IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

AN ORDINANCE AMENDING TITLE 18 OF THE CROOK COUNTY CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, STREAMLINING APPLICATION PROCESSES, AND EXPANDING OPTIONS FOR LOCAL RESIDENTS, AND DECLARING AN EMERGENCY

ORDINANCE 336

WHEREAS, from time to time it is helpful to review the County's land use planning code provisions, to identify areas where typos can be corrected, additional clarity for applicants can be provided, and efficiencies can be promoted in conduct of the County's land use responsibilities; and

WHEREAS, the proposed changes described herein have been considered at a public hearing of the Crook County Planning Commission, which recommends that the County Court adopt such revisions.

NOW, THEREFORE, the Crook County Court ordains as follows:

Section One: The above recitals and exhibits are adopted into and made a part of this Ordinance No. 336 as the County's findings of fact.

Section Two: Crook County Code section 18.08.030, "C definitions," is amended to add an additional definition to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: A new section, 18.124.160 "Domestic livestock kept solely for the purpose of a youth livestock project," is added to the Crook County Code chapter 18.124, as depicted on Exhibit B.

Section Four: The Use Table for Crook County Code section 18.16.010, use 9 is added and uses 4.5 and 6.1 are amended to read as depicted on the attached Exhibit C, with additions underlined and deletions ~~struck through~~.

Section Five: Crook County Code section 18.16.040, "Dwellings not in conjunction with farm use," is amended to read as depicted on the attached Exhibit D, with additions underlined and deletions ~~struck through~~.

Section Six: Crook County Code section 18.16.075, "Development standards," is amended to read as depicted on the attached Exhibit E, with additions underlined and deletions ~~struck through~~.

Section Seven: Crook County Code section 18.164.030, "Procedure for taking action on a variance application," is amended to read as depicted on the attached Exhibit F, with additions underlined and deletions ~~struck through~~.

Section Eight: Crook County Code section 18.172.110, "Appeals," is amended to read as depicted on the attached Exhibit G, with additions underlined and deletions ~~struck through~~.

Section Nine: Crook County Code section 18.116.100, "Approval criteria," is amended to read as depicted on the attached Exhibit H, with additions underlined and deletions ~~struck through~~.

Section Ten: Crook County Code section 18.172.020, "Application," is amended to read as depicted on the attached Exhibit I, with additions underlined and deletions ~~struck through~~.

Section Eleven: Crook County Code section 18.172.060, "Director decisions and extensions," is amended to read as depicted on the attached Exhibit J, with additions underlined and deletions ~~struck through~~.

Section Eleven: Crook County Code section 18.160.070, "Permit expiration dates," is amended to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Eleven: Crook County Code section 18.172.100, "Revocation or modification of permit," is amended to read as depicted on the attached Exhibit L, with additions underlined and deletions ~~struck through~~.

Section Twelve: If any court of competent authority invalidates a portion of this Ordinance 336, the remaining portions will continue in full force and effect.

Section Twelve: Ordinance 336 being immediately necessary for health, welfare, and safety of the people of Crook County, and emergency is hereby declared to exist, and this Ordinance 336 shall become effective upon signing.

First Reading: _____

Second Reading: _____

Dated this _____ day of _____, 2023

_____
Judge Seth Crawford

_____
Commissioner Jerry Brummer

_____
Commissioner Brian Barney

Vote:	Aye	Nay	Excused
Seth Crawford	___	___	_____
Jerry Brummer	___	___	_____
Brian Barney	___	___	_____

Exhibit A

18.08 Definitions

18.08.030 C definitions

"Commercial event or activity" means any meeting, celebratory gathering, wedding, party, or similar uses consisting of any assembly of persons and the sale of goods or services. It does not include agri-tourism. In CCC 18.16.055, a commercial event or activity shall be related to and supportive of agriculture.

Exhibit B

18.160.124 Livestock Limitation

18.124.160 Domestic livestock kept solely for the purpose of a youth livestock project

(1) Domestic livestock as defined in CCC 18.08.120, where permitted by zoning, kept solely for the purpose of a youth livestock project such as 4-H or FFA, may be exempted from the square footage requirements of the underlying zone, provided that the following conditions are complied with.

a. Evidence is provided to Community Development that the youth is officially enrolled in a youth livestock project such as 4-H or FFA and an outline of the planned project including animal types and numbers.

b. The youth livestock project must comply at all times with applicable sanitation control and other requirements. Failure to comply with sanitation control and other requirements may result in the cancellation of the exemption.

Exhibit C

18.16.010 Use Table

Table 1. Use Table for Exclusive Farm Use (EFU)				
	Use	**Use Type**	**Review Procedure**	**Subject To**
4	**Mineral, Aggregate, Oil and Gas Uses**			
4.5	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	C	Planning Commission Hearing	18.16.015(10) 18.144
6	**Utility/solid waste disposal facilities**			
6.1	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505. This provision does not include proposals within areas of special flood hazard, as identified by FEMA.	~~STS~~ A	~~Notice and Opportunity for Hearing~~ P	
9	Destination Resort	C	Planning Commission Hearing	18.116

Exhibit D

18.16.040 Dwellings Not in Conjunction with Farm Use

18.16.040 Dwellings not in conjunction with farm use.

(1) Nonfarm Dwelling. A nonfarm dwelling is subject to the following requirements:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

(2) Nonfarm Dwelling Suitability Standards.

(a) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(b) A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable." A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I – VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(c) If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the forest practices rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

(3) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in subsections (3)(a) through (c) of this section. If the application involves the creation of a new parcel for the nonfarm dwelling, the county

shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in subsections (3)(a) through (c) of this section.

(a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(b) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot of record dwellings that could be approved under CCC 18.16.035(1) and this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4), 215.263(5), and 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subsection; and

(c) Determine whether approval of the proposed nonfarm/lot of record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(4) If a single-family dwelling is established on a lot or parcel as set forth in Use 2.4 in Table 1, no additional dwelling may later be sited under the provisions of this section.

(5) The dwelling will be sited on a lot or parcel created before January 1, 1993; if the lot or parcel was created after that date, the lot or parcel must have been approved through the provisions of CCC 18.16.070(3) or (4).

(6) Pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the parcel upon which the dwelling is proposed has been disqualified under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

(~~6~~7) All new nonfarm dwellings on existing parcels within the deer and elk winter ranges must meet the residential density limitations found in Wildlife Policy 2 of the Crook County comprehensive plan. Compliance with the residential density limitations may be demonstrated by calculating a one-mile radius (or 2,000-acre) study area. An applicant may use a different study area size or shape to demonstrate compliance with Wildlife Policy 2, provided the methodology and size of the study area are explained and are found to be consistent with the purpose of Crook County comprehensive plan Wildlife Policy 2.

(~~7~~8) All new nonfarm dwellings on existing lots or parcels proposed within the Paulina Ranches or Riverside Ranches subdivisions, which are in the county's EFU-1 zone and were created prior to January 1, 1993, shall require a minimum of 20 acres for the nonfarm dwelling.

(a) The 20-acre requirement for these subdivisions may be met either by a single lot or parcel which is at least 20 acres or through multiple, separate lots or parcels within the same subdivision in common ownership, which in the aggregate total 20 acres or more. For the purposes of this section, Riverside Ranch Unit 1 is treated as a separate subdivision and Riverside Ranch Units 2 and 3, together, are treated as a separate subdivision. The aggregation of lots or parcels for the purposes of this section must be contiguous in Paulina Ranches and Riverside Ranch Unit 1.
(b) Where multiple lots or parcels in common ownership are the basis to meet the 20-acre requirement, upon approval of a nonfarm dwelling and prior to the issuance of a building permit, the applicant/owner shall record a deed restriction with the county clerk limiting the further development of any lots or parcels used by the applicant/owner to meet the 20-acre requirement.
(Ord. 330 § 8 (Exh. G), 2022; Ord. 326 § 3 (Att. A), 2021; Ord. 309 § 2 (Exh. C), 2019)

(9) The dwelling complies with such other conditions as the governing body or its designee considers necessary.

Exhibit E

18.16.075 Development Standards

18.16.075 Development standards

All dwellings and structures approved pursuant Table 1 shall be sited in accordance with this section.

(1) Lot Size Standards. Lot size shall be consistent with the requirements of CCC 18.16.070.

(2) In an EFU zone, the minimum setback of a ~~residence or habitable~~ structure shall be ~~100 feet from a property line~~.

(a) Front setback shall be

i. 20 feet from the property line, for a property fronting on a local minor collector or marginal access street.

ii. 30 feet from a property line fronting on a major collector ROW.

iii. 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the county.

(b) Each side setback shall be a minimum of 20 feet from property line, except corner lots where the side yard on the street side shall be a minimum of 30 feet.

(c) Rear setback shall be a minimum of 25 feet from property line.

(d) If a parcel in the EFU zone is nonbuildable as a result of the ~~habitable structure~~ setback requirements, the reviewing authority ~~commission~~ may consider a variance in accordance with CCC 18.164 ~~conditional use application~~ from the land owner to adjust the setback requirements to make the parcel buildable.

~~(3) The minimum setbacks for all accessory structures are:~~

~~(a) Front yard setback shall be 20 feet for property fronting on a local minor collector or marginal access street, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the county.~~

~~(b) Each side yard shall be a minimum of 20 feet, except corner lots where the side yard on the street side shall be a minimum of 30 feet.~~

~~(c) Rear yards shall be a minimum of 25 feet. (Ord. 309 § 2 (Exh. C), 2019)~~

Exhibit F

18.164 Variances

18.164.030 Procedure for taking action on a variance application.

~~The procedure for taking action on an application for a variance shall be as follows~~

~~(1) A property owner may initiate a request for a variance by filing an application with the planning department, using forms prescribed pursuant to CCC 18.172.040. Application shall be filed 21 days prior to the planning commission meeting of submittal thereto.~~

~~(2) Before the planning commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in CCC 18.172.050.~~

~~(3) Within five days after a decision has been rendered with reference to a variance application, the planning director shall provide the applicant with written notice of the decision of the commission. (Ord. 18 § 7.030, 2003)~~

See Chapter 18.172 CCC for the procedure for taking action on a variance application.

Exhibit G

18.172.110 Administration Provisions (Appeals)

18.172.110 Appeals.

(1) Every land use decision relating to the provisions of this title made by the director, planning commission, or hearing officer is subject to review when appealed within 12 calendar days of the date the decision was mailed in accordance with state statutes and the following provisions.

(2) The filing of an appeal in accordance with the provisions of this section initiates the appeal process and stays the order of the decision appealed. The process shall include appropriate public notice, a public hearing, and the preparation of findings by that authority which either affirms, amends, or reverses the decision appealed.

(3) All hearings of appeal from an administrative determination shall be de novo.

(4) All hearings of appeal from a planning commission final decision shall be based on the record made before the planning commission.

(5) A final decision not to adopt a legislative matter is not appealable.

(6) Appeals may be filed only by the following parties:

(a) The applicant or the authorized agent of the applicant; or

(b) Any person or county official testifying at the public hearing or who provided written comments may appeal a decision.

(7) The appellate body may review a lower determination or decision upon its own motion by issuing a written order to that effect on the lower body within 10 working days of the date the determination or decision becomes final. The appellate body must cause notice to be given to the parties involved within three working days of the appellate body's order to review.

(8) Appellate Body.

(a) The appellate body for appeals from administrative determinations of the director shall be the planning commission.

(b) The appellate body for appeals from final decisions of the planning commission shall be the county court, unless the county court orders the appeal be sent directly to the Oregon Land Use Board of Appeals as the final decision of the county.

(c) Appeals from decisions of the county court shall be in conformance with the applicable ORS provisions.

(9) Filing Requirements.

(a) Appeals shall be complete and the appellate body shall have jurisdiction to hear the matter appealed if all the following occur:

(i) The appeal shall be in writing on the form prescribed by the director and shall contain:

(A) Name and address of the appellant(s)

(B) Reference to the application title and case number, if any.

(ii) A statement of the nature of the decision:

(A) A statement of the specific grounds for the appeal, setting forth the error(s) and the basis of the error(s) sought to be reviewed; and

(B) A statement as to the appellant's standing to appeal as an affected party.

(iii) Proper filing fee in accordance with CCC 18.172.050.

(iv) The ~~W~~written notice of appeal and proper filing fee must be ~~filed~~ received at the office of the Crook County Community Development Department within 12 calendar days of the decision, no later than 4:00 PM ~~the end of business~~ on the twelfth day~~, with the appropriate person~~.

~~(A) To the planning commission from an administrative determination by the director;~~

~~(B) To the county court for appeals from final decisions by the planning commission.~~

(10) Notice and Hearing of the Appeal.

(a) If the director determines that the facts stated in the notice of appeal meet the requirement for a hearing, a time and date shall be set for such hearing ~~to be held not later than 60 calendar days after receipt of the notice of appeal~~.

(b) If the appeal is dismissed, the reasons will be provided in writing how the application has not met the requirements for an appeal. Upon dismissal, the appealed decision is final.

(c) If the appellate body is the county court, the county court may order the appeal sent directly to the Land Use Board of Appeals as the final decision of the county without an appeal hearing.

(d) For an appeal of a planning commission decision to the county court, at least 10 calendar days prior to the appeal hearing, the hearing authority shall give notice of time, place and the particular nature of the appeal. Notice shall be published in the newspaper and be sent by mail to the appellant(s), to the applicant (if different) and those persons who testified at the subject hearing where a hearing was held and affected parties in accordance with this section.

(e) For an appeal of an administrative decision to the planning commission, the notice requirements of CCC 18.172.070 shall apply.

(11) Transcript. The appellant shall provide a copy of the transcript of the relevant portions of the planning commission proceedings appealed from to the department seven calendar days before the hearing date set by the county court. The county court, in its sole discretion, may waive the requirement that the appellant provide a transcript for the appeal hearing. A request to waive the transcript requirement shall be made in writing to the Community Development Department no later than 14 days after filing appeal is filed. Nothing herein prevents the county court from waiving the transcript requirement on its own motion.

(12) Scope and Standard of Review of Appeal.

(a) On the Record Review. The appeal is not a new hearing; it is a review of the decision below. Subject to the exception in subsection (12)(a)(vi) of this section, the review of the final decision shall be confined to the record of the proceedings below, which shall include, if applicable:

(i) All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received by the planning commission as evidence.

(ii) All materials submitted by Crook County staff with respect to the application.

(iii) The transcript of the relevant portions of the planning commission hearing.

(iv) The written final decision of the planning commission and the petition of appeal.

(v) Written ~~A~~argument (without introduction of new or additional evidence) may be submitted prior to the close of the appeal hearing by the applicant, appellant~~s~~, and other parties of record. At the appellate body's discretion, they can elect to allow oral argument at the appeal hearing.

(vi) The appellate body may, at its option, admit additional testimony and other evidence from a ~~an interested party or~~ party of record to supplement the record of prior proceedings. The record may be supplemented by order of the appellate body or upon written motion by a party. The written motion shall set forth with particularity the basis for such request and the nature of the evidence sought to be introduced. Prior to supplementing the record, the appellate body shall provide an opportunity for all parties to be heard on the matter. The appellate body may grant the motion upon a finding that the supplement is necessary to take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party.

(b) Standard of Review on Appeal. The burden of proof in a hearing shall be as allocated by applicable law. The burden shall remain with the applicant to show that relevant criteria were met for an application throughout the local appeal process. For an appeal on the record, an appellant shall have the burden to articulate reasons why the initial decision is in error.

(13) Appellate Decisions. Following hearing the appeal, the appellate body may affirm, overrule, or modify the decision and shall set forth findings showing compliance with applicable standards and criteria. The appellate body may also remand the decision with instructions to the planning commission, hearing officer or director who made the original decision to consider additional facts, issues or criteria not previously addressed.

(14) A decision made on remand is a new decision and may be appealed as described in subsections (1) through (13) of this section. (Ord. 330 § 10 (Exh. I), 2022; Ord. 321 § 4, 2020; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 231 § 1 (Exh. A), 2010; Ord. 18 § 9.110, 2003)

Exhibit H

18.116.100 Destination Resort Overlay

18.116.100 Approval criteria.

The planning commission or county court shall approve a development plan for a destination resort if it determines that all of the following criteria are met:

(1) The tract where the development is proposed is eligible for destination resort siting, as depicted on the acknowledged destination resort overlay map.

(2) The development plan contains the elements required by CCC 18.116.080.

(3) The proposed development meets the standards established in CCC 18.116.040 or 18.116.050, qualifying as a destination resort or a small destination resort, respectively.

(4) The uses included in the destination resort are either permitted uses listed in CCC 18.116.060, or accessory uses listed in CCC 18.116.070 that are ancillary to the destination resort and consistent with the purposes of this chapter. (5) The development will be reasonably compatible with surrounding land uses, particularly farming and forestry operations. The destination resort will not cause a significant change in farm or forest practices on surrounding lands or significantly increase the cost of accepted farm or forest practices.

(5) The development will be reasonably compatible with surrounding land uses, particularly farming and forestry operations. The destination resort will not cause a significant change in farm or forest practices on surrounding lands or significantly increase the cost of accepted farm or forest practices.

(6) The development will not have a significant adverse impact on fish and wildlife, taking into account mitigation measures.

(7)~~(a)~~ The traffic study required by CCC 18.116.080(3)(g) illustrates that the proposed development will not significantly affect a transportation facility or will comply with subsection (7)(b) of this section.

(a) A resort development will significantly affect a transportation facility for purposes of this approval criterion if it would, at any point within a 20-year planning period:

(i) Change the functional classification of the transportation facility;

(ii) Result in levels of travel or access which are inconsistent with the functional classification of the transportation facility; or

(iii) Reduce the performance standards of the transportation facility below the minimum acceptable level identified in the applicable transportation system plan (TSP).

(b) If the traffic study required by CCC 18.116.080(3)(g) illustrates that the proposed development will significantly affect a transportation facility, the applicant for the destination resort shall assure that the development will be consistent with the identified function, capacity, and level of service of the facility through one or more of the following methods:

(i) Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;

(ii) Providing transportation facilities adequate to support the proposed development consistent with Chapter 660 OAR, Division 12; or

(iii) Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

(c) Where the option of providing transportation facilities is chosen in accordance with subsection (7)~~(6)~~(b)(ii) of this section, the applicant shall be required to provide the transportation facilities to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development, as determined by the traffic study or the recommendations of the affected road authority.

(8)~~(7)~~ The water and sewer facilities master plan required by CCC 18.116.080(3)(b) illustrates that proposed water and sewer facilities can reasonably serve the destination resort.

(9)~~(8)~~ The development complies with other applicable standards of the county zoning ordinance. (Ord. 18 § 12.100, 2003)

Exhibit I

18.172.020 Administration Provisions (Application)

18.172.020 Application.

(1) The applicant shall submit an application to the director on forms provided by the county.

(2) An application is not considered accepted until all applicable fee(s) are paid to the county and all required materials of that application are submitted.

(3) Acceptance of the application indicates only that the application is ready for processing and review. It does not represent the application has been deemed complete. Acceptance of an application shall not preclude a determination at a later date that additional criteria need to be addressed and/or that the application is incomplete.

(4) An application is deemed to be complete when, in the judgment of the director, all applicable approval criteria have been adequately addressed in the application, supplemental materials provided by the applicant, and all applicable fees have been paid to the county.

(5) If an application is incomplete, the director shall, within 30 days of accepting the application, notify the applicant in writing of what information is missing. The application will be deemed complete upon receipt of:

(a) All of the information.

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(6) If the applicant submits the missing information within 180 days of the date the application was accepted in accordance with CCC 18.172.020(3) ~~notice sent in subsection (5) of this section~~, the application shall be deemed complete upon receipt of the missing information.

(7) For lands located within the urban growth boundary and for applications for mineral aggregate extraction, the approval authority shall act upon a completed application within 120 calendar days after the application is deemed complete ~~of the filing of a completed application~~. For all other permit applications, the approval authority shall act upon a completed application within 150 calendar days after the application is deemed complete ~~of filing of a completed application~~. Such time limitations can be extended with the consent of the applicant. (Ord. 330 § 10 (Exh. I), 2022; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 231 § 1 (Exh. A), 2010; Ord. 216 § 2, 2009; Ord. 18 § 9.020, 2003)

Exhibit J

18.172.060 Director decisions and extensions.

18.172.060 Director decisions and extensions.

(1) Administrative Decisions.

(a) Subject to ORS 215.416(11), the director shall have the authority to make an administrative determination on a land use application as set forth in specific zones in this title.

(b) After receiving a complete application for an administrative determination, the director shall make a determination and, if approved, issue a permit to the applicant in accordance with the requirements of ORS 215.427.

(c) The director shall cause a written notice of administrative determination and of the appeal procedure to be given to the applicant and to those persons who would have had a right to notice under this title if a hearing had been scheduled or who are adversely affected or aggrieved by the administrative determination. Such notice shall be given in accordance with the requirements of ORS 215.416(11).

(2) Approval Period and Extensions.

(a) A request for an extension to a land use approval shall be handled administratively by the director without public notice or hearing, and is not subject to appeal as a land use decision.

(b) A land use approval is void two years after the date the decision becomes final if the use approved in the permit is not initiated within that time period, except as provided in subsection (2)(c) of this section or as otherwise provided under applicable ordinance provisions.

(c) The approval period for conditional use permits issued under Chapter 18.160 CCC and the following dwellings in the exclusive farm use zones (Chapter 18.16 CCC, EFU, and Chapter 18.112 CCC, EFU-JA) and forest use zone (Chapter 18.28 CCC, F-1) is four years:

(i) Nonfarm dwelling;

(ii) Lot of record dwelling;

(iii) Large tract dwelling;

(iv) Template dwelling;

(v) Alteration, restoration or replacement of a lawfully established dwelling in the forest use zone;

(vi) Caretaker residences for public parks and public fish hatcheries.

(d) Except for the dwellings listed in subsection (2)(c) of this section, the director shall grant up to four two-year extensions to a land use approval regardless of whether the applicable criteria have changed (except where state law precludes), if:

(i) An applicant makes a written request for an extension of the development approval period; and

(ii) The request, along with the appropriate fee, is submitted to the county prior to the expiration of the approval period.

(e) Notwithstanding CCC 18.160.070, the director shall grant one two-year extension for a dwelling permit described in subsection (2)(c) of this section if the applicant submits the information required by subsections (2)(d)(i) and (ii) of this section. The director may grant up to five additional one-year extensions for a dwelling permit described in subsection (2)(c) of this section if:

(i) The applicant makes a written request for the additional extension prior to the expiration of an extension.

(ii) The applicable residential development statute has not been amended following approval of the permit.

(iii) An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.

(f) For all temporary uses granted under this title, the director shall grant one six-month extension.

(g) Approval of a modification to a land use approval pursuant to CCC 18.172.100 shall be treated as a new final decision for purposes of calculating the expiry provisions of subsections (2)(b) and (d) of this section and CCC 18.172.100(2).

(3) For the purposes of this section, the term “initiate” or “initiated” means that substantial construction towards completion of the conditional use permit has taken place. Substantial construction has occurred when the land and/or structure has been physically altered or the use changed, and such alteration or change is directed toward completion and is sufficient in terms of time, labor, or money spent to demonstrate a good faith effort to complete the development.

Exhibit K

18.160.070 Permit expiration dates.

18.160.070 Permit expiration dates.

~~(1) A conditional use shall be void after four years unless development action has been initiated, the proposed use has occurred or the county has granted an extension of time in accordance with subsection (2) of this section.~~

~~(2) The county shall grant two-year extensions to the four-year time period set forth in subsection (1) of this section as planning director decisions pursuant to CCC 18.172.060(2).~~

~~(3) For the purposes of this section, the term "initiate development" means that substantial construction towards completion of the conditional use permit has taken place. Substantial construction has occurred when the land and/or structure has been physically altered or the use changed and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.~~ (Ord. 236 § 3 (Exh. C), 2010; Ord. 216 § 2, 2009; Ord. 178 §§ 1 – 3, 2007; Ord. 18 § 6.070, 2003)

Permit expiration dates and permit extensions for conditional uses are as stated in CCC 18.172.060.

Exhibit L

18.172.100 Revocation or modification of permit

18.172.100 Revocation or modification of permit.

(1) The hearing authority may revoke or modify any permit granted under the provisions of this title on any one or more of the following grounds:

(a) For fraud, concealment, or misrepresentation or on the basis of wrong information supplied on the application, or given at a public hearing which materially relates to the reasons on which the permit was granted.

(b) The use for which such permit was granted is not being exercised within the time limit set forth by the commission or this title.

(c) The use for which such permit was granted has ceased to exist or has been suspended for one year or more.

(d) The permit granted is being or recently has been exercised contrary to the terms or conditions of such approval.

(e) The proposed modification will result in a change to the original proposal sought by the permittee or permittee's successor and meets the applicable standards specified in subsection (3) of this section.

(2) Any modified permit granted pursuant to this title shall become null and void if not exercised within the time period specified in such permit, or, if no time period is specified in the modified permit, subject to CCC 18.172.060. Appeals to higher state authorities challenging a modified permit approval shall toll the running of the periods provided in this section.

(3) ~~The hearing authority shall hold a public hearing on any proposed revocation or modification requested by the hearing authority or the permittee after giving written notice to the permittee and other affected persons as set forth in this title.~~ The hearing authority shall hold a public hearing on any proposed revocation or modification after giving written notice to the permittee and other affected persons as set forth in this title. The hearing on the decision, which is subject to revocation or modification, is subject only to either the standards, criteria and conditions that were applicable when the original permit was issued or in effect at the time of the revocation or modification, whichever is less restrictive. The hearing authority shall render its decision within 45 calendar days after the conclusion of the hearing. (Ord. 330 § 10 (Exh. I), 2022; Ord. 323 § 6 (Att. A), 2021; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.100, 2003)