

**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

Regarding an application by Clackamas Water Environment Services for approval of a conditional use permit to upgrade the existing sewage pump station located on the edge of the Mt. Hood Golf Course, in unincorporated Clackamas County, Oregon) **FINAL ORDER**
) **Case No. Z0276-23-C**
) **(South Welches**
) **Pump Station)**

A. SUMMARY

1. The applicant, Clackamas Water Environment Services (“WES”), requests conditional use approval to upgrade the existing South Welches sanitary sewer pump station located near the center of a roughly 11.8-acre parcel known as tax lots 04900, Section 05DB and tax lot 1400 Section 05DD, Township 3 South, Range 7 East, of the Willamette Meridian, Clackamas County (the “site”). The site is located at the edge of the southern fairway of the Mt. Hood Golf Course in Welches, Oregon, between E. Bright Avenue and the Salmon River. The site is OSM (Open Space Management).

2. The existing pump station was originally constructed in 1980. Improvements proposed with this application include: replacing the roof of the existing control building, improve vehicle access and turnaround at the facility, replace pumps and valving, and other improvements. A complete project scope is provided in the applicant’s written narrative and application materials. (Exhibits 2 and 2a). The proposed improvements will increase the reliability of the facility and address maintenance issues. They will not increase the pumping capacity or classification of the station.

3. Hearings Officer Joe Turner (the "hearings officer") held an online public hearing about the application. County staff recommended that the hearings officer approve the application, subject to conditions. See the Staff Report and Recommendation to the Hearings Officer dated February 29, 2024, (the “Staff Report”). The applicant accepted the findings and conditions of approval as recommended by County staff, without exceptions. No one else testified orally or in writing.

4. Based on the findings provided or incorporated herein, the hearings officer finds that the applicant sustained the burden of proof that the proposed use does or can comply with the relevant approval standards of the Clackamas County Zoning and Development Ordinance (the “ZDO”), provided the applicant complies with conditions of approval recommended by County staff or warranted by the facts and law to ensure the proposed use does comply in fact with those standards. Therefore the hearings officer approves the application subject to the conditions at the end of this final order based on the findings and conclusions incorporated herein.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the public hearing about this application on February 29, 2024. All exhibits and records of testimony are filed at Clackamas County Department of Transportation and Development. At the beginning of the hearing, the hearings officer made the declaration required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the public hearing.

2. County planner Melissa Lord summarized the Staff Report and her PowerPoint presentation.

3. Consulting planner Eric Eisemann appeared on behalf of the applicant, Clackamas Water Environment Services (“WES”) and summarized the proposed upgrades to the existing sewage pump station. He accepted the findings and conditions in the Staff Report without exceptions and waived the applicant’s right to submit a final written argument.

4. At the end of the public hearing, the hearings officer closed the record and announced his intention to approve the application subject to the findings and conditions in the Staff Report.

C. DISCUSSION

The hearings officer adopts the following findings as his own.

1. ZDO SECTION 702 OPEN SPACE MANAGEMENT DISTRICT

A. **702.05 Conditional Uses:** Water treatment facilities and other public utilities that exceed the limitations of primary uses in Subsection 702.03.

***Finding:** The proposed use is a sanitary sewer pump station which is a public utility facility. This use is a conditional use in the OSM district; therefore, a conditional use permit is necessary. The applicant has submitted a conditional use permit for review; this criterion is met.*

2. ZDO SECTION 703 FLOODPLAIN MANAGEMENT DISTRICT

A. The purpose of Section 703 includes promoting the public health, safety, and general welfare, minimizing public and private flood losses due to flooding in flood hazard areas, and minimize damage to public facilities and utilities—such as water and gas mains; electric, telephone, and sewer lines; streets; and bridges—located in special flood hazard areas, and require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.

***Finding:** Based on review of the submitted application materials and aerial photos, the proposed development is outside of the floodway the flood hazard area.*

The applicant's application materials state:

The FEMA Map Panel No. 41005C0404E indicates that the base flood elevation at the pump station location is 1,267 feet. The finished floor of the pump station is at elevation 1,269.5 feet. The top of the wet well elevation is 1,269.6 feet. Therefore, the pump station finished floor and top of the wet well are more than 2 feet above the base flood elevation. (See Exhibit PBS Environmental survey letter dated January 13, 2020.)

The applicant provided a letter from Terry Goodman, Professional Land Surveyor with PBS who confirmed the elevations proposed are above the base flood elevation. The map panel referenced, and the adjoining panel, are added into the record for reference as Exhibit 6.

Clackamas County Planning and Zoning staff Ben Blessing geo-referenced the site plan provided by the applicants, and confirmed there is no "lateral" encroachment into the special flood hazard area (SFHA), or floodplain. Two detailed maps submitted into the record as Exhibit 7 demonstrate the project will be out of the floodplain and above base flood elevation (BFE), though a professional surveyor or engineer did not stamp these plans. A condition of approval is warranted requiring a stamped elevation plan or elevation certificate by a registered surveyor or engineer confirming base flood elevation (BFE) is above 1,267 feet North American Vertical Datum of 1988 (NAVD 88), prior to approval of building or trade permits.

3. ZDO SECTION 704 RIVER AND STREAM CONSERVATION AREA

- A. The purpose of Section 704 is to maintain the integrity of the rivers and streams in the County by minimizing erosion, promoting bank stability, maintaining and enhancing water quality and fish and wildlife habitat, and preserving scenic quality and recreational potential, and implement the River Design Plans set forth in Chapter 3 of the Comprehensive Plan.

Finding: *The proposal involves development within 150-feet of the Salmon River. Within the 150-foot buffer from the river, the proposal includes the 10'8" x 5'2" concrete foundation for a new emergency generator, pump disconnect panels, the existing control building, the new valve vault, and the removal of 4 trees.*

A condition of approval is warranted to obtain a Principal River Conservation Area land use permit prior to obtaining any permits to begin work within 150 feet of the Salmon River.

4. ZDO SECTION 1203.02 CONDITIONAL USES

A. 1203.02: Submittal Requirements

Finding *This application includes a completed land use application form, site plan, application fee, and completed supplemental application addressing the criteria in ZDO Section 1203. The application also includes a description of the proposed use and vicinity*

map. All the submittal requirements under Subsection 1203.02 are included in the application. The application was submitted on July 5, 2023 and additional materials received December 21, 2023. Following submission of additional requested information, the application was deemed complete on December 21, 2023.

- B. **1203.03(A):** The use is listed as a conditional use in the zoning district in which the subject property is located.

Finding: *The subject property is within the Open Space Management (OSM) district. Section 702 of the ZDO controls land uses in the OSM district; Subsection 702.05 lists conditional uses in the OSM district including “public utilities”. The applicant is proposing a sanitary sewer pump station which is a public utility facility which is a conditional use. This criterion is met.*

- C. **1203.03(B):** The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

Finding: *The hearings officer adopts the following addition to the findings in addition to the findings in the applicant’s narrative:*

The subject property is approximately 11.8 acres in size and is currently developed with the South Welches Pump Station, a public utility facility. The location is suitable for the public utility because it provides sanitary sewer services to those who live within the service district. For the past 43 years the facility has existed on the subject property.

The pump station occupies a very small portion of the 11.8-acre property. The property and existing improvements are of sufficient size to accommodate the use, as demonstrated by the facility’s existence for over four decades. Access to the site is from a paved pathway along the edge of the Mt. Hood Golf Course fairway. The facility is not visible from a public road, and the proposed upgrades will not be visible from the road either.

The location, size, shape, topographic, natural and developed characteristics of the property are suitable to accommodate the continued use of the public utility facility. When considering the characteristics of the subject property, staff finds that this criterion is met.

- D. **1203.03(C):** The proposed use is consistent with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use.

Finding: *Findings of compliance with ZDO 1007.07 are included below. This criterion is met.*

- E. **1203.03(D):** The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.

Finding: *The site is in the OSM zoning district and is surrounded by other properties in the MRR, HR and OSM districts. Primary uses of the OSM district are included in ZDO Section 702, and primary uses in the HR and MRR districts are in ZDO Section 317.*

Generally, the primary uses allowed in these zoning districts is predominantly low-density residential and recreation.

The proposed upgrades to the existing pump station will not alter the physical and visual characteristics of the surrounding area. The pump station is well established in the neighborhood and has been a part of the character of the area for the past 40-plus years. The proposed development will not alter the character of the surrounding area, and will not substantially limit, impair or preclude the use of surrounding properties for the primary uses allowed. The proposed upgrades are minor. This criterion is met.

- F. **1203.03(E):** The proposed use is consistent with the applicable goals and policies of the Comprehensive Plan.

***Finding:** The applicant addresses the Comprehensive Plan Chapter 7, Public Facilities and Services goals and policies in their narrative. Chapter 7 related to planning for utilities, including sanitary sewage treatment, and ensuring that adequate levels of those public facilities and services be available before urban levels of development. The applicant, Water Environment Services (WES) is one of the County's sanitary sewer providers. The proposal implements the adopted Sanitary Sewerage Services capital facilities plan and the WES 2020-2025 Capital Improvement Plan. The hearings officer incorporates the findings made in response to this particular question and finds that the proposed use is consistent with the applicable goals and policies of the Comprehensive Plan. This criterion is met.*

- G. **1203.03(F):** The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, Special Use Requirements, and Section 1000, Development Standards.

***Finding:** Compliance with Section 800 is not applicable. Findings of compliance with Section 1000, as applicable, are included below.*

5. ZDO SECTION 1000 DEVELOPMENT STANDARDS

***Finding:** Not all review subsections in ZDO Section 1000 are applicable. Below is an evaluation of the criteria that are applicable to the proposed conditional use.*

A. Section 1002 – Protection of Natural Features

Section 1002 addresses the protection of various natural features including hillsides, the excessive removal of trees prior to development, the protection of trees and wooded areas through development, river and stream corridors, the winter ranges of deer and elk populations, certain open spaces near Mount Hood, significant natural areas, and significant landforms and vegetation.

***Finding:** The application does not involve development on slopes greater than 20%. Tree removal is proposed with this conditional use permit, which does not meet the definition of "excessive" tree removal – excessive tree removal (Subsection 1002.02) applies only to lands in Portland Metropolitan Urban Growth Boundary. There is an established*

driveway and development site; the proposal will not interfere with existing wooded areas or significant clumps of trees.

The property is within the deer and elk winter range below 3,000 feet in elevation as identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas. The development is designed to minimize adverse wildlife impacts by maintaining the same existing development area and on the same existing gravel area. The project will not create any significant disturbance into any potential habitat area or range than what currently exists.

The development is within 150 feet of the mean high water line of the Salmon River, and is subject to Section 704, River and Stream Conservation Area. A condition of approval is warranted to ensure compliance with this section.

The development area is shown on the Comprehensive Plan Map X-MH-2, Resource Protection Open Space, and is located more than 100 feet from natural wetlands. Therefore, compliance with Subsection 1002.06 is not necessary.

The applicable criteria of Section 1002 are met.

B. Section 1003 and 1004 – Hazards to Safety and Historic Protection

Section 1003 addresses various hazards to safety including flood, soils, fire, and mass movement areas. Section 1004 addresses standards related to historic preservation.

Finding: *The property is impacted by mapped flood hazards; however, as discussed in the findings for Section 703, no development is proposed within the special flood hazard area. The other standards in these Sections are not applicable to this development.*

C. Section 1005 – Sustainable Site and Building Design

Section 1005 addresses the development of sites and design of buildings so as to efficiently utilize land, create lively, safe, and walkable centers, support the use of non-auto modes of transportation, reduce impact of development of natural features, utilize opportunities arising from a site's configuration, design illumination so dark skies are maintained when possible and accommodate the needs of users of developments. It applies to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one, two- or three-family dwellings.

- i. **Subsection 1005.02 – General Site Design Standards** establishes standards for the sites of commercial, industrial, and multifamily developments and addresses standards for the placement and orientation of buildings, on-site pedestrian circulation, the placement and orientation of building entrances, and other use- and zone-specific standards.

Finding: *The proposed development involves the repaving the existing access path, expanding a gravel vehicle turnaround, installing a permanent generator within an*

enclosure, and replacement of various equipment. There are no changes to the proposed location, setback, or appearance of the existing building, and the only new “building” proposed is the weatherproof critically silenced enclosure for the generator. The pump station facility and associated equipment are clustered and consolidated to a small area of the subject property within the existing easement. The entire pump station, including the control building, is not open to the public at any time. Due to the nature of the development and the use, onsite walkways and interconnected walkway systems are not necessary. The property is located outside of the Urban Growth Boundary, so Subsections 1005.02(E and F) are not applicable. The property is not located on a major transit street, a street intersecting a major transit street, or located at a major transit stop therefore Subsection 1005.02(G and H) are not applicable. Subsection 1005.02(I through L) are not applicable to this development.

Due to the nature of the development proposal, the standards of this subsection are largely not applicable. This criteria is met.

- ii. **Subsection 1005.03 – Building Design** provides standards for building facades, entrances roof design, exterior building materials, the screening of mechanical equipment, and other use- and zone-specific standards.

Finding: *The standards of Subsection 1005.03(A) generally apply to building facades visible from a public or private street or accessway; these standards are not applicable to the existing control building.*

There is no public entry to the control building, as this is an un-staffed utility facility that is not open to the public. The building does not face the street and is not sited to meet Section 1005.02(E). The proposal involves revising the roof line from a hip-style roof to a ridge-style roof to prevent snow accumulation at the entrance of the building. The new roof will replace a rotting cedar shake roof with a metal roof. This standard is met.

Due to the nature of the development proposal, many of the standards of this subsection are not applicable. As applicable, this criteria is met.

- iii. **Subsection 1005.04 – Outdoor Lighting** provides standards to ensure that onsite lighting is compatible with the site and surrounding uses while preventing light trespass and pollution.

Finding: *The existing site lighting and pole will be replaced with an LED lamp. The specific light fixture detail was not provided for consideration. However, this is a criterion that can be met with a condition of approval.*

D. Section 1006 – Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control.

Section 1006 addresses the provision of appropriate infrastructure for utilities, water supply, and sewage disposal, as well as the management of surface water and site erosion.

- i. **1006.03(D) Water Supply.** The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

***Finding:** The property is located within the jurisdiction of the Salmon Valley Water Company, the water district. The applicant provided a preliminary statement of feasibility from the water district with their application confirming that water service, including fire flow, and is available in the levels appropriate for the development and adequate water system capacity is available, or can be made available. This criterion is met.*

- ii. **1006.04 Sanitary Sewer Service.** All development that has a need for sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development. Approval of a development that requires sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider.

***Finding:** The subject property is located in the Water Environment Services (WES) sanitary sewer district, they are also the applicant. The applicant provided a preliminary statement of feasibility from the sewer provider with their application materials confirming that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to the development. At this time, the applicant does not propose a use that will require sanitary sewer service. Any future development will be reviewed for compliance with the onsite wastewater treatment requirements of this section. This section is not applicable.*

- iii. **1006.06 Surface Water Management and Erosion Control.** The following surface water management and erosion control standards apply:

Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.

The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply

Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.

The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility

The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.

***Finding:** Water Environment Services (WES) is the surface water management authority for the subject property; they are also the applicant. Approximately 1,000 square feet of new impervious surface is being added to the subject property with the proposed development. The majority of the site will continue to have natural ground cover or will be used as a golf course, as it exists currently on the site. A preliminary statement of feasibility was provided in the application materials confirming that there is adequate surface water management, treatment, and conveyance to serve the development or can be made available through improvements completed by the developer. This criteria is met.*

E. Section 1007 - Roads and Connectivity

- i. Subsection 1007.02 – Public and Private Roadways**
- ii. Subsection 1007.03 – Private Roads and Access Drive**
- iii. Subsection 1007.04 – Pedestrian and Bicycle Facilities**
 - a. A-C: General Standards, Design and Requirements
 - b. D-G: Location and Construction of Sidewalks and Pedestrian Paths
 - c. H: Sidewalk and Pedestrian Path Width
 - d. I-N: Accessways, Bikeways, Trails, Bike/Pedestrian Circulation

***Finding:** E. Welches Road is classified as a Minor Arterial street (Comprehensive Plan map 5-4b). Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for minor arterial streets. This Subsection includes roadway development standards, including the layout of new public and county roads, and private roads and access drive development standards. The subject property is accessed by a golf cart path that has a vehicle access point from E. Welches Road; the driveway does not serve any other lot or development. There are no bicycle and pedestrian facilities proposed or necessary to accommodate the proposed upgrades to an existing pump station. The pump station is not open to the public and does not have office space or work space for employees; it is an unmanned facility. The proposed scope of work will not increase the number of vehicle trips generated by the existing public utility facility. The standards of this section have been met, as applicable.*

- iv. 1007.07 Transportation Facilities Concurrency.** Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.

Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner.

Finding: Compliance with 1007.07 is required pursuant to Section 1203.03(C). The applicant is proposing to modify and/or replace portions of an existing development on the same property. The proposed facility upgrades and alterations will not change the volume of vehicular traffic generated by the facility; the property has been used as a pump station for 40 years and the scope of work will not increase the volume of traffic generated by the facility. Therefore, the development is exempt from concurrency requirements. This criterion is met.

- F. **Section 1009 Landscaping.** Section 1009 seeks to ensure that the site is designed with appropriately selected, designed, installed, and maintained landscape materials and that landscaped areas are used for appropriate purposes.

Finding: In the OSM district, there is no minimum landscaped area required by Table 1009-1. Section 1009 includes landscaping standards for improvements such as parking lots, loading areas, recreational areas and various other features that do not exist and are not required for this development. This section is not applicable.

G. **1010 Signs.**

- i. **1010.08 Signs for Institutional Uses.** Pursuant to Section 202, Definitions, a utility facility is an institutional use.

Finding: The application materials submitted by the applicant did not identify any new/proposed signage with the conditional use. Any future signage will require compliance with this section. This subsection is not applicable.

- H. **1015 Parking and Loading.** Section 1015 is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas.

Finding: In case of expansion of a building or use that, prior to the expansion, does not meet the minimum parking space requirements in Table 1015-1 or 1015-2, the minimum number of additional parking spaces required shall be based only on the floor area or capacity added and not the area or capacity existing prior to the expansion.

The South Welches pump station is developed with an existing unstaffed control building with no delineated parking spaces; the control building will not be expanded. Therefore, the development proposal will not require any additional parking. The gravel driveway and maneuvering area will adequately provide off-street parking for occasional maintenance needs of the unstaffed facility. This criteria is met.

- I. **1021 Solid Waste and Recyclable Material Collection.** Outlines the standards for refuse and recycling for institutional developments.

Finding: The requirements and standards of Section 1021 are applicable to this proposal; yet since the development site does not include any administrative office, workshop, or other area for employees to work, it is unlikely that there is any garbage or recycling generated by this development site. Moreover, the South Welches pump station is an unstaffed facility. The primary “development” proposed on the subject property is

the placement of a new generator on a concrete pad and expanding a gravel vehicle turnaround area; this will not generate an increase in waste production. Based on the scope of work of the proposed developed staff can construe that there is no need for solid waste and recycling material collection on site, and therefore compliance with Section 1021 is not applicable.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer concludes that Case No. Z0276-23-C (South Welches Pump Station) should be approved, because the application does or can comply with applicable standards of the Clackamas County ZDO, provided it is subject to conditions that ensure timely compliance in fact with the ZDO and relevant Comprehensive Plan Policies.

E. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves Z0276-23-C (South Welches Pump Station) subject to the following conditions:

Conditions of Approval:

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on July 5, 2023 and additional materials received December 21, 2023. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.
2. The conditional use approval is valid for four (4) years from the date of the final written decision (ZDO 1203.05). If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
 - a. A building permit for a new primary structure that was part of the conditional use approval, or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.

If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension. [Subsection 1203.05(B)]

If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(B), a five-year time extension may be approved pursuant to Section 1310. [Subsection 1203.05(C)]

3. If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void. [Subsection 1203.06]
4. Prior to obtaining any major development permit, the applicant shall obtain a Principal River Conservation Area land use permit for development within 150 feet of the mean high water line of the Salmon River. [Section 704]
5. Prior to obtaining any major development permit or trade permit, the applicant shall provide the Planning and Zoning Division with a stamped elevation plan or elevation certificate by a registered surveyor or engineer, confirming base flood elevation (BFE) is above 1,267' North American Vertical Datum of 1988 (NAVD 88). If the survey or elevation certificate turns out to be below BFE, a Floodplain Development Permit, Type II land use permit, must be obtained. [Section 703, 703.04]
6. Outdoor Lighting: The proposed pole-mounted LED light fixture shall not direct light skyward. It shall direct light downward and shield light. [1005.04]

DATED this 4th day of March 2024.



Joe Turner, Esq., AICP
Clackamas County Land Use Hearings Officer

APPEAL RIGHTS

ZDO 1307.14(D)(6) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be

commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA “shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.” This decision will be “final” for purposes of a LUBA appeal as of the date of mailing (which date appears on the last page herein).