



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol St NE Ste 150

Salem, OR 97301-2540

Phone: (503) 373-0050

Main Fax: (503) 378-6033

Director's Office Fax: (503) 378-5518

Measure 49 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

December 7, 2010

Linn County Board of Commissioners
Room 114, Linn County Courthouse
Albany, OR 97321



SUBJECT: PD08-0019 Linn County RV Park Reapplication

Dear Commissioners,

The department has reviewed the revised proposal referenced above, which was submitted in response to the LUBA remand to Linn County of June 9, 2010 (LUBA No. 2010-006). The department was a party to the LUBA proceedings, having submitted a state agency brief on the matter.

The Linn County Parks and Recreation Department has modified its original proposal to delete the camp store(s), clubhouse(s) and individual sewer hookups to RV campsites. The proposal continues to permit individual electrical and water hookups. Linn County Parks supports its position by arguing that, in its ruling, LUBA did not state that partial, limited RV hookups are prohibited. Linn County Parks also maintains that the provision of water and electric service to individual RV campsites does not rise to a level of intensity that requires a Goal 3 exception.

The department disagrees with these interpretations of Goal 3 and the Goal 3 implement rules. LUBA ruled that "full hookups" at individual RV campsites are not allowed in response to the original proposal. In its ruling, LUBA explained that the Goal 3 rule regarding *private* parks and campgrounds provides relevant context for this application for a *public* park facility. OAR 660-033-0130(19)(b) states that "[s]eparate sewer, water or electric hook-ups shall not be provided to individual camp sites * * *." The intent of this rule is that *each* of these services is prohibited at individual campsites unless an exception to Goal 3 is taken.

As a result, we recommend that the proposal in its current form must be denied.

Please let me know if I can provide any further information or assistance.

Sincerely,

Katherine Daniels
Farm and Forest Lands Specialist

Cc: Kyleen Stone, OPRD



Lindsey, John

From: Snyder, Bekkie
Sent: Tuesday, December 07, 2010 1:36 PM
To: Lindsey, John; Tucker, Will; Nyquist, Roger
Subject: FW: DLCD Park Hearing Comments

FYI

Bekkie Snyder
Senior Administrative Assistant
Linn County Board of Commissioners
(541)967-3825
bsnyder@co.linn.or.us

-----Original Message-----

From: Wheeldon, Robert
Sent: Tuesday, December 07, 2010 1:35 PM
To: Carroll, Brian; Todd Sadlo (TSadlo@aol.com)
Cc: Snyder, Bekkie; Corr, Tom
Subject: DLCD Park Hearing Comments

The attached comments from DLCD were received in the Planning and Building Department office before 12:00 noon, Tuesday, December 07, 2010.

It appears DLCD is arguing that because provision of water and electrical service in a private park requires a Goal 3 exception, a Goal 3 exception is also required in a public park?

Todd: Is that what she is saying?

Robert Wheeldon, Director
Linn County Planning & Building Dept.
541-967-3816, EXT 2075
rwheeldon@co.linn.or.us