31.3.13 Permits – Particular Uses – Golf Courses. Hallways that are intended for human transit rather than human occupancy need not be counted toward the limit prescribed by OAR 660-033-0130(2)(a) on structures with a "design capacity" no greater than 100 people. *Oregon Coast Alliance v. Curry County*, 73 Or LUBA 52 (2016).

31.3.13 Permits – Particular Uses – Golf Courses. A local government's determination of the design capacity of a locker room that is based on the number of lockers and projected number of golfers using the locker room lockers at one time is supported by substantial evidence in the record where the applicant's architect provides testimony to support the determination. *Oregon Coast Alliance v. Curry County*, 73 Or LUBA 52 (2016).

31.3.13 Permits – Particular Uses – Golf Courses. OAR 660-033-0130(2)(a) excludes structures that are not "enclosed structures" from the required maximum "design capacity" calculation and a county's exclusion of outdoor decks and patios that are not enclosed is consistent with the express language of the rule. *Oregon Coast Alliance v. Curry County*, 73 Or LUBA 52 (2016).

31.3.13 Permits – Particular Uses – Golf Courses. OAR 660-033-0130(20)(a)'s description of a regular 18-hole golf course permitted as a conditional use on EFU-zoned land, as "generally characterized by a site of about 120 to 150 acres of land," does not impose a strict upper limit of 150 acres. *Oregon Coast Alliance v. Curry County*, 71 Or LUBA 297 (2015).

31.3.13 Permits – Particular Uses – Golf Courses. OAR 660-033-0130(2)(a) prohibits certain enclosed structures, including a clubhouse associated with a golf course, with a "design capacity" greater than 100 people, if located within three miles of an urban growth boundary. "Design capacity" denotes the capacity for human occupation that a structure is designed for, not the number of people anticipated to use the structure at any one time. *Oregon Coast Alliance v. Curry County*, 71 Or LUBA 297 (2015).

31.3.13 Permits – Particular Uses – Golf Courses. "Design capacity" as used in OAR 660-033-0130(2)(a), which limits the design capacity of certain structures on EFU-zoned land within three miles of an urban growth boundary, is not the same concept as "maximum occupancy" as that term is used for purposes of fire and safety codes in issuing a building permit for structures. *Oregon Coast Alliance v. Curry County*, 71 Or LUBA 297 (2015).

31.3.13 Permits – Particular Uses – Golf Courses. Structures or portions of a structure that are not intended for human occupancy need not be counted toward the limit prescribed by OAR 660-033-0130(2)(a) on structures with a "design capacity" no greater than 100 people. *Oregon Coast Alliance v. Curry County*, 71 Or LUBA 297 (2015).

31.3.13 Permits – Particular Uses – Golf Courses. Establishing that the "design capacity" of a structure does not exceed the 100-person limit prescribed in OAR 660-033-0130(2)(a) will likely require the testimony of an architect or designer, together with any necessary calculations or explanations regarding the designed capacity of the structure. Remand is necessary where the applicant proposes a 10,000-square-foot golf clubhouse structure with restaurant, lounge, pro shop, etc., but provides no design or other evidence regarding the designed capacity of the clubhouse,

other than testimony that the applicant expects no more than 50 golfers to use the clubhouse at any one time. *Oregon Coast Alliance v. Curry County*, 71 Or LUBA 297 (2015).

31.3.13 Permits – Particular Uses – Golf Courses. Notwithstanding that the record includes no evidence quantifying how much water would be transferred between a ranch and a proposed golf course, a county's finding that the water transfer will not significantly change or increase the cost of farming practices on the ranch is supported by substantial evidence, where the ranch manager testifies that in exchange for transferring water, the applicant will improve the ranch's irrigation system, and the ranch anticipates no change in the amount of irrigation water available or irrigation practices. *Oregon Coast Alliance v. Curry County*, 71 Or LUBA 297 (2015).

31.3.13 Permits – Particular Uses – Golf Courses. Petitioners' argument that a proposed golf course expansion violates Goal 14 because it constitutes an expansion of an urban use onto rural EFU-zoned land provides no basis for reversal or remand, because Goal 14 does not apply to a permit to expand a use allowed in an EFU zone. *DLCD v. Jackson County*, 36 Or LUBA 88 (1999).

31.3.13 Permits – Particular Uses – Golf Courses. Where the county approves a golf course expansion without adopting findings addressing a comprehensive plan provision that prohibits approval of urban uses outside urban growth boundaries, LUBA will remand the decision so that the county can adopt findings addressing whether the subject golf course is "urban" and whether the proposed expansion of the golf course is consistent with the comprehensive plan provision. *DLCD v. Jackson County*, 36 Or LUBA 88 (1999).

31.3.13 Permits – Particular Uses – Golf Courses. Where a code provision requires an applicant for expansion of a golf course on EFU-zoned land to demonstrate that alternative urban sites are not available and an applicant applies to expand an existing golf course, a hearings officer's interpretation of the provision as limiting the requisite alternative site analysis to locations where the existing golf course can expand is reasonable and correct. *DLCD v. Jackson County*, 36 Or LUBA 88 (1999).

31.3.13 Permits – Particular Uses – Golf Courses. Expansion of a golf course is not permitted under OAR 660-33-130(18) exception unless the existing facilities are within the same zone as the proposed expansion. *DLCD v. Jackson County*, 33 Or LUBA 302 (1997).

31.3.13 Permits – Particular Uses – Golf Courses. Limitations in OAR 660-33-120 and 660-33-130 are consistent with ORS 215.283 provision allowing golf courses on exclusive farm use land. *DLCD v. Jackson County*, 33 Or LUBA 302 (1997).

31.3.13 Permits – Particular Uses – Golf Courses. The county properly approved a conditional use permit for a golf course and recreational vehicle campground where it determined the feasibility of compliance with an applicable approval standard and imposed a condition to ensure that compliance. *Just v. Linn County*, 32 Or LUBA 325 (1997).

31.3.13 Permits – Particular Uses – Golf Courses. Where the county interprets "high value farm land" for purposes of its ordinance to mean "predominantly high value farm land," and concludes that because the subject property consists of predominantly non-high value farmland, a golf course

is permitted as a conditional use, LUBA will defer to the county's interpretation of its own code. *Just v. Linn County*, 32 Or LUBA 325 (1997).

31.3.13 Permits – Particular Uses – Golf Courses. Because LUBA's review is limited to the record of an appealed decision, LUBA cannot rely on a determination in another case that a proposed golf course is not a commercial use to support a determination, in the case on appeal, that a proposed golf driving range is not a commercial use. *Moore v. Clackamas County*, 29 Or LUBA 372 (1995).

31.3.13 Permits – Particular Uses – Golf Courses. Findings that an orchard's accepted farming practices have not been significantly affected by trespassing golf balls are supported by substantial evidence where the evidence shows no orchard employees have been hit by golf balls, tree buffers are effective in deflecting golf balls and petitioner's testimony was discredited by video tape of petitioner collecting golf balls on the golf course property. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

31.3.13 Permits – Particular Uses – Golf Courses. Where there is conflicting evidence concerning the effectiveness of a condition requiring golf course closures during spraying operations to avoid significant effects on or cost increases in such spraying, a finding that the condition has been effective is supported by substantial evidence. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

31.3.13 Permits – Particular Uses – Golf Courses. Where the aerial spray applicator formerly used by an orchard will not spray orchards surrounded by a golf course and the only sprayer who will charges 2000 dollars more to do so, the county's findings must explain why this cost increase, viewed cumulatively with any other cost increases attributable to the golf course, is not significant. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

31.3.13 Permits – Particular Uses – Golf Courses. Where an EFU zone allows "golf courses" as a conditional use, it must incorporate the definition of "golf course" in OAR 660-33-130(20) or specify that the rule definition applies. *DLCD v. Douglas County*, 28 Or LUBA 242 (1994).

31.3.13 Permits – Particular Uses – Golf Courses. Where there is no definition of the term "golf course" in the local code, the plain and ordinary meaning of that term as it is defined in the dictionary applies, and a driving range is not the equivalent of a golf course. *DLCD v. Columbia County*, 24 Or LUBA 338 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where there is evidence in the local government record that the number of golf balls claimed to have landed in adjoining orchards is exaggerated, a decision approving a golf course and imposing a condition requiring the planting of trees to contain golf balls on-site and installation of a fence and screen to prevent golfers and golf balls from entering adjoining orchard property, is supported by substantial evidence. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where the aerial application of chemicals on an orchard adjoining a proposed golf course will be rendered more difficult, although possible, in

that at least one aerial sprayer indicates he would be willing to spray the affected orchard, and the decision approving the golf course requires the operator to close the golf course to facilitate such spraying, there is substantial evidence in the record that the golf course will not force a significant change in or significantly increase the cost of aerial spraying of the adjoining orchard. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. A decision that a golf course will not significantly change or increase the cost of ground spraying of an adjoining orchard is supported by substantial evidence, where there is conflicting evidence concerning the magnitude of ground spraying drift expected to travel onto adjoining properties, and the decision imposes a condition requiring that the golf course operator provide monitors to prevent golfers from coming into contact with ground spray drift. *Von Lubken v. Hood River County*, 24 Or LUBA 271 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where the purposes of a county's commercial zones are to provide for retail-oriented needs in areas characterized by good transportation services, and such needs and services are not identified with a particular proposed golf course, the county's interpretation of its own ordinance that the golf course is not a commercial use is not inconsistent with express language of the local ordinance or the ordinance's apparent purpose or policy and will be affirmed. *West v. Clackamas County*, 23 Or LUBA 558 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. In determining whether a proposed golf course on EFU-zoned land satisfies local standards requiring that the golf course be compatible with and not seriously interfere with farm uses, the local government must identify the farm uses in the area and explain how the proposal will be compatible, and not seriously interfere, with the identified farm uses. *Kaye v. Marion County*, 23 Or LUBA 452 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where there is expert evidence in the record that traffic systems in the area are inadequate to serve a proposed golf course, and only conclusory evidence to the contrary, a local government's finding of compliance with a code standard requiring adequate rural facilities to serve the proposed use is not supported by substantial evidence in the record. *Kaye v. Marion County*, 23 Or LUBA 452 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. A local government must determine compliance with a code standard requiring that a proposed golf course will have no significant adverse impact on wildlife. The local government may not leave a determination of compliance with a code approval standard to a state agency. *Kaye v. Marion County*, 23 Or LUBA 452 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where golf courses are listed as conditionally permitted uses in an EFU zoning district, and an applicable code standard requires that proposed golf courses comply with applicable comprehensive plan policies, a county must balance applicable plan policies, and may not focus on particular plan policies to the exclusion of others. *Wells v. Clackamas County*, 23 Or LUBA 402 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where a code standard requires a determination that there is a demonstrated need for a proposed golf course "which outweighs the need for, or benefits of, the existing or potential farm or forest use," the county correctly applied

that standard by determining even though there is a need for more golf courses in the county, the value of the property for farmland outweighs that need. *Barber v. Marion County*, 23 Or LUBA 71 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Where the evidence establishes a reasonable farmer would not significantly change the manner in which the farm is managed due to a proposed golf course, and the opponents' evidence shows only that there is a remote possibility that there could be some impacts from such proposed golf course, the county's determinations that the proposed golf course will not seriously interfere with, force a significant change in, or significantly increase the cost of accepting farming practices in the area, are supported by substantial evidence. *Washington Co. Farm Bureau v. Washington County*, 22 Or LUBA 540 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Under ORS 215.296(1), the burden is on the applicant to show a proposed golf center will force no significant change in accepted farming practices or their cost, and on the county to so find. *Berg v. Linn County*, 22 Or LUBA 507 (1992).

31.3.13 Permits – Particular Uses – Golf Courses. Although the EFU zoning statutes do not establish specific approval standards for golf courses in EFU zones, ORS 215.296(1) establishes standards applicable to nonfarm uses in EFU zones generally, and requires that approval of such uses not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands. *Von Lubken v. Hood River County*, 22 Or LUBA 307 (1991).

31.3.13 Permits – Particular Uses – Golf Courses. The correct way to resolve a conflict between code provisions that (1) specifically allow approval of golf courses in an EFU zone as a conditional use, but (2) establish approval standards for golf courses which make it impossible to ever approve a golf course in the exclusive farm use zone, is to conclude that the approval standards making approval an impossibility were not intended to govern approval of golf courses. *Waker Assoc., Inc. v. Clackamas County*, 22 Or LUBA 233 (1991).

31.3.13 Permits – Particular Uses – Golf Courses. Findings of compliance with a standard that a proposed golf course will not "force a significant change in," or "significantly increase the cost of," accepted farm or forest practices on surrounding lands do not necessarily satisfy a standard that the proposed golf course will not "interfere seriously" with accepted farming practices. *Washington Co. Farm Bureau v. Washington Co.*, 21 Or LUBA 51 (1991).