BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Appeal of the Administrative Decisions by the Land Development Services Director for Building Permit No. 192-19-000377-MD and Residential Electrical Permit No. 192-19-000602-ELEC for Space 10 of the Deer Pointe Meadows Mobile Home Park	))))))	FINAL ORDER NO. 67-2019

WHEREAS, Donald G. Campbell ("Appellant") challenges Building Permit 192-19-000377-MD ("Building Permit") and Residential Electrical Permit No. 192-19-000602-ELEC ("Electrical Permit") issued for Space 10 of the Deer Pointe Meadows mobile home park ("park"), located at 25216 Elderberry Street, near Rainier, Oregon; and

WHEREAS, on December 11, 1995, the Board of County Commissioners ("Board") issued Order No. 3-94 in which the Board found the park was a lawfully established nonconforming use ("NCU") that consists of 33 mobile home and recreational vehicle ("RV") spaces; and

WHEREAS, on February 21, 1996, the Board issued Order No. 38-96 approving an expansion of the park to 46 spaces; and

WHEREAS, on January 30, 2017, Oregon Department of Environmental Quality ("DEQ") issued Dale V. Strom ("Applicant"), Member of Deer Pointe Meadows LLC, a Warning Letter with an Opportunity to Correct a septic system failure by September 30, 2017; and

WHEREAS, on February 22, 2017, the County issued a temporary suspension of mobile home and RV placements, replacements, and new occupancy in the park due to a failing septic system based on non-compliance with OAR 340-071-0130, which contains DEQ on-site wastewater treatment system public health and safety standards; and

WHEREAS, soon after the temporary suspension was issued, Applicant engaged a consultant to design repairs and upgrades for the septic system; and

WHEREAS, on June 13, 2017, the Columbia County Land Development Services Department ("LDS") issued Land Use Compatibility Statement ("LUCS") 17-44, which found that proposed septic system repairs were consistent with the Columbia County Zoning Ordinance ("CCZO"); and

WHEREAS, on June 22, 2017, Appellant filed an appeal of LUCS 17-44 with the County. As a result of the appeal, Applicant was prohibited from implementing septic repairs because DEQ could not issue a final construction permit until the LUCS 17-44 appeal was resolved in Applicant's favor; and

WHEREAS, on September 23, 2017, DEQ received Applicant's request for an extension to complete the corrective action by August 31, 2018. Applicant requested the extension because DEQ had not issued a final construction permit that would allow Applicant to implement on-site septic system repairs, and much of the proposed construction required excavation in areas known to be wet during winter months, and it was ill advised to initiate construction work during that time; and

WHEREAS, on October 11, 2017, the Board tentatively approved LUCS 17-44; and

WHEREAS, on October 23, 2017, DEQ issued a final construction permit allowing Applicant to complete septic system repairs; and

WHEREAS, on November 1, 2017, DEQ approved Applicant's request for a time extension to complete corrective action; and

WHEREAS, on November 8, 2017, the Board issued Order No. 80-2017 approving LUCS 17-44; and

WHEREAS, on July 18, 2018, Applicant's consultant submitted documents to DEQ concluding the septic repairs were completed, inspected, and certified; and

WHEREAS, on July 23, 2018, DEQ issued a letter that corrective actions and septic system repairs had been completed; and

WHEREAS, on August 13, 2018, the County lifted the temporary suspension upon receiving notice from DEQ that the park's septic system was repaired sufficient to meet DEQ's on-site wastewater public health and safety standards; and

WHEREAS, on March 25, 2019, LDS issued the challenged Building Permit to Applicant that approves the replacement of a manufactured home in Space 10 in the park; and

WHEREAS, on April 1, 2019, Appellant filed a timely appeal of the Building Permit on the basis that Space 10 lost its NCU right and permits could therefore not be issued; and

WHEREAS, on April 3, 2019, the Board took jurisdiction over the Building Permit appeal in order to resolve the issue of whether spaces required to be vacant during the temporary suspension lost their NCU right; and

WHEREAS, on May 17, 2019, the Board sent notice of a public hearing for the Building Permit appeal; and

WHEREAS, Columbia County participates in the State of Oregon ePermitting System; which allows licensed contractors to apply for and obtain electrical permits online through the automated ePermitting System; and

WHEREAS, on May 4, 2019, Applicant applied for an electrical permit, through the ePermitting System, to allow the replacement of a service meter, installation of a grounding

system and installation of a 50 amp RV outlet in Space 10 of the park. The ePermitting System approved the application and issued the challenged Electrical Permit; and

WHEREAS, on May 15, 2019, County staff sent notice of the Electrical Permit to the Appellant; and

WHEREAS, on May 22, 2019, Appellant filed a timely appeal of the Electrical Permit, again on the basis that Space 10 lost its NCU right and permits could therefore not be issued; and

WHEREAS, on May 29, 2019, the Board took jurisdiction over the Electrical Permit appeal and consolidated the Building Permit and Electrical Permit appeal hearings, pursuant to CCZO 1612; and

WHEREAS, on June 19, 2019, the Board sent notice of the consolidated hearing; and

WHEREAS, on July 24, 2019, the Board held a consolidated hearing on the Building Permit and Electrical Permit appeals. At the hearing, the Board heard testimony and accepted evidence. The Board then closed the hearing and left the record open to allow the submittal of new evidence to be received by July 31, 2019; rebuttals to be received by August 7, 2019; and Applicant's final arguments to be received by August 14, 2019. The Board continued deliberations to August 21, 2019; and

WHEREAS, all written materials received by the County prior to the July 24, 2019 hearing were admitted into the record. No written evidence was submitted to the County during the hearing; and

WHEREAS, during the open record period following the initial public hearing, the County received new evidence by the Appellant and Steve Sharek, Fire Chief for Clatskanie Rural Fire Protection District, and rebuttal evidence from Applicant. The evidence was admitted into the record; and

WHEREAS, after the record was closed to all other parties, Applicant submitted final written arguments in support of the Building and Electrical Permit applications, which were admitted into the record; and

WHEREAS, the Board rescheduled deliberations to August 28, 2019, because the Board's August 21, 2019 public meeting was canceled; and

WHEREAS, on August 15, 2019, the Board mailed notice that deliberations were rescheduled to August 28, 2019, and that the record would be reopened during the meeting for the Board to disclose any *ex parte* contact and provide interested persons an opportunity to ask questions and comment on the *ex parte* contact. On August 15, 2019, County staff emailed a copy of the notice to attorneys of the Appellant and Applicant; and

WHEREAS, on August 28, 2019, the Board disclosed *ex parte* contacts. Following *ex parte* contacts disclosure, the Board reopened the record and provided opportunities for

interested persons to ask questions and comment on the *ex parte* contact. The Appellant and Applicant's attorney were present. No person availed themselves of this opportunity. The Board then closed the record, deliberated and voted to tentatively approve the Building Permit and Electrical Permit;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS as follows:

1. The Board of County Commissioners adopts the following findings in support of its decision:

    a. The above recitals are adopted as findings; and

    b. The findings and conclusions in the final Staff Report to the Board of County Commissioners dated July 15, 2019, which is attached hereto as Attachment A and incorporated herein by this reference, to the extent those findings are consistent with this Final Order; and

    c. The following supplemental findings:

        i. This Final Order is a "Land Use Decision" under ORS 197.015(10)(a)(A).

The Board finds its decision in this matter is a land use decision because the Board evaluated and determined whether the park lost the NCU right for 13 spaces that were vacant during the temporary suspension. The analysis is necessary because the Appellant argues that under CCZO 1506, the spaces required to be vacant during the temporary suspension constitute a partial discontinuance and therefore, loss of NCU right for the 13 spaces.

Here, parties in this matter agree that the park was in operation, and 13 spaces were required to be vacant during the period of the temporary suspension. The issue before the Board is whether there was a partial discontinuance of these spaces because they were required to be vacant during the period of the temporary suspension. As such, the Board must conduct a planning compliance review to determine the NCU right of these spaces.

In relevant part, ORS 197.015(10)(A)(a) defines a "land use decision" as a final local government decision that "concerns the adoption, amendment or application of ... [a] land use regulation[.]" In *Madrona Park v. City of Portland*, ___ Or LUBA ___, LUBA No. 2019-032, 12 (2019), LUBA explained that "[a] local government decision 'concerns' the application of a plan provision or land use regulation if (1) the decision maker was required by law to apply its plan or land use regulations as approval standards, but did not, or (2) the decision maker in fact applied plan provisions or land use regulations." Here, the Board in fact applied a local land use regulation, CCZO 1506.

ORS 197.015(10)(b)(B) provides that a land use decision does not include a local government decision "that approves or denies a building permit issued under clear and objective land use standards." LUBA refers to ORS 197.015(10)(b)(B) as the "building permit exclusion."

Id. at 5. Approval or denial of a building permit typically is not considered a land use decision, "except in those limited situations where the land use standards under which a building permit is issued are not 'clear and objective.'" *Id.* at 10. In determining whether a building permit is excluded from the definition of a land use decision under ORS 197.015(10)(b)(B), the relevant question is whether the land use standards under which it was issued are "clear and objective." *Id.* at 11.

Here, in contrast to applying a clear and objective standard, such as a building setback or height standard, the Board applied a subjective, value-laden analysis to determine whether there was a partial discontinuance of the NCU at the park. It is undisputed that some of the park spaces were vacant for over a one-year period. However, the vacancies were the result of the County's temporary suspension enforcement action and the Appellant's appeal of Applicant's permits to repair the park's septic system. Moreover, although the spaces were vacant during that period, Applicant actively pursued permits and repairs to the septic system to maintain and operate Space 10, as well as all other spaces in the park because the septic system serves the entire park. In order to answer the question of whether there was a partial discontinuance, the Board must interpret CCZO 1506.4 to determine whether Applicant's efforts of pursuing permits and performing repairs the park's septic system was sufficient to continue the NCU. That analysis is subjective, value-laden and discretionary, and is therefore a land use decision.

ii. The Board's Interpretation of CCZO 1506.4 is Consistent with ORS 215.130.

The Board analyzed the Appellant's argument that the Board's interpretations erroneously substitute for a legislative procedure to adopt new criteria for determining when a use has been interrupted, as authorized by ORS 215.130(10)(b). The Board disagrees, and finds the one-year time period set forth in CCZO 1506.4 is such a criterion. The Board considered the various reasons Appellant believes the Board may not interpret CCZO 1506.4 and finds them unpersuasive.

ORS 215.130(10) authorizes counties to adopt NCU standards and procedures, to the extent that they are consistent with ORS 215.130. ORS 215.130(10)(b) provides that counties may establish "criteria to determine when a use has been interrupted or abandoned" under ORS 215.130(7)(a). In *Landwatch Lane County v. Lane County*, ___ Or LUBA ___ (LUBA No. 2017-077, 20, February 26, 2018), *aff'd w/o op.* 292 Or App 415, 421 P3d 432 (2018). LUBA explained that:

> ORS 215.130(7)(a) contains only a general prohibition on resumption of an interrupted nonconforming use, and ORS 215.130(10)(b) leaves it to counties, if they choose, to adopt and apply the criteria and standards for determining whether a nonconforming use has been interrupted.

Under ORS 197.829(1), LUBA is required to defer to a local government's interpretation of its land use regulations unless the interpretation is inconsistent with the *express* text of the regulation, the purpose of the regulation, the underlying policy implemented by the regulation, or a state law that the regulation carries out. The Board acknowledges that CCZO 1506 was adopted to implement ORS 215.130, and that CCZO 1506 cannot be applied or interpreted in a manner that conflicts with ORS 215.130.

ORS 215.130(7)(a) does not specify the length of time required to constitute a "period of interruption or abandonment," nor does it specify what activities or lack thereof constitute "interruption or abandonment." ORS 215.130(7)(a) provides that a NUC "may not be resumed after a period of interruption or abandonment unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption."

The Board has discretion to establish the time period of interruption and standards for determining what constitutes an interruption, so long as the standards are not contrary to ORS 215.130. The County established a one-year time period for a discontinuance. CCZO 1506.4 provides:

> A Non-Conforming Use may be resumed if the discontinuation is for a period less than 1 year. If the discontinuance is for a period greater than 1 year, the building or land shall thereafter be occupied and used only for a conforming use.

The Board did not use the term "abandonment" in CCZO 1506.4. Consequently, a NCU right can be lost when the use has been "discontinued" for more than one year, regardless of whether an owner intends to continue the NCU.

Appellant argues that the Board's interpretation of "discontinuance" under CCZO 1506.4 is inconsistent with the plain meaning of the statutory term "interruption" based on a contention that "discontinuance" means the same thing as an "interruption." The Board disagrees with Appellant's argument. ORS 174.010 prohibits courts from inserting terms that have been omitted, or omitting terms that have been inserted by a legislature. Appellant correctly states:

> This rule of construction prohibits the courts from inserting a word or phrase, *Bergmann v. Hutton*, 337 Or 596, 607, 101 P3d 353 (2004) (declining to insert "limit of liability" into insurance statute), a concept of law, *Liberty Northwest Ins. Corp. v. Spivey (In re Spivey)*, 197 Or App 67, 71, 104 P3d 640 (2005) (declining to add requirement of jurisdictional time limit), or even punctuation, *State v. Webb*, 324 Or 380, 388, 927 P2d 79 (1996) (declining to change punctuation to effect different reading of statute).

Following this rule of construction, Appellant's argument fails because the Board chose to use the term "discontinuance" and omit the term "interruption" from CCZO 1506.4. The Board has

discretion to interpret the express text of CCZO 1506.4 so long as it is consistent with ORS 215.130(7)(a). The Board finds that the term "discontinuance" is a type of interruption that does not have the exact same meaning as interruption.

Courts consider the text and context of a statute at the first step of a statutory construction analysis. *Portland Gen. Elec. Co. v. Bureau of Labor & Indus.*, 317 Or 606, 610, 859 P2d 1143 (1993), as modified by *State v. Gaines*, 346 Or 160, 171–173, 206 P3d 1042 (2009). Where a term is not defined in statute, courts will general give the term the "plain, natural, and ordinary meaning." *Id.,* at 611. Courts generally consider common usage definitions, and refer to dictionaries to discern the plain-meaning. *Potter v. Schlesser Co.*, 335 Or 209, 213, 63 P3d 1172 (2003) (consulting *Webster's Third New Int'l Dictionary* (unabridged ed 1993) in absence of statutory definition).

The Board finds that no form of the word "discontinue" is defined in the CCZO; and therefore turns to the dictionary. *Webster's Third New Int'l Dictionary* 646 (unabridged ed 1981) defines "discontinue," in part, as "**1 a** : to break off : give up : TERMINATE : end the operations or existence of: cease to use **b** *obs* : to cease to attend, frequent or occupy **c** : to break the continuity of."

The Board's interprets "discontinuance" to mean, in part as relevant here, a period when a property owner ceases to actively pursue permits or perform substantial efforts to repair the NCU. Furthermore, the Board interprets the phrase "discontinuance is for a period greater than one year," in part as relevant here, to mean a one-year time period beginning when a property owner ceases to actively pursue permits or perform substantial efforts to repair the NCU. There may be other circumstances in which a partial discontinuance can occur; however, the Board limits its interpretation here to the issue in this matter. Here, the determinative factor in whether there was a partial discontinuance during the temporary suspension is whether Applicant *ceased to* pursue permits and perform repairs to the septic system, not whether the spaces ceased to be occupied as Appellant argues. The Board's interpretation of CCZO 1506.4 does not conflict with the term "interruption" used in ORS 215.130(7)(a). Appellant has not shown why this interpretation conflicts ORS 215.130(7)(a). The Board's interpretation of CCZO 1506.4 is entitled to deference by LUBA and reviewing courts because the Board's interpretation does not conflict with the express text of ORS 215.130.

iii. The Board Finds No Partial Discontinuance of the NCU at the Park.

The Board agrees with Appellant's assertion that a NCU can be partially discontinued. *Coonse v. Crook County*, 22 Or LUBA 138, (1991); *Hendgen v. Clackamas County*, 115 Or App 117, 836 P2d 1369 (1992); *Clackamas County v. Gay*, 133 Or App 131, 890 P2d 444 (1995); and *Suydam v. Deschutes* County, 29 Or LUBA 273, (1995). Appellant acknowledges that the park in its entirety is the NCU and that individual spaces are "part" of that NCU. In this matter, the parties agree that the park is a lawfully established NCU that consists of 46 mobile home and RV spaces, and the park was in operation and 13 spaces were required to be vacant during the period of the temporary suspension. However, for the reasons stated below, the Board disagrees with

Appellant's argument that there was a partial discontinuance of NCU at the park during the temporary suspension.

The Board rejects Appellant's argument that repairs must be completed within one year to continue a NCU. In *Crosley V. Columbia County*, 65 Or LUBA 164, 173-174 (2012), LUBA explained that some maintenance and repair activities completed under ORS 215.130(5) and CCZO 1506.2 may be sufficient to continue a NCU and avoid a discontinuance of a NCU of the property under CCZO 1506.4. LUBA explained that not all levels of maintenance activities will be sufficient to continue a NCU. For an example, LUBA stated "it seems highly unlikely that a maintenance action to fix a broken window in a large nonconforming industrial building would be sufficient to constitute a continuation of that nonconforming industrial use if that building was vacant and unused for industrial use during the year the window was replaced." *Id.* at 178 n 6. In *Crosley,* LUBA found "even if petitioner's claims to have taken steps to control pests, maintain riparian vegetation, plant trees and eliminate invasive species are accepted as true, we understand the county to have found that such activities are not sufficient to continue construction of the residence. We agree with the county." *Id.* at 177.

Here, Applicant actively pursued permits or performed repairs to the park septic system without ceasing those efforts for a period greater than one year during the temporary suspension. Soon after the County issued the temporary suspension on February 22, 2017, Applicant sought to obtain a construction permit from DEQ, prepared engineering plans, and performed repairs to the park septic system to meet public health and safety standards. In order for DEQ to issue a construction permit allowing Applicant to perform the septic system repairs, Applicant was required to obtain a LUCS from the County with a finding that proposed septic system repairs were consistent with the CCZO. On June 13, 2017, LDS issued LUCS 17-44 with such a finding. On June 22, 2017, Appellant filed an appeal of LUCS 17-44 with the County. As a result of the appeal, Applicant was prohibited from implementing septic repairs because DEQ could not issue a final construction permit to perform the repairs until the LUCS 17-44 appeal was resolved in Applicant's favor. In September 2017, Applicant requested DEQ provide an extension to complete the corrective action by August 31, 2018 because DEQ had not issued a final construction permit that would allow Applicant to implement on-site septic system repairs, and much of the proposed construction required excavation in areas known to be wet during winter months and it was ill advised to initiate construction work during that time. On October 23, 2017, soon after the Board tentatively approved LUCS 17-44, DEQ issued Applicant a final construction permit to complete septic system repairs. On July 18, 2018, Applicant's consultant submitted an engineering report to DEQ concluding that the septic repairs were completed, inspected, and certified. On July 23, 2018, DEQ issued a letter that corrective actions and septic system repairs had been completed. On August 13, 2018, the County lifted the temporary suspension upon receiving notice from DEQ that the park's septic system was repaired sufficient to meet DEQ's on-site wastewater public health and safety standards. The Board concludes that Applicant performed sufficient efforts to complete the repairs without ceasing those efforts for a period greater than one year during the temporary suspension.

The Board rejects Appellant's argument that the right to continue a NCU under ORS 215.130(5) and alter the use in order to comply with health and safety requirements "has no applicability here." The Board agrees with Applicant's argument that a one year time limit to complete repairs would be an unlawful condition contrary to CCZO 1506.2 and ORS 215.130(5). CCZO 1506.2 and ORS 215.130(5) allow for Normal Maintenance and Repairs of NCUs. ORS 215.130(5) prohibits the County from placing conditions on the continuation of NCUs when repairs are necessary to comply with state or local health and safety requirements. CCZO 1506.2 and ORS 215.130(5) allow for normal maintenance and repairs to maintain a NCU in good repair and comply with public health and safety standards. CCZO 1506.2 provides:

> "Normal Maintenance and Repairs: Normal maintenance of a Non-Conforming Use is permitted, including structural alterations to the bearing walls, foundation, columns, beams, or girders, provided that: A. No change in the basic use of the building occurs that would make the use less conforming to the district."

ORS 215.130(5) provides:

> "The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted."

The Board finds that pursuing public health and safety permits and performing associated repairs is considered normal maintenance and repairs, which are necessary to maintain the NCU in good repair. The Board finds that the temporary suspension was issued because DEQ required the septic system to be repaired to meet health and safety standards. The septic system repairs completed during the time of the temporary suspension were necessary to comply with DEQ public health and safety standards and maintain the existing spaces in good repair. ORS 215.130(5) therefore prohibits the County from applying CCZO 1506.4 to the park during the temporary suspension.

The Board previously found in its Order No. 80-2017 that ORS 215.130(5) prohibits placement of conditions on continuation of NCUs for maintaining the septic system in good repair, and concluded that the Appellant's demand that the County must limit the time period for completion of the septic repairs and upgrades to one year following February 22, 2017 is

effectively a condition on the repairs required for health and safety, which the County lacks authority to place on the LUCS, septic system permits, or the existing NCU approvals. The Board notes that finding was not appealed and remains in effect for this property, and concludes that the Appellant's arguments to the contrary are a collateral attack on that prior land use decision.

The Board rejects Appellant's argument that the one-year time period for a discontinuance applies during the time period of active permit applications and appeals because such an application would lead to an unintended and absurd result of allowing a project opponent to force the discontinuance of a NCU by simply appealing a permit until the one-year time period expired. The Board finds the effect would be that an owner of a NCU would be discouraged from applying for permits for repairs or other routine work and that public policy should encourage the owners of NCUs to obtain permits when necessary to comply with health and safety standards.

Based on the foregoing facts, the Board's interpretations and analysis, the Board finds that the park's NCU was not partial discontinued because Applicant performed substantial efforts to complete the repairs without ceasing those efforts for a period greater than one year during the temporary suspension period. Therefore, Applicant retains its NCU right for the 13 spaces required to be vacant during the temporary suspension.

iv. The Building and Electrical Permits Do Not Unlawfully Expand the NCU at the Park.

The Board considered the Appellant's argument that replacement of an RV with a single wide mobile home, or replacement of a single wide mobile home with a double wide, is an unlawful expansion of the NCU park use. For the reasons stated below, the Board reject's the Appellant's argument that the Building and Electrical Permits allow for an unlawful expansion of the NCU at the park.

The size of an individual mobile home or RV allowed in a space is determined by the boundaries established in an approved site/plot plan. The Board interprets the expansion of NCU provisions in CCZO 1506.5 and 1506.9 to not apply where an existing mobile home or RV is replaced with a larger model when it fits within an approved space, because the scope of a NCU at a mobile home park use is measured by the total land area and number of spaces. CCZO 1506.5 provides:

> A Non-Conforming building or use may be rebuilt, moved, or changed in use to a use of the same restrictive classification or expanded, subject to the provisions outlined herein, if upon review in accordance with Section 1601 the Director finds all the following to exist:
>
> A. That such modifications are necessary because of practical difficulties or public need;

B. That such modifications are not greater than are necessary to overcome the practical difficulties or meet the public need;

C. That such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof; and

D. That such modifications will not endanger the public health, safety, and general welfare.

CCZO 1506.9 provides:

> A Non-Conforming Use may be expanded one time only. This expansion shall not exceed 40% of the square footage on the ground level of the existing structure, pursuant to Section 1506.5.

Here, the Board finds that the lawfully established NCU is the park in its entirety, which consists of 46 spaces. Here, the site/plot plan for the park does not limit the type of mobile home to a single or double wide. The size of the proposed mobile home and RV fit within the approved boundaries of Space 10. This application does not propose an increase in spaces, nor does it propose an increase in land area. Therefore, the Board finds that approval of the permits does not authorize an unlawful expansion of the NCU at the park because the proposed mobile home placement and RV electrical improvements do not increase the approved size or location of Space 10.

v. ORS 446 and Oregon Uniform Fire Code Do Not Apply to this Decision.

The Board rejects Appellant's arguments that the County must apply ORS 446 and Oregon Uniform Fire Code to the Building Permit and Electrical Permit applications as part of a land use process because the statute and code are not land use regulations.

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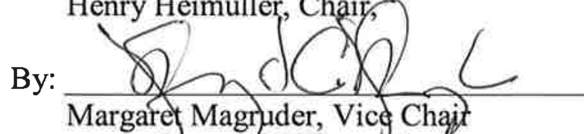
2. Based on the foregoing and the whole record in this matter, the Board APPROVES Building Permit No. 192-19-000377-MD to allow for the replacement of a manufactured home and Residential Electrical Permit No. 192-19-000602-ELEC to allow the replacement of a service meter, installation of a grounding system and installation of a 50 amp RV outlet in Space 10 of the park.

DATED this 02 day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

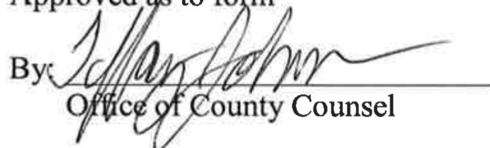
By: ____________________
Henry Heimuller, Chair



By: ____________________
Margaret Magruder, Vice Chair

By: ____________________
Alex Tardif, Commissioner

Approved as to form



By: ____________________
Office of County Counsel