

1 Opinion by Holstun.

2 NATURE OF THE DECISION

3 Petitioner Kirpal Light Satsang¹ appeals the county's
4 denial of a conditional use permit to allow construction of a
5 private boarding school for kindergarten and elementary school
6 students.

7 MOTION TO INTERVENE

8 Roseburg Resources, Coalition for the Preservation of Rural
9 Community Life and John and Pamela Thennes move to intervene on
10 the side of respondent in this proceeding. There is no
11 opposition to the motion, and it is allowed.

12 FACTS

13 The proposed Lighthouse School would be located on a 2.5
14 acre portion of a 305 acre parcel in the county's Farm-Forest
15 (FF) zone. The school proposal includes a multipurpose
16 building, classroom building, two student dormitories, and
17 three staff housing modules."² Record 875-887.

18 When petitioner purchased the property in May 1987 for
19 \$300,000, private schools were a permitted use in the FF zone.
20 On September 2, 1987, petitioners filed with the county a
21 "Planning and Sanitation Clearance Worksheet for
22 Construction".³ Record 873. On that date petitioner also
23 submitted a document entitled "USE PERMIT APPLICATION FOR
24 KIRPAL LIGHT SATSANG INC. LIGHTHOUSE SCHOOL," with a number of
25 supporting documents.⁴ Record 874-892.

26 On September 9, 1987, the county amended its land use and

1 development ordinance (LUDO) to make private schools a
2 conditional use rather than a permitted use in the FF zone. By
3 letter dated September 11, 1987, the county planning department
4 stated it received the planning clearance worksheet and
5 supporting data submitted by petitioner on September 2, 1987
6 and requested that the applicant submit additional
7 information. The county specifically requested information to
8 establish whether the proposed school would meet Oregon Board
9 of Education standards. The planning department also advised
10 petitioners of the September 9, 1988 LUDO amendments and stated
11 petitioner's application would be "subject to the requirements
12 of the conditional use process." Record 854.

13 On November 23, 1987, petitioner submitted a document
14 entitled "PERMIT APPLICATION FOR KIRPAL LIGHT SATASANG INC.
15 LIGHTHOUSE SCHOOL." Record 698. Attached to that document was
16 a completed conditional use permit application form and a
17 number of supporting documents.⁵

18 On December 7, 1987, the county planning department gave
19 notice of a public hearing before the planning commission on
20 the requested conditional use permit. According to the notice,
21 the matter was being referred to the planning commission for
22 public hearing in accordance with LUDO Section 2.100.3.⁶

23 At the February 18, 1988 hearing before the planning
24 commission, petitioner contended it was entitled to have its
25 proposed boarding school approved under the LUDO approval
26 standards as they existed before the September 9, 1987

1 amendment, i.e., as a permitted use rather than a conditional
2 use. The planning department staff recommended that "the
3 application"⁷ be denied on the basis that the proposal
4 violated several conditional use and Douglas County
5 Comprehensive Plan (plan) approval standards applicable under
6 the amended LUDO.

7 At an April 7, 1988 hearing before the planning commission,
8 the planning staff disputed petitioner's position that the pre
9 September 9, 1987 LUDO approval standards should apply. The
10 staff argued there had been no formal request for approval
11 prior to September 9, 1987, and any request made had "never
12 [been] logged as a qualified or valid application * * * [or]
13 entered into the county's building permit review process
14 records."⁸ Record 535.

15 On June 24, 1988, the planning commission issued its
16 written decision in which it applied the conditional use
17 substantive standards and denied the application. Record
18 330-362. On July 5, 1988, petitioner appealed the planning
19 commission's denial to the board of county commissioners,
20 alleging as error the planning commission's failure to apply
21 the applicable LUDO substantive standards as they existed prior
22 to the September 9, 1988 amendments. Petitioner also alleged
23 as error the planning commission's failure to approve the
24 application under the conditional use standards.⁹ Record
25 216-310.

26 On August 23, 1988, the board of county commissioners

1 denied all of petitioner's assignments of error and entered its
2 final order denying the application on September 14, 1988.

3 This appeal followed.

4 FIRST THROUGH FIFTH ASSIGNMENTS OF ERROR

5 Petitioner's first five assignments of error are all based
6 on the claim that the county was required to apply the pre
7 September 9, 1987 LUDO standards to petitioner's proposal. In
8 its first three assignments of error, petitioner alleges the
9 board of commissioners erred by applying the post September 9,
10 1987 LUDO approval standards applicable to schools in the FF
11 Zone, rather than the pre September 9, 1987 standards. In its
12 fourth assignment of error, petitioner argues the county
13 erroneously determined the issue of applicability of the pre
14 September 9, 1987 LUDO standards was not properly before it.
15 Under the fifth assignment of error, petitioner contends the
16 county erred in failing to sustain its first 30 assignments of
17 error below "on the ground that the planning commission had
18 erroneously applied substantive standards and criteria not
19 applicable under former LUDO [section], and * * * in repeating
20 the same error itself." Petition for Review 24.

21 A. Characterization of the September 2, 1987 Application

22 ORS 215.402(4) defines a "permit" as "discretionary
23 approval of a proposed development of land under ORS 215.010 to
24 215.438 or county legislation or regulation adopted pursuant
25 thereto." Under ORS 215.428(1), unless certain exceptions
26 apply, the county must act on a permit application "within 120

1 days after the application is deemed complete." ORS 215.428(3)

2 then provides:

3 "If the application was complete when first submitted
4 or the applicant submits the requested additional
5 information within 180 days of the date the
6 application was first submitted and the county has a
7 comprehensive plan and land use regulations
8 acknowledged under ORS 197.251, approval or denial of
9 the application shall be based upon the standards and
10 criteria that were applicable at the time the
11 application was first submitted." (Emphasis added.)

12 Petitioner argues the documents it submitted on
13 September 2, 1987 constituted an application for a permit
14 within the meaning of ORS 215.402 through 215.428.¹⁰
15 Petitioner also argues all information requested by the county
16 was submitted on November 23, 1987, well within the 180 days
17 specified in ORS 215.428 to make the application complete.
18 Therefore, according to petitioner, the county was required to
19 apply the pre September 9, 1979 LUDO standards in making the
20 appealed decision.

21 We need not and do not decide whether petitioner is correct
22 in its argument that it filed a completed "application" for a
23 "permit" on September 2, 1987, as those terms are defined and
24 used in ORS 215.402(4) and ORS 215.428.¹¹ If petitioner is
25 incorrect in its characterization of the September 2, 1987
26 application, the arguments provided by petitioner under this
assignment of error provide no basis to find that the county
erred by applying the post September 9, 1979 LUDO standards in
making its decision.¹² On the other hand, even if petitioner
is correct in its characterization of the September 2, 1987

1 application, our view of the nature of the county's decision
2 appealed does not lead us to conclude the county incorrectly
3 applied its LUDO standards to the September 2, 1987 application.

4 B. Nature of the County's Decision

5 In petitioner's view, Douglas County conducted one,
6 continuous proceeding which led to the board of commissioners'
7 decision to deny a conditional use permit for petitioner's
8 proposed school. Petitioner argues the proceeding commenced on
9 September 2, 1987, with its application for planning and
10 sanitation clearance. In other words, petitioner argues there
11 was one application, one proceeding, one final decision, and
12 one record leading to this appeal, an appeal in which all
13 procedural and substantive issues concerning the final county
14 decision (as well as interlocutory decisions) can be reviewed
15 by LUBA under ORS 197.805 through 197.855.¹³

16 In the county's and intervenors-respondent's (respondents')
17 view, the decision reached by the board of commissioners was
18 the final decision in a proceeding that commenced on November
19 23, 1987, with the submission of petitioner's conditional use
20 permit application and supporting documents. In their view,
21 whatever became of the September 2, 1987 planning clearance
22 worksheet,¹⁴ it was not part of the November 23, 1987
23 conditional use permit application, and it was not before the
24 planning commission or board of commissioners when they made
25 the decision challenged in this appeal. Therefore, respondents
26 argue, no county decision on the merits of the September 2,

1 1987 planning clearance worksheet is before LUBA.¹⁵

2 We believe the document critical to determining the nature
3 of the appealed county decision is the September 11, 1987
4 letter from the county to petitioner.¹⁶ In the first three
5 paragraphs of that letter, see n 16, supra, the county clearly
6 acknowledges receipt of the planning clearance worksheet and
7 clearly states that additional information to determine whether
8 applicant's proposal constitutes a "school" and whether the
9 buildings proposed are "essential to the operations of the
10 school" will be required.

11 The fourth and fifth paragraphs advise petitioner of the
12 September 9, 1987 amendments to the LUDO and advise petitioner
13 that a conditional use permit application will be required, and
14 provide additional information concerning conditional use
15 permit requirements. However, what paragraphs four and five do
16 not do is clearly state a county position on the legal status
17 of the September 2, 1987 application.

18 Petitioner argues the letter is at best ambiguous about how
19 the county was proceeding and whether it considered the
20 September 2, 1987 application to remain before the county for
21 action. Petitioner points to language in the letter supporting
22 its view that the September 2, 1987 application remained before
23 the county and that the county simply was requiring petitioner
24 to supplement the September 2, 1987 application. The language
25 cited by petitioner is as follows:

26 "Your application [presumably the September 2, 1987

1 application], therefore, is subject to the
2 requirements of the conditional use process. In order
3 to continue processing your worksheet, you will need
to file a conditional use permit application with our
office." (Emphasis added.) Record 854.

4 Although petitioner submitted the information requested in the
5 September 11, 1987 letter, including the conditional use permit
6 application, petitioner argues it only meant to subject itself
7 to the procedure imposed for approval of conditional uses.

8 Petitioner argues it never agreed to be judged by the more
9 stringent substantive approval criteria applied to conditional
10 uses. Citing our recent case in Territorial Neighbors v. Lane
11 County, ___ Or LUBA ___ (LUBA No. 87-083, April 28, 1988),
12 petitioner argues the requirement in ORS 215.248(3) that the
13 LUDO approval standards existing on September 2, 1987 apply is
14 a statutory requirement, not a requirement that private parties
15 and the county can waive or choose to ignore.

16 Respondents argue the September 11, 1987 letter denied the
17 September 2, 1987 application. Respondents further argue that
18 whether the September 11, 1987 decision to deny petitioner's
19 September 2, 1987 request is viewed as a ministerial or a
20 quasi-judicial decision, it is not properly before LUBA in this
21 proceeding. Respondents argue that if the decision is viewed
22 as ministerial, any remedy petitioner may have lies in Circuit
23 Court pursuant to ORS 197.015(10)(b) and 197.825(4)(a). If the
24 decision was quasi-judicial, respondents argue that any right
25 to appeal the September 11, 1987 letter to this Board has
26 expired.

1 Respondents further note that the planning director's
2 referral of the November 23, 1987 application to the planning
3 commission was pursuant to LUDO 2.060.4.f and 2.100.3.¹⁷
4 Respondents argue the LUDO does not provide for referral of
5 planning clearance worksheets and the notice refers only to the
6 conditional use permit. Respondents argue it is clear,
7 therefore, that the planning commission and board of
8 commissioners only had jurisdiction to consider the November
9 23, 1987 conditional use permit application.

10 In our view, assuming the September 2, 1987 submittal was
11 an application for a permit subject to ORS 215.428, the
12 September 11, 1987 letter is not sufficient to constitute a
13 denial of the application. The letter is equivocal and does
14 not state that it is a final decision denying the September 2,
15 1987 application. The letter provides no notice of local
16 appeal rights or rights of appeal to this Board. If the county
17 by its September 11, 1987 letter intended to render a final
18 decision denying the September 2, 1987 application, it did not
19 do so with sufficient clarity.

20 However, although we do not view the September 11, 1987
21 letter as a final decision denying the September 2, 1987
22 application, neither do we read that letter in the same way as
23 petitioner. We do not read that letter to state the county was
24 proceeding to consider the September 2, 1987 application and
25 was simply requesting additional information in the form of a
26 conditional use permit application. While the letter certainly

1 could have have been clearer, we believe the letter invites
2 petitioner to submit additional information and a new
3 application for a conditional use permit. The conditional use
4 application filed by petitioner on November 23, 1987 is,
5 therefore, a separate application for land use approval.¹⁸

6 Because we agree with respondents that only the
7 November 23, 1987 conditional use permit application, and not
8 the September 2, 1987 application, was before the planning
9 commission and board of commissioners for review, we conclude
10 the county correctly rejected petitioner's arguments that it
11 must apply the pre September 9, 1987 LUDO standards to the
12 application before it. Accordingly, petitioner's first five
13 assignments of error are denied.¹⁹

14 SIXTH ASSIGNMENT OF ERROR

15 Under its sixth assignment of error, petitioner argues the
16 county erroneously concluded petitioner waived its right to
17 have its September 2, 1987 application acted upon under pre
18 September 9, 1987 LUDO approval criteria.

19 During legislative hearings that preceeded the county's
20 September 9, 1989 adoption of amendments to the LUDO,
21 representatives of petitioner appeared and stated they
22 supported the changes and "have submitted their application
23 under the process used for a conditional use permit." Record
24 371-372.

25 Respondents argue these statements constitute a waiver of
26 any right petitioner may have had to claim its September 2,

1 1987 application must be processed under pre September 9, 1987
2 LUDO approval standards. See Newcomer v. Clackamas County, 92
3 Or App 174, 186, ___ P2d ___, modified 94 Or App 33, (1988).

4 We have already determined that the September 2, 1987
5 application was not before the county board of commissioners
6 and, therefore, it lacked jurisdiction to consider petitioner's
7 arguments concerning that application. Thus, the board of
8 commissioners' additional finding that petitioner waived its
9 right to have the September 2, 1987 application reviewed under
10 the pre September 9, 1987 LUDO standards was not necessary to
11 support the board's decision. Accordingly, the finding
12 provides no basis for remand, even if it is erroneous. Cf.
13 Bonner v. City of Portland, 11 Or LUBA 40, 52 (1984) ("If a
14 finding is not critical to a land use decision, whether or not
15 it is supported by substantial evidence is of no consequence.").

16 The sixth assignment of error is denied.

17 EIGHTH ASSIGNMENT OF ERROR²⁰

18 In its eighth assignment of error, petitioner argues the
19 county improperly determined that petitioner had not
20 sufficiently developed local assignments of error 32-142 by
21 setting forth the specific grounds for board review as required
22 by LUDO Section 2.500.5.c.

23 LUDO Section 2.500.5.c requires that a notice of appeal to
24 the board of commissioners include the "specific grounds relied
25 upon in the petition request [sic] for review * * *." The
26 county determined that petitioner's bracketing of its proposed

1 findings did not constitute sufficient notice of "specific
2 grounds" as required by LUDO Section 2.500.5.c.

3 Although we have some appreciation for the enormous task
4 confronting a petitioner challenging a local government's
5 denial of its requested approval, we agree with the county that
6 in this case petitioner's bracketing of its proposed findings
7 was insufficient to specify the "specific grounds" petitioner
8 relied upon for review under LUDO Section 2.500.5.c. Although
9 bracketing the proposed findings may be adequate to give the
10 county a general idea of what the nature of petitioner's
11 complaint may be, the county is entitled under ORS 215.422(1)
12 to adopt procedures requiring persons pursuing local appeals of
13 land use decisions to state more precisely the nature of their
14 objections. Cf. City of Beaverton v. Washington County, 7 Or
15 LUBA 121, 127 (1983) (upholding county interpretation of its
16 development ordinance to require dismissal of a local appeal
17 where the filing fee was not timely filed).

18 The eighth assignment of error is denied.

19 The county's decision is affirmed.

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1 FOOTNOTES

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4 According to petitioner:

5 "Kirpal Light Satsang is a worldwide spiritual and social
6 service organization. Members come from all walks of
7 life. They are not asked to leave their religion but
8 rather to practice, on a daily basis, the ideals expressed
9 in their own faith.

10 ** * * * *

11 "Kirpal Light Satsang is not allied with any particular
12 religion of the east or the west, though its founder, Sant
13 Thakar Singh lives in India. His message advocates a
14 living faith of direct revelation based in daily practice
15 of the presence of God and love of Christ. The precepts of
16 his philosophy are central to all religions: to love * * *
17 the common Father of humanity with all one's heart, mind
18 and strength; to love one's neighbors as oneself, and to
19 love one's enemies * * *." Petition for Review App 257-258.

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24 According to petitioner:

25 "It is a tenet of Kirpal Light Satsang's faith that living
26 in a natural, rural environment is an important adjunct to
spiritual life, and a primary requirement for the education
of children. This belief includes a diet of fresh,
uncooked and unprocessed lacto-vegetarian foods consumed
directly from the land. Secondly, Kirpal Light Satsang
believes that student [sic] experience greater benefit, and
progress at a faster rate academically, in a farm
environment." Petition for Review n 3.

27 "The school curriculum combines the practical working
28 experience of farming, forestry, and other vocational
29 skills, with quality academics. Its goal [sic] support
30 conservation of the rural environment." Petition for
31 Review App 257.

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34 The clearance worksheet submitted by petitioner is a one
35 page form containing three sections. The first section
36 provides space for the applicant to provide information. The
second and third sections provide space for the planning and
sanitation departments to provide information. There is a

1 space for the planning department to indicate the date of, and
2 person granting, clearance. There is a note at the bottom of
3 the form stating "planning approval shall be valid for one (1)
4 year from the date of clearance." Record 873. Only the
5 information to be provided by the applicant is completed on the
6 clearance worksheet in the record. Id.

7 Although the planning and sanitation clearance is not
8 mentioned in the Douglas County Land Use and Development
9 Ordinance (LUDO), the county advised the Board at oral argument
10 that the clearance is required by the county in order to secure
11 a building permit for a use permitted outright.

12 In a letter dated August 17, 1987 addressed to petitioner,
13 the county advised petitioner in part:

14 "A private school is permitted within the zoning
15 regulations as long as it meets the definition of
16 private school and the accessory uses are customary
17 and subordinate to the school. Although the use is
18 permitted, building permits and planning clearances
19 are required prior to construction of the school or
20 remodeling of existing buildings." (Emphasis added).
21 Record 853.

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24 The supporting documents include: (1) a plot plan,
25 (2) a letter explaining proposed uses and justification
26 for the uses, (3) a resource management plan, (4) a
completed resource management plan questionnaire and (5) a
copy of the August 17, 1987 letter to petitioner, see n 3,
supra.

27 _____
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29 In addition to the conditional use permit application,
30 the following supporting documents were included:

31 "2. Plot plan and plot plan enlargement.

32 "3. Cover letter providing justification of proposed
33 uses.

34 "4. Resource management plan.

35 "5. Resource management plan questionnaire.

36 "6. Review of the laws that define private schools in
Oregon.

1 "7. Copy of a letter from the Children's Services
2 Division finding the plans for the Lighthouse
3 School adequate for the design and purpose of the
4 school.

5 "8. Statement of philosophy, goals and methods.

6 "9. Proof of Oregon corporate registration.

7 "10. Aerial photograph of proposed school site."
8 Record 698.

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LUDO Section 2.100.3 provides in pertinent part:

"If the application does not meet the criteria or if
written objections are received, or if the applicant
or the Director so desires for any reason, the
director may schedule any application [for Planning
Director approval of an administrative action] for
public hearing before the Hearings Officer or
Commission, [and] the Hearings Officer or Commission
shall hear and decide the matter * * *."

7

What constitutes "the application" is the critical issue in
this case. We address this issue in our discussion of the
first five assignments of error, infra.

8

The staff also stated that under LUDO Section 1.040.1,
1.040.2 and 3.52.025, zoning violations existing on
petitioner's property would have precluded further processing
of the worksheet. Staff contended it "either returned the
[petitioner's] application to those who submitted it or
destroyed it." Intervenor's Brief 7, n 4.

9

Petitioner alleged a total of 128 assignments of error.

10

Petitioner argues the pre September 9, 1987 LUDO specified
as a permitted use in the FF zone:

"public or private schools, including all buildings
essential to the operation of a school."
LUDO Section 3.5.050(6).

1 Petitioner argues the question of whether its proposal
2 constitutes a "school" and whether the buildings proposed were
3 "essential to the operation of the school" requires the county
4 to exercise the kind of discretion the Court of Appeals
5 determined in Doughton v. Douglas County, 82 Or App 444, 728
6 p2d 887 (1986) to result in "discretionary approval" under
7 ORS 215.402(4). Therefore, petitioner argues, his worksheet
8 application for planning and sanitation clearance, and
9 ultimately a building permit, was an application for a permit
10 within the meaning of ORS 215.402(4).

11

12 See discussion of April 7, 1988 planning staff response and
13 n 7, supra.

14

15 Petitioner cites statutory, constitutional and other
16 authority that either proscribe or limit the ability of
17 government to adopt retroactive legislation. If petitioner did
18 not file an application until November 23, 1987, application of
19 the September 9, 1987 LUDO amendments to the application would
20 not constitute retroactive application of those amendments.

21 We understand all of petitioner's claims that the county's
22 action in this matter violated rights protected by the U.S. and
23 Oregon constitutions to be based on petitioner's view that the
24 county applied the subjective standards applicable to
25 conditional uses retroactively to the September 2, 1987
26 application. To the extent petitioner may argue application of
those conditional use standards prospectively to petitioner's
November 23, 1987 conditional use permit application would
violate one or more rights guaranteed under the U.S. or Oregon
constitution, those arguments are insufficiently developed for
us to sustain any of the first five assignments of error.
Constant v. Lake Oswego, 5 Or LUBA 311, 327 (1982).

13

14 ORS 215.416(2) expresses a legislative policy in favor of
15 providing the option for a consolidated proceeding for review
16 of requests for development approval. In addition,
17 ORS 197.015(10) requires that land use decisions be "final"
18 decisions and ORS 197.825(2)(a) requires that petitioners to
19 LUBA first exhaust local administrative remedies. These
20 statutes all are compatible with petitioner's view that land
21 use laws favor a single, local review proceeding concluding in
22 a final decision that can be appealed to LUBA for speedy review
23 without the delays that may result from separate appeals of
24 interlocutory decisions.

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The parties advise the Board that a mandamus proceeding is pending before the Douglas County Circuit Court concerning the September 2, 1987 application, and that the Circuit Court proceeding has been stayed pending our decision. No party has provided the pleadings in that proceeding or requested that this Board take official notice of those pleadings.

15

Implicit in respondents' argument is the position that not all requests for land use approval need be considered in continuous or consolidated proceedings leading to a single land use decision by the county. Although ORS 215.416(2) directs counties to "establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project," that section also makes clear the consolidated proceeding is to be made optional and need not be adopted until the county's first periodic review under ORS 197.640. Notwithstanding the benefits that may attend a consolidated review proceeding leading to a single final decision, land development projects can result in more than one land use decision. Hemstreet v. City of Seaside, ___ Or LUBA ___ (LUBA No. 87-094, April 22, 1988) slip op 6-10; Tides Unit Owners Assoc. v. City of Seaside, 11 Or LUBA 84, 90 (1984).

There are practical considerations that may favor a land use decision making process with multiple final decisions. For example, a developer may want to be assured of a favorable decision on needed rezoning or plan amendments, and expiration of appeal periods for such decisions, before developing costly engineering or architectural plans and specifications needed for design review or other approvals. In our view, the statutes allow local governments to pursue either a continuous/consolidated proceeding leading to a single decision or a more fragmented process resulting in more than one separately appealable decision. The fact that both approaches are permissible need not result in confusion as long as the local government makes clear which approach is being followed, either at the time application is made or in its communications with the applicant and other parties after a permit application is filed.

16

That letter states, in pertinent part:

1 "We have on file a planning worksheet clearance which
2 you submitted September 2, 1987. The application was
3 accompanied by supporting data on your project. In
the Department's review, several questions arose as to
the proposed use meeting the definition of a school.

4 "We are requesting written verification from the
5 Oregon Department of Education that the proposed
6 Lighthouse School meets the Oregon Board of Education
Standards. We feel this is necessary to provide
evidence that the proposal meets our definition for a
private school.

7 "The worksheet did not contain specific square footage
8 for the school buildings and staff housing units.
9 There is a question as to the appropriateness of guest
10 housing which would include remodeling of two existing
11 homes and new dwelling units. In addition, the
12 provision of a staff of 12 for 30 students may be more
13 than customarily provided. The requirements of the
Ordinance provide that the accessory structures must
have a finding that they are 'essential to the
operations of the school.' The information supplied
with the worksheet does not contain sufficient data
for such a determination to be made. Therefore, the
worksheet cannot be approved as submitted.

14 "The Board of Commissioners adopted amendments to the
15 Land Use and Development Ordinance on September 9,
16 1987, which required schools and churches in the
Agricultural and Farm Forest zones to be considered a
17 conditional use. Your application, therefore, is
subject to the requirements of the conditional use
18 process. In order to continue processing your
worksheet, you will need to file a conditional use
19 permit application with our office. Please schedule a
pre-application conference, which can be made by
20 appointment (440-4289), during which the conditional
use process will be explained, as well as the
application form.

21 "The CUP review will require much of the same
22 information outlined previously. You will need to
23 discuss staff housing, specifics on square footage of
units, review of appropriateness of a guest house,
24 specifications of cafeteria and recreation building,
description of the school site (size), analysis of
25 student teacher ratio and support personnel, and
relationship of your resource management plan to the
school." Record 854-855.

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LUDO Section 2.060.1 gives the planning director authority to review and approve or deny administrative actions. As noted earlier in this opinion, conditional uses are one of the listed administrative actions the planning director has authority to approve or deny, but planning clearances or worksheets are not specified. LUDO Section 2.060.1.i. LUDO Section 2.060.4.f gives the planning commission authority to hear matters referred to the planning commission under LUDO Section 2.100.3. Under LUDO Section 2.100.3, the planning director may refer an application under LUDO Section 2.060.1 to the planning commission for any reason. See n 6, supra.

18

We note the documents filed by petitioner on November 23, 1987 address some of the substantive conditional use criteria petitioner argues did not apply to its September 2, 1987 application by virtue of ORS 215.428(3).

19

Because we conclude neither the September 11, 1987 letter nor the final decision at issue in this appeal rendered a final decision on the September 2, 1987 application, as far as we can tell the county has never rendered a final decision on that application.

20

The seventh assignment of error was withdrawn by petitioner prior to oral argument.