectfully ask that your decision be based upon the applicable approval criteria, the objective evidence presented in the record, the recommendations of your professional staff, and the demonstrated character of our church.

When I consider what kind of legacy I hope to leave my children and future grandchildren, it is not measured by the buildings we construct but by the lives we impact. I believe our church has consistently demonstrated that its purpose extends far beyond Sunday mornings. We desire to be a place where people find hope, where families grow stronger, where neighbors are served, and where our community is better because we are part of it.

I sincerely believe approving this application will benefit not only our church but the greater North Albany community for generations to come.

Thank you for your service to Benton County, for your careful consideration of this application, and for the time you have devoted to reviewing the evidence before you.

Respectfully submitted,

Jim Atkins

2693 Oak Ridge ST NW
Albany, Oregon 97321

BULDER Rachel

From: Kevin Post <kpost@snotemp.com>
Sent: Friday, July 31, 2026 1:13 PM
To: BOC Land Use Appeals
Subject: Public Record Submission: LU-25-067 Proposed Condition Modification (P-12)

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,

The most recent staff report makes it clear that Northside intends to be very litigious about Condition P-12 (road widening). Please submit the following proposed condition modification into the official public record. This is a fallback measure to protect the county and our neighborhood.

Proposed Condition P-12.1: Non-Severability & Capacity Scaling

Condition P-12 is non-severable from this permit. The trip allowances, maximum occupancy, and operational scale granted under this approval are expressly contingent upon the physical completion of the off-site road widening required in Condition P-12.

If Condition P-12 is stayed, modified, severed, or invalidated by any administrative tribunal or court, authorized operational capacity under this permit shall automatically scale down to the maximum safe capacity of the existing 18-foot roadway, as determined by Benton County Public Works. No vehicle trips, occupancy, or operations exceeding that safe limit shall occur unless and until Condition P-12 is fully constructed and accepted by the County.

Supporting Findings

- **BCC 53.215 Compliance:** An unimproved 18-foot road cannot safely handle the proposed traffic volume. Condition P-12 is necessary to meet County traffic safety standards.
- **Mitigation of Severability Risk:** Prevents the applicant from using post-approval litigation to strip away road safety requirements while keeping full operational capacity, ensuring public safety is protected under any legal outcome.

Thank you,

Kevin Post



SnoTemp Cold Storage

541.343.1694 | kpost@snotemp.com | www.SnoTemp.com

KWIATKOWSKI Maura

From: BOC Land Use Appeals
Sent: Monday, August 3, 2026 1:36 PM
To: KWIATKOWSKI Maura
Subject: FW:

Marriah De La Vega
Executive Assistant to the Board of Commissioners and County Administrator

D : 541-766-6800 C : 541-368-6985
Email: marriah.delavega@bentoncountyor.gov

www.Bentoncountyor.gov

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

From: 5416191177@vzwpix.com <5416191177@vzwpix.com>
Sent: Sunday, August 2, 2026 4:55 PM
To: BOC Land Use Appeals <landuseappeals@bentoncountyor.gov>
Subject:

Re LU-25-067 from D.VanSpeybrock 3986 Nw Oak Grove Dr Albany Or 97321 As a neighbor of subject property I strongly object to using agricultural land for this purpose. In addition to the obvious problem of traffic-roads-congestion etc. this will also have a negative impact on the rural environment of this area Therefore I would urge that this issue not be approved .

August 1, 2026

Benton County Community Development Department
4500 SW Research Way
Corvallis, OR 97333

Re: LU-25-067

Land Use Applications and appeals rely on data. Review of the Staff report from July 24, 2026 shows some inconsistencies. For example:

Square Footage of Phase 1 Main Building

The applicant has postulated that this main building is 18,902 square feet. In his letter dated March 23, 2026 Pastor Jamie Mills states 'Phase One has a footprint of approximately 9,000 square feet' (also in March 31 response). When the perimeter measurements from the floor plan (Staff Report pages 151 and 152/574) are added up, neither is correct. The first floor is 18,960 square feet and the second level is 9,614 square feet. This results in a **28,574 square foot building**. Since so many calculations done by the engineers, planners and staff are based on this number the impact of this error must be addressed. This would definitely change parking requirements. It could impact septic and traffic studies. This large of an error raises questions on the validity and consistency of all the data associated with this application.

Building Usage Information for Sundays Mornings

'The applicant's current church usage information provides an operational profile for the proposed Phase I use. The church anticipates two Sunday morning services, currently scheduled for 8:30 a.m. and 10:15 a.m., with Sunday traffic generally spread between approximately 7:00 a.m. and 11:40 a.m. (6/17/26 Applicant Memorandum)

'The sanctuary for religious worship and youth group classes are anticipated to have a maximum of 390 people per worship service x 2 worship services per day...' (5/28/2026 Udell letter)

This represents tremendous growth from the current 380 attendees stated in the 3/23/2026 letter of Pastor Jamie Mills. The applicant does not quantify the basis for this estimate nor give a time frame over which this growth is expected (2 years or 10 years?). Leaving us unable to assess whether this **105% growth** is reflected in the traffic studies, septic plans or any other calculation for future impacts.

Septic

As stated in the previous section 'The sanctuary for religious worship and youth group classes are anticipated to have a maximum of 390 people per worship service x 2 worship services per day...' (5/28/2026 Udell letter) However, the building provides seating for 500. If the same Udell calculations ('The sanctuary for religious worship and youth group classes are anticipated to have a maximum of 390 people per worship service x 2 worship services per day. The youth group classes are anticipated to have a maximum of 60 people per evening including students and staff. The anticipated waste generation Sunday is 840 people x 5 gppd (church use Table 2, OAR 340-071- 0220) totaling 4,200 gpd.' are used with 560 people, the result is 5,300 gpd. This would exceed the approved onsite septic disposal that was granted by Benton County Health Department on March 7, 2024 for the Septic Site Evaluation performed on the site with an estimated daily peak design flow of 5,175 gpd.

Daycare

This RR-2 zone identifies residential uses, as well as farm or forest use and daycare for fewer than thirteen children as permitted uses that are allowed outright. BCC 63.005 This is what is allowed without conditional use.

The applicant has always been very clear in their desire to provide daycare. In the staff report of 7/24/26, the applicant proposes to include an associated daycare for up to 35 children operating Monday through Friday, 8:00 AM to 5:00 PM. In previous documents the number of children has varied from 58 (DKS Trip Generation letter dated June 9, 2026), approximately 30 to 35 children (Applicant's Memorandum dated June 17, 2026 Attachment B3), 58 children also stated in Staff findings attached to the 3/17/26 Benton County Planning Commission agenda, as far back as 3/7/24 Septic Site Evaluation showing 50 in daycare.

The applicant has been urged by staff on several occasions to contact the Oregon Department of Early Learning and Care (DELIC). For example, 'The church should contact the Oregon Department of Early Learning and care to verify if the proposed care program meets state requirements for certification or exemption.' March 3, 2026, Scott Kruger, Registered Environmental Health Specialist and it is required in O-2. (Staff report 6/17/26) with 3 stipulations.

The DELIC website shows two types of Certified Centers. The child care center (CC) for younger children and a separate school-age center (SC) only for school age children. Both are **commercial** and non-residential and do not include night care.

The 58 number seemed so random, but if 58 children is a threshold in any of the DELIC calculations such as adult-child ratio, classroom size or facility-wide capacity that may explain it.

From the Udell letter dated 5/28/26, 'The evening classes and daycare use are anticipated to have a maximum of 60 people onsite throughout the day'.

The 58 children plus staff plus evening classes would appear to exceed the 60 people per day limit cited in Udell calculations.

ORS 215.441(1) requires counties to allow the reasonable use of church property for activities customarily associated with religious activity, including ... childcare.

The applicant states in their 6/17/26 findings memorandum that church-operated childcare, should therefore be evaluated as activities associated with the principal church use rather than as separate primary uses (6/17/26 Applicant Findings). Applicant has not clarified if the intended daycare is only for members or available to the public.

The applicant further states 'Activities customarily associated with the approved church use, including ... childcare, may occur in connection with the approved Phase I use, subject to these conditions of approval (Applicant's Condition of Operating Approval 6/17/26).

The applicant appears to obfuscate their intentions to the public and this Commission since March of 2024. Accordingly, this issue requires clarity prior to issuance of the Conditional Permit as it is still unknown if this daycare is for members only or the public, the total number of children and staff or if the applicant is choosing to have a CC or SC daycare or both for this **commercial** venture .

Youth Groups

The applicant anticipates 'Sunday evening activities may include middle school youth group at approximately 4:00 p.m. and high school youth group at approximately 6:00 p.m.' (6/17/26 Applicant Memorandum)

The evening classes and daycare use are anticipated to have a maximum of 60 people onsite throughout the day. (May 28, 2026 Udell letter) However, the same letter states 'The youth group classes are anticipated to have a maximum of 60 people per evening including students and staff.'

Additional youth meetings and other gatherings of the church community are proposed throughout any given week (Page 7 of 7/23/2026 Staff Report)

Accordingly, it appears there are two youth groups meeting both weekdays and Sunday, however the number of youth involved is inconsistent. Again, there is lack of clarity. This could again reflect on the studies and analysis.

All of the above show the inaccuracies and inconsistencies in the data in this application. The product and decisions of engineers and planners are based on the data provided by the applicant/client.

Parking

In their March 31, 2026 response, the applicant requested that the conditional use in LU-25-066 be removed as they have met (even exceeded) the burden with 260 spaces for the 9000 square foot/500 seat gymnasium. **The applicant further states “a parking lot of 260 in the middle of rural neighborhood will change the essential nature of the area”.** This is a point of agreement. BCC 53.215 states 'The proposed use does not seriously interfere with uses on adjacent property, with the **character of the area**, or with the purpose of the zone.' The applicant here acknowledges that interference with the character of the area.

We now know the building is 28,574 square feet. Therefore, this Phase 1 project would require a minimum 286 spaces for just the normal weekly functions. There is no accommodation made for the applicants many special events.

The applicant proposes 'operational and parking management measures to address peak parking demand, including carpooling and rideshare support, volunteer parking coordination, service scheduling, signage and wayfinding, designation of a parking coordinator, and monitoring and evaluation. These measures address public testimony concerning overflow parking, overlapping parking demand, and road safety.' (Applicant's Finding 6/17/26)

Parking monitoring/management is not mitigation.

These arrangements for special holidays, such as Christmas and Easter, where the applicant has stated their attendance is much higher (applicant website dated 4/4/26 shows Christmas 2024 as 580+ and Easter as 700) and special events where the guests are over a thousand according to the applicant (applicant's website 11/2/25 states between 1200 and 1400 people for one such an event), will not suffice. There will be no ability to park on Powers, even with the proposed widening. The small side streets (Knollwood, Terra Lydna and Terrace) are maintained by the residents of those properties and more narrow than Powers.

Restrictions must be placed on these events. The applicant should be required to ensure parking for events/activities that exceed 500 people does not occur on roadways within a 1000 foot radius on roads including but not limited to Powers, Scenic, Oak Grove, Terrace, Terra Lydna or Knollwood. Events/activities that exceed 500 people should require a permit for social gatherings as set forth in Chapter 13 of the Benton County Code of Ordinances complying with all the provisions set forth in that chapter.

Noise

Applicant proposes in their 6/16/26 Conditions for operational use ' Outdoor Amplified Sound and Outdoor Activities. a. Outdoor amplified sound shall be limited to the areas immediately adjacent to the approved Phase I worship and multi-purpose building and shall not be directed toward adjacent residential properties. b. Outdoor amplified sound activities shall occur only between 7:00 a.m. and 9:00 p.m., except for arrival, departure, parking lot circulation, emergency access, maintenance, or activities necessary for safe site operation.'

In the applicants June 17, 2026 Memorandum (Attachment B.11) to 'further address compatibility concerns, conditions of approval may limit outdoor amplified sound and require non-security lighting to be turned off after evening activities conclude.' 'Based on the current scope of the application, and with conditions limiting approval to the Phase I improvements and regulating outdoor noise and lighting impacts, the record does not show that noise, lighting, or outdoor activity associated with the proposed use will seriously interfere with adjacent uses, the character of the area, or the purpose of the zone.' (Applicant Response to Public Testimony 6/17/26)

'No amplified sound will extend beyond the property boundaries at levels inconsistent with County nuisance standards.' Applicants Conditional Use dated December 19, 2025.

BCC 53.220 allows for conditions to mitigate negative impacts such as noise. Fourteen (14) hours from 7:00 a.m. to 9:00 p.m. far exceeds any idea of negative impacts. The acoustic nature of this area currently allows easy listening to the train whistles on Hwy 20 (2.5 miles away) throughout the day and night.

I moved here over 26 years ago choosing this environment for health reasons. I have a medical condition that has no treatment or cure. I am home bound. If we can hear a train whistle from 2.5 miles away, it will be impossible for outdoor amplified sound to be directed away from any properties in this area. In my world 14 hours (7a.m. to 9p.m.) of amplified sound is unreasonable.

I urge the Commission to deny this appeal and application. You have the authority and information necessary to do so.

Dee Loomis

From: [Elizabeth Powell](#)
To: [BOC Land Use Appeals](#)
Subject: File #LU-25-067
Date: Monday, August 3, 2026 8:37:29 AM

You don't often get email from elizabeth.powell.pr@gmail.com. [Learn why this is important](#)

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To whom this may concern:

First thank you for your consideration. My name is Elizabeth Powell and I live on 2768 Amble Side St NW Albany, OR 97321, just a few blocks away from the Powers property. I also attend Northside church and have since it began several years ago. I grew up in a neighborhood in Eugene with a church as a neighbor directly behind and beside my house. The experience was nothing but great. They were kind, they would share their parking lot with us when we needed extra parking. I learned to drive and to ride my bike in their parking lot. There was also a sense of peace I experienced knowing that there were safe adults in that building in case I ever needed help. Their basketball court was a meeting place for different neighbors to meet and play together. There was never a time when my parents or I disliked having a church for a neighbor. This is just one reason I believe that Northside should be allowed to build their church building on Powers.

Thank you for your consideration,

Elizabeth Powell
2768 Amble Side St. NW
Albany, OR 97321