

TITLE 9

COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code Division 4 — Conditional Uses

CHAPTER 932

SPECIFIC CONDITIONAL USES CODE

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932.005 Title; short title

This Chapter, LCC 932.005 to 932.999, shall be known and cited as the “Linn County Conditional Uses Code.” This Chapter may also be referred to and cited as the “Conditional Uses Code.”

[Adopted 98-200 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

I. OIL, NATURAL GAS, GEOTHERMAL EXPLORATION AND EXTRACTION

932.100 Statement of purpose

The purpose of LCC 932.100 to 932.160 shall be

(A) to provide for the exploration and extraction of oil, natural gas, or geothermal resources, and

(B) to establish criteria and procedures necessary to assure that such operations have a minimal impact on land use activities permitted under this Development Code.

[Adopted 98-002 §3 eff 3/4/98]

932.110 Persons authorized to submit development permit applications

An application for the siting of oil, natural gas or geothermal exploration and extraction operations shall be made by:

(A) The land owner; or

(B) The lessee of the property, if the application bears the signature of either the land owner or his authorized representative.

932.120 Application procedure

(A) In addition to the requirements of LCC Chapter 921 (Land Development Administration Code), an applicant for the siting of oil, natural gas or geothermal exploration and extraction operations shall also submit the information required in subsection (B) at the time of application:

(B) *Other application requirements.*

(1) A development plan showing the entire property, its dimensions and the specific siting of all structures, including the proposed drilling facility and the various setback and locational measurements. At the discretion of the Director, a more detailed drawing of the site may be required;

(2) Evidence of application to the Department of Geology and Mineral Industries for the siting and operation of an oil, natural gas or geothermal exploration and extraction facility;

(3) A reclamation plan which complies with the minimum standards established and administered by the Department of Geology and Mineral Industries and complying with provisions of LCC 932.160 and 934.340.

(4) The mineral property owner or authorized agent of the owner shall file a truck route plan with the Roadmaster indicating the proposed haul route for any equipment used in the preparation, exploration, extraction, operation or abandonment of the site. The truck route plan shall also include a proposal for the rehabilitation and restoration of any county roads, or any local access roads, which may be damaged or diminished in quality due to the conducting of such exploration or extraction activities.

(5) Evidence that:

(a) the Roadmaster has made a finding that the development will not have significant adverse impacts on the quality of county roads, or local access roads in the area, or

(b) verification that a performance security meeting the requirements of LCC 933.110 has been filed; and

(6) Any additional information required by the Director.

(C) If the Director determines that the information supplied in the application is either incomplete, incorrect or inappropriate, the application shall not be accepted for review. Opportunity for completing the application shall be provided in accordance with LCC Chapter 921 (Land Development Administration Code).

[Adopted 98-002 §3 eff 3/4/98]

932.130 Decision criteria for Oil, Natural Gas, Geothermal Exploration and Extraction

(A) When reviewing the application, the Director shall determine whether a conditional use permit may be granted to permit the exploration and extraction of oil, natural gas, or geothermal resources. In making that determination the Director shall apply the criteria set forth in subsection (B).

(B) *Decision criteria.*

(1) The unit of land is an authorized unit of land;

(2) The authorized unit of land lies within an appropriate zoning district;

(3) The applicant has received tentative approval from the Oregon Department of Geology and Mineral Industries for the siting and operation of an oil, natural gas or geothermal exploration and extraction facility and a reclamation plan for the site;

(4) The applicant has received approval from the Roadmaster for the routing, paving, truck route plan, and access to the development site;

(5) The applicant has posted a performance security as required in LCC 932.150;

(6) Substantial public comment in opposition to the request has not been filed with the Department; and

(7) The applicant has complied with the application procedures of LCC 932.120.

(C) If the Director determines that the applicant has satisfied the criteria in subsection (A), the Director shall approve the application and may establish any additional conditions of approval deemed appropriate by the Director to carry out the intent of this Development Code.

(D) If the Director determines that the applicant failed to satisfy the criteria or if the Director determines that false or inaccurate information was submitted with the application, the Director shall deny the application.

[Adopted 98-002 §3 eff 3/4/98; amd 12-315 §6 eff 12/12/12]

932.140 Appeals

Appeals of a determination made by the Director are subject to LCC Chapter 921 (Land Development Administration Code).

[Adopted 98-002 §3 eff 3/4/98]

932.150 Performance security required for oil, natural gas, geothermal exploration and extraction

To assure full faith and performance with the truck route and reclamation plans, the mineral property owner or authorized agent of the owner

shall file a performance security meeting the requirements of LCC 933.110.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.160 Standards for rehabilitation and restoration of sites

Rehabilitation and restoration of oil, natural gas, geothermal exploration and extraction sites and subject to the standards set forth in LCC 934.340.

[Adopted 98-002 §3 eff 3/4/98]

II. INDUSTRIAL DEVELOPMENT ON AN ABANDONED OR DIMINISHED MILL SITE

932.200 Statement of purpose

The purpose of LCC 932.200 through 932.299 shall be:

(A) To facilitate the identification of industrial land where industrial development permits may be obtained without requiring exceptions to statewide planning goals relating to agricultural lands, forestlands, public facilities or urbanization.

(B) To facilitate the development of identified abandoned or diminished wood products mill sites for new industrial uses consistent with the provisions of this section.

[Adopted 04-056 §2 eff 3/31/04]

932.210 Application procedures

(A) A mill site subject to LCC 932.200 through 932.299 must be identified and delineated pursuant to LCC 932.220 before a proposed use allowed under LCC 932.230 or permitted under LCC 932.240 may be approved.

(B) The qualification and delineation of an abandoned or diminished mill site under LCC 932.220 may be determined independently of a specific development permit application or in conjunction with a development permit application for a proposed industrial land use.

(C) An application to identify and delineate an abandoned or diminished mill site shall comply with the applicable provisions of LCC Chapter 921 (Land Development Administration Code)

and shall include the following information together with the application form:

(1) The information and documents required by LCC 921.040; and

(2) Evidence that the site meets the criteria in LCC 932.220.

(D) In addition to the applicable requirements of LCC Chapter 921 (Land Development Administration Code), an applicant for the development of an abandoned or diminished mill site shall submit the following information together with the application form:

(1) The information and documents required by LCC 921.040;

(2) Evidence that the county has identified and delineated the proposed development site pursuant to the criteria and procedures in LCC 932.220.

(3) A detailed site development plan, drawn to scale, showing the property boundaries; the abandoned or diminished mill site boundaries; its dimensions; and the location of all proposed development and structures, including the property line setbacks;

(4) A detailed site plan complying with the applicable provisions of LCC Chapter 934 (Development Standards Code) showing the location of all proposed screening and material storage, signs, required landscaping, and required access and parking spaces; and

(5) A description of the nature and operational characteristics of the proposed use including equipment to be used, operating hours, and any other information necessary to determine compliance with the applicable decision criteria.

[Adopted 04-056 §2 eff 3/31/04]

932.220 Qualification and delineation of an abandoned or diminished mill site

(A) The qualification and delineation of an abandoned or diminished mill site shall be subject to a Type IIA development permit review process.

(B) The qualification and delineation of an abandoned or diminished mill site shall satisfy all of the following decision criteria before a devel-

opment permit can be issued for the site under LCC 932.230 or LCC 932.240:

(1) The site is a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

(a) Is located outside of urban growth boundaries;

(b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(2) The county shall determine the boundary of an abandoned or diminished mill site before a development permit may be issued for the site under this section. For an abandoned or diminished mill site that is approved for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

[Adopted 04-056 §2 eff 3/31/04]

932.230 Sewer facilities allowed outright on an abandoned or diminished mill site

(A) The facilities set forth in subsection (B) including principal and accessory buildings may be allowed outright on an abandoned or diminished mill site that is approved for industrial use under this section subject to a Type IA review process.

(B) *Facilities allowed outright on an abandoned or diminished mill site*

(1) The extension of sewer facilities to lands that on June 10, 2003 were zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(2) The extension of sewer facilities to an abandoned or diminished mill site that is approved for industrial use under this section only as neces-

sary to serve industrial uses authorized for the mill site.

(3) The establishment of on-site sewer facilities to serve an area that contains an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(C) The county may not authorize a connection to any portion of a sewer facility located between an urban growth boundary, or the boundary of an unincorporated community, and the boundary of an abandoned or diminished mill site, or the industrial zone containing the mill site, unless a goal exception is approved as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

(D) Sewer facilities approved under this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

[Adopted 04-056 §2 eff 3/31/04]

932.240 Uses permitted on an abandoned or diminished mill site through a Type IIA conditional use review

(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted on an abandoned or diminished mill site meeting the criteria in LCC 932.220, subject to a Type IIA conditional use permit review process, if the decision criteria in LCC 932.250 and other requirements of law are met.

(B) *Uses permitted conditionally*

(1) Any level of industrial use, pursuant to compliance with any applicable provisions of county code or Oregon Administrative Rules.

(2) For an abandoned or diminished mill site approved under this section, the county may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The county may not approve

a permit for retail, commercial or residential development on the mill site.

[Adopted 04-056 §2 eff 3/31/04]

932.230 Decision criteria

(A) For an abandoned or diminished mill site identified and delineated under LCC 932.220, a conditional use permit for industrial development permitted on the site under LCC 932.240 shall meet the following criteria.

(1) The criteria in LCC 933.200 through 933.220.

(2) The use is limited to industrial development and accessory uses subordinate to such development on the mill site. The county may not approve a permit for retail, commercial or residential development on the mill site.

(B) The county may not authorize a connection to any portion of a sewer facility located between an urban growth boundary, or the boundary of an unincorporated community, and the boundary of an abandoned or diminished mill site, or the industrial zone containing the mill site, unless a goal exception is approved as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

(C) Sewer facilities approved under this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

[Adopted 04-056 §2 eff 3/31/04]

III. PRIMARY PROCESSING OF FOREST RESOURCES

932.300 Statement of purpose

The purpose of LCC 932.300 to 932.330 is to provide for the primary processing of forest resources in selected zoning districts and to establish criteria and procedures necessary to assure

(A) that such operations have a minimal impact on land use activities permitted under this Development Code, and

(B) compatibility with surrounding land uses.

[Adopted 98-002 §3 eff 3/4/98]

932.310 Persons authorized to submit development permit applications

Notwithstanding the requirement of LCC 921.020, a lessee of the property may file an application, if the application bears the signature of either the land owner or the landowner’s authorized representative.

[Adopted 98-002 §3 eff 3/4/98]

932.320 Decision criteria for primary processing of forest resources

(A) The Director shall apply the criteria set forth in subsection (B) to determine whether a conditional use for primary processing of forest resources shall be issued.

(B) *Decision criteria.*

(1) The facility will not seriously interfere with accepted farming practices in EFU and F/F zoning districts;

(2) The facility is compatible with farm uses in the EFU and F/F zoning districts; and

(3) The decision criteria LCC 933.220 for conditional uses in are met.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.330 Permit renewal

(A) The permit shall be valid for one year from the date of issuance. The permit may be renewed on a yearly basis if:

(1) any permit conditions for the previous year have been met; and

(2) the criteria for decision are met.

(B) A permit may be renewed for one year at a time until timber specified in the site plan has been processed. The timber to be processed shall originate on the same authorized unit of land as the site proposed for the primary processing of that timber.

(C) The permit renewal fee, if any, established by order the Board shall be submitted with the renewal request.

(D) If the Director determines that the conditions have not been met or the criteria for decision can no longer be met, then renewal of the permit shall be denied.

[Adopted 98-002 §3 eff 3/4/98]

IV. KENNELS

932.400 Statement of purpose

The purpose of LCC 932.400 to 932.440 is to provide performance and property development standards by which kennels are regulated in all zoning districts where kennels are permitted.

[Adopted 98-002 §3 eff 3/4/98]

932.410 Application procedure

(A) In addition to other requirements of LCC 921.040, the information and materials set forth in subsection (B) shall also be submitted together with the application form.

(B) *Application requirements.*

(C) A development plan setting forth the following:

(1) The perimeter of the kennel building, outdoor runs and the parking area.

(2) The location, construction materials, drainage, of the kennel building

(3) The method of waste disposal.

(4) Proposed indoor and outdoor lighting

(5) Proposed ventilation.

(6) A proposed waste collection and drainage plan approved by the EHP.

(7) Whether the kennel is proposed to be operated in conjunction with the purchase or sale of animals.

(8) Proof of the notifications shall be provided to the Department that the Department Linn County Dog Control Department, the Oregon Department of Agriculture and the United States Department of Agriculture has been notified that the kennel is in operation.

(9) Hours of operation.

(10) Whether there is a dwelling on the property.

(11) A proposed access and parking plan.

(12) Proposed number of dogs and cats to be boarded.

(13) Whether animal training and grooming is to be provided.

(14) A site plan which includes information to address the following property development standards.

(a) proposed location of the kennel building in reference to

(i) property lines, and

(ii) the dwelling for which the kennel is proposed.

(b) proposed location of the runs in reference to the property lines. [Adopted 98-002 §3 eff 3/4/98]

932.420 Decision criteria

The application shall be reviewed and decided pursuant to the procedures established in LCC Chapter 921 (Land Development Administration Code) and to applicable decision criteria of:

(A) the zoning district, and

(B) LCC 933.220 or in 933.260.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.430 Performance standards

The minimum standards set forth in LCC 934.370 shall apply to all kennels.

[Adopted 98-002 §3 eff 3/4/98]

932.440 Property development standards

The proposal is subject to the property development standards set forth in LCC 934.375.

[Adopted 98-002 §3 eff 3/4/98]

V. SOLID WASTE DISPOSAL SITES

932.500 Statement of purpose

The purpose of LCC 932.500 to 932.580 is:

(A) to allow for the development and utilization of necessary solid waste disposal sites;

(B) to provide guidelines for conditions to be applied that will reasonably protect neighboring properties;

(C) to minimize undesirable effects of the site

(D) to require the ultimate reclamation, rehabilitation; and

(E) to promote the ultimate beneficial reuse of the premises for land uses compatible with the surrounding activities.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.510 Persons authorized to make application

Application shall be made by the property owner or his authorized agent to the Department on a form approved pursuant to LCC Chapter 921 (Administration of the Land Development Code).

[Adopted 98-002 §3 eff 3/4/98]

932.520 Application procedure

(A) In addition to other requirements of LCC Chapter 921 (Administration of the Land Development Code), the following information and materials shall also be submitted with the application form:

(1) Franchise holder and operator's name and address.

(2) Location (township, range, section, and tax-lot[s]) and size of land area to be affected.

(3) Aerial photograph taken less than 12 months prior to submission of the application. The aerial photo must be at a scale of four inches to one mile, or larger, of any proposed solid waste disposal site that was photographed. Photographs older than 12 months may be submitted if accompanied by a signed declaration by the applicant stating that no substantial changes have occurred since the taking of the photograph.

(4) Provisions for public safety as required under LCC 934.390 and measures, if any, required by the Environmental Protection Agency (EPA), Oregon Department of Environmental Quality (DEQ), or any other federal, state, or local agency having jurisdiction over such facilities to comply with applicable environmental quality standards.

(5) Proposed final use as permitted in LCC 932.550.

(6) A reclamation plan for disposal sites approved by DEQ that results in the proposed final use.

(7) A surface water management plan as required by DEQ.

(8) Types of vegetative or other forms of screening to be used.

(9) Types and sizes of equipment to be used.

(10) A reproducible map at a scale of one inch equals 400 feet that depicts the general land area within a one mile radius and identifies:

(a) The property under the applicant's control.

(b) The land areas proposed for disposal and resource recovery and areas for storage of topsoil and other cover materials on the site.

(c) Location of residential, commercial or industrial structures within 500 feet of the property boundary.

(d) Location of on-site haul roads and proposed access point(s).

(e) Location and names of all structures, roads, railroads and utility facilities.

(f) Required setback areas on the authorized unit of land.

(g) Identification of soil types at the proposed extraction site, if available; if not, identification of the soil types adjoining the proposed extraction site.

(11) Proposed hours and days of operation.

(12) The solid waste owner or authorized agent of the owner shall file a truck route plan with the Roadmaster indicating the proposed haul route for any equipment used in the preparation, operation, or abandonment of the site. The truck route plan shall also include a proposal for the rehabilitation and restoration of any county roads, *or any local access roads*, which may be damaged or diminished in quality due to the conducting of such exploration or extraction activities.

(13) Evidence that:

(a) the Roadmaster has made a finding that the development will not have signifi-

cant adverse impacts on the quality of county roads, *or local access roads* in the area, or

(b) verification that a performance security meeting the requirements of LCC 933.110 has been filed.

(14) Evidence that the standards in LCC 934.590(B)(1), (4), (7) & (8) can be met.

(15) Any additional information required by the Director.

(B) If the Director determines that the information supplied in the application is either incomplete, incorrect or inappropriate, the application shall not be accepted for review. The applicant shall, however, be afforded an opportunity to amend the application in accordance with LCC Chapter 921 (Administration of the Land Development Code).

[Adopted 98-002 §3 eff 3/4/98; amd 16-070 §9 eff 4/13/16]

932.530 Decision criteria

The application shall be reviewed and decided pursuant to the criteria found in the applicable zoning district and LCC 933.220 or 933.260. The applicant must have received approval from the Roadmaster for the routing, paving and access to the development site.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.540 Performance standards and site development

The minimum standards set forth in LCC 934.390 shall apply to the establishment, maintenance and operation of a solid waste disposal system through the conditional use procedure. The Commission may, at their discretion, provide additional conditions on operation.

[Adopted 98-002 §3 eff 3/4/98]

932.550 Final use

(A) Each solid waste disposal site shall be reclaimed to a final use as specified in a DEQ-approved reclamation plan or in compliance with an Oregon Department of Geology and Mineral Industries (DOGAMI) approved reclamation plan when the solid waste disposal site was authorized as a subsequent beneficial use of a quarry site.

(B) *Permitted final uses.*

(1) Farm, forest and recreational uses as defined in this Development Code shall be a permitted final use for solid waste disposal sites in the Agricultural Resource, Farm/Forest and Forest Resource *Comprehensive Plan* designations.

(2) Other uses permitted under the resource designations of the *Plan* may be approved as a final use by the Commission.

(C) When the use of a site for solid waste disposal is completed and reclamation activities are scheduled to begin, the operator may submit a new, proposed final use and reclamation plan for review by the Commission. When the Commission finds that the new proposal is more suitable, the new final use and reclamation plan may supplant the original proposal provided the operator, landowner, DOGAMI, DEQ, and EPA and the Commission all approve.

(D) Due to problems resulting from differential settling, methane gas and other possible hazards, the reclaimed use of any solid waste disposal site shall be subject to proper monitoring by the owner and DEQ.

(E) Any structures placed on a reclaimed solid waste disposal site shall be temporary or movable and shall not require foundations or footings for a period of at least 20 years after rehabilitation of the disposal site. This provision shall apply only to those areas affected by disposal activity and shall not apply to areas of the authorized unit of land not disturbed by such activity.

[Adopted 98-002 §3 eff 3/4/98]

932.560 Performance security

A performance security shall be required to assure full faith and faithful performance of the agreement for final use. The performance security shall comply with LCC 933.110.

[Adopted 98-002 §3 eff 3/4/98]

932.570 Permit issuance and revocation

(A) Conditional use permits for solid waste disposal sites shall be issued based upon compliance with the criteria in LCC 933.220, the minimum criteria and standards established in LCC 934.390, and any additional requirements established by the Commission. Permits shall be issued

for a period of operation that is to be proposed by the operator, subject to the approval of the Commission.

(B) Upon issuance of a conditional use permit for a solid waste disposal site, the Director shall enter on the current Zoning Map of the county a notation for each property to be used as a solid waste disposal site and that the site may be subject to certain natural and man-made development limitations due to the nature of disposal activities. This notation shall be maintained on both current and future zoning maps so that a public record shall be maintained of all past and present solid waste disposal sites.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.580 Hearing to review operator’s performance

(A) If the Director receives sufficient information to suggest that the permit holder has not complied with the conditions of approval adopted by the Commission, the Director shall notify the permit holder that a public hearing will be scheduled before the Commission to review the operator’s performance under the conditions of approval.

(B) The review authorized in subsection (A) shall be in accordance with provisions for revocation of a conditional use permit as specified under LCC Chapter 921 (Administration of the Land Development Code).

[Adopted 98-002 §3 eff 3/4/98]

VI. EXISTING MANUFACTURED DWELLING PARK; INFILLING

932.600 Statement of purpose

The purpose of LCC 932.600 to 932.690 is:

(A) to establish criteria and procedures for the infilling of an existing manufactured dwelling park permitted in the Rural Residential (RR), Rural Center (RCT), and Urban Growth Area–Rural Residential (UGB–RR) zoning districts in such a way as to protect existing facilities and neighboring properties;

(B) to minimize undesirable effects which may arise from the location, arrangement and density of such parks; and

(C) to retain the rural nature of areas designated for residential development.

[Adopted 98-002 §3 eff 3/4/98]

932.610 Definitions

For purposes of LCC 932.600 to 932.690, “infill” or “infilling” means to expand the manufactured dwelling park use within the boundary of the existing manufactured dwelling park. Infilling includes:

(1) Construction of community recreational facilities, including swimming pools, for the use of residents and guests of the manufactured dwelling park only.

(2) Construction of one single-family dwelling for the use of a caretaker or manager responsible for maintaining and operating the manufactured dwelling park on a permanent basis. Such residence shall not exceed the permitted density allowed through any approval of an application filed pursuant to provisions of this Chapter.

[Adopted 98-002 §3 eff 3/4/98]

932.630 Use permitted through Type IIA conditional use review

(A) The use set forth in subsection (B) may be permitted in the Rural Residential (RR), Rural Center (RCT), and Urban Growth Area–Rural Residential (UGA–RR) zoning districts through a Type IIA conditional review.

(B) Infilling of an existing manufactured dwelling park and the accessory buildings.

[Adopted 98-002 §3 eff 3/4/98]

932.640 Pre-application conference

(A) Prior to acceptance of an application by the Director, the developer shall attend, pursuant to LCC 921.040, a pre-application conference with the Department, Environmental Health Program staff, County Engineer, or Roadmaster.

(B) During that conference, the applicant shall be required to submit the following information:

(1) The location of the existing manufactured dwelling park by township, range, section and tax-lot number;

(2) The size of each existing tax-lot;

(3) A preliminary map indicating:

(a) the boundary of the park and proposed infilling area;

(b) north arrow and a scale drawing;

(c) total acreage involved in the proposal;

(d) the layout of the existing and proposed road system, including the existing road surface characteristics and location of any existing or proposed easements of road access;

(e) the location, size and number of proposed manufactured dwelling spaces;

(f) the water supply and subsurface sewage disposal systems for any existing or proposed facilities when expansion of these facilities is required for any approval of an application; and

(4) Any other relevant information deemed necessary by the reviewing staff to review the proposed development.

[Adopted 98-002 §3 eff 3/4/98]

932.650 Application procedure

(A) An application may be submitted not later than 6 months following the date of the pre-application conference required by LCC 932.640.

(B) In addition to the information required by LCC 921.040, the applicant shall include in the application:

(1) A detailed site development plan with all necessary information required by the Building Official.

(2) Approval from the Department of Environmental Quality or its authorized agent for the proposed location of sewage disposal systems adequate to provide services for existing and proposed development.

(3) Any request for an exception from the development standards set forth in LCC 932.680, other than the standards of OAR Chapter 814 that allow an exception.

[Adopted 98-002 §3 eff 3/4/98]

932.670 Decision criteria for infilling a manufactured dwelling park

(A) In addition to the conditional use permit decision criteria in LCC 933.220, the criteria set forth in subsection (B) shall be met.

(B) *Decision criteria.*

(1) The overall density of the authorized unit of land including both the existing and proposed manufactured dwelling park spaces and facilities, shall not exceed 4 spaces per acre after the infilling is completed.

(2) The manufactured dwelling park must have been lawfully established on or before September 2, 1980.

(3) The site development plan complies with provisions governing the construction of manufactured dwelling parks as established and administered by the Building Codes Division.

(4) Adequate provision is made for construction of any necessary water facilities pursuant to standards of the State Health Division.

(5) Any request for an exception is consistent with OAR Chapter 814.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.680 Access standards

Infilling a manufactured dwelling park must comply with the access standards set forth in LCC Chapter 935 (Access Improvement Standards Code).

[Adopted 98-002 §3 eff 3/4/98]

932.680 Development standards

All development which occurs while infilling a manufactured dwelling park shall comply with LCC 934.330.

[Adopted 98-002 §3 eff 3/4/98]

VII. STAGING AREAS

932.700 Statement of purpose

The purpose of LCC 932.700 to 932.770 is to provide a procedure to review applications for the temporary development of staging areas in conjunction with road maintenance and improvement projects for county, state and federal highways.

932.710 Application procedure

(A) In addition to the requirements of LCC 921.040, the applicant shall submit the information set forth in subsection (B).

(B) *Application requirements.*

(1) A site plan showing the entire property and its dimensions, the specific siting of all structures, the location of proposed equipment, internal roadways and stockpiles, the applicable setback and locational measurements and any other information necessary to accurately describe the proposed site development plan; and

(2) A proposed plan for the transportation of raw aggregate materials from the mining area to the temporary staging area.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §8 eff 6/30/99]

932.720 Decision criteria

The application shall be reviewed and decided pursuant to the criteria found in

(A) the applicable zoning district, and

(B) LCC 933.220 or 933.260.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.730 Performance standards and site development

The minimum standards set forth in LCC 934.400 and 933.410 shall apply to the temporary development of staging areas in conjunction with road maintenance and improvement projects for county, state and federal highways. The Commission may, at its discretion, provide additional conditions on operation.

[Adopted 98-002 §3 eff 3/4/98]

932.740 Agreement for reclamation

(A) As used in this section “agreement” means a final reclamation plan including, rehabilitation, or restoration substantially conforming to the reclamation plan submitted with the permit application.

(B) The terms of the agreement must include the following:

(1) A condition that the landowner shall be responsible for the eventual rehabilitation and

restoration of the site as described in the agreement.

(2) A condition that failure of the landowner to perform the agreement to restore or rehabilitate the site shall result in forfeiture of the bond required under LCC 932.770.

(3) Except for buildings or structures which are permitted uses in the zoning district in which the site is located, all buildings, equipment, apparatus and appurtenances accessory to the exploration and extraction operation shall be removed from the site upon termination of the staging area development.

(4) Upon termination of the staging area development, the site shall be restored as follows:

(a) All excavations shall be back filled with comparable soils to the original contour of the site;

(b) All fill material shall be removed from the site down to the original topsoil; and

(c) The existing fill or excavation may be allowed to remain or may be altered if such site is intended to be utilized as a use permitted with the zoning district.

(5) The operator shall improve or agree to improve lands dedicated for roads, alleys, pedestrian ways, drainage channels, easements of road access and other rights-of-way as a condition preceding the acceptance and approval of a partition involving the creation of access.

(6) Prior to approval of the partition, the operator shall

(a) install all required improvements and repair existing roads and other public facilities damaged in the development of the partition, or

(b) execute and file with the Board an agreement between the developer and the county specifying the period within which all the required improvements and repairs shall be completed.

(i) The agreement shall require a performance security for the improvements and repairs meeting the requirements of LCC 933.110.

(ii) The agreement shall provide that if all of the required work is not completed within the time frame specified, or within any mutually approved extensions, the county may complete the work and recover the full cost and expense thereof from the developer pursuant to LCC 933.110. If a written request for a reasonable time extension is requested by the developer 30 calendar days prior to the expiration of the agreement, the Board may approve the request. Absent an approved extension, the Board may collect costs as provided in LCC 933.110.

[Adopted 97-200 §3 eff 6/30/97; 99-156 §8 eff 6/30/99]

932.760 Standards for rehabilitation and restoration

Rehabilitation and restoration of the staging site shall comply with LCC 934.410.

[Adopted 98-002 §3 eff 3/4/98]

932.770 Performance security

The property owner or his authorized agent thereof shall file with the Director a reclamation plan in compliance with LCC 932.740 and to assure full faith and performance thereof, the property owner shall file prior to development being initiated a performance security in compliance with LCC 933.110.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §8 eff 6/30/99]

VIII-A. CARETAKER RESIDENCES

932.800 Statement of purpose

The purpose of LCC 932.800 to 932.815 is to establish criteria permitting the location of a manufactured dwelling for properties within the RCM, FIC, AB, LI HI, UGA-AB, UGA-LI, and UGA-HI zoning districts, if the purpose of the manufactured dwelling is to serve as:

(A) a caretaker residence for a commercial or industrial use, and

(B) additional security.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §8 eff 6/30/99; 19-297 §4 eff 10/8/19]

932.810 Decision criteria

(A) A manufactured dwelling may be approved as a caretaker residence provided the criteria in subsection (B) of this section are met.

(B) Decision criteria.

(1) The proposed caretaker residence is a manufactured dwelling.

(2) The dwelling is for the owner, manager, or operator of an activity allowed or permitted.

(3) The occupant of the proposed manufactured dwelling is the owner, manager or operator of an allowed commercial or industrial use.

(4) No other caretaker residence is located on the tract.

(5) Verification by the Sheriff's Office or the business owner's insurance carrier or agent that an on-site residence is needed to provide additional security from criminal activity; and

(6) Written approval has been provided by the Environmental Health Program authorizing use of a subsurface sewage disposal system for the proposed caretaker residence.

[Adopted 98-002 §3 eff 3/4/98]

932.815 Issuance, renewal and cessation of permit

(A) The provisions in subsection (B) shall apply to all conditional use permits issued for caretaker residences.

(B) *Applicable provisions.*

(1) The caretaker residence shall be subject to the property development standards of the applicable zoning district.

(2) The conditional use permit shall remain valid until December 31 of each subsequent year following approval.

(3) A permit may be renewed provided that the applicant can demonstrate that none of the following circumstances has occurred:

(a) The applicant has failed to comply with the conditions of issuance of the permit.

(b) The applicant has failed to comply with applicable state and county building

or manufactured dwelling siting codes and regulations.

(c) A significant change has occurred in the conditions upon which the permit was approved.

(d) A sale, transfer or change in the lease of the property.

(e) A change of ownership of the property. The permit renewal fee, if any, established by order the Board shall be submitted with the renewal request.

(C) If the applicant is unable to demonstrate that the circumstances set forth in subsection (D) has not occurred, the Director shall make a determination pursuant to LCC Chapter 921 (Land Development Administration Code) whether to revoke the permit.

(D) If the permit is revoked, the conditional use permit holder shall remove the residence within 70 days of the effective date of determination. Failure to remove the residence shall constitute a violation of the Land Development Code.

[Adopted 98-002 §3 eff 3/4/98]

VIII-B. HOME OCCUPATIONS

932.830 Statement of purpose

(A) The purpose of LCC 932.830 to 932.850 shall be to establish the circumstances whereby small-scale businesses may be permitted to operate substantially in a dwelling or other buildings normally associated with uses permitted in the zone.

(B) The purpose of LCC 932.830 to 932.850 shall not be interpreted to permit activities that are detrimental and incompatible with neighboring land uses.

[Adopted 98-002 §3 eff 3/4/98; amd 16-070 §9 eff 4/13/16]

932.835 Decision criteria

(A) A home occupation requires a conditional use permit subject to the procedures of LCC Chapter 921 (Land Development Administration Code) and the decision criteria contained within:

(1) LCC 933.310, if located in the EFU, F/F or FCM zoning district; and

(2) LCC 933.220; or

(3) if the property is within an urban growth area, the decision criteria set forth in LCC 933.260.

(B) The home occupation shall not unreasonably interfere with other uses permitted in the zone.

(C) Nothing in this section may be used to permit construction of any structure that would not otherwise be allowed in the zone.

(D) The existence of home occupations shall not be used as justification for a zoning district change.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

932.840 Performance standards

All home occupations shall be conducted in a manner that complies with the standards of operation set forth in LCC 934.360.

[Adopted 98-002 §3 eff 3/4/98]

932.845 Permit issuance and renewal

(A) Home occupation conditional use permits shall be issued for a period of one year and shall be subject to annual review

(B) The permit renewal fee, if any, established by order the Board shall be submitted with the renewal request.

(C) The conditional use permit shall remain valid until December 31 of each subsequent year following approval.

(D) The permit shall be renewed provided the home occupation is being conducted in a manner that complies with the standards of operation established in LCC 934.360.

(E) A permit issued under LCC 932.830 to 932.845 may not be transferred.

[Adopted 98-002 §3 eff 3/4/98]

932.850 In Home Commercial Activity

(A) An in-home commercial activity is not a home occupation subject to LCC 932.835 – 932.845, 933.310, 933.320, 933.260 and 934,360 but is subject to LCC 921.115 (Type IB review) and the decision criteria in (B).

(B) The in-home commercial activity shall:

(1) Be conducted within a dwelling only by residents of the dwelling.

(2) Not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.

(3) Not serve clients or customers on-site.

(4) Not include the on-site advertisement, or signage for the in-home commercial activity, other than vehicle or trailer signage.

(5) Not include the outside storage of materials, equipment or products.

(6) Be operated substantially within a dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

(7) Not unreasonably interfere with other uses permitted in the zone in which the property is located.

(8) Be accessory to an existing, permanent dwelling on the same parcel.

(9) Not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

[Adopted 16-070 §9 eff 4/13/16]

VIII-C. MEDICAL HARDSHIP DWELLINGS

932.860 Statement of purpose

The purpose of LCC 932.860 to 932.895 is:

(A) to provide for the temporary placement of a manufactured dwelling or the temporary conversion of an existing building under verified medical hardship circumstances or for reason of age,

(B) to assure the temporary nature of such a placement or conversion, and

(C) to ascertain the continued validity of the medical hardship.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-121 §13 eff 6/30/99]

932.870 Definitions

For purposes of LCC 932.830 to 932.845:

(A) “**Qualifying person**” means the person who lives on an authorized unit of land and receives daily supervision and care of another living on the same authorized unit of land.

(B) “**Care giver**” means the person who lives on an authorized unit of land and provides daily supervision and care to another person living on the same authorized unit of land.

(C) “**Existing building**” means a building other than a dwelling.

(D) “**Manufactured dwelling**” for purposes of LCC 932.860 to 932.895, the term includes a park trailer.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

932.875 Connection to existing approved septic system required

(A) All medical hardship dwellings shall be connected to an approved septic system serving the existing dwelling.

(B) Existing approved septic systems shall be used except when the Environmental Health Program determines that connection to the existing system is not feasible.

(C) The intent of this section is to require the use of existing facilities to the maximum extent practicable.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

932.880 Application content

(A) In addition to the application requirements stated LCC 921.040, the applicant shall also address the matters set forth in subsection (B).

(B) *Application requirements.*

(1) Approval from the EHP for connection of the medical hardship dwelling to the sewage treatment system serving the existing residence or a statement from the EHP saying that such connection is not feasible and recommending a possible alternative; and

(2) A written statement from a licensed, Oregon physician on that physician’s letterhead that a medical condition exists and that the afflicted person needs daily supervision, care or

assistance. The physician’s statement shall be an original, not a copy, and shall give the medical reasons for the need; a mere preference or desire is insufficient justification; or

(3) Documentation satisfactory to the Director that the qualifying person is 65 years of age or older.

(4) Whether the proposed use is for a manufactured dwelling or for the conversion of an existing building.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 10/21/98; 99-121 §13 eff 6/30/99]

932.885 Decision criteria

The applicant shall meet the decision criteria of LCC 933.800.

[Adopted 99-121 §13 eff 6/30/99]

932.890 Standards for siting a medical hardship dwelling

(A) The applicant for a medical hardship dwelling shall comply with LCC 934.380.

(B) The applicant seeking placement of a manufactured dwelling in the UGAZ shall comply with all of the standards set forth in LCC 934.790.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 10/21/98; 99-121 §13 eff 6/30/99]

932.895 Issuance, renewal and termination of permit

(A) The provisions set forth in subsection (B) shall apply to all conditional use permits issued for medical hardship dwellings.

(B) *Mandatory provisions.*

(1) The conditional use permit shall be reviewed within two years following approval. Odd-numbered permits will be reviewed by July 1 in odd-numbered years and even-numbered permits will be reviewed by July 1 in even-numbered years. A permit issued after April 1 but before July 1 shall remain valid until the next scheduled review period.

(2) A permit may be renewed provided:

(a) There is not a change of ownership of the property;

(b) A statement is submitted to the Department verifying that the recipient of the conditional use permit continues to reside on the property and, if less than 65 years of age, verifica-

tion from a licensed Oregon physician affirming that the hardship condition continues to exist;

(c) The applicant has complied with the conditions of issuance of the permit; and

(d) No change has occurred which invalidates the original decision to authorize the permit.

(3) The permit renewal fee, if any, established by order the Board shall be submitted with the renewal request.

(4) Whenever a violation of the circumstances stated in paragraph (2) of subsection (B) has occurred, the Department shall follow the procedures specified in LCC Chapter 921 (Administration of the Land Development Code) to revoke the permit.

(5) If the permit is revoked, or the hardship ceases, the conditional use permit holder shall:

(a) remove the manufactured dwelling within 3 months, or

(b) remove, demolish, or return the existing building to an allowed non-residential use within 3 months.

(6) Failure to comply with paragraph (5) of this subsection shall constitute a violation of this Development Code.

(7) This permit is not transferable to other persons or property.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99; amd 12-315 §6 eff 12/12/12]

IX. HISTORIC RESOURCES

932.900 Statement of Purpose

The purpose of LCC 932.900 to 932.950 is to encourage preservation of significant historic properties through a process of review of proposed alterations and demolitions of these properties.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

932.905 Definitions

As used in LCC 932.900 to 932.950, “**alteration to an historic building, structure or object**” means any addition to, removal of, or

change in the exterior part of a property. The term includes modification of the surface texture, material or architectural detail of the exterior part of a building, structure or object. The term does not include altering the color of the paint.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

932.910 Application

In addition to the requirements of LCC 921.040, the provisions of LCC 932.900 to 932.950 apply to all properties listed in the *National Register* or the Linn County Register of Historic Resources which is maintained by the Historic Resource Commission (HRC).

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

932.915 Alteration or demolition permit not required

A permit is not required for the alteration or demolition of a historic resource.

[Adopted 98-002 §3 eff 3/4/98]

932.920 Removal from Linn County Historical Register

(A) An applicant may request that the applicant's historical resource be removed from the Linn County Historical Register. The HRC shall grant the request.

(B) If the historic resource removed from the Linn County Historical Register is in the HRO, then the resource shall revert to a use allowed, or permitted in the zoning district. If the Overlay is removed only the regulations of the underlying zoning district remain.

[Adopted 98-002 §3 eff 3/4/98]

932.925 Alteration or demolition certification required

(A) *Policy requiring certificate.*

(1) Instead of an alteration or demolition permit, an alteration or a demolition certificate by the landowner meeting the requirements of subsection (B) is required to help establish the time-frame and locational information needed for the replacement of certain structures and to notify the County Assessor of the removal of taxable improvements.

(2) This certificate will also be used to bring proposed demolition activities to the attention of the Historic Resource Coordinator or the Historic Resource Commission.

(B) *Certificate.*

(1) A certificate is required for alteration or demolition of any property listed in the National Register of Historic Places at the time that LCC 932.900 to 932.950 is adopted and for any property listed in the Linn County Register of Historic Resources.

(2) *Exception.* A certificate is not required under LCC 932.900 to 932.950 for alteration of a property when review of the proposed alteration is required by an agency of the state or federal government.

(3) Alteration to an historic site means any change of the terrain within the site boundary which would diminish the information potential or associative value of the site.

(4) Nothing in LCC 932.900 to 932.950 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material or external appearance. Nor does this prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Historic Resource Commission.

(5) Any proposed changes that would potentially affect the exterior of a qualifying historic dwelling shall be reviewed and approved by the HRC before they are initiated. Such review and approval shall be required as a condition of approval attached to the land use decision.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-121 §13 eff 6/30/99]

932.930 Review procedure

The Historic Resource Commission shall review applications for certificates for alteration and demolition according to the applicable provisions of LCC 932.935 and 921.700 to 921.740.

932.935 Historic Resource Commission action

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

- (1) Approve the request as submitted.
- (2) Approve the request with modifications.

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

- (4) Deny the request.

(B) *Demolition*. In the case of an application for demolition of properties listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall order either:

- (1) Immediate issuance of the certificate;

or

(2) Delay of issuance of the certificate for up to 180 calendar days.

(C) During this period, the Historic Resource Commission shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could prevent demolition of the site or property.

[Adopted 98-002 §3 eff 3/4/98]

932.940 Decision criteria

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

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

(B) The Historic Resource Commission shall order immediate issuance of a demolition certificate if it finds all of the following:

(1) The property cannot be economically rehabilitated;

(2) A program or project does not exist which may result in preservation of the property;

(3) Delay of the certificate would result in unnecessary and substantial hardship to the applicant;

(4) Issuance of the certificate will not act to the substantial detriment of the public welfare considering the significance of the property and the economic, cultural and energy consequences of demolishing the property; or

(5) No other reasonable alternative to demolition exists.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

932.945 Historic property alteration review standards

The standards set forth in LCC 934.430 shall apply to the alteration of historic property.

[Adopted 98-002 §3 eff 3/4/98]

X. PARKS

932.950 Decision criteria for parks

(A) The criteria set forth in this subsection shall be met for the approval of an application for a private park.

(1) For a private park:

(a) if in an RRZ, meet the decision criteria set forth in LCC 933.310 and is located only on non-HVFL;

(b) if in an RDZ, meet the decision criteria set forth in LCC 933.220;

(c) if in an UGAZ, meet the decision criteria set forth in LCC 933.260.

(2) For a private campground in a private park, the campground shall meet, in addition to the criteria set forth in paragraph (1) of this subsection, the following criteria:

(a) in any zoning district,

(i) the campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes;

(ii) the campground shall not be used for residential purposes.

(b) only in the RRZ,

(i) Except on an authorized unit of land contiguous to a lake or reservoir, the

campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4;

(ii) the campground shall be established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(iv) Campsites may be occupied by a tent, camper cabin, yurt, teepee, travel trailer, or recreational vehicle. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

(v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites in the RRZ.

(vi) Campgrounds in the RRZ shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 14 days during any consecutive 30 day period.

(3) A private park in an RRZ, does not include:

(a) camper cabins, teepees, covered wagons, group shelters, campfire program areas, camp stores;

(b) motorized off-road vehicle trails;

(c) amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;

(d) support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and

treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(e) park maintenance and management facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging.

(B) The criteria set forth in this subsection shall be met for the approval of an application for a public park.

(1) For a public park:

(a) if in an RRZ, meet the decision criteria set forth in LCC 933.310;

(b) if in an RDZ, meet the decision criteria set forth in LCC 933.220;

(c) if in an UGAZ, meet the decision criteria set forth in LCC 933.260;

(d) the park shall be owned and operated by a governmental agency or a nonprofit community organization.

(e) a State park, such criteria as may be adopted by statute or rule and subject to OAR 660-34-0000 to 660-034-035;

(f) a local public park, such criteria as may be applicable in a local parks master plan and is subject to OAR 660-034-0040.

(2) For a public campground in a public park, the campground shall meet, in addition to the criteria set forth in paragraph (1) of this subsection, the following criteria:

(a) in any zoning district,

(i) the campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes;

(ii) the campground shall not be used for residential purposes.

(iii) the park shall be owned and operated by a governmental agency or a nonprofit community organization.

(b) only in the RRZ, the campground shall be established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

XI. GOLF COURSES

932.955 Accessory uses provided as part of a golf course

(A) Accessory uses provided as part of a golf course shall be limited consistent with the following:

(1) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

(2) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

(3) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or

include structures for banquets, public gatherings or public entertainment.

Statutory References and Other Authorities:
ORS 197; 203; 215; *Fence v. Jackson County*, 135 Or App 574, 900 P2d 524 (1995)

Legislative History of Chapter 932:
Adopted 98-002 eff 3/4/98

Amendments to 98-002

- 1# 98-432 eff 10/21/98
 - #2 99-121 §13 eff 6/30/99
 - #3 99-156 §8 eff 6/30/99
 - #4 04-056 §2 eff 3/31/04
 - #5 11-354 §1 eff 10/12/11
 - #6 12-315 §6 eff 12/12/12
 - #7 16-070 §9 eff 4/13/16
 - #8 19-297 §4 eff 10/8/19
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