



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Hybrid Meeting Judge Guy Boyington Building, 857 Commercial St., Astoria
Via Zoom

Tuesday, April 09, 2024 at 10:00 AM

Planning Commission Regular Hybrid Zoom Meeting

ZOOM Meeting Instructions

FLAG SALUTE

CALL MEETING TO ORDER

ROLL CALL

ADOPT AGENDA

BUSINESS FROM THE PUBLIC: This is an opportunity for anyone to give a brief presentation about any land use planning issue or county concern that is not on the agenda.

PUBLIC HEARINGS

- [1.LAWDUC Code Amendment GEO Hazard Report Requirements Ord. 24-12](#)

CAOS PROJECT DISCUSSION

- [2.CAOS Project: Article 2, Part 2](#)
- [3.CAOS Project: Article 3, Part 1](#)

PROJECT STATUS REPORT

- [4.April 2024 Project Status Report](#)
- [5.FY 23/24 Work Plan Q3 Update](#)

DIRECTOR'S REPORT

- [6.April 2024 Director's Report](#)

GOOD OF THE ORDER

ADJOURN

NOTE TO PLANNING COMMISSION MEMBERS: Please contact the Community Development Department (503-325-8611) if you are unable to attend this meeting.



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.clatsopcounty.gov

Clatsop County Planning Commission Regular Hybrid Zoom Meeting Instructions

To join the meeting from your computer, tablet or smartphone:

Hi there,

You are invited to a zoom webinar.

WHEN: April 09, 2024 10:00 AM Pacific Time (US and Canada)

TOPIC: Planning Commission Monthly Meeting

Please click the link below to join the webinar:

<https://co-clatsop-or-us.zoom.us/j/83932736797?pwd=WFJePkI6GtLHn9X65CJ98MITFCwVuw.ktR3J85BQYT5EiEk>

PASSCODE:000068

Dial by your location: 1 253 215 8782 US

Webinar ID: 839 3273 6797

Those wishing to provide testimony on public hearings or provide oral communication at the designated time must register in advance by calling 503-325-8611 or emailing comdev@clatsopcounty.gov. You will be notified when your three-minute presentation is scheduled. Comments may also be submitted via email to comdev@clatsopcounty.gov to be read at the meeting.



Clatsop County – Land Use Planning

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TO: Planning Commission Members

FROM: Jay Blake, Planning Department Manager

DATE: April 9, 2024

RE: **GEOTECHNICAL REPORT PREPARATION**

This items was postponed to the April PC meeting.

Based on direction from the Planning Commission at the January 9, 2024 meeting, staff has prepared Draft Ordinance 24-12. The Department of Land Conservation and Development (DLCD) notification was submitted on January 29, 2024. See attached red-lined document.

Project Background:

Section 5.3025, LAWDUC, provides specifications for geotechnical report requirements. Currently, this section of code requires geotechnical reports to be prepared by either a certified engineering geologist or a registered professional geologist. When staff drafted initial amendments to Section 5.3000 to updates maps, include exemptions to the requirement for a geotechnical report and other revisions, staff proposed broadening the list of qualified professionals who could prepare a report. These original amendments were removed from consideration in 2022 due to concerns raised about the accuracy of DOGAMI's LiDAR mapping.

In 2023, staff prepared an ordinance to create exemptions to the geotechnical report requirement and to extend the validity of geotechnical reports from two years to five years. Those amendments were approved by the Board of Commissioners on August 23, 2023. Inadvertently, however, staff did not address the list of qualified professionals in Section 5.3025. Due to the small number of certified engineering geologists or registered professional geologists in the Clatsop County area, it can be difficult, expensive, and time-consuming for property owners to find and hire one of these professionals to complete a geotechnical report. Revising the list of qualified professionals would expand the list of options available to property owners and possibly reduce the time and cost associated with obtaining these reports.

The attached draft ordinance broadens the list of professionals to include geotechnical engineers and professional engineers, while still focusing on preventing loss of life and property, as required by Statewide Goal 7: Natural Hazards. At this time, no revisions to the DOGAMI Bulletins 74/79 maps are being considered as part of this project.

For project information and updates, visit us on the web!

www.co.clatsop.or.us/landuse

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP**

In the Matter of:

An Ordinance amending the Clatsop County *Land and Water Development and Use Code* clarifying requirements for a geologic hazard report and expanding the list of professionals qualified to prepare the reports

ORDINANCE NO. 24-12

Doc # _____

Recording Date: _____

RECITALS

WHEREAS, Statewide Planning Goal 7 requires that Clatsop County regulate development in identified geologic hazard areas; and

WHEREAS, the Clatsop County Land and Water Development and Use Code (LAWDUC) regulates such development through Section 5.3000 Geologic Hazards Overlay District; and

WHEREAS, Land Use Planning staff has reviewed statewide requirements for qualifications to prepare Geologic Hazard Reports as outlined in LAWDUC Section 5.3025; and

WHEREAS, the Oregon State Board of Geologist Examiners publication “Guidelines for Preparing Engineering Geologic Reports” creating best practices for the preparation of geologic hazard reports; and

WHEREAS, the proposed LAWDUC amendments would amend Section 5.3000 to clarify the individuals who may prepare a Geologic Hazards Report and provide consistent formats for said reports; and

WHEREAS, the Planning Commission conducted a public hearing and provided a recommendation to the Board of Commissioners on March 12, 2024; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission’s recommendations on these proposed amendments.

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION

The Board of County Commissioners hereby adopts amendments to the Clatsop County *Land and Water Development and Use Code* as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

SECTION 2. SEPARABILITY

Ordinance 24-12

1st Public Hearing: April 24, 2024

2nd Public Hearing: May 8, 2024

Agenda Item # 1.

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The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. CONFORMANCE OF STATE LAW

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. APPLICABILITY

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect on the 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(2) of the Home Rule Chapter for the Government of Clatsop County.

Approved this _____ day of _____, 2024

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____
Mark Kujala, Chair

Date _____

By _____
Theresa Dursse, Recording Secretary

First Reading: April 24, 2024
Second Reading: May 8, 2024
Effective Date: June 7, 2024, 2024

EXHIBIT 1

- A. *** Indicates that non-revised language was not included. Used for document brevity.
- B. Underlined text indicates new language proposed to be added
- C. ~~Strikethrough~~ text indicates text that is proposed for deletion

Ordinance 24-12

1st Public Hearing: March 27, 2024

Ag: April 10, 2024

Agenda Item # 1.

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Section 5.3015. Geologic Hazard Permit Requirements

All persons proposing any activity requiring a development permit on property located in potentially hazardous areas identified in Section 5.3010 shall obtain a geologic hazard permit.

- 1) Application for a geologic hazard permit shall be on forms provided by the County and shall include a geotechnical report prepared in conformance with the requirements of Section ~~5.3020~~ 5.3025.
- 2) Before a development permit can be issued, the geotechnical report must be approved as part of the development permit approval process.
 - a. Where a geotechnical report recommends that additional site investigations, such as borings or test pits, are undertaken, application for geologic hazard permit will be deemed incomplete until the results of those investigations have been provided to the County.
 - b. Where an application is made for a conditional use permit, a variance, a subdivision, a partition, or a planned development located in an area identified in Section 5.3010, a geotechnical report in conformance with Section ~~5.3020~~ 5.3025 shall be prepared. The Director may also require a geotechnical report in conjunction with a proposed zone change.
- 3) Application for a geologic hazard permit may be made concurrently with an application for a development permit. 4) The approved site investigation report shall be referred to in deed and other documents of sale and shall be recorded with the record of deeds.

Section 5.3025 Geotechnical Report Requirements [ORD. 23-12]

~~For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall be prepared by a certified engineering geologist or a registered professional geologist. If a geotechnical report is prepared by a geologist and structural recommendations are incorporated into that report, those recommendations, must be made in consultation with an engineering geologist, structural engineer, or civil engineer.~~

- ~~1. For areas identified in Section 5.3010(1), the geotechnical report shall:
 - a. Identify the hazards to life, public and private property which may be caused by mass movement (landsliding and sloughing), soil erosion or deposition, and earthquakes;
 - b. Identify the hazards to life, public and private property, and the natural environment which may be caused by the proposed use and other human activities;
 - c. Describe how the proposed development or use will be adequately protected from geologic hazards, including landsliding and sloughing, soil erosion or deposition, and earthquakes; and
 - d. Describe how the proposed development is designed to minimize the adverse effects it might have on the site and adjacent areas.~~
- ~~2. For areas identified in Section 5.3010(2), and in addition to the standards identified in Section 5.3020(2), the geotechnical report shall identify the hazards to life, public and private property which may be caused by wind erosion or~~

~~accretion, wave undercutting (erosion), and ocean overtopping (flooding, including tsunami)~~

- ~~3.—For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall describe how the proposed development provides for temporary and permanent stabilization and the planned maintenance of new and existing vegetation. Existing stabilizing vegetation, particularly trees, shall not be removed on slopes of 20% or greater.~~
 - ~~4.—For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall be prepared in conformance with the document “Clatsop County—Geotechnical Report Content Standards”.~~
 - ~~5.—For areas identified in Section 5.3010(3), the geotechnical report shall be prepared by a certified engineering geologist, soils engineer, or civil engineer. Geotechnical reports prepared for areas identified in Section 5.3010(3) shall incorporate specific construction and structural recommendations to address the soil characteristics of the site. Where pertinent, the discussion of specific construction and structural recommendations shall include: site preparation such as compaction or replacement of existing soils, bearing loads and the corresponding amount of settlement, steps to be taken with respect to ground and surface water, special foundation requirements, and foundation recommendations based on bearing capacity, design criteria, and the effect of adjacent loads.~~
 - ~~6.—For all areas identified in Section 5.3010, the geotechnical report shall be prepared in conformance with the document “Clatsop County—Geotechnical Report Content Standards”. For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall be prepared by a certified engineering geologist or a registered professional geologist. If a geotechnical report is prepared by a geologist and structural recommendations are incorporated into that report, those recommendations, must be made in consultation with an engineering geologist, structural engineer, or civil engineer.~~
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 - ~~a.—Identify the hazards to life, public and private property which may be caused by mass movement (landsliding and sloughing), soil erosion or deposition, and earthquakes;~~
 - ~~—Identify the hazards to life, public and private property, and the natural environment which may be caused by the proposed use and other human activities;~~
 - ~~b.—Describe how the proposed development or use will be adequately protected from geologic hazards, including landsliding and sloughing, soil erosion or deposition, and earthquakes; and~~
 - ~~b.—Describe how the proposed development is designed to minimize the adverse effects it might have on the site and adjacent areas.~~~~
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~~accretion, wave undercutting (erosion), and ocean overtopping (flooding, including tsunami)~~

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- ~~1. For areas identified in Section 5.3010(1), the geotechnical report shall:
 - ~~b. Identify the hazards to life, public and private property which may be caused by mass movement (landsliding and sloughing), soil erosion or deposition, and earthquakes;~~
 - ~~b. Identify the hazards to life, public and private property, and the natural environment which may be caused by the proposed use and other human activities;~~
 - ~~b. Describe how the proposed development or use will be adequately protected from geologic hazards, including landsliding and sloughing, soil erosion or deposition, and earthquakes; and~~
 - ~~b. Describe how the proposed development is designed to minimize the adverse effects it might have on the site and adjacent areas.~~~~

- ~~2. For areas identified in Section 5.3010(2), and in addition to the standards identified in Section 5.3020(2), the geotechnical report shall identify the hazards to life, public and private property which may be caused by wind erosion or accretion, wave undercutting (erosion), and ocean overtopping (flooding, including tsunami)~~
- ~~2. For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall describe how the proposed development provides for temporary and permanent stabilization and the planned maintenance of new and existing vegetation. Existing stabilizing vegetation, particularly trees, shall not be removed on slopes of 20% or greater.~~
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- ~~2. For all areas identified in Section 5.3010, the geotechnical report shall be prepared in conformance with the document "Clatsop County — Geotechnical Report Content Standards".~~

For the purposes of Section 5.3000, Geologic Hazard Report refers to engineering geologic reports, geotechnical reports, and geotechnical engineering reports.

1. Geologic Hazard Reports required pursuant to this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall at a minimum contain the applicable provisions outlined in the Oregon State Board of Geologist Examiners publication "Guidelines for Preparing Engineering Geologic Reports," 2nd Edition, 5/30/2014 or other published best practice guidelines for engineering geologic or geotechnical engineering reports, consistent with current scientific and engineering principles. Reports shall reference the published guidelines upon which they are based.
2. For Ocean Front Lots, Geologic Hazard Reports shall address the criteria and development standards of the Beach and Dune Overlay District (BDO) listed in Section 5.4000, as applicable.

3. Geologic Hazard Reports required by this section shall include the following from the preparer(s) of the report:
 - a. A statement that all the applicable content requirements of Section 5.3025 have been addressed or are not applicable to the review. An explanation for purposes of meeting shall be accompanied with any requirement identified as not applicable;
 - b. A description of the qualifications of the professional(s) that prepared the report. If multiple licensed professionals contributed to the report, each professional shall individually sign and stamp their own work products; and
 - c. A statement by the preparer(s) that they have the appropriate qualifications to have completed the report and all its contents.

4. All Geologic Hazard Reports are valid for purposes of meeting the requirements of Section 5.3000 for a period of five (5) years from the date of preparation. Such reports are valid only for the development plan addressed in the report. Clatsop County assumes no responsibility for the quality or accuracy of such reports.



Clatsop County – Land Use Planning

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TO: Clatsop County Planning Commission

FROM: Gail Henrikson, AICP, CFM – Community Development Director
David Cook, Senior Planner

DATE: March 12, 2024

RE: CAOS: ARTICLE 2 - PROCEDURES

Article 2 of the Clatsop County *Land and Water Development and Use Code* (LAWDUC), establishes the procedures that will be followed when reviewing land use applications. In many instances, the procedures are unclear, overly complex, and/or duplicative of other procedures. Due to the length and complexity of Article 2, it will be reviewed in two parts. The sections to be discussed at your March meeting are:

- **Section 2.2020-2.2180:** Public Notice/Hearing Requirements
- **Section 2.6000-2.6030:** Development and Uses of the Same Type
- **Section 2.8200-2.8260:** Temporary Use Permits
- **Section 2.9000-2.9300:** Subdivisions, Partitions and Property Line Adjustments
- **Section 2.9400-2.9410:** Site Plan Review
- **Section 2.9500-2.9520:** Transportation System Impact Review

One section from the February meeting will be reviewed at the end of this memo:

- **Section 2.1080:** Applicant-Neighborhood Meetings

Proposed Changes or Clarifications:

Section 2.2020 – 2.2180: Public Notice/Hearing Requirements

Minor text changes are proposed that clarify procedures and utilize plain language. Most of these requirements are prescribed by OAR and Statutes. No significant procedural requirements were modified.

Section 2.6000-2.6030: Development and Uses of the Same Type

Minor text changes are proposed. Determination of similar uses remain with the Planning Commission. The applicants would need to complete a subsequent application once the PC review is completed.

Section 2.8200-2.8260: Temporary Use Permits

Modifications to the Temporary Use Permits section are minor and include modifications for plain language. No procedural changes are proposed.

Section 2.9000-2.9300: Subdivisions, Partitions and Property Line Adjustments

The county recently updated the subdivision procedures. Minor text changes are proposed for plain language. No procedural changes are proposed. Most items are based directly on OAR and Statutes.

Section 2.9400-2.9410: Site Plan Review

The proposed changes specifically state the requirements for all site plan submittals.

Section 2.9500-2.9520: Transportation System Impact Review

Traffic Impact Analysis reports (TIA) are generally required for large-scale development, including major subdivisions, commercial or industrial uses that generate a minimum threshold of average daily trips (ADT). Staff proposes language clarifications, reducing the threshold from 400 ADT to 200 ADT and clarifies what information must be included in a TIA report.

DISCUSSION AND NEXT STEPS

Staff is requesting discussion and feedback from the Planning Commission regarding the proposed changes, particularly with regard to procedure types. Dependent upon your direction, staff will either make the proposed changes or continue to revise the procedures based upon your feedback. The remainder of Article 2 will be discussed at your March 2024 meeting.

THE CIRCLE-BACKS:

Section 2.1080: Applicant-Neighborhood Meetings

At the February PC meeting those in attendance reviewed the requirements for Applicant-neighborhood Meetings. This section of code was added in 2017. There have been several such meetings with mixed results. They could be a tool through which an applicant gets to hear neighbor concerns before making a final application. It is also an informal method for people to add their concerns to the discussion.

Staff is proposing that it not be managed by the County staff and that the types of applications for which it is required are reduced.

Current Requirements:

- 1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:
 - (A) Multi-family development that abuts a single-family zoning district;
 - (B) Commercial or industrial development that abuts any residential zoning district;
 - (C) Manufactured home park adjacent to any residential zoning district;
 - (D) Major subdivisions;
 - (E) Cluster and planned development;
 - (F) Quasi-judicial map amendments;
 - (G) For other applications or revisions to applications that the Director determines may have a significant neighborhood impact, such as conditional uses, expansion of nonconforming uses, rezones, goal exceptions, variances. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting.

Suggested list of items requiring an Applicant-Neighborhood Meeting:

1. Major Conditional Use Permits
2. Subdivision Plats
3. Zoning Changes or Quasi-Judicial Map Amendments
4. Destination Resorts

There was discussion about making the Applicant-Neighborhood meetings optional and eliminating the requirements. The potential changes will be determined primarily by which items are determined to be major conditional use permits.

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>SECTION 2.2000. PUBLIC DELIVERATIONS AND HEARINGS</u></p>	<p><u>SECTION 2.2000. PUBLIC DELIVERATIONS AND HEARINGS</u></p>	
<p><u>Section 2.2010. Responsibility of Director for Hearings</u> The Director, subject to further direction of the governing body, shall provide for the following duties pertaining to a hearing, all in accordance with other provisions of this Ordinance.</p> <ol style="list-style-type: none"> 1) Schedule and assign the matter for review and hearing. 2) Conduct the correspondence of the hearing body. 3) Give notice. 4) Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearings body. 5) Prepare minutes to include the decision on the matter heard and the reasons for the decision. 6) Reduce the decisions of the hearings body to writing within a reasonable time. 7) Mail a copy of the decision to a party requesting the same upon payment of a reasonable fee, if a fee has been established. 	<p><u>Section 2.2010. Responsibility of Director for Hearings</u> The Director shall provide for the following duties pertaining to a hearing.</p> <ol style="list-style-type: none"> 1) Schedule the case for a public hearing date. 2) Distribute correspondence to and from the hearing body. 3) Give notice. 4) Maintain a record and enter into the record relevant dates and a summary of action taken by the hearings body. 5) Prepare minutes from the hearing and reduce decisions of the hearings body to writing within two weeks of the hearing. 6) Mail a copy of the decision to an individual upon request. 	<p>Simplified sections.</p>
<p><u>Section 2.2020. Mailed Notice of a Public Hearing</u></p>	<p><u>Section 2.2020. Mailed Notice of a Public Hearing</u></p>	<p>Minor simplification.</p>

<p>1) Mailed notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under Sections 2.3010 to 2.3060, shall:</p> <p>(A) Explain the nature of the application and the proposed use or uses, which could be authorized;</p> <p>(B) List the applicable criteria from the Ordinance and the Plan that apply to the application at issue;</p> <p>(C) Set forth the street address or other easily understood geographical reference to the subject property;</p> <p>(D) State the date, time and location of this hearing;</p> <p>(E) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue;</p> <p>(F) Be mailed at least:</p> <ol style="list-style-type: none"> 1) Twenty days before the evidentiary hearing; or 2) If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing; 	<p>1) Mailed notice of a hearing shall be mailed in advance to provide actual notice and, other than for a legislative action under Sections 2.3010 to 2.3060, shall:</p> <p>(A) Describe the application and the proposed use or uses;</p> <p>(B) List the applicable criteria from the Ordinance and the Comprehensive Plan that apply;</p> <p>(C) State the street address or other easily understood geographical reference to the subject property;</p> <p>(D) State the date, time and location of this hearing;</p> <p>(E) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue;</p> <p>(F) Be mailed at least:</p> <ol style="list-style-type: none"> 1) Twenty days before the evidentiary hearing; or 2) If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing; <p>(G) Include the name and number of a local government representative to contact where</p>	
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<p>(G) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;</p> <p>(H) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;</p> <p>(I) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and</p> <p>(J) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.</p> <p>2) Notice of the hearings governed by this section shall be provided:</p> <p>(A) To the applicant; and</p> <p>(B) To owners of record of property on the most recent property tax assessment roll where such property is located:</p> <p>(C) within 100 feet of the property which is the subject of the notice where the subject property is</p>	<p>additional information may be obtained;</p> <p>(H) State that a copy of the application, all documents and evidence submitted by the applicant and applicable criteria, as well as the staff report, are available for inspection at no cost and will be provided at reasonable cost; and</p> <p>(I) Explain the requirements for submission of testimony and the procedure for conduct of hearings.</p> <p>2) Notice of the hearings governed by this section shall be provided:</p> <p>(A) To the applicant; and</p> <p>(B) To surrounding property owners subject to the following:</p> <p>(C) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or</p> <p>(D) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or</p> <p>(E) within 750 feet of the property which is the subject of the notice</p>	
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<p>(D) wholly or in part within an urban growth boundary; or within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or</p> <p>(E) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and</p> <p>(F) To any Neighborhood /Community Organization whose boundaries include the site; and</p> <p>(G) To the Oregon Department of Transportation (ODOT) for Type II A and Type III applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.</p>	<p>(F) where the subject property is within a farm or forest zone; and To any Neighborhood /Community Organization whose boundaries include the site; and</p> <p>(G) To the Oregon Department of Transportation (ODOT) for Type IIA and Type III applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may impact State facilities.</p>	
<p><u>Section 2.2030. Posted Notice of a Public Hearing [Ord. #17-02]</u> Development sites that are the subject of quasi-judicial public hearings shall be posted unless otherwise noted in this Code.</p> <p>1) County and Applicant's Responsibilities:</p>	<p><u>Section 2.2030. Posted Notice of a Public Hearing [Ord. #17-02]</u> Applications that are the subject of quasi-judicial public hearings shall advertise the hearing with a sign unless otherwise noted in this Code.</p> <p>1) County and Applicant's Responsibilities:</p>	<p>Revised wording.</p>

<p>(A) The County shall supply the notices that the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed.</p> <p>(B) The County shall provide an affidavit to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the County's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the 150-day period in a timely manner.</p> <p>(C) The Applicant shall post the notice either ten or twenty consecutive days before the first scheduled public hearing on the matter in accordance with Section 2.2020.</p> <p>(D) The Applicant shall return the signed affidavit of posting, with a photo of the sign attached, at least seven full days before any hearing.</p>	<p>(A) The County shall supply the notices that the applicant is required to post on the subject property and shall specify the dates the notices are to be posted for.</p> <p>(B) The County shall provide an affidavit to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time. If there is any delay in the County's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant shall agree to extend the 150-day period in a timely manner.</p> <p>(C) The Applicant shall post the notice either ten or twenty consecutive days before the first scheduled public hearing in accordance with Section 2.2020.</p> <p>(D) The Applicant shall return the signed affidavit, with a photo of the sign attached, at least seven full days before any hearing.</p> <p>(E) If the subject property is not properly posted as described in Section 2 below, the Director may postpone the hearing until such provisions are met.</p>	
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<p>(E) If the subject property is not properly posted as described in Section 2 below, the Director may postpone the hearing until such provisions are met.</p> <p>2) Number and Location. The applicant must place the notices:</p> <p>(A) On each frontage of the subject property in a location visible from a traveled public road or street abutting the property. If no public street abuts the property, the notice shall be placed so as to be generally visible to the public.</p> <p>(B) Notices shall not be posted within the public right-of-way or on trees.</p> <p>(C) The applicant shall remove all signs and return them to the County within ten days following the public hearing that is the subject of the notice.</p>	<p>2) Number and Location. The applicant must place the notices:</p> <p>(A) On each street frontage of the subject property in a location visible from a traveled street. If no public street abuts the property, the notice shall be placed so as to be generally visible to the public.</p> <p>(B) Notices shall not be posted within the public right-of-way or on trees.</p> <p>(C) The applicant shall remove all signs and return them to the County within ten days following the public hearing.</p> <p>(D) If the subject property is located where the posting would not be visible to anyone other than adjacent property owners who received written notice, alternative locations may be determined by the Community Development Director. These may include posting in a conspicuous place at the point the property obtains access to a County or public road.</p>	
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<p>(D) If the subject property is located where the posting would not be visible to anyone other than adjacent property owners who received written notice, alternative locations visible to the public may be determined by the Community Development Director. These may include posting in a conspicuous place at the point the property obtains access to a County or public road.</p>		
<p><u>Section 2.2040. Mailed Notice for a Type II procedure</u></p> <p>1) Notice of intent to issue a Development Permit shall be provided:</p> <p>(A) To the applicant; and</p> <p>(B) To owners of record of property on the most recent property tax assessment roll where such property is located:</p> <p>1) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or</p> <p>2) within 250 feet of the property which is the subject of the notice</p>	<p><u>Section 2.2040. Mailed Notice for a Type II procedure</u></p> <p>1) Notice of intent to issue a Development Permit shall be provided:</p> <p>(A) To the applicant; and</p> <p>(B) Subject to the following, notice shall be sent to surrounding property owners:</p> <p>1) within 100 feet of the property where the subject property is wholly or in part within an urban growth boundary; or</p> <p>2) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a</p>	<p>Minor simplification.</p>

<p>where the subject property is outside an urban growth boundary and not within a farm or forest zone; or</p> <p>3) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and</p> <p>(C) To any Neighborhood/Community Organization whose boundaries include the site.</p> <p>(D) To the Oregon Department of Transportation (ODOT) for applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.</p> <p>2) The notice shall:</p> <p>(A) Describe the proposed development;</p> <p>(B) Summarize the standards and facts that justify approval of the permit;</p> <p>(C) Invite persons to submit information relevant to the proposed development and</p>	<p>3) farm or forest zone; or within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and</p> <p>(C) To any Neighborhood/Community Organization whose boundaries include the site.</p> <p>(D) To the Oregon Department of Transportation (ODOT) for applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may impact State facilities.</p> <p>2) The notice shall:</p> <p>(A) Describe the proposed development;</p> <p>(B) Summarize the standards that apply to the proposal;</p> <p>(C) Invite persons to submit information relevant to the proposal and applicable standards within ten days. The information should demonstrate why the application should or should not be approved, or should propose modifications the</p>	
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<p>applicable standards within ten (10) days giving reasons why the permit application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards;</p> <p>(D) Advise of the right and the procedure to appeal the decision on the proposed development if the person's concerns are not resolved.</p>	<p>person believes are necessary for approval according to the standards;</p> <p>(D) Advise of the right and the procedure to appeal the decision on the proposed development.</p>	
<p><u>Section 2.2050. Procedure for Mailed Notice</u> Unless otherwise provided, addresses for a mailed notice required by this Ordinance shall be obtained from the County Assessor's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Ordinance for notice. In addition to persons who receive notice as required by the matter under consideration, the Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be</p>	<p><u>Section 2.2050. Procedure for Mailed Notice</u> Addresses for a mailed notice shall be obtained from the County Assessor's real property tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Ordinance for notice. The Director may provide notice to others they have reason to believe are affected by the proposed development.</p>	<p>Changed Director pronoun from 'he' to 'they'. Deleted a needless portion of a sentence.</p>

<p>affected by the proposed development.</p>		
<p><u>Section 2.2060. Procedure for Published Notice</u> Notice shall be published at least once in a newspaper of general circulation for a public hearing. The notice shall identify the time, date, location and agenda of the public hearing.</p>	<p><u>Section 2.2060. Procedure for Published Notice</u> Notice shall be published at least once in a newspaper of general circulation for a public hearing. The notice shall identify the time, date, location and agenda of the public hearing.</p>	<p>No proposed change.</p>
<p><u>Section 2.2070. Challenges to Impartiality</u> Except for Type IV hearings conducted by the governing body, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, challenge shall be delivered by personal service to the Community Development Director not less than (48) hours preceding the time set for public hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing.</p>	<p><u>Section 2.2070. Challenges to Impartiality</u> Except for Type IV hearings, a person involved in a hearing may challenge the qualifications of a member of the hearing body to participate in the hearing. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot be impartial. Except for good cause, challenge shall be delivered by written or electronic mail to the Community Development Director not less than 48 hours prior to the public hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing.</p> <p><u>Section 2.2080. Disqualification</u> Except for Type IV hearings, no member of a hearing body shall participate in a public hearing</p>	<p>Changed 'delivered by personal service' to 'delivered by written or electronic mail'. Small simplifications.</p>

<p><u>Section 2.2080. Disqualification</u> Except for Type IV hearings conducted by the governing body, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:</p> <ol style="list-style-type: none"> 1) Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's immediate family member, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. 2) The member owns property within the area entitled to receive notice of the public hearing. 3) The member has a direct private interest in the proposal. 4) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner. 	<p>when any of the following conditions exist:</p> <ol style="list-style-type: none"> 1) Any of the following have a financial interest in the proposal: the hearing body member, the member's immediate family, any business in which the member serving or has served within the previous two years, or any business where the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. 2) The member owns property within the public notice area. 3) The member has a direct private interest in the proposal. 4) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner. 	
<p><u>Section 2.2090. Participation by Interested Officers or Employees</u> No officer or employee of the County who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on</p>	<p><u>Section 2.2090. Participation by Interested Officers or Employees</u> No officer or employee of the County who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on</p>	<p>No change proposed.</p>

<p>the proposal without first declaring for the record the nature and extent of each interest.</p>	<p>the proposal without first declaring for the record the nature and extent of each interest.</p>	
<p><u>Section 2.2100. Ex Parte Contacts</u> Except for Type IV hearings conducted by the governing body, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a public right is free access to public officials on any matter. No decision or action of a Planning Commission or County governing body shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:</p> <ol style="list-style-type: none"> 1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and 2) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related. Hearing body members shall reveal any prehearing or ex parte contacts with regard to any matter at the commencement of the 	<p><u>Section 2.2100. Ex Parte Contacts</u> Except for Type IV hearings, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. No decision or action of a Planning Commission or County governing body shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if that member of the decision-making body:</p> <ol style="list-style-type: none"> 1) Places on the record the substance of any ex parte communications concerning the decision or action; and 2) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related. Hearing body members shall reveal any prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in 	<p>Minor changes. Removed a sentence.</p>

<p>public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with Section 2.2120.</p>	<p>accordance with Section 2.2120.</p>	
<p><u>Section 2.2110. Staff Contacts</u> A communication between County staff and the Planning Commission or governing body shall not be considered an ex parte contact for the purposes of Section 2.2100.</p>	<p><u>Section 2.2110. Staff Contacts</u> A communication between County staff and the Planning Commission or governing body shall not be considered an ex parte contact for the purposes of Section 2.2100.</p>	<p>No proposed change.</p>
<p><u>Section 2.2120. Abstention or Disqualification</u> Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.</p>	<p><u>Section 2.2120. Abstention or Disqualification</u> Except for Type IV hearings, disqualification for reasons other than the hearing body member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.</p>	<p>Small change.</p>
<p><u>Section 2.2130. Rights of Disqualified Member of the Hearing Body</u> 1) An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by</p>	<p><u>Section 2.2130. Rights of Disqualified Member of the Hearing Body</u> 1) An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by</p>	<p>Minor changes.</p>

<p>abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.</p> <p>2) If all members of the hearing body abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.</p> <p>3) Except for Type IV hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.</p>	<p>abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.</p> <p>2) If all members of the hearing body abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.</p> <p>3) Except for Type IV hearings, a hearing body member absent during the presentation of evidence in a hearing may not participate in the hearing unless the member has reviewed the evidence received.</p>	
<p><u>Section 2.2140. Burden and Nature of Proof</u></p> <p>1) Except as otherwise provided, the applicant shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake of adoption of the plan designation or development regulations or subsequent change in the affected area are relevant considerations.</p> <p>2) Unless specifically identified as</p>	<p><u>Section 2.2140. Burden and Nature of Proof</u></p> <p>1) The applicant shall bear the burden of proof that the proposal is consistent with applicable standards.</p> <p>2) Unless specifically identified as jurisdictional, failure to comply with a provision of this Article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as</p>	<p>Small changes. Removal of language not relevant to standards or requirements.</p>

<p>jurisdictional, failure to comply with a provision of this Article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.</p>	<p>to whether the error occurred and whether the error has prejudiced the person's substantial rights.</p>	
<p><u>Section 2.2150. Quasi-Judicial Hearing Procedure</u></p> <p>1) At any quasi-judicial hearing held under this Ordinance, the hearing body shall have authority to conduct a public hearing and;</p> <p>(A) Determine who qualifies as a party;</p> <p>(B) Regulate the course, sequence and decorum of the hearing;</p> <p>(C) Dispose of procedural requirements or similar matters;</p> <p>(D) Rule on offers of proof and relevancy of evidence and testimony;</p> <p>(E) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony;</p> <p>(F) Take such other action appropriate for conduct commensurate with the nature of</p>	<p><u>Section 2.2150. Quasi-Judicial Hearing Procedure</u></p> <p>1) At any quasi-judicial hearing, the hearing body shall have authority to conduct a public hearing and;</p> <p>(A) Determine who qualifies as a party;</p> <p>(B) Regulate the course and order of the hearing;</p> <p>(C) Dispose of procedural requirements or similar matters;</p> <p>(D) Rule on offers of proof and relevancy of evidence and testimony;</p> <p>(E) Impose limitations on the number of witnesses heard and set time limits for oral presentation and rebuttal testimony;</p> <p>(F) Take other actions appropriate for conduct commensurate with the nature of the hearing.</p> <p>2) Any hearing that is held to receive evidence shall be conducted as follows:</p>	<p>Minor changes.</p>

<p>the hearing.</p> <p>2) Any hearing that is held to receive evidence shall be conducted as follows:</p> <p>(A) Announce the nature and purpose of the hearing and summarize the rules of conducting the hearing.</p> <p>(B) Allow the Director or a representative to summarize the application.</p> <p>(C) Allow the applicant or a representative to be heard.</p> <p>(D) Allow the opponent or representative to be heard.</p> <p>(E) Allow parties or witnesses in favor of the applicant to be heard.</p> <p>(F) Allow parties or witnesses in favor of the opponent to be heard.</p> <p>(G) Allow the applicant to offer rebuttal evidence and testimony limited to rebuttal of points raised. New testimony will not be heard.</p> <p>(H) Conclude the hearing and announce a decision or take the matter under advisement.</p> <p>3) A hearing that is to be held on an existing record shall be conducted as follows:</p> <p>(A) Announce the nature and purpose of the hearing and</p>	<p>(A) Announce the nature and purpose of the hearing and summarize the rules of conducting the hearing.</p> <p>(B) Allow the Director or a representative to summarize the application.</p> <p>(C) Allow the applicant or a representative to be heard.</p> <p>(D) Allow the opponent or representative to be heard.</p> <p>(E) Allow parties or witnesses in favor of the applicant to be heard.</p> <p>(F) Allow parties or witnesses in favor of the opponent to be heard.</p> <p>(G) Allow the applicant to offer rebuttal evidence and testimony limited to rebuttal of points raised. New testimony will not be heard.</p> <p>(H) Conclude the hearing and announce a decision or take the matter under advisement.</p> <p>3) A hearing that is to be held on an existing record shall be conducted as follows:</p> <p>(A) Announce the nature and purpose of the hearing and summarize the rules of conducting the hearing.</p> <p>(B) Allow the Director or</p>	
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<p>summarize the rules of conducting the hearing.</p> <p>(B) Allow the Director or representative to summarize the application.</p> <p>(C) Allow the applicant or a representative to be heard.</p> <p>(D) Allow the opponent or a representative to be heard.</p> <p>(E) Conclude the hearing and announce a decision or take the matter under advisement.</p> <p>4) The announcement described in paragraphs (2)(A) and (3)(A) shall at a minimum:</p> <p>(A) List the applicable substantive criteria.</p> <p>(B) State that testimony and evidence must be directed toward the criteria described in paragraph (A) of this subsection or other criteria in the Plan or land use regulation which the person believes to apply to the decision; and</p> <p>(C) State that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.</p> <p>5) Prior to the conclusion of any initial</p>	<p>representative to summarize the application.</p> <p>(C) Allow the applicant or a representative to be heard.</p> <p>(D) Allow the opponent or a representative to be heard.</p> <p>(E) Conclude the hearing and announce a decision or take the matter under advisement.</p> <p>4) The announcement described in paragraphs (2)(A) and (3)(A) shall at a minimum:</p> <p>(A) List the applicable substantive criteria.</p> <p>(B) State that testimony and evidence must be directed toward the criteria described in paragraph (A) of this subsection or other criteria in the Plan or land use regulation which the person believes to apply to the decision; and</p> <p>(C) State that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.</p> <p>5) Prior to the conclusion of any initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony</p>	
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<p>evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body shall grant such request by continuing the public hearing pursuant to paragraph (6) of this subsection or leaving the record open for additional written evidence or testimony pursuant to paragraph (7) of this subsection.</p> <p>6) If the hearing body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.</p> <p>7) If the hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the hearing body for an opportunity to respond to new evidence submitted</p>	<p>regarding the application. The hearing body shall grant such request by continuing the public hearing pursuant to paragraph (6) of this subsection or leaving the record open for additional written evidence or testimony pursuant to paragraph (7) of this subsection.</p> <p>6) If the hearing body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.</p> <p>7) If the hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the hearing body for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearing body shall reopen the record</p>	
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<p>during the period the record was left open. If such a request is filed, the hearing body shall reopen the record pursuant to subsection (8) of this section.</p> <p>(A) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.248, unless the continuance or extension is requested or agreed to by the applicant.</p> <p>(B) Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.</p> <p>8) When the hearing body reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.</p> <p>9) A decision under this Ordinance shall be final when it has been reduced to writing and either:</p>	<p>pursuant to subsection (8) of this section.</p> <p>(A) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.248, unless the continuance or extension is requested or agreed to by the applicant.</p> <p>(B) Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.</p> <p>8) When the hearing body reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.</p> <p>9) A decision under this Ordinance shall be final when it has been reduced to writing and either:</p> <p>(A) Mailed to an affected party; or</p> <p>(B) Publicly recorded; or</p> <p>(C) The affected party has actual</p>	
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<p>(A) Mailed to an affected party; or (B) Publicly recorded; or (C) The affected party has actual notice of the written decision.</p>	<p>notice of the written decision.</p>	
<p><u>Section 2.2160. Decision</u> Following the hearing procedure described in Section 2.2150, the hearing body shall approve, approve with conditions, or deny the application or if the hearing is in the nature of an appeal, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal. A decision on a hearing or an application for a development permit shall be made within the time limitation set out in Section 2.1160.</p>	<p><u>Section 2.2160. Decision</u> Following the hearing procedure described in Section 2.2150, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is an appeal, the hearing body shall affirm with modifications or additional conditions, reverse or remand the decision that is on appeal. A decision on a hearing or an application for a development permit shall be made within the time limitation set out in Section 2.1160.</p>	<p>Small changes.</p>
<p><u>Section 2.2170. Findings and Order</u> The hearing body shall prepare findings of fact and an order which shall include:</p> <ol style="list-style-type: none"> 1) A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards. 2) A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards. 3) The reasons for a conclusion to approve 	<p><u>Section 2.2170. Findings and Order</u> The hearing body shall prepare findings of fact and an order which shall include:</p> <ol style="list-style-type: none"> 1) A statement of the applicable criteria and standards applicable to the proposal, and of the hearing body's interpretation of what is required to achieve compliance with the criteria and standards. 2) A statement of the facts demonstrating compliance or noncompliance with the applicable criteria and assurance of compliance with applicable standards. 3) The reasons for a conclusion to approve or deny. 	<p>Small changes.</p>

<p>4) or deny. The decision to deny or approve the proposed change with or without conditions.</p>	<p>4) The decision to deny or approve the proposed change with or without conditions.</p>	
<p><u>Section 2.2180. Record of Proceedings</u> The hearing body shall cause the proceedings to be recorded stenographically or electronically.</p> <ol style="list-style-type: none"> 1) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body. 2) The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of. 3) The findings and order shall be included in the record. 4) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies 	<p><u>Section 2.2180. Record of Proceedings</u> The hearing body shall cause the proceedings to be recorded in writing or electronically.</p> <ol style="list-style-type: none"> 1) Testimony shall be written if required for review or if ordered by the hearing body. 2) The hearing body shall, where practicable, retain in the hearing record any evidence presented. The items shall be labeled with the testifier's name and whether the evidence was presented on behalf of a proponent or opponent. Exhibits received shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person they belong to, or otherwise disposed of. 3) The findings and order shall be included in the record. 4) A person shall have access to the record of the proceedings and copies of the record shall be provided at the requester's own expense. 	<p>Small clarifications. Changed stenographically to writing.</p>

of the record at the person's own expense.		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>SECTION 2.6000. DEVELOPMENTS AND USES OF THE SAME TYPE</u></p>	<p><u>SECTION 2.6000. DEVELOPMENTS AND USES OF THE SAME TYPE</u></p>	
<p><u>Section 2.6010. Determination of Nature of Unlisted Developments and Uses</u> The Planning Commission shall examine the characteristics of developments and uses not listed in any zone and shall make a determination as to what zone the development and use may be allowed as a development and use permitted, permitted with review, or conditional development and use. The Planning Commission shall base its decision on findings that the development is consistent with the purposes of the zoning classification and is similar to the types of development and use permitted or conditional in the zone. The decision shall be made under a Type III procedure with notice provided only in newspapers of general distribution per Section 2.2060.</p>	<p><u>Section 2.6010. Determination of Nature of Unlisted Developments and Uses</u> The Planning Commission shall review developments and uses not listed in any zone to determine what zone the development and use may be allowed in. The Planning Commission shall determine what permitting process such a development and use requires in the subject zone. The Planning Commission shall find that the development is consistent with the purposes of the zoning classification and is similar to the types of development and uses permitted or conditional in the zone. This decision shall be made under a Type III procedure with notice provided only in newspapers of general distribution per Section 2.2060.</p>	<p>Fixed minor typo, 'use' to 'uses'. Minor language simplification.</p>
<p><u>Section 2.6020. Authorization of the Development and Use</u> An unlisted development and use shall be approved for the zone determined by the Planning Commission through separate action under the appropriate procedures specified in Sections 2.1010-2.1040.</p>	<p><u>Section 2.6020. Authorization of the Development and Use</u> When an unlisted development and use is approved by the Planning Commission, an application for that development and use shall obtain approval through separate action under the specified procedure specified in Sections 2.1010-2.1040.</p>	

<p><u>Section 2.6030. Record of Determination</u> Unlisted developments and uses for which the Planning Commission has made a determination as to appropriate zone and type similarity shall be maintained in the Land Use Planning Division, for future reference.</p>	<p><u>Section 2.6030. Record of Determination</u> Unlisted developments and uses for which the Planning Commission has determined as to appropriate zone and use similarity shall be maintained in the Land Use Planning Division, for future reference.</p>	<p>Minor wording change.</p>
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>SECTION 2.8200. TEMPORARY USE PERMITS</u></p>	<p><u>SECTION 2.8200. TEMPORARY USE PERMITS</u></p>	
<p><u>Section 2.8210. Purpose and Intent</u> It is the intent of the temporary use permit section to provide procedures and standards for land or structures which possess unique characteristics requiring special consideration for temporary usage. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a non-conforming use. Temporary use permits are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of Clatsop County's Comprehensive Plan or Ordinance regulations.</p> <p>No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.</p>	<p><u>Section 2.8210. Purpose and Intent</u> This section provides procedures and standards for land or structures which possess unique characteristics. The provisions of this section apply when the proposed use does not qualify as a continuation of a non-conforming use.</p> <p>No temporary use shall be approved that results in a hardship when the temporary use permit expires. No temporary use shall confer any right or privilege that is not available to other similar tracts.</p> <p>This section does not apply to the continuation of a non-conforming use.</p>	<p>Revised structure. Removed the whole sentence about 'abrogation' because we define the permitted uses below.</p>
<p><u>Section 2.8220. Goals</u> The provisions of this section are designed to provide standards and criteria for temporary relief to hardship situations which result from</p>	<p><u>Section 2.8220. Goals</u> This section provides standards and criteria for temporary relief to hardship situations which result from strict Ordinance application. The</p>	

<p>strict Ordinance application. The reasons for the temporary relief shall be to provide an applicant an opportunity for a solution to a temporary land use problem or sufficient time to develop a permanent solution to the land use problem which will result in compliance with the relative zoning regulations.</p> <p>The provisions of this Section are designed to provide criteria for granting and administering temporary use permits and to provide guidelines for the imposition of additional conditions. The temporary use should be as consistent with intent and purpose of the zone as possible and comply with the requirements of the zone, except as may be additionally provided for under the provisions of Section 2.8200.</p>	<p>purpose of a temporary use shall be to provide an applicant an opportunity for a solution to a temporary land use problem or sufficient time to develop a permanent solution to the land use problem which will result in compliance with the relative zoning regulations.</p> <p>This Section is designed to provide criteria for granting temporary use permits and to provide guidelines on additional conditions. The temporary use should be as consistent with the intent and purpose of the zone as possible and comply with the requirements of the zone, except as specified in this section.</p>	
<p><u>Section 2.8230. Permitted Temporary Uses, Criteria and Limitations</u></p> <p>The following temporary uses may be permitted under a Type I procedure. A temporary use permit for such uses may be permitted in any zone, subject to those specified criteria and limitations described in conjunction with the temporary use pursuant to the General Standards of subsection 2.8240 and subject to the condition provisions of subsection 2.8250.</p> <p>1) Non-Conforming Uses. A different use for non-conforming uses of structures</p>	<p><u>Section 2.8230. Permitted Temporary Uses, Criteria and Limitations</u></p> <p>The following temporary uses may be permitted under a Type I procedure in any zone. A temporary use permit is subject to the standards of the subject zone, as well as the temporary use General Standards of subsection 2.8240. The conditions of subsection 2.8250 shall apply.</p> <p>1) A different use for non-conforming uses or structures may be permitted if determined by the Planning Director that the character and nature of the</p>	<p>1) Added language to qualify how something may be more compatible referencing our CUP general standards. 2) Minor typo fix. 3) Removed “of a temporary nature” because we do not define what is temporary and word trimming. Other minor</p>

<p>and/or land may be permitted by the Community Development Director provided it is determined by the Planning Director that the character and nature of the proposed temporary use will be more compatible to the surrounding vicinity than the existing non-conforming use.</p> <p>2) Existing Structures and/or Premises. Existing structures and/or premises which do not have a qualified nonconforming use status and which were designed and intended for use not allowable in their respective zone may be granted a temporary use permit to provide a solution to a temporary land use problem or to provide a temporary solution to enable a permanent solution to be developed.</p> <p>3) New Structures. A use involving a new structure of a temporary nature necessary for the physical or economic welfare and development of the primary permitted use of the property may be granted a temporary permit by the Community Development Director subject to a finding that the new structure permitted by the temporary use permit shall be removed at the end of the temporary permit period.</p> <p>4) Accessory Structures. Existing or new structures may be utilized in conjunction with or support of the primary permitted</p>	<p>proposed temporary use will be more compatible to the surrounding vicinity than the existing non-conforming use. The Planning Director may consider the standards described in LAWDUC Section 2.4030.</p> <p>2) Existing structures and/or premises which do not have non-conforming status and which are not allowable in their respective zone may be granted a temporary use permit to provide a solution to a temporary land use problem.</p> <p>3) A use involving a new structure necessary for the physical or economic welfare of the primary permitted use of the property, subject to a finding that the new structure temporarily permitted shall be removed at the end of the temporary permit period.</p> <p>4) Existing or new accessory structures may be used in conjunction with the primary permitted use of the property.</p> <p>5) Open land uses which do not involve structures or involve structures which add less than \$1,000 of improvement value may be permitted by temporary use permit by the Community Development Director.</p> <p>6) Manufactured dwelling or recreational vehicle for a period not to exceed one year, used during the construction of a residential structure for which a building</p>	<p>simplifications.</p>
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<p>use of the property on a temporary basis. The Planning Director may grant a temporary use permit for the structure which shall be brought into conformity with the Ordinance provisions in effect.</p> <p>5) Open Land Uses. Open land uses which do not involve structures or involve structures which create an improvement value to the combined land and structures of less than \$1,000 may be permitted by temporary use permit by the Community Development Director.</p> <p>6) Manufactured dwelling or recreational vehicle for a period not to exceed one year, used during the construction of a residential structure for which a building permit has been issued.</p> <p>7) Real estate office in a legally recorded subdivision.</p>	<p>7) permit has been issued. Real estate office in a legally recorded subdivision.</p>	
<p><u>Section 2.8240. General Standards</u> The following standards shall be utilized by the Community Development Director in reaching its decision on every application for a temporary use permit:</p> <p>1) A proposed use shall be compatible with and will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.</p> <p>2) The proposed use will not be adversely</p>	<p><u>Section 2.8240. General Standards</u> The following standards shall be used by the Community Development Director to make a decision regarding a temporary use permit:</p> <p>1) The proposed use shall be compatible with abutting properties and shall not create a material adverse effect on abutting properties and the surrounding community. Nor will the proposed use be adversely affected by the permitted development of abutting properties and the surrounding vicinity. In determining</p>	<p>1) Combined (1) and (2) Removed subsection 3(F). Revised wording.</p>

<p>affected by the permitted development of abutting properties and the surrounding vicinity.</p> <p>3) In applying specific temporary use criteria and limitations, these general standards, and determinations of appropriate conditions, consideration shall be given, but not limited to:</p> <ul style="list-style-type: none"> (A) The harmony and scale, bulk, coverage, and density; (B) The availability of public facilities and utilities; (C) The harmful effect, if any, upon a desirable neighborhood character; (D) The generation of traffic and the capacity of surrounding streets and roads; (E) The creation of noise, vibration, odors, or other similar nuisances; (F) Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community. (G) No structural alterations may be made to a non-conforming use structure nor may new structures be placed upon premises to be utilized by a temporary use permit which materially prolongs the economic hardship by the discontinuance of such use and 	<p>these, the Planning Director may consider the standards described in LAWDUC Section 2.4030.</p> <p>2) The following standards shall be considered when applying specific temporary use criteria, limitations, and conditions:</p> <ul style="list-style-type: none"> (A) The harmony and scale, bulk, coverage, and density; (B) The availability of public facilities and utilities; (C) The harmful effect, if any, upon neighborhood character; (D) The generation of traffic and the capacity of surrounding streets and roads; (E) The creation of noise, vibration, odors, or other similar nuisances; (F) No structural alterations may be made to a non-conforming structure. No new structures be placed upon premises to be utilized by a temporary use permit which prolongs the hardship by the discontinuance of their use. (G) No temporary use permit shall be granted that is inconsistent with Section 2.8210 or Section 2.8220. 	
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<p>(H) conformance with the provisions of the applicable zone. No temporary use permit shall be granted which is inconsistent with the purpose and intent set forth in subsection 2.8210 or is inconsistent with the goals set forth in subsection 2.8220.</p>		
<p><u>Section 2.8250. Conditions</u></p> <p>1) Required Conditions. All temporary permits issued by the Community Development Director shall be subject to the following conditions:</p> <p>(A) Restoration and Bond. Where new structures and uses thereof and new open land uses are permitted by the temporary use permit, the premises shall be required to be restored to the same or better state of condition existing prior to the granting of the temporary use permit within three (3) months of the termination of the permit. A performance bond subject to Section 1.1090 shall be required, if determined necessary by the Community Development Director at the time of approval in sufficient amount to cover the estimated costs of such</p>	<p><u>Section 2.8250. Conditions</u></p> <p>1) Required Conditions. All temporary permits issued by the Community Development Director shall be subject to the following conditions:</p> <p>(A) Restoration and Bond. Upon expiration of a temporary use permit, the premises shall be restored to the same or better state of condition existing prior to the granting of the temporary use permit within three months of the expiration of the permit. A performance bond subject to Section 1.1090 shall be required to cover the estimated costs of restoration, if determined necessary by the Community Development Director at the time of approval.</p> <p>(B) Temporary use permits shall be granted for one year.</p> <p>(C) Temporary Use Permit Renewal.</p>	<p>1(C) revised to 'he or she' and 'his permit' to 'the permit'. Cleaned up 1(A). Trimmed excessing wording.</p>

<p>restoration.</p> <p>(B) Time Limit. Temporary permits shall be granted for no longer than a one (1) year period of time.</p> <p>(C) Temporary Permit Renewal. Temporary permits may be renewed up to four (4) times, provided however, prior to the first renewal the applicant must submit plans to the Community Development Director demonstrating how he intends to resolve the problem after his permit expires and providing a time table for activity to accomplish his plan. No further extension shall be granted unless applicant demonstrates compliance with such time table. No parcel of property, regardless of succession of ownership, or control, shall be eligible for receiving temporary use permits, for the same or different uses, more than five (5) years out of any ten (10) year period of time. It is the intent of this Ordinance that renewals of temporary permits within the terms of this Ordinance shall not be subject to the full requirements necessary for the establishment of a</p>	<p>Temporary use permits may be renewed up to four times. Prior to the first renewal the applicant must submit plans to the Community Development Director demonstrating how he or she intends to restore to pre-development conditions after the permit expires. The applicant shall provide a time table for activity to accomplish their plan. No further extension shall be granted unless the applicant demonstrates compliance with the accepted time table. No parcel, regardless of ownership, shall be eligible for receiving temporary use permits for the same or different uses more than five years out of any ten-year period of time. A renewal shall not be subject to the full requirements of a new temporary use, but shall be reviewed to determine whether new conditions are required to maintain conformance with the original temporary use permit.</p> <p>2) Additional Conditions.</p> <p>(A) The Community Development Director may attach additional conditions Some of these may include, but are not limited to:</p>	
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<p>temporary permit but rather, shall be reviewed for the purposes of determination of whether additional conditions need be added in order to maintain compatibility of the temporarily permitted use with the surrounding area and to determine compliance with the plan for resolution of the problem for which the temporary permit was necessary.</p> <p>2) Additional Conditions.</p> <p>(A) The Community Development Director may attach conditions to temporary use permits in addition to those conditions enumerated in the applicable paragraphs of subsection 2.8250(1). of this section. Some of these may include, but are not limited to:</p> <ol style="list-style-type: none"> 1) Setbacks, special yards, and spaces; 2) Screening, fences, and walls; 3) Off-street parking and loading; Control of points of vehicular ingress and egress; 4) Construction standards and maintenance. <p>(B) No temporary use permit shall be</p>	<ol style="list-style-type: none"> 1) Setbacks, special yards, and spaces; 2) Screening, fences, and walls; 3) Off-street parking and loading; Control of points of vehicular ingress and egress; 4) Construction standards and maintenance. <p>(B) No temporary use permit shall be issued until the applicant demonstrates how the hardship associated with the temporary use will be resolved and has submitted a written statement indicating by what date the abatement will occur.</p>	
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<p>issued until the applicant demonstrates how the hardship associated with the temporary use will be resolved and has submitted a written statement indicating by what date the abatement will occur.</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
SECTION 2.9000. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS		
<p><u>Section 2.9010. Purpose</u> In accordance with the provisions of ORS 92 and 215, this section sets forth the minimum standards governing the approval of land divisions, including subdivisions, partitions and property line adjustments within Clatsop County as necessary to carry out the County's Comprehensive Plan and to promote the public health, safety and general welfare.</p> <p>No person may subdivide, partition land or perform a property line adjustment within Clatsop County except in accordance with ORS 92, 209 and 215 and the provisions of this ordinance. (Ord. 21-05)</p>	<p><u>Section 2.9010. Purpose</u> In accordance with the provisions of ORS 92 and 215, this section establishes the minimum standards to divide land, including subdivisions, partitions and property line adjustments. These standards are necessary to carry out the County's Comprehensive Plan and to promote the public health, safety and general welfare.</p>	<p>The County's subdivision ordinances were updated in 2021, so minimal changes are required, other than to increase clarity. The County's requirements are based upon ORS 92 and 215.</p>
<p><u>Section 2.9020. Applicability.</u> (Ord. 21-05) Whenever land owners wish to sell part of a lawfully established unit of land, or place a second home on a lawfully established unit of land that already has a home on it, a partition or subdivision is necessary with the exception of the following:</p> <ol style="list-style-type: none"> 1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property; 2) the creation of cemetery lots; or 3) a property line adjustment. <p>Whenever abutting lawfully established units of</p>	<p><u>Section 2.9020. Applicability.</u> (Ord. 21-05) In order to sell part of a lawfully established unit of land, or place a second home on a lawfully established unit of land that already has a home on it, a partition or subdivision is necessary. The following activities do not require approval of a subdivision or partition:</p> <ol style="list-style-type: none"> 1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property; 2) the creation of cemetery lots; or 3) a property line adjustment. <p>Whenever abutting lawfully established units of</p>	<p>Highlighted areas need to be moved to their own sections</p>

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>land are in common ownership and the land owner wishes to build on or near the common property line(s), an approved restrictive covenant shall be recorded by the owner stating that the abutting units of land shall remain in common ownership until such time the buildings and common property lines meet setback and building code requirements. After recording of said restrictive covenant, the exterior boundary of the combined units of land therein described shall be used for applying the setback and building code requirements. A recorded restrictive covenant is not required for a building that meets setback and building code requirements within the boundaries of a single unit of land abutting other units of land in common ownership.</p> <p>Land divisions can be in the form of partitions or subdivisions. No land shall be divided prior to approval and recording of a partition or subdivision.</p> <p>Oregon Revised Statutes (ORS) 92.025 states:</p> <ol style="list-style-type: none"> 1) A person may not sell a lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot or parcel is situated. 2) A person may not sell a lot in a subdivision or a parcel in a partition by reference to or exhibition or other use of 	<p>land are in common ownership and the land owner wishes to build on or near the common property line(s), an approved restrictive covenant shall be recorded by the owner stating that the abutting units of land shall remain in common ownership until such time the buildings and common property lines meet setback and building code requirements. After recording of said restrictive covenant, the exterior boundary of the combined units of land therein described shall be used for applying the setback and building code requirements. A recorded restrictive covenant is not required for a building that meets setback and building code requirements within the boundaries of a single unit of land abutting other units of land in common ownership.</p> <p>Land divisions can be completed either by partitions or subdivisions. No land shall be divided prior to approval and recording of a partition or subdivision plat.</p> <p>Oregon Revised Statutes (ORS) 92.025 states:</p> <ol style="list-style-type: none"> 1) A person may not sell a lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot or parcel is situated. 2) A person may not sell a lot in a subdivision or a parcel in a partition by reference to or exhibition or other use of 	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>a plat of the subdivision or partition before the plat for the subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or a parcel in a partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for the subdivision or partition.</p> <p><u>Partitions</u> are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance access ways shall be categorized as follows:</p> <p><u>Private road</u> -- an improved travel surface placed within a private road easement or privately owned tract that is intended to provide access from a state, county, or public road to three or more lots, parcels, or units of land and which is maintained by private funds for the exclusive use of private parties.</p> <p><u>Public road</u> -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.</p> <p><u>County road</u> -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county and is maintained by the county.</p> <p><u>Minor Partitions</u> -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the</p>	<p>a plat of the subdivision or partition before the plat for the subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or a parcel in a partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for the subdivision or partition.</p> <p><u>Partitions</u> are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance access ways shall be categorized as follows:</p> <p><u>Private road</u> -- an improved travel surface placed within a private road easement or privately owned tract that is intended to provide access from a state, county, or public road to three or more lots, parcels, or units of land and which is maintained by private funds for the exclusive use of private parties.</p> <p><u>Public road</u> -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.</p> <p><u>County road</u> -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county and is maintained by the county.</p> <p><u>Minor Partitions</u> -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the</p>	<p>This should be moved to a separate section containing definitions relevant to subdivisions, partitions and property line adjustments.</p>

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 2.9030 through 2.9080 of this Ordinance.</p> <p><u>Major Partitions</u> -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 2.9050 through 2.9130.</p> <p><u>Property Line Adjustment</u> -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot, parcel, or unit of land.</p> <p><u>Subdivisions</u> -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a</p>	<p>beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 2.9030 through 2.9080 of this Ordinance.</p> <p><u>Major Partitions</u> -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 2.9050 through 2.9130.</p> <p><u>Property Line Adjustment</u> -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot, parcel, or unit of land.</p> <p><u>Subdivisions</u> -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 2.9140 through 2.9300 of this Ordinance pertains to the processing of subdivision requests.</p>	<p>Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 2.9140 through 2.9300 of this Ordinance pertains to the processing of subdivision requests.</p>	
<p><u>Section 2.9030. Processing Property Line Adjustments (Ord. 21-05)</u> Proposed property line adjustment requests will be processed by the Department Director under a Type I procedure and include the following steps:</p> <ol style="list-style-type: none"> 1) The applicant will submit a tentative property line adjustment plan, certificate from a land surveyor that abutting properties to be adjusted are lawfully established units of land, completed application and filing fee, to the Department of Community Development. The tentative property line adjustment shall follow the format outlined in Section 2.9090. 2) The Director shall evaluate the tentative property line adjustment to determine conformity with lot size and dimension standards of the base zone of the proposed partition. The tentative plan may be modified, if needed, to meet these standards. The Director shall apply conditions as required by Section 2.9070 and conditionally approve, or 	<p><u>Section 2.9030. Processing Property Line Adjustments (Ord. 21-05)</u> Property line adjustments will be processed by the Department Director under a Type I procedure and include the following steps:</p> <ol style="list-style-type: none"> 1) Application Requirements: The applicant will submit to the Community Development Department: <ol style="list-style-type: none"> (A) a tentative property line adjustment plan (B) certificate from a land surveyor that abutting properties to be adjusted are lawfully established units of land, (C) completed application and filing fee The tentative property line adjustment shall follow the format outlined in Section 2.9090. 2) Review Procedure: The Community Development Director or designee shall review the proposed property line adjustment to ensure that each new parcel will meet the minimum lot size and dimension standards required by the zone in which the property is 	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>deny the application.</p> <p>3) Conditional approval of a tentative property line adjustment shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval attached by the Director prior to expiration of the conditional approval. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. If all conditions of approval for a property line adjustment are not completed prior to expiration of the tentative plan the approval shall be considered void as of the applicable expiration date.</p> <p>4) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement, and contain the words Property Line Adjustment.</p> <p>5) A property line adjustment survey must</p>	<p>located.</p> <p>The tentative plan may be modified, if needed, to meet these standards.</p> <p>The Director shall apply conditions as required by Section 2.9070 and conditionally approve, or deny the application.</p> <p>3) Expiration: Conditional approval of a property line adjustment shall be valid for 2 years from the date of approval. The applicant must complete all the conditions of approval within 2 years.</p> <p>An applicant may submit a written request to extend the expiration date by 1 year. The request must state that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected.</p> <p>If all conditions of approval for a property line adjustment are not completed prior to expiration, the approval shall be considered void as of the applicable expiration date.</p> <p>4) A property line adjustment deed shall</p>	

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<p>list the clerk’s recording instrument number of the corresponding property line adjustment deed(s) that conforms with ORS 92.190(4) before the permanent survey map is submitted for recording per ORS 209.250.</p> <p>6) The area between the old property line and the new property line is combined with the existing lawfully established unit of land on the same side of the new property line and is not a separate lawfully established unit of land.</p>	<p>contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement, and contain the words Property Line Adjustment.</p> <p>5) A property line adjustment survey must list the clerk’s recording instrument number of the corresponding property line adjustment deed(s) that conforms with ORS 92.190(4) before the permanent survey map is submitted for recording per ORS 209.250.</p> <p>6) The area between the old property line and the new property line is combined with the existing lawfully established unit of land on the same side of the new property line and is not a separate lawfully established unit of land.</p>	
<p><u>Section 2.9040. General Standards for Property Line Adjustments</u></p> <p>1) For all areas except those identified as a Resource Zone in Section 1.0500 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.</p> <p>2) For all areas except those zoned AF, F-80 and EFU: (A) Property line adjustments may be</p>	<p><u>Section 2.9040. General Standards for Property Line Adjustments</u></p> <p>1) For all areas except those identified as a Resource Zone in Section 1.0500 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.</p> <p>2) For all areas except those zoned AF, F-80 and EFU: (A) Property line adjustments may be</p>	<p>Language for resource zones is from ORS</p>

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<p>allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.</p> <p>(B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.</p> <p>3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:</p> <p>(A) the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and</p>	<p>allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.</p> <p>(B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.</p> <p>3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:</p> <p>(E) the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and</p> <p>(F) the substandard parcel is not permitted to have more than one</p>	

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<p>(B) the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and</p> <p>(C) it is determined that the tract proposed for transfer can be better managed for resource use, and</p> <p>(D) the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.</p>	<p>non-farm or non-forest dwelling on it, and</p> <p>(G) it is determined that the tract proposed for transfer can be better managed for resource use, and</p> <p>(H) the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.</p>	
<p><u>Section 2.9050. Processing Minor and Major Partitions (Ord. 21-05)</u> The processing of proposed minor and major partition requests will include the following steps:</p> <p>1) The applicant will submit a tentative partition plan completed application and filing fee, to the Community Development Department. The tentative partition plan shall follow the format outlined in Section 2.9090.</p> <p>2) The Director shall evaluate the tentative partition plan to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750</p>	<p><u>Section 2.9050. Processing Minor and Major Partitions (Ord. 21-05)</u> The processing of proposed minor and major partition requests will include the following steps:</p> <p>1) The applicant will submit a tentative partition plan completed application and filing fee, to the Community Development Department. The tentative partition plan shall follow the format outlined in Section 2.9090.</p> <p>2) The Director shall evaluate the tentative partition plan to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750</p>	

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<p>feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.1020, shall apply conditions as required by Section 2.9050 and conditionally approve or deny the tentative plan.</p> <p>3) Conditional approval of a tentative partition plan shall be valid for two years from the date of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 2.9080. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be</p>	<p>feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.1020, shall apply conditions as required by Section 2.9050 and conditionally approve or deny the tentative plan.</p> <p>3) Conditional approval of a tentative partition plan shall be valid for two years from the date of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 2.9080. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. Any</p>	

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<p>affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.</p> <p>4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.</p> <p>5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.</p> <p>6) If the final partition plat conforms to the tentative plan and applicable conditions, the County Surveyor and the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.</p>	<p>partition not completed prior to expiration of the tentative plan shall be considered void.</p> <p>4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.</p> <p>5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.</p> <p>6) If the final partition plat conforms to the tentative plan and applicable conditions, the County Surveyor and the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.</p>	
<p><u>Section 2.9060. Appeal of Partitions or Property Line Adjustments</u> Any appeals of partitions or property line adjustment shall be done after approval or</p>	<p><u>Section 2.9060. Appeal of Partitions or Property Line Adjustments</u> An appeal of partition or property line adjustment follow the process as set forth in</p>	

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<p>denial of the tentative partition plan map or property line adjustment decision and follow the process as set forth in Section 2.2190.</p>	<p>Section 2.2190.</p>	
<p><u>Section 2.9070. General Standards for Minor and Major Partitions</u> (Ord. 21-05) Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.</p> <ol style="list-style-type: none"> 1) Standards for partitions in resource zones (as defined in Section 1.0500): <ol style="list-style-type: none"> (A) Minor Partitions in Resource Zones shall meet the following standards: <ol style="list-style-type: none"> 1) Road approach approval from the appropriate agency shall be demonstrated. 2) Clustering in resource zones shall be subject to the standards for partitioning of non- 	<p><u>Section 2.9070. General Standards for Minor and Major Partitions</u> (Ord. 21-05) Purpose Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.</p> <ol style="list-style-type: none"> 1) Partitions within resource zones: <ol style="list-style-type: none"> (A) Minor Partitions shall meet the following standards: <ol style="list-style-type: none"> 1) Road approach approval from the appropriate agency shall be demonstrated. 2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards. 3) Comprehensive Plan Goal 4 	<p>Road standards that are already included in Table 3.2 do not need to be repeated in this section.</p>

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<p>resource lands in (2) below as well as any other applicable standards.</p> <p>3) County-wide Forest Lands Policy #22 shall be applied to all AF and F-80 partitions.</p> <p>(B) Major Partitions in Resource Zones shall meet the following standards:</p> <p>1) Standards in Section 2.9070(1)(A)(1-3) above shall be met.</p> <p>(a) If a County road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of</p>	<p>(Forest Lands) Policy D shall be applied to all AF and F-80 partitions.</p> <p>(B) Major Partitions shall meet the following standards:</p> <p>1) Standards in Section 2.9070(1)(A)(1-3) above shall be met.</p> <p>2) If a County road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.</p> <p>The Board of Commissioners must accept the County right-of-way.</p> <p>3) If a public road is created, Table 3.2 – Right-of-way and Improvements Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.</p> <p>4) If a private road or easement is created or utilized, the easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table.</p>	

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<p>b) Commissioners. If a public road is created, Table 3.2 – Right-of-way and Improvements Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.</p> <p>c) If a private road or easement is created or utilized, the easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.</p>	<p>Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.</p> <p>2) Partitions outside resource zones: (A) Minor Partitions shall meet the following standards: 1) Road approach approval from the appropriate agency shall be demonstrated. 2) Except as set out in Section 5.9070(1) the boundaries of all parcels shall be surveyed and monumented. (B) Major Partitions shall meet the following standards 1) Standards in 5.9070(2)(A)(1-2) above shall be met. 2) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.</p>	

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<p>2) Standards for Partitions in Non-Resource Zones (as defined in Section 1.0500):</p> <p>(A) Minor Partitions in all zones other than Resource Zones shall meet the following standards:</p> <ol style="list-style-type: none"> 1) Road approach approval from the appropriate agency shall be demonstrated. 2) Except as set out in Section 5.9070(1) the boundaries of all parcels shall be surveyed and monumented. <p>(B) Major Partitions in Non-Resource Zones shall meet the following standards</p> <ol style="list-style-type: none"> 1) Standards in 5.9070(2)(A)(1-2) above shall be met. <ol style="list-style-type: none"> (a) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries 	<p>All such roads shall be improved at least to the County's A-20 road standard. The Board of Commissioners must accept the County right-of-way.</p> <ol style="list-style-type: none"> 3) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's G-20 road standard at a minimum. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion. 4) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed 	

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<p>of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County's A-20 road standard.</p> <p>1) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's G-20 road standard at a</p>	<p>and monumented in its entirety. The road shall be improved to the County's G-14 road standard at a minimum, and one vehicle turnout shall be provided for every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not the County.</p> <p>5) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or</p>	

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<p>minimum. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.</p> <p>2) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and</p>	<p>bonded prior to the sale of any of the partitioned parcels. In the event that the partitioning party intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior to the issuance of any development permit involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the partitioning party has not completed required road improvements at the time of final partition approval, the Department of Community Development will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever</p>	

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<p>monumented in its entirety. The road shall be improved to the County's G-14 road standard at a minimum and one vehicle turnout shall be provided for every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the</p>	<p>comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.</p> <p>6) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the County Engineer or Community Development Director shall require that roads be designed and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities. The County Engineer or the Community Development Director may require a potential development plat showing the location of potential lots and the right-of-way improvements, including those identified in the County Transportation System Plan (TSP). The full right-of-way</p>	

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<p>County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not the County.</p> <p>3) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the partitioned parcels. In the event that the partitioning party intends to retain ownership of a partitioned parcel, required road improvements shall</p>	<p>width shall be reserved on the initial partition plan to ensure that future structures will not encroach into the ultimate right-of-way or easement area.</p>	

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<p>be completed prior to the issuance of any development permit involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the partitioning party has not completed required road improvements at the time of final partition approval, the Department of Community Development will record a development restriction upon the involved parcels to require the completion of these improvements prior</p>		

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<p>4) to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel. In areas where the parcel or lot has the potential to be further partitioned or subdivided, the County Engineer or Community Development Director shall, where practicable, require that roads be designed and located so as to facilitate the future</p>		

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<p>division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities. The County Engineer or the Community Development Director may require a potential development plat showing the location of potential lots and the right-of-way improvements, including those identified in the County Transportation System Plan (TSP). The full right-of-way width shall be reserved on the initial partition plan to ensure that future structures will not encroach into the ultimate</p>		

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<p style="text-align: center;">right-of-way or easement area.</p>		
<p><u>Section 2.9080. Extent of Road Improvements (Ord. 21-05)</u> 1) Required access road improvements and recorded access easements for the parcels involved shall be completed to provide access from the partitioned parcels to an existing public, county or state road.</p>	<p><u>Section 2.9080. Extent of Road Improvements (Ord. 21-05)</u> 1) Required access road improvements and recorded access easements shall be designed to provide access from the partitioned parcels to an existing public, county or state road.</p>	
<p><u>Section 2.9090. Exceptions to General Standards for Minor and Major Partitions and Property Line Adjustments (Ord. 21-05)</u> 1) Surveys for Large Parcel Partitions and Property Line Adjustments. (A) When a partition is proposed which includes parcels that are greater than ten (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved. For a major partition the entire roadway being created shall be surveyed and monumented. (B) A property line adjustment created by the relocation of a common boundary as described</p>	<p><u>Section 2.9090. Exceptions to General Standards for Minor and Major Partitions and Property Line Adjustments (Ord. 21-05)</u> 1) Surveys for Large Parcel Partitions and Property Line Adjustments. (A) When a partition is proposed which includes parcels that are greater than ten (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved. For a major partition the entire roadway being created shall be surveyed and monumented. (B) A property line adjustment created by the relocation of a common boundary as described in ORS 92.010(7)(b) shall be surveyed and monumented in accordance with</p>	

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<p>in ORS 92.010(7)(b) shall be surveyed and monumented in accordance with Oregon law and it shall be filed with the County Surveyor.</p> <p>(C) No survey or monumentation is required for a property line adjustment when the abutting properties are each greater than 10 acres. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.</p> <p>(D) Altering Access to Improve Public Safety. If, in reviewing a minor partition application, the Community Development Director, in conjunction with the County Engineer or State Highway Engineer, determines that a consolidated, single access would better serve the public health, safety and welfare by reducing access points onto a public road such a condition of approval may be attached. The area utilized for such a consolidated access shall not be reduced from a parcel's lot area</p>	<p>Oregon law and it shall be filed with the County Surveyor.</p> <p>(C) No survey or monumentation is required for a property line adjustment when the abutting properties are each greater than 10 acres. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.</p> <p>(D) Altering Access to Improve Public Safety. If, in reviewing a minor partition application, the Community Development Director, in conjunction with the County Engineer or State Highway Engineer, determines that a consolidated, single access would better serve the public health, safety and welfare by reducing access points onto a public road such a condition of approval may be attached. The area utilized for such a consolidated access shall not be reduced from a parcel's lot area for the purpose of determining minimum lot size. Such a consolidated access shall serve</p>	

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<p>for the purpose of determining minimum lot size. Such a consolidated access shall serve a minimum of 3 parcels; if additional partitioning is proposed off a consolidated access, major partition road standards will be applied. Access easements shall be provided for the involved parcels.</p> <p>(E) A shared common driveway may be utilized in a proposed minor partition if the following circumstances exist:</p> <p>(F) Each parcel in the minor partition has the required 25 foot minimum frontage on a state, county or public road.</p> <p>(G) Each parcel has an alternate means of access to the adjoining state, county or public road within its own boundaries.</p> <p>(H) The shared common driveway serves no more than three parcels.</p> <p>(I) Recorded access easements shall be provided for the involved parcels.</p>	<p>a minimum of 3 parcels; if additional partitioning is proposed off a consolidated access, major partition road standards will be applied. Access easements shall be provided for the involved parcels.</p> <p>(E) A shared common driveway may be utilized in a proposed minor partition if the following circumstances exist:</p> <p>(F) Each parcel in the minor partition has the required 25 foot minimum frontage on a state, county or public road.</p> <p>(G) Each parcel has an alternate means of access to the adjoining state, county or public road within its own boundaries.</p> <p>(H) The shared common driveway serves no more than three parcels.</p> <p>(I) Recorded access easements shall be provided for the involved parcels.</p>	
<p><u>Section 2.9100. Tentative Partition Plan Submission Requirements (Ord. 21-05)</u></p>	<p><u>Section 2.9100. Tentative Partition Plan Submission Requirements (Ord. 21-05)</u></p>	

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<p>An applicant for a minor or major partition shall submit a copy of a plan for partitioning showing the following information (except as otherwise provided herein, the following does not require a survey):</p> <ol style="list-style-type: none"> 1) A sketch of the original parcel of land (all contiguously owned land) on an 8 ½" x 11" sheet of paper. 2) The date, north point, and scale of the drawing. 3) The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels. 4) The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned. 5) The existing use or uses of the property, including approximate locations of all structures on the property. 6) The width and location of all easements for drainage or public utilities. 7) The location of zoning boundaries on the property. 8) Approximate location of physical features on the property, such as wetlands and streams. 	<p>An applicant for a minor or major partition shall submit a copy of the plan for partitioning showing the following information (except as otherwise provided herein, the following does not require a survey):</p> <ol style="list-style-type: none"> 1) A sketch of the original parcel of land (all contiguously owned land) on an 8 ½" x 11" sheet of paper. 2) The date, north point, and scale of the drawing. 3) The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels. 4) The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned. 5) The existing use or uses of the property, including approximate locations of all structures on the property. 6) The width and location of all easements for drainage or public utilities. 7) The location of zoning boundaries on the property. 8) Approximate location of physical features on the property, such as wetlands and streams. 	
<p><u>Section 2.9110. Submission of Final Partition Plat</u> Prior to expiration of a tentative partition approval, a final plat shall be submitted subject</p>	<p><u>Section 2.9110. Submission of Final Partition Plat</u> Prior to expiration of a tentative partition approval, a final plat shall be submitted subject</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
to the Standards of Section 2.9210.	to the Standards of Section 2.9210.	
<p><u>Section 2.9120. Submission and Review of Final Plat</u> A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.</p>	<p><u>Section 2.9120. Submission and Review of Final Plat</u> Once a final plat has been submitted, the Director shall have 10 business days to determine whether the final plat conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that the final plat does not conform, the applicant shall be offered an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.</p>	
<p><u>Section 2.9130. Approval Signature for Final Partition Plat (Ord. 21-05)</u> Following review and approval of a final partition plat, the Director shall take the following actions:</p> <ol style="list-style-type: none"> 1) The Clatsop County Community Development Department shall notify the applicant that the approved partition plat has been signed by the Community Development Director. 2) Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. 	<p><u>Section 2.9130. Approval Signature for Final Partition Plat (Ord. 21-05)</u> Following review and approval of a final partition plat, the Director shall take the following actions:</p> <ol style="list-style-type: none"> 1) The Community Development Department shall notify the applicant that the approved partition plat has been signed by the Community Development Director. 2) Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. 	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>If it is determined that there has been a failure to comply, the plat surveyor shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the County Surveyor.</p> <p>3) The County Surveyor shall notify the applicant that the approved partition plat has been signed. The applicant shall take the plat to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collector. The County Tax Office shall notify the applicant when the Plat is ready for recording.</p> <p>4) The applicant shall take the final partition plat to the County Clerk's Office for recording.</p>	<p>If it is determined that there has been a failure to comply, the plat surveyor shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the County Surveyor.</p> <p>3) The County Surveyor shall notify the applicant that the approved partition plat has been signed. The applicant shall take the plat to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collector. The County Tax Office shall notify the applicant when the Plat is ready for recording.</p> <p>4) The applicant shall take the final partition plat to the County Clerk's Office for recording.</p>	
<p><u>Section 2.9140. Subdivisions</u> (Ord. 21-05) An application for a subdivision of six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent</p>	<p><u>Section 2.9140. Subdivisions</u> (Ord. 21-05) An application for a subdivision of six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>parcel, within a calendar year.</p> <p>1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than 30 lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and</p> <p>2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:</p> <p style="padding-left: 40px;">"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."</p>	<p>parcel, within a calendar year.</p> <p>3) No one subdivision, contiguous group of subdivisions or planned development shall create greater than 30 lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and</p> <p>4) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:</p> <p style="padding-left: 40px;">"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."</p>	
<p><u>Section 2.9150. Preliminary Plat (Ord. 21-05)</u> An applicant for a subdivision shall submit nine (9) paper copies and one electronic (pdf) copy of the preliminary plat, together with</p>	<p><u>Section 2.9150. Preliminary Plat (Ord. 21-05)</u> An applicant for a subdivision shall submit 9 paper copies and one electronic (pdf) copy of the preliminary plat, together with improvement</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.</p>	<p>plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.</p>	
<p><u>Section 2.9160. Form and Scale of Preliminary Plat (Ord. 21-05)</u> The preliminary plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.</p>	<p><u>Section 2.9160. Form and Scale of Preliminary Plat (Ord. 21-05)</u> The preliminary plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.</p>	
<p><u>Section 2.9170. Preliminary Plat Information (Ord. 21-05)</u> The Preliminary Plat of the proposed subdivision shall include the following information: 1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved</p>	<p><u>Section 2.9170. Preliminary Plat Information (Ord. 21-05)</u> The Preliminary Plat of the proposed subdivision shall include the following information: 1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.</p> <p>2) North arrow, scale, and date of the completed drawing, approximate acreage, and boundary lines.</p> <p>3) Appropriate identification clearly stating the map is a Preliminary Plat.</p> <p>4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.</p> <p>5) Names, addresses and zip codes of all</p>	<p>which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.</p> <p>2) North arrow, scale, and date of the completed drawing, approximate acreage, and boundary lines.</p> <p>3) Appropriate identification clearly stating the map is a Preliminary Plat.</p> <p>4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.</p> <p>5) Names, addresses and zip codes of all</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>owners, applicants, engineers and surveyors responsible for laying out the subdivision.</p> <p>6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.</p> <p>7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.</p> <p>8) Location of at least one (1) temporary bench mark within the plat boundaries.</p> <p>9) Contour lines related to the temporary bench mark or other datum approved by the County Engineer and having contour intervals together with the calculated degrees of slope as follows:</p> <p>(A) For slopes not in excess of 10 percent: two-foot contours.</p> <p>(B) For slopes over 10 percent: five-foot contours.</p> <p>(C) Location of significant natural features such as rock outcroppings, marshes, wooded</p>	<p>owners, applicants, engineers and surveyors responsible for laying out the subdivision.</p> <p>6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.</p> <p>7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.</p> <p>8) Location of at least one (1) temporary bench mark within the plat boundaries.</p> <p>9) Contour lines related to the temporary bench mark or other datum approved by the County Engineer and having contour intervals together with the calculated degrees of slope as follows:</p> <p>(A) For slopes not in excess of 10 percent: two-foot contours.</p> <p>(B) For slopes over 10 percent: five-foot contours.</p> <p>(C) Location of significant natural features such as rock outcroppings, marshes, wooded</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>areas and isolated trees to be preserved or removed.</p> <p>(D) Location of any rare, threatened and endangered species (plant or animal) or habitat located on or within 1,000 feet of the proposed subdivision.</p> <p>(E) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.</p> <p>(F) Existing uses on the property, including location of all existing structures.</p> <p>(G) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The applicant shall submit documented preliminary approval, from the County Engineer, of the road design.</p> <p>(H) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.</p> <p>(I) Proposed plan for draining</p>	<p>areas and isolated trees to be preserved or removed.</p> <p>(D) Location of any rare, threatened and endangered species (plant or animal) or habitat located on or within 1,000 feet of the proposed subdivision.</p> <p>(E) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.</p> <p>(F) Existing uses on the property, including location of all existing structures.</p> <p>(G) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The applicant shall submit documented preliminary approval, from the County Engineer, of the road design.</p> <p>(H) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.</p> <p>(I) Proposed plan for draining</p>	

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<p>surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.</p> <p>(J) Location, acreage and dimensions of lots and the proposed lot numbers.</p> <p>(K) Site, if any, allocated for a purpose other than single family dwellings.</p> <p>(L) Location, acreage and dimensions of areas proposed for public use.</p> <p>(M) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).</p> <p>(N) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the</p>	<p>surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.</p> <p>(J) Location, acreage and dimensions of lots and the proposed lot numbers.</p> <p>(K) Site, if any, allocated for a purpose other than single family dwellings.</p> <p>(L) Location, acreage and dimensions of areas proposed for public use.</p> <p>(M) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).</p> <p>(N) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the</p>	

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<p>Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:</p> <p>(O) Phase I - shall be recorded within twelve (12) months of preliminary approval.</p> <p>(P) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.</p> <p>(Q) Phase III - shall be recorded within sixty (60) months of preliminary approval.</p> <p>The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 2.2020-2.2050.</p> <p>For any subdivision which has an</p>	<p>Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:</p> <p>(O)Phase I - shall be recorded within twelve (12) months of preliminary approval.</p> <p>(P) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.</p> <p>(Q)Phase III - shall be recorded within sixty (60) months of preliminary approval.</p> <p>Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 2.2020-2.2050.</p> <p>For any subdivision which has an</p>	

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<p>approved phasing plan as granted by the Commission under the preliminary plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.</p> <p>If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The applicant shall submit any future proposals for development of the property to the Commission for approval.</p> <p>Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.</p> <p>10) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the preliminary plat, addressing the following items:</p>	<p>approved phasing plan as granted by the Commission under the preliminary plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.</p> <p>If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The applicant shall submit any future proposals for development of the property to the Commission for approval.</p> <p>Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.</p> <p>10) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the preliminary plat, addressing the following items:</p>	

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<p>(A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Oregon Department of Environmental Quality as administered by the Environmental Health Division of the County Public Health Department or its contract agent.</p> <p>(B) An acceptable and approved method of water supply.</p> <p>(C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.</p> <p>(D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.</p> <p>(E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, Environmental Health Division of the County Public Health Department, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or</p>	<p>(A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Oregon Department of Environmental Quality as administered by the Environmental Health Division of the County Public Health Department or its contract agent.</p> <p>(B) An acceptable and approved method of water supply.</p> <p>(C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.</p> <p>(D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.</p> <p>(E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, Environmental Health Division of the County Public Health Department, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on</p>	

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<p>other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The cost for such study shall be paid by the applicant.</p> <p>(F) Applicants shall provide a list of any conditions, covenants and restrictions (CCRs) which are to be recorded.</p> <p>(G) A demonstration that lot size and use are in compliance with the applicable zone.</p> <p>(H) An access road improvement plan.</p> <p>(I) Recorded access easements shall be provided for access from the subdivision boundary to an existing public, county or state road if not abutting said roads.</p> <p>11) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Code, and ORS 92 and 215.</p> <p>12) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.</p> <p>13) A quotation from the Clatsop County Assessor on taxes to be paid on a</p>	<p>the Preliminary Plat by the Commission. The cost for such study shall be paid by the applicant.</p> <p>(F) Applicants shall provide a list of any conditions, covenants and restrictions (CCRs) which are to be recorded.</p> <p>(G) A demonstration that lot size and use are in compliance with the applicable zone.</p> <p>(H) An access road improvement plan.</p> <p>(I) Recorded access easements shall be provided for access from the subdivision boundary to an existing public, county or state road if not abutting said roads.</p> <p>11) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Code, and ORS 92 and 215.</p> <p>12) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.</p> <p>13) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance</p>	

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<p>proposed subdivision before final platting shall take place in accordance with ORS 92.095.</p> <p>14) If any federal or state permit or license is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.</p> <p>15) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 5.3000.</p>	<p>with ORS 92.095.</p> <p>14) If any federal or state permit or license is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.</p> <p>15) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 5.3000.</p>	
<p><u>Section 2.9180. Preliminary Plat Review (Ord. 21-05)</u></p> <p>1) Upon receipt of a completed preliminary plat, the Planning Division shall set a date for a public hearing before the Planning Commission. Copies of the preliminary plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Planning Division within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.</p> <p>2) The preliminary plat, supplementary information and recommendations of</p>	<p><u>Section 2.9180. Preliminary Plat Review (Ord. 21-05)</u></p> <p>1) Upon receipt of a completed preliminary plat, the Planning Division shall set a date for a public hearing before the Planning Commission. Copies of the preliminary plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Planning Division within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.</p> <p>2) The preliminary plat, supplementary information and recommendations of</p>	

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<p>the Planning staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.</p> <p>3) The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within 30 days of the date of conditional approval showing the design approved by the Planning Commission.</p> <p>4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide</p>	<p>the Planning staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.</p> <p>3) The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within 30 days of the date of conditional approval showing the design approved by the Planning Commission.</p> <p>4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 2.9140 to and including Section 2.9170 and Section 3.9600 to and including Section 3.9720 of this Ordinance, and the road standards as set forth in Section 3.9800.</p> <p>5) Preliminary plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that is complies with all conditions as set forth by the Commission in its preliminary approval and Section 3.9600 to and including Section 3.9720 and road standards as set forth in Section 3.9800. Such approval of Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.</p>	<p>access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 2.9140 to and including Section 2.9170 and Section 3.9600 to and including Section 3.9720 of this Ordinance, and the road standards as set forth in Section 3.9800.</p> <p>5) Preliminary plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that is complies with all conditions as set forth by the Commission in its preliminary approval and Section 3.9600 to and including Section 3.9720 and road standards as set forth in Section 3.9800. Such approval of Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.</p>	
<p><u>Section 2.9190. Granting of Extensions</u> <u>(Ord. 21-05)</u></p> <p>1) The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12)</p>	<p><u>Section 2.9190. Granting of Extensions</u> <u>(Ord. 21-05)</u></p> <p>1) The Community Development Director may grant an extension of up to 12 months to the Preliminary Plat approval and of up to 12 months to any</p>	

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<p>months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry out the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than two (2) extensions be granted by the Community Development Director. Any request for an extension shall be processed under a Type I procedure, 2.1010.</p> <p>2) An applicant who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.</p> <p>3) The granting of an extension by the Director shall be noted on two (2) copies of the preliminary plat, including any conditions imposed. One signed copy is to be given to the applicant while the other copy is retained in the Planning Division file.</p>	<p>subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry out the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than two extensions be granted by the Community Development Director. Any request for an extension shall be processed under a Type I procedure, 2.1010.</p> <p>2) An applicant who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to 12 months. This extension of time shall not affect any other phases not under development.</p> <p>3) Approval of an extension shall be noted on two copies of the preliminary plat, including any conditions imposed. One signed copy is to be given to the applicant while the other copy is retained in the Planning Division file.</p>	
<p><u>Section 2.9200. Submission of Final Plat (Ord. 21-05)</u> Within two (2) years after approval of the</p>	<p><u>Section 2.9200. Submission of Final Plat (Ord. 21-05)</u> Within 2 years after approval of the preliminary</p>	

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<p>preliminary plat, or within such time as set forth by the Commission under the provisions of Section 2.9190(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved preliminary plat. Before approval by any County official, the final plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.</p>	<p>plat, or within such time as set forth by the Commission under the provisions of Section 2.9190(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved preliminary plat. Before approval by any County official, the final plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.</p>	
<p><u>Section 2.9210. Form and Scale of Final Plat (Ord. 21-05)</u></p> <ol style="list-style-type: none"> 1) The final plat offered for approval and recording shall be made pursuant to the standards in Section 3.9730 and shall be surveyed pursuant to ORS 92. 2) At the time of filing the final plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the final plat offered for recording. This copy shall be made with black India ink having the same or better characteristics of strength, stability and transparency, and shall have an affidavit that the tracing is an exact copy of the plat. 	<p><u>Section 2.9210. Form and Scale of Final Plat (Ord. 21-05)</u></p> <ol style="list-style-type: none"> 1) The final plat offered for approval and recording shall be made pursuant to the standards in Section 3.9730 and shall be surveyed pursuant to ORS 92. 2) At the time of filing the final plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the final plat offered for recording. This copy shall be made with black India ink having the same or better characteristics of strength, stability and transparency, and shall have an affidavit that the tracing is an exact copy of the plat. 	

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<p>3) The scale on the final plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18" x 24" plat, but in all cases the scale shall be in multiples of ten.</p> <p>4) The applicant shall provide, at his/her own expense, up to 6 prints at the request of the Commission and/or Board.</p> <p>5) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall</p>	<p>3) The scale on the final plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18" x 24" plat, but in all cases the scale shall be in multiples of ten.</p> <p>4) The applicant shall provide, at his/her own expense, up to 6 prints at the request of the Commission and/or Board.</p> <p>5) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.</p> <p>6) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.</p>	<p>be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.</p> <p>6) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.</p>	
<p><u>Section 2.9220. Information on Final Plat (Ord. 21-05)</u> The information shown on the final plat shall conform to the requirements in ORS 92.050 through 92.080 and shall also include the following:</p> <p>1) The name of the subdivision, the date the plat was prepared, the scale, north</p>	<p><u>Section 2.9220. Information on Final Plat (Ord. 21-05)</u> The information shown on the final plat shall conform to the requirements in ORS 92.050 through 92.080 and shall also include the following:</p> <p>1) The name of the subdivision, the date the plat was prepared, the scale, north</p>	

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<p>point, legend and existing features such as highways and railroads.</p> <p>2) Legal description of the subdivision boundaries.</p> <p>3) Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:</p> <p>(A) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.</p> <p>(B) Adjoining corners of adjoining subdivision.</p> <p>(C) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.</p> <p>(D) Exact location and width of streets and easements intersecting the boundary of the subdivision.</p> <p>(E) Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of ORS 92.</p>	<p>point, legend and existing features such as highways and railroads.</p> <p>2) Legal description of the subdivision boundaries.</p> <p>3) Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:</p> <p>(A) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.</p> <p>(B) Adjoining corners of adjoining subdivision.</p> <p>(C) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.</p> <p>(D) Exact location and width of streets and easements intersecting the boundary of the subdivision.</p> <p>(E) Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of ORS 92.</p> <p>(F) Names and width of the portion of</p>	

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<p>(F) Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, long chord bearing and distance shall be indicated.</p> <p>(G) Easements denoted by fine dotted lines, clearly identified and, if already of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.</p> <p>(H) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.</p> <p>(I) Location of all permanent</p>	<p>streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, long chord bearing and distance shall be indicated.</p> <p>(G) Easements denoted by fine dotted lines, clearly identified and, if already of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.</p> <p>(H) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.</p> <p>(I) Location of all permanent monuments within the proposed</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>monuments within the proposed subdivision.</p> <p>(J) Ties to any city, county, or adjacent subdivision's boundary lines.</p> <p>(K) Acreage of each parcel to the nearest 1/100th of an acre.</p> <p>(L) Any conditions specified by the Commission or Board upon granting preliminary approval.</p> <p>(M) A statement of water rights noted on the subdivision plat or partition plat.</p> <p>(N) A copy of the acknowledgment from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.</p>	<p>subdivision.</p> <p>(J) Ties to any city, county, or adjacent subdivision's boundary lines.</p> <p>(K) Acreage of each parcel to the nearest 1/100th of an acre.</p> <p>(L) Any conditions specified by the Commission or Board upon granting preliminary approval.</p> <p>(M) A statement of water rights noted on the subdivision plat or partition plat.</p> <p>(N) A copy of the acknowledgment from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.</p>	
<p><u>Section 2.9230. Survey Requirements</u> A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.</p>	<p><u>Section 2.9230. Survey Requirements</u> A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.</p>	
<p><u>Section 2.9240. Supplementary Information</u></p>	<p><u>Section 2.9240. Supplementary Information</u></p>	

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<p><u>with Final Plat (Ord. 21-05)</u></p> <p>1) Evidence of Title. The Commission shall require Evidence of Title accompanying the final plat by a letter or final plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the same unit of land being subdivided and shall state that the final plat and certificates have been reviewed.</p> <p>2) Restrictive Covenants. A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.</p> <p>3) Improvement Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering</p>	<p><u>with Final Plat (Ord. 21-05)</u></p> <p>1) Evidence of Title. The Commission shall require Evidence of Title accompanying the final plat by a letter or final plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the same unit of land being subdivided and shall state that the final plat and certificates have been reviewed.</p> <p>2) Restrictive Covenants. A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.</p> <p>3) Improvement Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering</p>	

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<p>practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.</p> <p>4) Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.</p> <p>(A) Land for property dedicated for public purposes may be provided to the county by any of the following methods:</p> <ol style="list-style-type: none"> 1) By dedication on the land subdivision plat; 2) By dedication on the partition plat, provided that the county indicates acceptance on the dedication of the face of the plat; or 3) By a separate dedication or donation document on the form provided by the county. <p>(B) All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the final plat as intended for public use, shall be offered for dedication for public use at the time the final plat is filed.</p> <p>(C) Rights of access to and from streets, lots and parcels shown</p>	<p>practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.</p> <p>4) Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.</p> <p>(A) Land for property dedicated for public purposes may be provided to the county by any of the following methods:</p> <ol style="list-style-type: none"> 1) By dedication on the land subdivision plat; 2) By dedication on the partition plat, provided that the county indicates acceptance on the dedication of the face of the plat; or 3) By a separate dedication or donation document on the form provided by the county. <p>(B) All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the final plat as intended for public use, shall be offered for dedication for public use at the time the final plat is filed.</p> <p>(C) Rights of access to and from streets, lots and parcels shown</p>	

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<p>on the final plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The applicant must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.</p> <p>(D) Reserve Strips. The Board may require a reserve strip in areas of the subdivision in order to control access.</p> <p>(E) Drainage Plan. The final plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent</p>	<p>on the final plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The applicant must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.</p> <p>(D) Reserve Strips. The Board may require a reserve strip in areas of the subdivision in order to control access.</p> <p>(E) Drainage Plan. The final plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent</p>	

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<p>changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.</p> <p>(F) Common Open Space. Maintenance of common open space shall be subject to Section 3.3060.</p> <p>(G) <u>Road Standards.</u> <u>New roads shall comply with the following standards:</u></p> <p>1) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County’s A-20 road standard.</p> <p>2) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards</p>	<p>changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.</p> <p>(F) Common Open Space. Maintenance of common open space shall be subject to Section 3.3060.</p> <p>(G) <u>Road Standards.</u> <u>New roads shall comply with the following standards:</u></p> <p>1) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County’s A-20 road standard.</p> <p>2) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.</p>	

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<p>Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's A-20 road standard at a minimum for new subdivisions. Existing subdivisions may qualify to construct a G-20 road if the existing roadways are not paved. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.</p> <p>3) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and monumented in its entirety. The road shall be improved to the County's G-</p>	<p>The road shall be improved to the County's A-20 road standard at a minimum for new subdivisions. Existing subdivisions may qualify to construct a G-20 road if the existing roadways are not paved. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.</p> <p>3) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and monumented in its entirety. The road shall be improved to the County's G-14 road standard at a minimum and one vehicle turnout shall be provided for</p>	

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<p>14 road standard at a minimum and one vehicle turnout shall be provided for every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not by the County.</p> <p>4) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements</p>	<p>every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not by the County.</p> <p>4) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the subdivided lots.</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>shall be completed or bonded prior to the sale of any of the subdivided lots.</p>		
<p><u>Section 2.9250. Agreement for Improvements (Ord. 21-05)</u> The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the Final plat.</p> <p>Before the Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.</p> <p>A performance bond, as provided in Section 2.9260 of this Ordinance, shall be required with such agreement. Provisions for the</p>	<p><u>Section 2.9250. Agreement for Improvements (Ord. 21-05)</u> The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the Final plat.</p> <p>Before the Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.</p> <p>A performance bond, as provided in Section 2.9260 of this Ordinance, shall be required with such agreement. Provisions for the</p>	

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<p>construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.</p>	<p>construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.</p>	
<p>Section 2.9260. Performance Bond (Ord. 21-05) 1) The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following: (A) A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the County Counsel. (B) In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount determined by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer. (C) Such assurance of full and faithful performance shall be for a</p>	<p>Section 2.9260. Performance Bond (Ord. 21-05) 1) The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following: (A) A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the County Counsel. (B) In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount determined by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer. (C) Such assurance of full and faithful performance shall be for a sum</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and shall include an additional ten (10) percent to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.</p> <p>(D) If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.</p> <p>(E) If subdivision extensions are granted, the bond may need to be revised.</p>	<p>determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and shall include an additional ten (10) percent to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.</p> <p>(D) If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.</p> <p>(E) If subdivision extensions are granted, the bond shall be revised need to be revised.</p>	
<p>Section 2.9270. Final Plat Approval (Ord. 21-</p>	<p>Section 2.9270. Final Plat Approval (Ord. 21-</p>	<p>This section needs to be</p>

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p><u>05)</u> Upon receipt of the final plat, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the final plat and documents to determine that the plat conforms with the approved preliminary plat and that there has been compliance with provisions of the law and this Ordinance.</p> <p>If the County Surveyor, Sanitarian, Engineer and the Community Development Director or the Commission determine that the final plat conforms fully with the approved preliminary plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the final plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, the duties and powers with respect to action of final plat shall</p>	<p><u>05)</u> Upon receipt of the final plat, the Community Development Director shall review the final plat and supporting documents to determine that the plat conforms with the approved preliminary plat and all other applicable provisions of the law and this Ordinance.</p> <p>If the County Surveyor, Sanitarian, Engineer and the Community Development Director or the Commission determine that the final plat conforms fully with the approved preliminary plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the final plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, the duties and powers with respect to action of final plat shall revert to the Vice- Chairperson of the Commission.</p>	<p>changed to reflect actual process. Board would only sign if a county road is being created and dedicated to the County and the County is accepting the dedication and maintenance responsibilities.</p>

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p>revert to the Vice- Chairperson of the Commission.</p> <p>Approval of a final plat by the Board of Commissioners shall constitute an acceptance by the public of the dedication of any street or way shown on the plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the final plat, shall be by a separate process of petitioning the Board of acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.</p>	<p>Approval of a final plat by the Board of Commissioners shall constitute an acceptance by the public of the dedication of any street or way shown on the plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the final plat, shall be by a separate process of petitioning the Board of acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.</p>	
<p><u>Section 2.9280. Filing of Final Plat (Ord. 21-05)</u></p> <p>The subdivider shall, without delay, submit the final plat for signature of the following County officials in the order listed:</p> <ol style="list-style-type: none"> 1) Community Development Director; 2) County Surveyor, in accordance with the provisions of ORS 92.100; 3) County Assessor; 4) Board of Commissioners or its designee (upon consent of the Board); 5) Clerk. 	<p><u>Section 2.9280. Filing of Final Plat (Ord. 21-05)</u></p> <p>The subdivider shall obtain signatures from the following County officials on the final plat. Signatures shall be obtained in the order listed:</p> <ol style="list-style-type: none"> 1) Community Development Director; 2) County Surveyor, in accordance with the provisions of ORS 92.100; 3) County Assessor; 4) Board of Commissioners or its designee (upon consent of the Board); 5) County Clerk 	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
<p><u>Section 2.9290. Time Limit for Recording of a Plat</u> The Final Plat shall be recorded within thirty (30) days of the date that the signatures and approvals as required in Section 2.9280 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.</p>	<p><u>Section 2.9290. Time Limit for Recording of a Plat</u> The final plat shall be recorded within 30 days of the date that the signatures and approvals required in Section 2.9280 have been obtained. If the final plat is not recorded within 30 days, it must be resubmitted to the Commission. The Commission may require revisions to the plat due to changed conditions within the general area of the subdivision.</p>	
<p><u>Section 2.9300. Partial Platting</u> If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.</p>	<p><u>Section 2.9300. Partial Platting</u> Individual phases of an approved preliminary plat may be recorded with the approval of the Commission and in the same manner as a final plat.</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
SECTION 2.9400. SITE PLAN REIVEW		
<p><u>Section 2.9410. Site Plan Review Requirements</u> Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.1040, 1.1050 and the requirements of this Section.</p>	<p><u>Section 2.9410. Site Plan Requirements</u> Before a permit can be issued for development, a site plan must be approved by the Community Development Director or designee. A site plan shall include the following Information: 1) RESIDENTIAL DEVELOPMENT: (A) all property lines (B) all existing and proposed structures (C) distance of all existing and proposed structures from: i. all property lines ii. lakes, streams, rivers and/or wetlands (D) all waste water systems, including septic tanks, drain fields and holding tanks (E) all access roads, driveways, parking areas and easements (F) storm water drainage plan (G) locations and types of outdoor lighting (H) completed zoning verification form 2) NON-RESIDENTIAL DEVELOPMENT: (A) All property lines (B) All existing and proposed structures (C) Building dimensions (D) Driveways and road access points and dimensions</p>	

	<ul style="list-style-type: none">(E) Parking calculation detailing the number of required parking spaces(F) Off-street parking spaces and dimensions of parking spaces(G) Loading areas and dimensions(H) Bicycle parking spaces(I) Pedestrian accessways and dimensions(J) Storm water drainage plan(K) Landscaping(L) Existing trees greater than 6" in diameter measured 4' above the ground(M) Fences(N) Existing and proposed signs and dimensions(O) Locations and types of outdoor lighting(P) Completed zoning verification form	
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EXISTING LANGUAGE	PROPOSED LANGUAGE	NOTES/COMMENTS
SECTION 2.9500. TRANSPORTATION SYSTEM IMPACT REVIEW		
<p>The following section incorporates requirements for developments that have the potential to impact the county's transportation system.</p>	<p>Purpose. The following section includes requirements for developments that have the potential to impact the county's transportation system.</p>	
<p><u>Section 2.9510. Traffic Impact Study</u></p> <p>1) Purpose. The purpose of this section of the code is to implement Section 660-012-0060 of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.</p> <p>2) When Required. A Traffic Impact Study may be required to be submitted to the County with a</p>	<p><u>Section 2.9510. Traffic Impact Analysis</u></p> <p>1) Purpose The purpose of this section is to implement OAR Section 660-012-0060 (Transportation Planning) that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes:</p> <ul style="list-style-type: none"> (A) the threshold for when a traffic impact analysis must be submitted for review; (B) the information that must be in a traffic impact analysis; and (C) who is qualified to prepare the analysis. <p>2) When Required No report is required if there are fewer than 50 trips per day generated during a weekday.</p> <p>A traffic impact analysis shall be</p>	

<p>land use application, when the following conditions apply:</p> <ul style="list-style-type: none"> (A) The road authority indicates in writing that the proposal may have operational or safety concerns along its facilities; or, (B) A traffic impact study is required by the Oregon Department of Transportation (ODOT) pursuant to OAR 734-051; or, (C) The development application involves one or more of the following actions: <ul style="list-style-type: none"> (A) A change in zoning or a plan amendment designation; or Change in use or intensity of use; or Potential impact to residential or mixed-use areas; or Potential impacts to key walking and biking routes, including but not limited to school routes and multimodal street improvements identified in the Transportation System Plan; or (B) Any proposed development or land use action that ODOT states may have operational or 	<p>required when the following conditions apply:</p> <ul style="list-style-type: none"> (A) The road authority indicates in writing that the proposal may have operational or safety concerns along its facilities; or, (B) A traffic impact analysis is required by the Oregon Department of Transportation (ODOT) pursuant to OAR 734-051; or, (C) The development application involves one or more of the following actions: <ol style="list-style-type: none"> 1) A change in zoning or a plan amendment designation; or 2) Change in use to a higher intensity of use; or 3) Safety impacts to or traffic volume increase in a residential or mixed-use area; or 4) Safety impacts to or traffic volume increase adjacent to key walking and biking routes, including but not limited to school routes and multimodal street improvements identified in the Transportation System Plan (D) The development will cause one 	
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<p>(C) safety concerns along a state highway; and</p> <p>The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:</p> <p>(a) An increase in site traffic volume generation by 400 Average Daily Trips (ADT) or more (or as required by the County Engineer); or</p> <p>(b) Location of existing or proposed driveways or access connections; or</p> <p>(c) An increase in ADT hour volume of a particular movement to and</p>	<p>or more of the following:</p> <ol style="list-style-type: none"> 1) An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more; or 2) An increase in peak hour volume of 20 trips or more; or 3) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or 4) Degradation of road or intersection level of service (LOS) below the minimum-required LOS; or <p>3) Traffic Impact Analysis Requirements</p> <p>(A) A traffic impact analysis shall be prepared by a professional engineer as defined in OAR 734-051-1070.</p> <p>(B) The minimum requirements for a traffic impact analysis are:</p> <ol style="list-style-type: none"> 1) Vicinity map showing the location of the project in relation to the transportation system of the area; 2) Trip generation forecast using data from the most recent edition of the Institute of Transportation Engineers (ITE) 	
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	<p>from the State highway by 20 percent or more; or</p> <p>(d) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or</p> <p>(e) Potential degradation of intersection level of service (LOS); or</p> <p>(f) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or</p> <p>(g) A change in internal traffic patterns that may cause safety</p>	<p>Trip Generation Manual unless more appropriate data is available and approved by the County Engineer;</p> <p>3) Trip distribution and assignment. Trip distribution assumptions are based on historical data, existing and future travel characteristics, and capacity constraints;</p> <p>4) Safety analysis of the site accesses, including sight distance and operation characteristics;</p> <p>5) A complete description and plan of the proposed development and surrounding land uses;</p> <p>6) Traffic signal progression analysis and interconnection if a new signal is proposed;</p> <p>7) A response in the final report to any supplemental study issues identified by other affected jurisdictions;</p> <p>8) Appropriate traffic calming techniques if the project distributes trips to a residential local road and is projected to increase the volumes on that road to a volume greater than 1,000 ADT;</p> <p>9) Existing traffic volumes;</p>	
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<p>problems, such as back up onto the highway or traffic crashes in the approach area.</p> <p>3) Traffic Impact Study Requirements:</p> <p>(A) Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-1070.</p> <p>(B) Transportation Planning Rule Compliance.</p> <p>(C) If the proposed development may cause one or more of the effects in Section 2.9510(2), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study shall include recommended mitigation measures.</p> <p>4) Approval Criteria:</p> <p>(A) Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria, in addition to other criteria applicable to the proposal:</p> <p>(A) The proposed site design and traffic and circulation design and facilities, for all transportation modes,</p>	<p>10) Existing and future levels of service, average vehicle delay and volume/capacity ratios (V/C) for all intersections within the study area for conditions with and without the proposed project;</p> <p>11) Forecast traffic volumes with and without the development;</p> <p>12) Analysis of right and left turn lane warrants (ODOT standards);</p> <p>13) Analysis of parking needs of the proposed development;</p> <p>14) If needed, warrant analysis for traffic control devices;</p> <p>15) Findings and conclusions including a recommendation of suggested potential mitigation for off-site impacts and an evaluation of the effectiveness of those solutions.</p> <p>4) Mitigation</p> <p>(A) The applicant shall be responsible to mitigate any safety or capacity problems that are caused by their proposed development.</p> <p>(B) If the County Engineer determines there are pre-existing safety deficiencies and/or capacity failures at relevant intersections or road frontages within the impact analysis area, then no additional</p>	
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<p>including any mitigation measures, are designed to:</p> <ul style="list-style-type: none"> (a) Have the least negative impact on all applicable transportation facilities; and (b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and (c) Make the most efficient use of land and public facilities as practicable; and (d) Provide the most direct, safe and convenient routes practicable between on- site destinations, and between on-site and off-site destinations; and (e) Otherwise comply with applicable requirements of the Clatsop County Land and Water 	<p>development shall be allowed until a solution that accounts for the proposed project's additional impacts is funded or built.</p>	
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<p>Development Use Ordinance and the Standards Document.</p> <p>5) Conditions of Approval: (A) In approving an action that requires a Traffic Impact Study, the County may condition that approval on identified mitigation measures.</p>		
<p><u>Section 2.9520. Amendments Affecting the Transportation System</u></p> <p>1) Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. An amendment significantly affects a transportation facility if it would:</p> <p>(A) Change the functional classification of an existing or planned transportation facility; (B) Change standards implementing a functional classification system; or (C) Result in any of the effects listed below in 1) through 3) based on</p>	<p><u>Section 2.9520. Amendments Affecting the Transportation System</u></p> <p>1) Per OAR 660-012-0060, an application to change a comprehensive plan or zoning designation or to change a local land use regulation, shall be reviewed to determine whether it would significantly affect a transportation facility. An amendment would significantly affect a transportation facility if it:</p> <p>(A) Changes the functional classification of an existing or planned transportation facility; (B) Changes standards implementing a functional classification system; or (C) Results in any of the following: 1) Types or levels of travel or access that are inconsistent with the functional</p>	

<p>projected conditions measured at the end of the planning period identified in TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.</p> <ol style="list-style-type: none"> 1) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or 2) Degradation of the performance of an existing or planned transportation facility such that it would not meet the performance standards in the TSP or comprehensive plan; or 3) Degradation of the performance of an existing or planned transportation 	<ol style="list-style-type: none"> classification of an existing or planned transportation facility; or 2) Degradation of the performance of an existing or planned transportation facility such that it would not meet the performance standards in the TSP or comprehensive plan; or 3) Degradation of the performance of an existing or planned transportation facility that is otherwise projected not to meet the performance standards identified in the TSP or comprehensive plan. <p>(D) Allows types or intensities of development that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or</p> <p>(E) Reduces the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.</p> <ol style="list-style-type: none"> 2) Amendment applications that will significantly affect the transportation system shall be reviewed according to the standards in OAR 660-012-0060. Conditions of approval, as required by 	
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<p>facility that is otherwise projected not to meet the performance standards identified in the TSP or comprehensive plan.</p> <p>(D) Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or</p> <p>(E) Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.</p> <p>2) Amendments That Affect Transportation Facilities. If it is determined that there would be a significant effect, the approved amendments must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the TSP through one or a combination of the remedies listed in (A) through (E) below, unless the amendment meets the balancing test in subsection (E) or qualifies for partial mitigation in (3) below. An amendment that is approved using (2)(E) or (3), must recognize that additional motor</p>	<p>1) OAR 660-012-0060, shall be applied.</p> <p>Exemptions: An amendment may be approved, even if it would affect an existing transportation facility, if the amendment is exempted by OAR 660-012-0060(3), (9) or (10).</p>	
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vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

- (A) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- (B) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism pursuant to OAR 660-012-0060 or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the TSP planning period.
- (C) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (D) Providing other measures as a condition of development or

<p>through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.</p> <p>(E) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.</p> <p>3) Notwithstanding sections (1) and (2), an amendment may be approved that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the</p>		
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facility in accordance with OAR 660-012-0060.		
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Clatsop County – Land Use Planning

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TO: Clatsop County Planning Commission

FROM: Jay Blake, Planning Manager
David Cook, Senior Planner

DATE: April 9, 2024

RE: CAOS: ARTICLE 3 – STRUCTURE SITING AND DEVELOPMENT STANDARDS

Article 3 of the Clatsop County *Land and Water Development and Use Code* (LAWDUC), establishes the development standards for property. The code has very unique sometimes conflicting standards due to the age of the code and number of amendments that have occurred over the past 40 years. The sections for review at the meeting are:

- **Section 3.0000: Site oriented Improvements (Parking, Signs, Building Height, Setbacks, ADUs)**
- **Section 3.1000: Non-conforming Uses, Structures**
- **Section 3.2000: Erosion Control Development Standards**
- **Section 3.3000: Cluster Developments and Density Transfers**
- **Section 3.4000: Mobile Homes**

Proposed Changes or Clarifications Summary:

Section 3.0000: We have removed Section 3.0020 as this section contained no standards or information of importance. In Section 3.0060 related to off-street parking, we have clarified the number of motorcycle parking spaces required when a developer wishes to reduce their overall parking requirement.

Section 3.0130: There were no major changes made to the Signage standards sections. One change was made that requires a development permit for any increase in the size of a permanent sign, which previously only required a development permit for an increase in sign square-footage by 50% or more.

Section 3.0140 through 3.0170: Current language states that an oceanfront setback line can be determined by a geotechnical report; this has been changed to being determined by a survey from a professional land surveyor. We removed a few standards related to flag poles related to their location and number of flags they can display.

Section 3.0180: We have removed the requirement that a Temporary Health Hardship Dwelling have a performance bond in place to guarantee its eventual removal. Otherwise, no substantive changes have been made.

Section 3.1000: We made no substantive changes to the recently updated Non-Conforming Uses and Structures section, except for the deletion of a redundant section, Section 3.1100.

Section 3.2000: This section is technical by nature and received the least amount of language changes. We did however reorganize many sections to trim the total words and sections down in an attempt to make the code more understandable.

Section 3.3000 has intertwined standards for both cluster developments and transfer of development rights within the Clatsop Plains Neighborhood. The creates confusion since they are two different types of review and development. Cluster developments are currently allowed in certain residential districts. They allow the movement of units within a development to reduce impacts on farmland, environmentally sensitive areas, and forest tracts. They are not exclusive to Clatsop Plains and require 30% of the tract be maintained in open space. Transfer of Development rights is currently allowed only within Clatsop Plains and it allows the movement of development units from one tract to another unconnected tract. This is used in Clatsop plains to protect sensitive environmental features and maintain open space corridors. The proposed changes separate the two concepts into their own sections.

Section 3.4000 regulates the placement of mobile homes on individual parcels of land and the development of mobile home parks in multi-family zoning districts. The state OAR language has different definitions for three types of construction. “Trailers” are pre-1962. “Mobile homes” were constructed from 1962 to 1976 approximately. The current construction standards are termed “manufactured homes”.

We add these definitions to the code and require the newly placed structures to be manufactured homes and meet post-1976 construction standards for safety, ingress/egress. We propose reducing development standards for new and expanded manufactured home parks. We also remove restrictions on the placement of manufactured homes that go beyond what is required for on-site built structures. We propose to add manufactured home parks as a cup in the Rural Community Commercial Districts as a Type III review.

DISCUSSION AND NEXT STEPS

Staff is requesting discussion and feedback from the Planning Commission regarding the proposed changes. Please highlight or note sections where you would like additional clarification.

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p align="center">SECTION 3.0000 SITE ORIENTED IMPROVEMENTS</p>	<p align="center">SECTION 3.0000 SITE ORIENTED IMPROVEMENTS</p>	
<p>Section 3.0010. Calculating Average Grade and Building Height The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:</p> <p>A. Construction/building plans submitted for use permitted in any zone may be required to show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint (<i>Figure 1</i>).</p> <p>B. Photographs of the undisturbed site may be required. Photographs need not be professional or aerial photographs.</p> <p>C. To verify the height (<i>Figure 2</i>), a survey by a registered surveyor may be required by the Community Development Director.</p>	<p>Section 3.0010. Calculating Average Grade and Building Height The height of a structure is measured by first finding the average height of the undisturbed ground at the four corners of the proposed structure. To determine height:</p> <p>A. Plans shall show the elevations of the undisturbed ground prior to construction as measured at the four corners of the proposed. A permanently accessible control point shall be established outside of the building's footprint (<i>Figure 1</i>).</p> <p>B. A registered surveyor shall certify the height of the structure prior to final occupancy when a structure is proposed within two feet of the maximum height limit, or when required by the Community Development Director (<i>Figure 2</i>).</p>	<p>Referenced figures not included for clarity. Added objective language for requiring height certification.</p>
<p>Section 3.0020. Grading of Building Site. The grading of a building site shall conform to the standards contained in this Ordinance.</p>	<p>Section 3.0020. Omitted [ORD. XX-XX]</p>	<p>Removed as this contains nothing of substance.</p>

<p><u>Section 3.0030. Special Site Development for Environmental Protection</u> Special requirements for environmental protection are specified in Article 6 of this document. In addition, in all areas of the County, sewage systems shall be allowed in those areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Department of Environmental Quality and will be used only as a last resort.</p>	<p><u>Section 3.0030. Special Site Development for Environmental Protection</u> Special requirements for environmental protection are specified in Article 6 of this document. Sewage systems shall be allowed in areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem identified by the Oregon Department of Environmental Quality (DEQ) and only at direction of DEQ.</p>	<p>Word trimming and clarification.</p>																		
<p><u>Section 3.0040. Water Improvement Standards</u> A year-round supply of at least 250 gallons of water per day by one of the following sources:</p> <table border="1" data-bbox="852 1207 1404 1866"> <thead> <tr> <th>Source</th> <th>Standard</th> <th>Proof</th> </tr> </thead> <tbody> <tr> <td>Public or Community Water</td> <td>Within Water Utility or area of service</td> <td>Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line</td> </tr> <tr> <td>Well</td> <td>Existing well or easement provided no more than three (3)</td> <td>Well log data as required to quantity from certified well driller. Potability</td> </tr> </tbody> </table>	Source	Standard	Proof	Public or Community Water	Within Water Utility or area of service	Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line	Well	Existing well or easement provided no more than three (3)	Well log data as required to quantity from certified well driller. Potability	<p><u>Section 3.0040. Water Improvement Standards</u> A year-round supply of at least 250 gallons of water per day by one of the following sources:</p> <table border="1" data-bbox="852 548 1404 1207"> <thead> <tr> <th>Source</th> <th>Standard</th> <th>Proof</th> </tr> </thead> <tbody> <tr> <td>Public or Community Water</td> <td>Area proposed for development shall be served by a Water Utility</td> <td>Written correspondence from a Water Utility stating water service can be provided, or conditionally provided</td> </tr> <tr> <td>Well</td> <td>New or existing well or easement to utilize the well, provided no more than three households use one well</td> <td>Well log data verifying quantity from a certified well driller. Potability test from certified water lab. Recorded easement if an</td> </tr> </tbody> </table>	Source	Standard	Proof	Public or Community Water	Area proposed for development shall be served by a Water Utility	Written correspondence from a Water Utility stating water service can be provided, or conditionally provided	Well	New or existing well or easement to utilize the well, provided no more than three households use one well	Well log data verifying quantity from a certified well driller. Potability test from certified water lab. Recorded easement if an	<p>Updated language and simplified sections. Removed unnecessary and poorly worded language.</p>
Source	Standard	Proof																		
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Public or Community Water	Area proposed for development shall be served by a Water Utility	Written correspondence from a Water Utility stating water service can be provided, or conditionally provided																		
Well	New or existing well or easement to utilize the well, provided no more than three households use one well	Well log data verifying quantity from a certified well driller. Potability test from certified water lab. Recorded easement if an																		

<p>households use one well as a potable water source. Over three households must meet state potable requirements (ORS 448.115)</p>	<p>Permit from the State of Oregon Water Resources Department for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab</p>	<p>test from certified water lab.</p>
<p>Spring</p>	<p>Application from the State of Oregon Water Resources Department for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box</p>	<p>River, stream, pond or hand dug well</p>
<p>as a potable water source. Over three households must meet state potable requirements (ORS 448.115)</p>	<p>Application from the Oregon Water Resources Department for domestic water rights of at least 2.25 gallons per minute. Existing spring on property or easement to spring on adjacent property.</p>	<p>Permit from the Oregon Water Resources Department for domestic water right. Certified for a year-round supply of 250 gallons per day by a Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab</p>
<p>Spring</p>	<p>Application from the Oregon Water Resources Department for domestic water right of at least 2.25 gallons per minute</p>	<p>Permit from the Oregon Water Resources Department for domestic water right. Potability test from certified water lab</p>
<p>River, stream, pond or hand dug well</p>	<p>Application from the Oregon Water Resources Department for domestic water right of at least .005</p>	<p>Permit from the State of Oregon Water Resources Department for domestic water right. Potability test from certified water lab.</p>
<p>River, stream, pond or hand dug well</p>	<p>A rainwater catchment system</p>	<p>Rainwater Catchment System</p>
<p>easeement is utilized</p>	<p>Rainwater catchment system design approved</p>	<p></p>

<table border="1"> <tr> <td data-bbox="227 1648 289 1873"></td> <td data-bbox="227 1449 289 1648">CFS (2.25 gals/min)</td> <td data-bbox="227 1218 289 1449"></td> </tr> <tr> <td data-bbox="289 1648 409 1873">Rainwater Catchment System</td> <td data-bbox="289 1449 409 1648">Oregon Building Codes</td> <td data-bbox="289 1218 409 1449">Design approved by Clatsop County Building Codes</td> </tr> </table>		CFS (2.25 gals/min)		Rainwater Catchment System	Oregon Building Codes	Design approved by Clatsop County Building Codes		granting a year-round supply of at least 250 gallons per day	by Clatsop County Building Codes for the required water supply	
	CFS (2.25 gals/min)									
Rainwater Catchment System	Oregon Building Codes	Design approved by Clatsop County Building Codes								
<p>Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.</p>	<p>Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.</p>	<p>Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.</p>								
<p><u>Section 3.0050. Off-Street Parking Required</u> Off-street parking and loading shall be provided for all development requiring a development permit according to Sections 3.0050 to 3.0120. Parking calculations at or above 0.5 will be rounded up to the nearest whole number, while fractions below 0.5 will be rounded down to the nearest whole number. For example, if a parking calculation would require 3.5 spaces, applicants would be required to provide 4 parking spaces. If a parking calculation would require 3.4 spaces, an applicant would be required to provide 3 parking spaces. The minimum standard for parking shall be one (1) parking space, unless noted otherwise. [ORD. 23-07]</p>	<p><u>Section 3.0050. Off-Street Parking Required</u> Off-street parking and loading shall be provided as described in Sections 3.0050 to 3.0120. Parking calculations at or above 0.5 will be rounded up to the nearest whole number, while fractions below 0.5 will be rounded down to the nearest whole number. The minimum standard for parking shall be one (1) parking space, unless noted otherwise. [ORD. 23-07]</p>	<p><u>Section 3.0050. Off-Street Parking Required</u> Off-street parking and loading shall be provided as described in Sections 3.0050 to 3.0120. Parking calculations at or above 0.5 will be rounded up to the nearest whole number, while fractions below 0.5 will be rounded down to the nearest whole number. The minimum standard for parking shall be one (1) parking space, unless noted otherwise. [ORD. 23-07]</p>								
<p><u>Section 3.0060. Minimum Off-Street Parking Space Requirements</u> Any uses described herein may provide up to 30% of the required number of parking spaces,</p>	<p><u>Section 3.0060. Minimum Off-Street Parking Space Requirements</u> Uses may provide up to 30% of the required number of parking spaces, except ADA-</p>	<p><u>Section 3.0060. Minimum Off-Street Parking Space Requirements</u> Uses may provide up to 30% of the required number of parking spaces, except ADA-</p>								
<p>Removed unnecessary language.</p>	<p>Removed 'example' language to reduce text.</p>									

<p>except ADA-required spaces, as compact spaces, measuring no less than 7 feet wide by 15 feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows: {ORD.23-07}</p>	<p>required spaces, as compact spaces. These spaces shall measure no less than 7 feet wide by 15 feet long and shall be clearly marked.</p>	
<p>1) Residential type of development and number of parking spaces. [ORD. 23-07] KSF: 1,000 Square Feet GHFA: Gross Habitable Floor Area GLA: Gross Leasable Area</p>	<p>Off-street parking terms: KSF: 1,000 Square Feet GHFA: Gross Habitable Floor Area GLA: Gross Leasable Area</p> <p>1) Residential type of development and number of parking spaces. [ORD. 23-07]</p>	<p>NOTE: For ease of reading, the parking tables found in this section have been omitted. There were no changes made to the text within the tables.</p>
<p>2) Commercial type of development and number of parking spaces. [ORD. 23-07] KSF: 1,000 Square Feet GHFA: Gross Habitable Floor Area GLA: Gross Leasable Area</p>	<p>2) Commercial type of development and number of parking spaces. [ORD. 23-07]</p>	<p>Removed the definition of each acronym under each use type.</p>
<p>3) Institutional, public and quasi-public type of development and number of parking spaces. [ORD. 23-07] KSF: 1,000 Square Feet GHFA: Gross Habitable Floor Area GLA: Gross Leasable Area</p>	<p>3) Institutional, public and quasi-public type of development and number of parking spaces. [ORD. 23-07]</p>	<p>Removed subsection 6 as it is a repeat of Section 3.0060. Revised to require at least two motorcycle parking spaces to reduce required parking.</p>
<p>4) Industrial type of development and number of parking spaces. [ORD. 23-07] KSF: 1,000 Square Feet</p>	<p>4) Industrial type of development and number of parking spaces. [ORD. 23-07] 5) Requirements for building or development not listed shall be</p>	

<p>GHFA: Gross Habitable Floor Area GLA: Gross Leasable Area</p> <p>5) Requirements for building or development not specifically listed herein shall be determined by the Community Development Director based upon the requirements of comparable uses listed.</p> <p>6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet wide by 15 feet long. Compact spaces shall be clearly marked accordingly. [ORD. 23-07]</p> <p>7) The number of minimum required parking spaces may be reduced by up to 10% if:</p> <ul style="list-style-type: none">A. The proposal is located within a ¼ mile of an existing or planned transit route, and;B. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,C. Site has dedicated parking spaces for motorcycles.	<p>determined by the Community Development Director based upon the requirements of comparable uses.</p> <p>The number of required parking spaces may be reduced by up to 10% if:</p> <ul style="list-style-type: none">A. The proposal is located within ¼ mile of an existing or planned transit route, and;B. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,C. Site has at least two dedicated parking spaces for motorcycles.
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<p><u>Section 3.0070. Off-Street Parking Restrictions</u></p> <ol style="list-style-type: none">1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.3) Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a 5 foot-wide foot sidewalk in accordance with County standards, and a 5 foot-wide landscaped buffer separating the parking from on street traffic. [ORD 23.07]4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease,	<p><u>Section 3.0070. Off-Street Parking Restrictions</u></p> <ol style="list-style-type: none">1) Parking spaces in a public street, including an alley, shall not fulfill any part of parking requirements.2) Required parking facilities may be located on an adjacent parcel of land provided the adjacent parcel is under the same ownership as the use it is required to serve.3) Except for industrial uses, required parking shall not be located in a front yard setback or a side yard setback area abutting a public street, unless there is a 5-foot-wide sidewalk in accordance with County standards, and a 5-foot-wide landscaped buffer separating the parking from on street traffic. [ORD 23.07]4) Required parking facilities of two or more uses may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such a joint use agreement is established.5) Required parking shall be available for parking of operable passenger vehicles only, and shall not be used for the	<p>Trimmed sections.</p>
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<p>contract, or similar written instrument establishing such joint use.</p> <p>5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.</p>	<p>storage or display of vehicles or materials.</p>	
<p>Section 3.0080. Off-Street Parking Plan A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:</p> <ol style="list-style-type: none"> 1) Delineation of individual parking spaces. 2) Circulation area necessary to serve spaces. 3) Access to streets, alleys, and properties to be served. 4) Curb cuts. 5) Dimensions, continuity and substance of screening. 6) Grading, drainage, surfacing and subgrading details. 7) Delineations of all structures or other obstacles to parking and circulation on the site. 8) Specifications as to signs and bumper guards. 	<p>Section 3.0080. Off-Street Parking Plan A plan indicating required off-street parking and loading shall accompany a development permit application. The plan shall show all elements necessary to indicate that these requirements are fulfilled and shall include but not be limited to:</p> <ol style="list-style-type: none"> 1) Delineation of individual parking spaces. 2) Circulation area necessary to serve spaces. 3) Access to streets, alleys, and properties to be served. 4) Curb cuts. 5) Dimensions, location, and substance of screening and buffers. 6) Grading, drainage, surfacing, and subgrading details. 7) Location of all obstacles to parking and circulation on the site. 8) Specifications of signs and bumper guards. 9) Pedestrian access ways. 	<p>Trimmed wording. NOTE: Figure 3 Example Off-Street Parking Plan has not been included for clarity.</p>

<p>9) Pedestrian access ways.</p>		
<p><u>Section 3.0090. Off-Street Parking Construction</u> Required parking spaces shall be improved and available for use at the time of final building inspection.</p>	<p><u>Section 3.0090. Off-Street Parking Construction</u> Required parking spaces shall be improved and available for use at the time of final building inspection.</p>	<p>No changes.</p>
<p><u>Section 3.0100. Design Requirements for Off-Street Parking</u> Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:</p> <ol style="list-style-type: none"> 1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. 2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) 	<p><u>Section 3.0100. Design Requirements for Off-Street Parking</u> Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:</p> <ol style="list-style-type: none"> 1) Except for a single or two family dwellings, groups of more than three parking spaces shall have adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. 2) Except for a single or two family dwellings, more than three parking spaces shall be served by a driveway designed to facilitate the flow of traffic on and off the site, in a safe manner for pedestrians and vehicles. Driveways shall be clearly and permanently marked and defined. Two-way driveways shall be no less than 18-foot 	<p>Word trimming and clarification.</p>

<p>feet and twelve (12) feet in width respectively.</p> <p>3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.</p> <p>4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.</p> <p>5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings: (A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless</p>	<p>in width. One-way driveways shall be no less than 12-feet in width.</p> <p>3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures, such as a garage.</p> <p>4) All access to public streets shall maintain a Clear Vision Area (see Section 3.9530). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height shall be located in a clear vision area. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.</p> <p>5) Except single and two family dwellings, the following shall apply: (A) Parking areas, aisles, and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two-inch depth and maintained adequately for all weather use. (B) Parking areas, aisles, and turnarounds shall manage storm water runoff to eliminate sheet flow of such waters onto</p>
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<p>surfaces or be graveled to a two inch depth and maintained adequately for all weather use.</p> <p>(B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.</p> <p>(C) Spaces shall be permanently and clearly marked.</p> <p>(D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way and other property line.</p> <p>(E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a</p>	<p>sidewalks, public rights-of-ways, and abutting properties.</p> <p>(C) Spaces shall be permanently and clearly marked.</p> <p>(D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way or a property line.</p> <p>(E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. In a non-residential zone where a parking facility or driveway is serving a use other than a one or two family dwelling, and the use is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.</p> <p>(F) Artificial lighting provided shall be deflected so as not to shine</p>
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<p>site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.</p> <p>(F) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.</p> <p>(G) In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.</p> <p>(H) Parking lots for commercial and office uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) long-term carpool parking spaces. Carpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.</p>	<p>directly onto adjoining residential uses and so as not to create hazard to the public use of a street.</p> <p>(G) In parking lots three acres and larger intended for use by the general public, pedestrian path shall be raised or separated from parking, parking aisles, and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.</p> <p>(H) Parking lots for commercial and office uses that have designated employee parking and more than 20 total parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) long-term carpool parking spaces. Carpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.</p>	
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<p>parking spaces (with a minimum of one space) as preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.</p>		
<p><u>Section 3.0110. Bicycle Parking Requirements</u> In rural communities, new multi-family residential developments of four or more units, retail, office and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.</p> <p>1) Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible</p>	<p><u>Section 3.0110. Bicycle Parking Requirements</u> In rural communities, new multi-family residential developments of four or more units, retail, office, and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.</p> <p>1) Bicycle parking facilities shall be placed near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible to the adjacent sidewalks</p>	<p>Minor word trimming.</p>

<p>2) to the adjacent sidewalks and/or vehicle parking areas within the site. Community Development Director may reduce the number of required bicycle parking spaces on a case- by-case basis if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.</p>	<p>and/or vehicle parking areas within the site.</p> <p>2) The Community Development Director may reduce the number of required bicycle parking spaces if the applicant can demonstrate that the proposed use would be anticipated to generate less need for bicycle parking.</p>	
<p>Section 3.0120. Loading Facilities</p> <p>1) The minimum area required for commercial and industrial loading spaces is as follows:</p> <p>(A) 250 sq.ft. for buildings of (5,000 to 20,000) sq.ft. of gross floor area.</p> <p>(B) 500 sq.ft. for buildings of (20,000 to 50,000) sq.ft. of gross floor area.</p> <p>(C) 750 sq.ft. for buildings in excess of (50,000) sq.ft. of gross floor area.</p> <p>2) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.</p> <p>3) If possible, required loading areas shall be screened from public view, from public streets and adjacent properties.</p>	<p>Section 3.0120. Loading Facilities</p> <p>1) The minimum area required for commercial and industrial loading spaces is as follows:</p> <p>(A) For buildings between 5,000 and 20,000 square-feet gross floor area: 250 square-feet.</p> <p>(B) For buildings between 20,000 and 50,000 square-feet gross floor area: 500 square-feet.</p> <p>(C) For buildings over 50,000 square-feet of gross floor area: 750 square-feet.</p> <p>2) Required loading areas shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.</p> <p>3) If possible, required loading areas shall be screened from public view, from public streets, and adjacent properties.</p>	<p>Changed sentence structure for clarity.</p>

<p>4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.</p> <p>5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.</p>	<p>4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.</p> <p>5) Schools with greater than twenty-five students shall maintain a driveway for continuous forward flow for the purposes of loading and unloading students.</p>	
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>SECTION 3.0130. SIGN REQUIREMENTS.</p> <p>Purpose: These regulations are intended to promote scenic values; prevent unsafe driver distractions; provide orientation and directions; facilitate emergency response; and generally provide useful signs in appropriate areas.</p> <p>1) Sign placement: No permanent sign or temporary sign in excess of six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six (6) square feet may be placed in or extend over a required non-street right-of-way, or within 10 feet of the front property line in a required front yard. No sign may be located in a manner that will impair the use of an existing solar energy system on adjoining property. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.</p> <p>2) Sign lighting/Movement: Any lighting of signs must be directed away from adjacent residential uses and so shielded, installed and aimed that the lighting does not project past the object being illuminated. Illumination of</p>	<p>SECTION 3.0130. SIGN REQUIREMENTS.</p> <p>Purpose: These regulations are intended to promote scenic values; prevent unsafe driver distractions; provide orientation and directions; facilitate emergency response; and generally provide useful signs in appropriate areas.</p> <p>1) Sign placement: No permanent or temporary sign greater than six square feet may be placed in a required side yard setback or a street right-of-way, or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six square feet may be placed in a required side yard setback or a street right-of-way, or within 10 feet of the front property line in a required front yard. New signage shall not impact the use of an existing solar energy system on adjoining property. Signage must have at least eight feet of clearance above a sidewalk and 15 feet of clearance above a driveway.</p> <p>2) Sign lighting/Movement: Lighting of signs must be directed away from residential uses and shielded, installed and aimed to prevent light trespass. Illumination of billboards shall be limited to commercial and industrial zones. Except for traffic control signs or traffic hazard warning signs, no sign shall be</p>	<p>Clarified many sections and revised grammar; updated vocabulary to match current LAWDUC verbiage. Require a development permit for the increase in size of any permanent sign.</p> <p>NOTE: Figure 4 has been excluded from this table for clarity.</p>

<p>billboards shall be limited to commercial and industrial zoning districts. Except for traffic control signs or traffic hazard warning signs, no sign shall include or be illuminated by a flashing, intermittent, revolving, rotating or moving light or move or have any animated or moving parts.</p> <p>3) Signs in any zone: The following signs are permitted in any zoning district without the need for a permit:</p> <ul style="list-style-type: none"> (A) City limits signs and public notice signs. (B) Directional signs for public facilities. (C) Traffic control and safety signs. (D) Signs placed by the owner to restrict or limit trespassing, hunting or fishing. <p>4) Signs in Residential zones: In Residential zones, signs shall be directed towards facing streets or located at needed points of vehicular access but no closer than 200 feet apart. Signage shall be limited to activities occurring on the property upon which the sign is located as follows:</p> <ul style="list-style-type: none"> (A) A single name plate not exceeding three (3) square feet. (B) A sign not exceeding thirty-two square feet pertaining to the or to a construction project, lease, rental, or sale of the property. 	<p>illuminated by a flashing, or moving light, nor shall the sign have any animated or moving parts.</p> <p>3) Signs in any zone: The following signs are permitted in any zone without the need for a permit:</p> <ul style="list-style-type: none"> (A) City limits signs and public notice signs. (B) Directional signs for public facilities. (C) Traffic control and safety signs. (D) Signs placed by the owner to restrict or limit trespassing, hunting or fishing. <p>4) Signs in Residential zones: In residential zones, signs shall face streets or be located at points of vehicular access but no closer than 200 feet apart. Signage shall be limited to activities occurring on the property and the maximum size shall be limited as follows:</p> <ul style="list-style-type: none"> (A) A single name plate: 3 square feet (B) A sign pertaining to a construction project, lease, rental, or sale of property: 32 square feet. (C) A sign advertising a subdivision: 90 square feet. (D) A sign identifying a multi-family dwelling or motel: 150 square feet. 	
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<p>(C) A sign not exceeding 90 square feet advertising a subdivision.</p> <p>(D) A sign not exceeding 150 square feet, identifying a multi-family dwelling or motel.</p> <p>(E) A sign not exceeding 24 square feet identifying a non-residential use.</p> <p>(F) A sign not exceeding 24 square feet identifying a cottage industry.</p> <p>(G) A sign not exceeding 24 square feet directing traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find.</p> <p>(H) A sign identifying a home occupation up to 6 square feet in size.</p> <p>(I) Signage not exceeding a total of two hundred (200) square feet identifying a mobile home park, recreational campground, primitive campground, commercial farm, or community identification. Individual signs shall not exceed thirty-two (32) square feet in size.</p> <p>(J) A sign not exceeding 16 square feet for a bed & breakfast.</p>	<p>(E) A sign identifying a non-residential use: 24 square feet.</p> <p>(F) A sign identifying a cottage industry: 24 square feet.</p> <p>(G) A sign directing traffic to places of interest to the public, such as tourist accommodations and recreation sites: 24 square feet.</p> <p>(H) A sign identifying a home occupation: 6 square feet.</p> <p>(I) Signage identifying a Manufactured home park, recreational campground, primitive campground, commercial farm, or community identification: Individual signs: 32 square feet; Total signage: 200 square feet.</p> <p>(J) A sign for a bed & breakfast: 16 square feet.</p> <p>The size limitations described in (B) through (J) above apply to each side of a single-sided or double-sided sign.</p> <p>5) Signs in Resource zones: Signage can be permitted in the AF, F-80, and EFU Zones. Signage cannot be permitted in any other resource zone. Individual signs may not exceed 32 square feet and are limited as follows: (A) Signs pertaining to permitted uses in the zone.</p>	
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<p>The size limitations described in (B) through (J) above apply to each side of a single-sided or double-sided sign.</p> <p>5) Signs in Resource zones: Except for the AF, F-80 and EFU zones signs are not permitted in resource zones. Individual signs may not exceed thirty-two (32) square feet and are limited as follows:</p> <ul style="list-style-type: none">(A) Signs pertaining to permitted uses in the zone.(B) Road identification signs. <p>6) Signs in Commercial and Industrial zones: The following signs are permitted in Commercial and Industrial zones for activities occurring on the property upon which the sign is located:</p> <ul style="list-style-type: none">(A) Signage not exceeding 200 square feet for commercial establishments. Individual signs may not exceed thirty-two square feet, unless otherwise provided by these regulations.(B) Signage not exceeding sixty (60) square feet (including any signage in the canopy, windows or other display areas) for retail or light industrial lease spaces in multi-tenant buildings.(C) A temporary sign not exceeding thirty-two square feet in area pertaining either to the lease,	<p>(B) Road identification signs.</p> <p>6) Signs in Commercial and Industrial zones: The following signs are permitted in Commercial and Industrial zones for activities occurring on the property. The following size maximums shall apply:</p> <ul style="list-style-type: none">(A) Signage for commercial establishments: Individual signs: 32 square feet, unless otherwise provided in this section; Total signage: 200 square feet.(B) Signage (including any signage in the canopy, windows or other display areas) for retail or light industrial lease spaces in multi-tenant buildings: 60 square feet.(C) A temporary sign pertaining either to the lease, rental or sale of the property or to a construction project: 32 square feet. <p>7) Temporary (including campaign) signs: In non-resource zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:</p> <ul style="list-style-type: none">(A) The sign may not exceed thirty-two (32) square feet.(B) The sign may not be illuminated.
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<p>rental or sale of the property or to a construction project.</p> <p>7) Temporary (including campaign) signs: In residential, commercial and industrial zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:</p> <p>(A) The sign may not exceed thirty-two (32) square feet.</p> <p>(B) The sign may not be illuminated.</p> <p>(C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.</p> <p>8) Calculating Sign Area: The structure supporting or appearing to support a freestanding sign need not be included in the area of the sign, unless that structural element is conveying information as part of the sign. In calculating the square footage, the width shall be measured at the widest part of the sign, including any cut-outs, and the length shall be measured at the longest part of the sign, including any cut-outs. For multiple-sided signs (signs having 3 or more faces) the area size standard shall be applied to the cumulative total of all sides of the sign.</p>	<p>(C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.</p> <p>8) Calculating Sign Area: Signs shall be measured from the widest and longest part of the sign, including any cut-outs. Each side of a multi-faced sign shall be calculated. The sign structure is not included in area calculations (unless it conveys information).</p> <p>9) Text or Image Area: Text and images are allowed only on the face of the sign. Text and images are prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign. A sign owner's logo or other disclosure required by law to be placed on the ledger, post, or other structure of the sign is exempt.</p> <p>10) Non-conforming signs: Signs not conforming to the requirements of this ordinance shall be subject to the following:</p> <p>(A) Text or images on the face of a non-conforming sign may be changed but the sign area may not be expanded.</p> <p>(B) The use of a non-conforming sign is considered discontinued if there is no text or image on the</p>	
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<p>9) Copy Area: Copy is allowed only on the face of the sign. Copy is prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign, except to the extent that the sign owner's logo or other disclosure is required by law to be placed on the ledger, post or other structure of the sign. For purposes of this Section, "copy" is defined as any text or image.</p>	
<p>10) Non-conforming signs: Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following:</p>	
<p>(A) Text or images on the face of a legal non-conforming sign may be changed but the sign may not be expanded.</p>	
<p>(B) A legal non-conforming sign will be considered abandoned and discontinued if there is no text or image on the display surface for a period of six (6) consecutive months.</p>	
<p>11) Permit required: Except as otherwise provided, a Type I development permit is required for the following activities:</p>	
<p>(A) Installation of a new permanent sign;</p>	<p>display surface for a period of six consecutive months.</p>
<p>(B) A Type 1 permit shall be required for an increase in the face of any</p>	<p>Permit required: Except as otherwise provided, a development permit is required for the following activities:</p> <p>(A) Installation of a new permanent sign;</p> <p>(B) An increase in the area of any permanent sign;</p> <p>(C) Expanding the text or images of any non-conforming sign.</p> <p>The Department shall review any proposed sign for conformance with the standards of this section and any requirements under the State building codes.</p>

<p>permanent sign face by fifty (50) percent or more;</p> <p>(C) Expanding the text or images of any non-conforming sign.</p> <p>The Department shall review any proposed sign for conformance with the standards of this section and any requirements under the State building codes.</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>Section 3.0140. General Exception to Yard Standards</p> <p>1) Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, plasters, lintels, ornamental features, and other similar architectural features may project not more than two (2) feet into a required yard or into required open space as established by coverage standards and must comply with the setback requirements from property line as stated in this Ordinance.</p> <p>2) The following are exceptions to the front yard requirement for a dwelling: (A) If there are dwellings on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting dwellings. (B) If there is a dwelling on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.</p> <p>3) In zones where front, side or rear setbacks are required, structures up to</p>	<p>Section 3.0140. General Exception to Yard Standards</p> <p>1) Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, plasters, lintels, ornamental features, and other similar architectural features may project up to two feet into a required yard or open space.</p> <p>2) The following are exceptions to the front yard requirement for a dwelling: (A) If there are dwellings on both abutting lots which lie within the required front yard setback, the required front yard setback can be calculated based on the average distance to the front property line of the abutting dwellings. (B) If there is a dwelling on one abutting lot which lies within the required front yard setback, the required front yard setback can be calculated as half way between the depth of the abutting lot and the required front yard setback.</p> <p>3) In zones where front, side or rear setbacks are required, structures up to 30 inches in height may be located within that setback area.</p> <p>4) Fences within yard setbacks:</p>	<p>Trimmed subsection 1. New figures could help explain Subsection 2 more clearly than text.</p>

<p>2.5 feet (30 inches) in height may be located within that setback area.</p> <p>Following are requirements for fences within yard setbacks:</p> <p>(A) Fences over 6 feet in height must be located at or behind the building setback line.</p> <p>(B) Fences 6 feet or less may be placed on the property line except within clear vision areas.</p>	<p>(A) Fences over 6 feet in height must adhere to the setbacks of the zone.</p> <p>(B) Fences 6 feet or less may be placed on the property line except within clear vision areas.</p>	
<p>Section 3.0150. Oceanfront Setback</p> <p>For lots abutting the ocean shore, the ocean yard shall be determined by the oceanfront setback line.</p> <p>1) The location of the oceanfront setback line for a given lot depends on the location of buildings on lots abutting the ocean shore in the vicinity of the proposed building site and:</p> <p>(A) For the Clatsop Plains area the location and orientation of the following reference lines:</p> <ol style="list-style-type: none"> Described as the construction setback line in Section 5.4020: A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770, or the circa 1920's shoreline, whichever is further inland 	<p>Section 3.0150. Oceanfront Setback</p> <p>For lots abutting the ocean shore, the oceanfront setback shall be determined as follows:</p> <p>1) The location of the oceanfront setback line depends on the location of buildings on abutting lots and:</p> <p>(A) For the Clatsop Plains area, the location and orientation of the following reference lines:</p> <ol style="list-style-type: none"> Described as the construction setback line in Section 5.4020: A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770, or the circa 1920's shoreline, whichever is further inland for the area north of Surf 	<p>Trimmed language.</p> <p>Changed method for establishing oceanfront setback line from a geologic report to a professional survey.</p> <p>NOTE: Figures 5 & 6 are omitted here for clarity.</p>

<p>for the area north of Surf Pines to Columbia River south Jetty.</p> <ol style="list-style-type: none"> 2. Described as the Pinehurst construction setback line, in Ordinance 92-90; and 3. Described as the Surf Pines construction setback line, in Ordinance 83-17. <p>(B) For the Southwest Coastal Planning Area and elsewhere along the Clatsop County coast, the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging established upland shore vegetation, whichever is further inland.</p> <ol style="list-style-type: none"> 2) For the purpose of determining the oceanfront setback line, the term "building" refers to a permanent residential or commercial structure attached to a fixed foundation on a lot. The term "building" does not include accessory structures or uses. 3) The oceanfront setback line that is established shall be parallel with the reference lines established in the preceding Section 3.0150(1) and measurements from buildings shall be perpendicular to these reference lines. 	<p>Pines to Columbia River south Jetty.</p> <ol style="list-style-type: none"> 2. Described as the Pinehurst construction setback line, in Ordinance 92-90; and 3. Described as the Surf Pines construction setback line, in Ordinance 83-17. <p>(B) For all other oceanfront areas, the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging established upland shore vegetation, whichever is further inland.</p> <ol style="list-style-type: none"> 2) For the purpose of determining the oceanfront setback line, the term "building" refers to a permanent residential or commercial structure attached to a fixed foundation on a lot. The term "building" does not include accessory structures or uses. 3) The oceanfront setback line shall be parallel with the reference lines established in the preceding Section 3.0150(1) and measurements from buildings shall be perpendicular to these reference lines. 4) The setback of a building from these reference lines is measured from the most seaward point of the building's
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<p>4) The setback of a building from these reference lines is measured from the most seaward point of the building's foundation. A buildings foundation excludes decks, porches, and similar building additions.</p> <p>5) The oceanfront setback line for a parcel is determined as follows:</p> <p>(A) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property to both the north and south, the oceanfront setback line for the subject property is the average oceanfront setback of the nearest buildings to the north and south.</p> <p>(B) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property in only one direction, either the north or south, the oceanfront setback line for the subject property is that of the nearest building.</p> <p>(C) If there are no legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property, the oceanfront setback line for the subject property shall be established by the geotechnical report.</p>	<p>foundation. A buildings foundation does not include decks, porches, and similar building additions.</p> <p>5) The oceanfront setback line for a parcel is determined as follows:</p> <p>(A) If there are legally constructed buildings within 200 feet of the side lot lines to both the north and south, the oceanfront setback line for the subject property is the average oceanfront setback of the nearest buildings to the north and south.</p> <p>(B) If there are legally constructed buildings within 200 feet of the side lot lines in only one direction, either the north or south, the oceanfront setback line for the subject property is that of the nearest building.</p> <p>(C) If there are no legally constructed buildings within 200 feet of the side lot lines, the oceanfront setback line for the subject property shall be established by a professional survey.</p> <p>6) The Director shall require a greater oceanfront setback when a geotechnical report indicates that a greater oceanfront setback is required to protect the proposed building from an identified coastal erosion hazard.</p>
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<p>6) Notwithstanding the above provisions, the Director shall require a greater oceanfront setback where information in a geotechnical report prepared pursuant to Section 5.3000 indicates that a greater oceanfront setback is required to protect the proposed building from an identified coastal erosion hazard.</p>		
<p><u>Section 3.0160. Application of Building Heights to Ocean Front Lots</u></p> <p>1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot.</p>	<p><u>Section 3.0160. Application of Building Heights to Ocean Front Lots</u></p> <p>1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot.</p>	<p>No change.</p>
<p><u>Section 3.0170. Height Limitations for Non-habitable and Non-storage Structures</u></p> <p>1) Flag poles: No flag poles shall be greater than six inches in diameter and shall not exceed the maximum height allowed by the zone in which it is located by more than 10 feet. All such poles shall be placed so as to neither obstruct nor obscure the adjacent property owner's lines of vision. Such</p>	<p><u>Section 3.0170. Height Limitations for Non-habitable and Non-storage Structures</u></p> <p>1) Flag poles: Flag poles shall be no greater than six inches in diameter and shall not exceed the maximum height allowed by the zone by more than 10 feet.</p> <p>2) Windmills: Windmills shall not be any higher than 35 feet above either the average surrounding tree line or the highest structure within 250 feet of the</p>	<p>Clarified standards for windmills.</p>

<p>poles shall not display more than two flags at any one time.</p> <p>2) Windmills: Such structures shall not be any higher than 35 feet above either the average surrounding tree line or the highest structure within 250 feet of the windmill site. If no structure exists within 250 feet of the site of the windmill, the windmill shall not exceed 70 feet in height. A windmill shall be placed such that minimal impact on views from adjacent lots result. All such structures shall be subject to a Type II application procedure.</p>	<p>windmill site, whichever is less. The maximum height shall be 70 feet when there exists no surrounding tree line or structure within 250 feet. A windmill shall be placed such that minimal impact on views from adjacent lots result. Windmills over the maximum height limit shall be subject to a Type II application procedure.</p>	
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>SECTION 3.0180. ACCESSORY DWELLING UNITS AND GUESTHOUSES.</p> <p>Only one Accessory Dwelling Unit or one Guesthouse is permitted per lot or parcel under this section. [ORD. 23-03]</p> <p>A) The following standards shall apply to all accessory dwelling units (ADUs) within the AC-RCR, RC-MFR and RCR zones. [ORD. 23-03]</p> <ol style="list-style-type: none"> 1) ADUs shall be allowed only on lots or parcels serviced by a State approved sanitary sewer. 2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). <p>A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel.</p> <p>ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.</p> <ol style="list-style-type: none"> 3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling. 4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either 	<p>SECTION 3.0180. ACCESSORY DWELLING UNITS AND GUESTHOUSES.</p> <p>Only one Accessory Dwelling Unit or one Guesthouse is permitted per lot or parcel under this section. [ORD. 23-03]</p> <p>A) For accessory dwelling units (ADUs) in the AC-RCR, RC-MFR, and RCR zones [ORD. 23-03]:</p> <ol style="list-style-type: none"> 1) The parcel shall be served by a State approved sanitary sewer. 2) The parcel must have an existing single-family dwelling (the "primary dwelling"). 3) The parcel may have no more than one ADU or Guesthouse (see "Guesthouse"). 4) ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling. 5) Maximum lot coverage and setback standards must be met. 6) An ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached. 7) The maximum gross habitable floor area (GHFA) of the ADU is 900 square feet. The floor area of any garage shall not be included 	

<p>attached to the primary dwelling or detached.</p> <p>5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 900 square feet. The floor area of any garage shall not be included in the total GHFA. [ORD. 23-03]</p> <p>B) The following standards shall apply to all accessory dwelling units (ADUs) on rural residential lands not addressed in Section 3.0900(A). [ORD.23-03]</p> <ol style="list-style-type: none"> 1) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137. 2) The lot or parcel is at least two acres in size. 3) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling. 4) The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 195.550 to 195.600. 	<p>in the total GHFA. [ORD. 23-03]</p> <p>B) The following standards shall apply to all accessory dwelling units (ADUs) on rural residential lands not addressed in Section 3.0900(A). [ORD.23-03]</p> <ol style="list-style-type: none"> 1) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137. 2) The lot or parcel is at least two acres in size. 3) The parcel must have an existing single-family dwelling (the "primary dwelling"). 4) The parcel may have no more than one ADU or Guesthouse (see "Guesthouse"). 5) ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling. 6) The primary dwelling on the lot or parcel is not declared a nuisance nor is it subject to any pending action under ORS 195.550 to 195.600. 7) The primary dwelling is not subject to any code violations under Clatsop County Code or the Clatsop County <i>Land and Water Development and Use Code</i>. 	
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<p>5) The existing single-family dwelling is not subject to any code violations under Clatsop County Code or the Clatsop County <i>Land and Water Development and Use Code</i>.</p> <p>6) The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.</p> <p>7) The accessory dwelling unit will comply with all applicable laws and regulations relating to water supply and quantity.</p> <p>8) The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling. This distance shall be measured from the closest portion of the exterior wall of both structures, not including roof structures such as eaves, gutters, canopies, and other similar architectural features.</p> <p>9) ADUs shall comply with setback requirements applicable to the parcel containing the primary dwelling.</p>	<p>8) The ADU will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment, as well as water supply and quantity.</p> <p>9) The ADU will be located no farther than 100 feet from the primary dwelling. This distance shall be measured from the closest portion of the exterior wall of both structures, not including roof structures such as eaves, gutters, canopies, and other similar architectural features.</p> <p>10) ADUs shall comply with setback requirements applicable to the parcel containing the primary dwelling, including resource zone setbacks.</p> <p>11) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.</p> <p>12) The maximum gross habitable floor area (GHFA) of the ADU is 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.</p>
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<p>10) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.</p> <p>11) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.</p> <p>12) No portion of the lot or parcel is within a designated area of critical state concern.</p> <p>13) The lot or parcel and ADU is served by a fire protection service.</p>	<p>13) No portion of the lot or parcel is within a designated area of critical state concern.</p> <p>14) The lot or parcel and ADU is served by a fire protection service.</p> <p>15) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392. If the lot or parcel is not located within the wild-land-urban interface, the ADU shall comply with local defensible space requirements (ORS 476.293).</p>	
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<p>14) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.</p> <p>15) Statewide wildfire risk maps have been approved and the ADU complies with Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area.</p> <p>16) The accessory dwelling unit must comply with all minimum-required setbacks from adjacent lands zoned for resource use.</p> <p>17) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.</p>	<p>16) The ADU complies with the construction standards of section R327 of the Oregon Residential Specialty Code, if the parcel is in an extreme or high wildfire risk on the statewide map of wildfire risk (ORS 477.490) or if no statewide map of wildfire risk has been adopted.</p> <p>17) The ADU has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.</p> <p>18) ADUs allowed under this section may not be used for vacation occupancy, as defined in ORS 90.100.</p> <p>19) A restrictive covenant shall be recorded which prohibits the ADU from being used for vacation occupancy, as defined in ORS 90.100.</p> <p>20) The County may not approve a subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit. [ORD. 23-03]</p> <p>C) ADUs on parcels containing a historic home as defined in Section 1.0500, shall comply with all of the following development standards. [ORD. 23-03]</p>	
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<p>18) If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible spaces established by a local government pursuant to ORS 476.392.</p> <p>19) Accessory dwelling units allowed under this section may not be used for vacation occupancy, as defined in ORS 90.100.</p> <p>20) The property owner, as a condition of approval, shall record a restrictive covenant on the property that prohibits the accessory dwelling unit from being used for vacation occupancy, as defined in ORS 90.100.</p> <p>21) The County may not approve a subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit. [ORD. 23-03]</p>	<p>1) The lot or parcel is not located within an urban reserve as defined by ORS 195.137.</p> <p>2) The lot or parcel is at least two acres in size.</p> <p>3) A historic home is sited on the lot or parcel.</p> <p>4) The historic home is converted to an ADU within one year of completion of a new single-family dwelling.</p> <p>5) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment, as well as water supply and quantity.</p> <p>6) The lot or parcel shall not be subdivided, partitioned or otherwise divided so that a new single-family dwelling is situated on a different lot or parcel from the ADU.</p> <p>7) The ADU may not be altered, renovated or remodeled so that the square footage of the ADU is more than 120% of the historic home's square footage at the time construction of a new single-family dwelling commenced.</p>
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<p>C) Accessory dwelling units on parcels containing a historic home as defined in Section 1.0500, shall comply with all of the following development standards. [ORD. 23-03]</p> <ol style="list-style-type: none"> 1) The lot or parcel is not located within an urban reserve as defined by ORS 195.137. 2) The lot or parcel is at least two acres in size. 3) A historic home is sited on the lot or parcel. 4) The historic home is converted to an accessory dwelling unit within one year of completion of the new single-family dwelling. 5) The accessory dwelling unit complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment. 6) The accessory dwelling unit complies with all applicable laws and regulations relating to water supply. 7) The lot or parcel shall not be subdivided, partitioned or otherwise divided so that the new single-family dwelling is situated on a different lot or parcel from the accessory dwelling unit. 	<ol style="list-style-type: none"> 8) The ADU may not be rebuilt if the structure is lost to fire unless permitted under the provisions of 3.0900(B). 9) The accessory dwelling unit shall not be used as for vacation occupancy. 10) A restrictive covenant shall be recorded which prohibits the ADU from being used for vacation occupancy, as defined in ORS 90.100. <p>D) The following standards shall apply to all guesthouses. [ORD.23-03]</p> <ol style="list-style-type: none"> 1) The maximum gross habitable floor area (GHFA) is 900 square feet. The floor area of any garage, utility rooms, or areas below the average pre-disturbed grade shall not be included in the total GHFA. 2) Metering devices shall not be permitted on guesthouses. 3) Cooking Facilities shall not be permitted in guesthouses. (See definition of "Cooking Facilities" in Section 1.0500) 4) A maximum of one guesthouse is permitted per lot or parcel and must accompany a primary dwelling. [ORD. 23-03] 	
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<p>8) The accessory dwelling unit may not be altered, renovated or remodeled so that the square footage of the accessory dwelling unit is more than 120% of the historic home's square footage at the time construction of the new single-family dwelling commenced.</p> <p>9) The accessory dwelling unit may not be rebuilt if the structure is lost to fire unless permitted under the provisions of 3.0900(B).</p> <p>10) A second accessory dwelling unit may not be constructed on the same lot or parcel.</p> <p>11) The accessory dwelling unit shall not be used as a short-term rental.</p> <p>12) The property owner, as a condition of approval, shall record a restrictive covenant on the property that prohibits the accessory dwelling unit from being used for vacation occupancy, as defined in ORS 90.100. [ORD. 23-03]</p> <p>D) The following standards shall apply to all guesthouses. [ORD.23-03]</p>		
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<p>1) The maximum gross habitable floor area (GHFA) shall not exceed 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.</p> <p>2) Metering devices shall not be permitted on guesthouses.</p> <p>3) Cooking Facilities shall not be permitted in guesthouses. (See definition of "Cooking Facilities" in Section 1.0500)</p> <p>4) A maximum of one guesthouse is permitted per lot or parcel and must accompany a primary residence. [ORD. 23-03]</p>		
<p><u>SECTION 3.0190. TEMPORARY HEALTH HARDSHIP</u></p> <p>1. One manufactured dwelling or recreational vehicle shall be placed on the same parcel as an existing dwelling for the term if a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.</p> <p>2. The applicant must be a relative and must submit certification from a physician that there is a necessity for them to reside on the same premises as the relative in order to receive</p>	<p><u>SECTION 3.0190. TEMPORARY HEALTH HARDSHIP</u></p> <p>A temporary health hardship dwelling (temporary dwelling) shall be sited as a manufactured dwelling or recreational vehicle and is subject to the following standards:</p> <p>1. The temporary dwelling shall be placed on the same parcel as an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.</p> <p>2. The applicant must be a relative and must submit certification from a</p>	

<p>necessary care.</p> <p>3. The manufactured dwelling or recreational vehicle must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.</p> <p>4. The permit is effective for one (1) year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.2040.</p> <p>5. Permits for temporary health hardships shall be renewed by January 31st of each year, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.</p> <p>6. The applicant shall submit a statement indicating that “the residence for which the health hardship was issued will be removed when the health hardship no longer exists.” When the health hardship is resolved, the manufactured dwelling or recreational vehicle shall be removed.</p> <p>7. For purposes of guaranteeing removal of a manufactured dwelling once the health hardship no longer exists, a performance bond shall be required as per Section 1.1090.</p> <p>8. The health hardship must meet all other applicable standards in the zone.</p>	<p>physician that there is a necessity for them to reside on the same premises as the relative in order to receive necessary care.</p> <p>3. The temporary dwelling must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.</p> <p>4. The permit is effective for one year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.2040.</p> <p>5. Permits for these temporary dwellings shall be renewed by January 31st of each year, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.</p> <p>6. The applicant shall submit a statement indicating that “the residence for which the health hardship was issued will be removed when the health hardship no longer exists.” When the health hardship is resolved, the temporary dwelling shall be removed.</p> <p>7. The temporary dwelling must meet all other applicable standards in the zone.</p>	
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EXISTING LANGUAGE	SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES.	COMMENTS/NOTES
<p>SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES.</p> <p>Section 3.1010. Purpose The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which do not comply with this Ordinance.</p> <p>Section 3.1020. Definitions. The following definitions are applicable to the provisions of Section 3.1000, Non-conforming Uses and Structures.</p> <p>ABANDONMENT: A non-conforming use shall be considered abandoned when the non-conforming use is discontinued for a period of one year. When a non-conforming use is determined to be abandoned, subsequent use of the property shall conform to this Ordinance. Abandonment does not apply to circumstances such as fire or other catastrophes outside of the owner's control. Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.</p> <p>ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure.</p> <p>EXPANSION. Any increase in any external dimension of a Non-conforming structure.</p>	<p>SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES.</p> <p>Section 3.1010. Purpose The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which do not comply with this Ordinance.</p> <p>Section 3.1020. Definitions. The following definitions are applicable to the provisions of Section 3.1000, Non-conforming Uses and Structures.</p> <p>ABANDONMENT: A non-conforming use shall be considered abandoned when the non-conforming use is discontinued for a period of one year. When a non-conforming use is determined to be abandoned, subsequent use of the property shall conform to this Ordinance. Abandonment does not apply to circumstances such as fire or other catastrophes outside of the owner's control. Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.</p> <p>ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure.</p> <p>EXPANSION. Any increase in any external dimension of a Non-conforming structure.</p>	<p>No changes made to definitions. Trimmed repetitive language. Revised wording to be more consistent with LAWDUC at large. No changes to standards other than their wording.</p>

<p>FLOATING RECREATIONAL CABIN: A moored floating structure used wholly or in part as a dwelling, not physically connected to any upland utility services except electricity, and is used only periodically or seasonally.</p> <p>FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a floating recreational cabin or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.</p> <p>INTERRUPTION: The discontinuance of any non-conforming use for a period of less than one year.</p> <p>LAWFULLY MOORED: To be lawfully moored, a floating recreational cabin or floating residence must be constructed upon or attached to piling or a dock by the owner or with the permission of the owner or lawful lessee of the piling or dock. If moored to piling or a dock, such piling or dock must have been installed or constructed and be maintained in compliance with all Federal, State and County requirements. If the floating recreational cabin or floating residence is attached to the shore, such attachment must also be by or with the permission of the owner or lawful lessee of the area of attachment.</p>	<p>FLOATING RECREATIONAL CABIN: A moored floating structure used wholly or in part as a dwelling, not physically connected to any upland utility services except electricity, and is used only periodically or seasonally.</p> <p>FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a floating recreational cabin or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.</p> <p>INTERRUPTION: The discontinuance of any non-conforming use for a period of less than one year.</p> <p>LAWFULLY MOORED: To be lawfully moored, a floating recreational cabin or floating residence must be constructed upon or attached to piling or a dock by the owner or with the permission of the owner or lawful lessee of the piling or dock. If moored to piling or a dock, such piling or dock must have been installed or constructed and be maintained in compliance with all Federal, State and County requirements. If the floating recreational cabin or floating residence is attached to the shore, such attachment must also be by or with the permission of the owner or lawful lessee of the area of attachment.</p>
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<p>NON-CONFORMING STRUCTURE: A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.</p> <p>NON-CONFORMING USE: A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.</p> <p>REAL MARKET VALUE: The value indicated in the Clatsop County Assessor's records for an improvement or the value determined by an independent licensed appraiser.</p> <p>Section 3.1030. Continuance</p> <ol style="list-style-type: none">1) A Non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g., hours of operation) existing on the date that the use became Non-conforming.2) Under a Type I procedure, the County shall verify whether a use is a valid non-conforming use consistent with the standards in Section 3.1000 and ORS 215.130. An application to verify a non-conforming use shall demonstrate all of the following:<ol style="list-style-type: none">(A) The non-conforming use was lawfully established on or before the effective date of the zoning change that prohibited the use;	<p>NON-CONFORMING STRUCTURE: A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.</p> <p>NON-CONFORMING USE: A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.</p> <p>REAL MARKET VALUE: The value indicated in the Clatsop County Assessor's records for an improvement or the value determined by an independent licensed appraiser.</p> <p>Section 3.1030. Continuance</p> <ol style="list-style-type: none">1) A non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming.2) Under a Type I procedure, the County shall verify whether a use is a valid non-conforming use. An application to verify a non-conforming use shall demonstrate the following:<ol style="list-style-type: none">(A) The non-conforming use was lawfully established on or before the effective date of the zoning change that prohibited the use; and(B) The non-conforming use has not been abandoned or interrupted for
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<p>(B) The non-conforming use has continued without abandonment or interruption for the 10-year period immediately preceding the date of application or the period from the date of the ordinance change prohibiting the use, whichever is less; and</p> <p>(C) Any alterations to the nature and extent of the non-conforming use were done in compliance with the applicable standards in Section 3.1000.</p> <p>(D) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.</p> <p>(E) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.</p> <p>3) A non-conforming structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming. Additions, alterations and expansions to a non-conforming structure shall not increase the non-conformity of the structure.</p> <p><u>Section 3.1040. Abandonment or Interruption of Use</u> If a non-conforming use is discontinued for a period of one year, the non-conforming use shall be considered abandoned. Subsequent use of the property shall conform to this Ordinance.</p>	<p>the last 10 years from the date of this application, or from the date the use became non-conforming, whichever is less; and</p> <p>(C) Any changes to the non-conforming use were done in compliance with the Non-conforming uses and structures standards; and</p> <p>(D) The applicant shall bear the burden of proof for establishing that the use and was lawfully established, and the level of use prior to becoming non-conforming.</p> <p>3) A non-conforming structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming. Additions, alterations and expansions to a non-conforming structure shall conform to the current standards of this Ordinance.</p> <p><u>Section 3.1040. Abandonment or Interruption of Use</u> Abandonment or interruption may be caused by ceasing the use or by changing the nature of the use for 365 continuous days, or longer. Subsequent use of the property shall conform to this Ordinance.</p> <p>Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use. [ORD. 23-02]</p>
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<p>Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use. [ORD. 23-02]</p> <p>For purposes of determining whether abandonment or interruption has occurred, the following shall apply:</p> <ol style="list-style-type: none"> 1) Abandonment or interruption may be caused by ceasing the use or by changing the nature of the use for 365 continuous days, or longer. 	<p><u>Section 3.1050. Alteration</u></p> <ol style="list-style-type: none"> 1) Through Type I procedures, alterations shall be permitted to a non-conforming structure, or to a structure containing a non-conforming use; and <ol style="list-style-type: none"> (A) Alteration of any such structure or use shall be permitted when necessary to comply with any lawful requirement for alteration in the structure or use. Except as provided in ORS 215.215, the County shall not place conditions on a non-conforming structure that would prevent complying with state or local health and safety requirements, or prevent maintaining the non-conforming structure in good repair. (B) A change of ownership or occupancy shall be permitted. 2) Alterations of these structures shall not exceed 75% of their real market value in a three-year period. If alterations exceed this amount, the non-conforming structure shall be brought into conformance with this Ordinance. [ORD #17-02] 	
<p><u>Section 3.1050. Alteration</u></p> <ol style="list-style-type: none"> 1) Through Type I procedures, alterations shall be permitted to a non-conforming structure, or to a structure containing a non-conforming use; and <ol style="list-style-type: none"> (A) Alteration of any such structure or use shall be permitted when necessary to comply with any lawful requirement for alteration in the structure or use. (B) Except as provided in ORS 215.215, the 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 structure associated with the use. (C) A change of ownership or occupancy shall be permitted. 	<p><u>Section 3.1060 Expansion</u></p> <ol style="list-style-type: none"> 1) Non-conforming structures containing a use permitted in the underlying zone may be expanded through a Type I procedure. The expansion of such a structure shall be in conformance with the requirements of this Ordinance. 	

<p>2) If in a three-year period, alterations to a non-conforming structure, or to a structure containing a non-conforming use exceeds 75% of the real market value of the structure, the structure shall be brought into conformance with the requirements of this Ordinance. [ORD #17-02]</p> <p>Section 3.1060 Expansion</p> <p>1) Non-conforming structures containing a use permitted in the underlying zone may be expanded through a Type I procedure. The expansion of such a structure shall not increase the non-conformity of the structure and shall be in conformance with the requirements of this Ordinance.</p> <p>2) For non-conforming structures dedicated to a residential use and located in a zone not intended for residential uses, an expansion may be permitted through a Type I procedure. The expansion of such a structure shall not increase the non-conformity of the structure and shall be in conformance with the requirements of this Ordinance including setbacks, lot coverage, and other development standards as required by code.</p> <p>3) An expansion of a non-conforming use, or a change in the characteristics of a non-conforming use, (i.e. hours of operation or levels of service provided) may be approved, pursuant to a Type II procedure, where the following standards are met:</p>	<p>2) For non-conforming structures dedicated to a residential use and located in a zone not intended for residential uses, an expansion may be permitted through a Type I procedure. The expansion of such a structure shall be in conformance with the requirements of this Ordinance.</p> <p>3) The expansion of a non-conforming use, or a change in the characteristics of a non-conforming use, (i.e. hours of operation or levels of service provided) can be permitted through a Type II procedure, where the following standards are met:</p> <ul style="list-style-type: none">a. The floor area of structures shall not be increased by more than 20%.b. The land area covered by structures shall not be increased by more than 10%.c. There will be no adverse impact on neighboring areas than the existing non-conforming use, considering:<ul style="list-style-type: none">1. Comparison of the following factors:<ul style="list-style-type: none">(a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.(b) Numbers and kinds of vehicular trips to the site.(c) Amount and nature of outside storage, loading and parking.(d) Visual impact.(e) Hours of operation.
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<p>(A) The floor area of a building(s) shall not be increased by more than 20%.</p> <p>(B) The land area covered by structures shall not be increased by more than 10%.</p> <p>(C) The proposed expansion, or proposed change in characteristics of the use will have no greater adverse impact on neighboring areas than the existing use, considering:</p> <ol style="list-style-type: none"> 1. Comparison of the following factors: <ul style="list-style-type: none"> (a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line. (b) Numbers and kinds of vehicular trips to the site. (c) Amount and nature of outside storage, loading and parking. (d) Visual impact. (e) Hours of operation. (f) Effect on existing vegetation. (g) Effect on water drainage and water quality. (h) Service or other benefit to the area. (i) Other factors relating to conflicts or incompatibility with the character or needs of the area. 	<p>(f) Effect on existing vegetation.</p> <p>(g) Effect on water drainage and water quality.</p> <p>(h) Service or other benefit to the area.</p> <p>(i) Other factors relating to conflicts or incompatibility with the character or needs of the area.</p> <ol style="list-style-type: none"> 2. The character and history of the use and of development in the surrounding area. 3. An approval may be conditioned to mitigate potential adverse impacts identified. <p><u>Section 3.1070 Changes to a Non-conforming Use</u></p> <p>A non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not be changed back to a non-conforming use.</p> <p><u>Section 3.1080 Replacement and Damage</u></p> <ol style="list-style-type: none"> 1) If a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by fire, natural disaster or other catastrophe outside of the owner's control, it may be reconstructed within the dimensions of the structure prior to the damage; and (A) A building permit for its reconstruction shall be obtained within three years of the date of the damage;
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<p>2. The character and history of the use and of development in the surrounding area.</p> <p>3. An approval may be conditioned to mitigate any potential adverse impacts that have been identified by the review body.</p> <p><u>Section 3.1070 Changes to a Non-conforming Use</u></p> <p>1) A non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a non-conforming use.</p> <p><u>Section 3.1080 Replacement and Damage</u></p> <p>1) Non-conforming structures and uses. If a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by fire, natural disaster or other catastrophe outside of the owner's control, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction; and</p> <p>2) A building permit for its reconstruction shall be obtained within three years of the date of the damage;</p> <p>3) If a building permit is not obtained within three years, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type I procedure, the</p>	<p>(B) If a building permit is not obtained within three years, the reconstruction shall be in conformance with this Ordinance. The Community Development Director may grant a one-year extension of the three-year period under a Type I procedure. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>2) Damage greater than 75% real market value: If a non-conforming structure or a structure devoted to a non-conforming use is damaged, destroyed, or demolished by an action of the property owner or authorized agent to an extent amounting to 75% or more of its real market value, it shall be reconstructed in conformance this Ordinance, unless approval of a variance is obtained as described in LAWDUC Section 2.8000.</p> <p>3) Damage less than 75% real market value: If a non-conforming structure or a structure devoted to a non-conforming use is damaged by an action of the property owner or authorized agent to an extent amounting to less than 75% of its real market value, it may be reconstructed in conformance within the dimensions of the structure prior to its destruction; and</p>	
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<p>Community Development Director may grant a one-year extension of the three-year period. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>(B) If a non-conforming structure or a structure devoted to a non-conforming use is damaged, destroyed, or demolished by an action of the property owner or authorized agent, to an extent amounting to 75% or more of its real market value, it shall be reconstructed in conformance with the current requirements of this Ordinance, unless approval of a variance is obtained as described in LAWDUC Section 2.8000.</p> <p>(C) If a non-conforming structure or a structure devoted to a non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than 75% of its real market value, it may be reconstructed in conformance with</p>	<p>(A) A building permit for its reconstruction shall be obtained within three years of the date of the damage, destruction or demolition.</p> <p>(B) If a building permit is not obtained within three years, the reconstruction shall be in conformance with this Ordinance. The Community Development Director may grant a one-year extension of the three-year period under a Type I procedure. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>4) When calculating real market value lost due to damages, the value of the entire structure prior to its damage shall be used. Real market value shall be the value determined by the records of the County Assessor or the value determined by an independent licensed appraiser.</p> <p>5) Non-conforming mobile home parks destroyed by natural disaster may be replaced subject to Section 3.4095. [ORD. 23-02]</p> <p><u>Section 3.1090 Completion</u> A development that is permitted and under construction on the effective date of an ordinance that makes that development non-conforming may be completed. The use or structure may be used for the purpose for which it was permitted.</p>	
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<p>the dimensional standards of the building prior to its destruction; and</p> <p>2) A building permit for its reconstruction shall be obtained within three years of the date of the damage, destruction or demolition.</p> <p>3) If a building permit is not obtained within three years, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type I procedure, the Community Development Director may grant a one-year extension of the three-year period. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>(D) The percentage of real market value loss shall be based on the real market value lost to damages compared to the real market value of the entire structure or building. Real market value shall be the value determined by the records of the</p>	<p>Section 3.1100. Omitted [ORD. XX-XX]</p> <p>[NOTE: This section is stated almost word-for-word in Section 3.1050]</p>	
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<p>County Assessor or the value determined by an independent licensed appraiser.</p> <p>(E) Non-conforming mobile home parks destroyed by natural disaster may be replaced subject to Section 3.4095. [ORD. 23-02]</p> <p><u>Section 3.1090 Completion</u> A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.</p> <p><u>Section 3.1100. Compliance with Other Requirements</u> Notwithstanding the provisions of this section, alteration of a Non-conforming use or a Non-conforming structure shall be allowed if necessary to comply with state or local health or safety requirements.</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>SECTION 3.2000. EROSION CONTROL DEVELOPMENT STANDARDS.</p> <p>Section 3.2010. Purpose The objective of this section is to manage development activities including clearing, grading, excavation and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.</p>	<p>SECTION 3.2000. EROSION CONTROL DEVELOPMENT STANDARDS.</p> <p>Section 3.2010. Purpose The objective of this section is to manage development activities including clearing, grading, excavation, and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.</p>	<p>No changes.</p>
<p>Section 3.2020. Definitions Certain terms used herein are defined below for the purposes of Section 3.2000.</p> <p>CLEARING: Any development activity that removes vegetative ground cover.</p> <p>EROSION/ SOIL EROSION:</p> <ol style="list-style-type: none"> 1) The wearing away of the land surface by running water, wind, ice, or other geologic agents, including such processes as gravitational creep. 2) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. <p>EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock, or any other materials are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.</p>	<p>Section 3.2020. Definitions Certain terms used herein are defined below for the purposes of Section 3.2000.</p> <p>CLEARING: Any development activity that removes vegetative ground cover.</p> <p>EROSION/ SOIL EROSION:</p> <ol style="list-style-type: none"> 1) The wearing away of the land surface by running water, wind, ice, or other geologic agents, including such processes as gravitational creep. 2) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. <p>EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock, or any other materials are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.</p>	<p>Removed definition of Community Development Director.</p>

<p>FILL: Any human activity by which earth, sand, gravel, rock, or any other materials are deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, including the conditions resulting therefrom.</p> <p>GRADING: Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill such as clearing and stripping.</p> <p>LAND DISTURBING ACTIVITY: Any development activity which removes, disturbs or covers existing vegetative ground cover by physical means including, but not limited to, clearing, grading, stripping, excavation, or fill.</p> <p>COMMUNITY DEVELOPMENT DIRECTOR: The Community Development Director is that person designated to act as the Clatsop County Community Development Director, any person designated by the Community Development Director to act as the Erosion Control Specialist, or any other agent authorized by Clatsop County to perform those duties relating to erosion control.</p> <p>ROADWAY: All travel surfaces used for ingress and egress of a site, recorded easements for access purposes or platted roads, developed or undeveloped; including but not limited to, driveways, easements, access points, private roads, public roads, and County roads.</p> <p>ROUTINE MAINTENANCE: Actions taken on a periodic basis to repair and/or improve the function of existing roadways including, but not limited to, patching, paving, grading of existing road surfaces and the addition of gravel, placement or replacement of signs, traffic delineators or site posts, and repair or replacement of existing guardrails. The construction of new roadways or improvements to existing roadways including, but not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.</p> <p>SEDIMENTATION: The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been</p>	<p>FILL: Any human activity by which earth, sand, gravel, rock, or any other materials are deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, including the conditions resulting therefrom.</p> <p>GRADING: Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill such as clearing and stripping.</p> <p>LAND DISTURBING ACTIVITY: Any development activity which removes, disturbs or covers existing vegetative ground cover by physical means including, but not limited to, clearing, grading, stripping, excavation, or fill.</p> <p>ROADWAY: All travel surfaces used for ingress and egress of a site, recorded easements for access purposes or platted roads, developed or undeveloped; including but not limited to, driveways, easements, access points, private roads, public roads, and County roads.</p> <p>ROUTINE MAINTENANCE: Actions taken on a periodic basis to repair and/or improve the function of existing roadways including, but not limited to, patching, paving, grading of existing road surfaces and the addition of gravel, placement or replacement of signs, traffic delineators or site posts, and repair or replacement of existing guardrails. The construction of new roadways or improvements to existing roadways including, but not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.</p> <p>SEDIMENTATION: The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been</p>	
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<p>not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.</p> <p>SEDIMENTATION: The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.</p> <p>STRIPPING: Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.</p> <p>WATERCOURSE: Any established channel, bed or drainage way where water draining from a land area collects and/or flows on the ground surface including, but not limited to, bays, lakes, rivers, streams, wetlands, channels, gullies and other natural drainage ways.</p>	<p>moved from its site of origin by air, water, or gravity.</p> <p>STRIPPING: Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.</p> <p>WATERCOURSE: Any established channel, bed or drainage way where water draining from a land area collects and/or flows on the ground surface including, but not limited to, bays, lakes, rivers, streams, wetlands, channels, gullies and other natural drainage ways.</p>	
<p><u>Section 3.2030. Erosion Control Plan</u></p> <p>1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.</p> <p>2) Creation and Submittal of Plan: An Erosion Control Plan shall be submitted by the property owner or their agent with the development permit application to the Clatsop County Department of Community Development. This Erosion Control Plan shall be approved by the Community Development Director prior to any development activity on the site. The Erosion Control Plan shall be prepared in accordance with the requirements of this section and the "Erosion Control Guidance" published by the Columbia River Estuary</p>	<p><u>Section 3.2030. Erosion Control Plan</u></p> <p>1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.</p> <p>2) Creation and Submittal of Plan: An Erosion Control Plan shall be submitted by an applicant with their development permit application and shall be approved prior to any development activity on the site. The Erosion Control Plan shall conform to the standards of this Ordinance and the "Erosion Control Guidance" published by the Columbia River Estuary Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale, and the level of detail is determined by site conditions and project complexity.</p> <p>(A) An Area Map depicting accurate size and distances for the following elements:</p> <p>1) The location of the development site in relation to the property boundaries.</p>	

<p>Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale. The level of erosion control activity detail is determined by site conditions and project complexity. The area map and site map may be one document if all elements listed below are addressed.</p> <p>(A) An Area Map depicting accurate size and distances for the following elements:</p> <ol style="list-style-type: none"> 1) The location of the development site in relation to the property boundaries. 2) The location of all adjacent roadways. 3) The location, size and design of all existing and proposed structures. 4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site. 5) The direction surface water flows. 6) Indication of the north direction. <p>(B) A Site Map containing the following elements:</p> <ol style="list-style-type: none"> 1. The location of existing vegetation adjacent to any watercourse. 2. Areas where vegetative cover will be retained and the type and location of 	<ol style="list-style-type: none"> 2) The location of all adjacent roadways. 3) The location, size and design of all existing and proposed structures. 4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site. 5) The direction surface water flows. 6) Indication of the north direction. <p>(B) A Site Map containing the following elements:</p> <ol style="list-style-type: none"> 1. Vegetation adjacent to any watercourse. 2. Areas where vegetation will be retained. its type, and measures taken to protect vegetation from damage. 3. Areas where vegetation will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding. 4. Indication of the north direction. 5. Indication of slope steepness direction of water drainage.
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<p>measures taken to protect vegetation from damage.</p> <p>3. Areas where vegetative cover will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding.</p> <p>4. Indication of the north direction.</p> <p>5. Indication of slope steepness. Include gradient of surface water flow.</p> <p>6. The general slope characteristics of adjacent property.</p> <p>7. Location of the construction access driveway(s) and vehicle parking area(s).</p> <p>8. Location of soil stockpiles.</p> <p>(C) An Erosion Control Statement containing the following elements:</p> <ol style="list-style-type: none"> 1. A schedule of land disturbance activities, project phasing and the time frame for placement of both temporary and permanent erosion and sediment control measures. 2. The name, address and phone number of the person(s) responsible for placement, inspection and 	<p>6. The general slope characteristics of adjacent property.</p> <p>7. Location of driveway(s) and vehicle parking area(s).</p> <p>8. Location of soil stockpiles.</p> <p>(C) An Erosion Control Statement containing the following elements:</p> <ol style="list-style-type: none"> 1. Timeline of land disturbance activities including placement of both temporary and permanent erosion and sediment control measures. 2. The name, address and phone number of the person(s) responsible for placement, inspection, and maintenance of the temporary and permanent erosion control measures. 3. A statement signed by the property owner and building contractor/developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director. <p>3) Plan Review and Approval: Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, and subject to the following:</p> <p>(A) The Community Development Director will review an Erosion Control Plan in conjunction with a development</p>	
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<p>maintenance of the temporary and permanent erosion control measures.</p> <p>3. A statement signed by the property owner and building contractor/ developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director.</p> <p>3) Plan Review and Approval: Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, pursuant to the standards listed in this section.</p> <p>(A) The Community Development Director will review each plan to determine if the applicant has adequately addressed the erosion control standards. Approval of this plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.</p> <p>(B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should</p>	<p>permit. Approval of a plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.</p> <p>(B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.</p>	
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<p>also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.</p>		
<p><u>Section 3.2040. Design and Operation Standards and Requirements</u> All clearing, grading, stripping, excavation, and filling activities which are subject to the requirement of an Erosion Control Plan under Section 3.2030(1) shall be subject to the applicable standards and requirements set forth in this section. The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.</p> <p>1) Development Site Erosion Control Guidelines (A) It is the responsibility of the property owner or their agent such as a contractor to take whatever actions necessary to reduce movement of soil off of the site and/or into a watercourse or roadway. These actions include:</p> <ol style="list-style-type: none"> 1. All riparian areas should have functioning erosion protection measures in place within 24 hours of initiating clearing, grading, stripping, excavation or fill activities on the site. 2. Other on-site erosion control 	<p><u>Section 3.2040. Design and Operation Standards and Requirements</u> All land disturbing activities which require an Erosion Control Plan shall be subject to the following standards. The standards imposed are designed to reduce the movement of soil off site.</p> <p>1) Development Site Erosion Control Guidelines. It is the responsibility of the applicant or contractor to take whatever actions necessary to reduce movement of soil off site into a watercourse or roadway. These actions include:</p> <ol style="list-style-type: none"> (A) All areas adjacent to bodies of water should have erosion protection measures in place within 24 hours of initiating land disturbing activities. (B) Other on-site erosion control measures should be constructed and functional in accordance with the timeline approved in the Erosion Control Plan. (C) All required local, state and federal permits and approvals shall be obtained prior to any land 	<p>Much reformatting for more clarity. Combination of many subsections. Reduction in wordiness of many standards.</p>

<p>measures should be constructed and functional in accordance with the time schedule approved in the Erosion Control Plan.</p> <p>3. All required local, state and federal permits and approvals shall be obtained prior to any land disturbance activity on the site. Copies of applicable state and federal permits shall be provided to the County Community Development Department.</p> <p>(B) Erosion Sediment Control Standards: The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.</p> <p>1. At a minimum, the following elements should be addressed in an Erosion Control Plan:</p> <p>(a) Erosion control measures should be designed and maintained to insure on-site activities do not impact other properties.</p> <p>(b) The use of vegetated buffers is encouraged. The vegetative buffer should be relative in area to the uphill</p>	<p>disturbance activity on the site. Copies of applicable state and federal permits shall be provided to the County Community Development Department.</p> <p>2) The following sediment control standards shall apply based on project complexity and site conditions, and shall be indicated in an Erosion Control Plan:</p> <p>(A) Erosion control measures should be designed and maintained to insure on-site activities do not impact other properties.</p> <p>(B) The use of vegetated buffers is encouraged. The vegetative buffer should be similar in area to the disturbed area draining into it. Vegetation along a watercourse shall be subject to the standards in Section 6.2000.</p> <p>(C) Permanent soil stabilization measures should be completed within 30 days after completion of land disturbing activities.</p> <p>(D) All temporary erosion and sediment control measures/materials should be disposed of within 30 days after permanent soil stabilization measures are installed. Trapped sediment and other disturbed soils resulting should be permanently stabilized to prevent further erosion and sedimentation.</p> <p>(E) Construct properly installed filter barriers (filter fences, straw bales) to control runoff as specified in</p>	
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<p>disturbed construction area draining into it. Vegetation along a watercourse shall be subject to the standards in Section 6.2000.</p> <p>(c) Permanent soil stabilization measures should be completed within 30 days after completion of construction or development activity ceases on the site.</p> <p>(d) All temporary erosion and sediment control measures/ materials should be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from temporary sediment control measures should be permanently stabilized to prevent</p>	<p>the CREST Erosion Control Guidance.</p> <p>(F) Protect storm sewer inlets and culverts by sediment traps or filter barriers.</p> <p>(G) Install a graveled (or equivalent) entrance road(s) to reduce mud, dirt or other sediment from being tracked onto roadways. Sediment reaching a roadway should be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment deposit area.</p> <p>3) The following erosion prevention standards shall apply based on project complexity and site conditions, and shall be indicated in an Erosion Control Plan:</p> <p>(A) A minimum amount of vegetation should be disturbed during site preparation.</p> <p>(B) Site clearing should occur no sooner than is necessary prior to construction.</p> <p>(C) Disturbed areas should be stabilized with temporary and/or permanent measures as specified in the time schedule of the approved Erosion Control Plan, or as otherwise required by the Community Development Director, following the end of land disturbing activities, in accordance with the following criteria:</p> <ol style="list-style-type: none"> 1. Appropriate temporary stabilization measures include seeding, mulching, sodding, 	
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<p>2. further erosion and sedimentation.</p> <p>Depending on the complexity of the project, the following elements may need to be addressed in an Erosion Control Plan:</p> <p>(a) Construct properly installed filter barriers (including filter fences, straw bales, or equivalent control measures) to control off-site runoff as specified in the CREST Erosion Control Guidance.</p> <p>(b) Protect storm sewer inlets and culverts by sediment traps or filter barriers.</p> <p>(c) Install a graveled (or equivalent) entrance road(s) of sufficient length, depth and width to reduce mud, dirt or other sediment from being tracked onto roadways. If necessary, any sediment reaching a roadway should be removed by shoveling or street cleaning (not flushing) before the</p>	<p>and/or non-vegetative measures such as sediment blankets.</p> <p>2. Appropriate permanent stabilization measures include seeding, mulching combined with seeding, sodding, landscaping, and non-vegetative measures such as paving, gravel, etc. In dune areas, planting of dune grass may be required.</p> <p>3. Areas having slopes greater than 12 percent should be stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent.</p> <p>4. Roadway improvement projects resulting in disturbed slopes steeper than 2:1 should be stabilized with sod, mat or sediment blanket in conjunction with seeding, or equivalent.</p> <p>(D) Soil storage piles containing more than 10 cubic yards of material should be stabilized by use of a sediment blanket, impervious cover, or shall incorporate hay or straw. The pile shall not be placed in a location with a downslope gradient of less than 50 feet to a watercourse, unless the pile is contained by a sediment barrier at the toe of the slope.</p> <p>(E) Land disturbance activities in areas adjacent to bodies of water shall be avoided, unless the Community</p>	
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<p>end of each workday and transported to a controlled sediment deposit area.</p> <p>(C) Erosion Prevention Standards: The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.</p> <ol style="list-style-type: none">3. A minimum amount of vegetation should be disturbed during site preparation.4. Site clearing should occur no sooner than is necessary prior to construction.5. Disturbed areas should be stabilized with temporary and/or permanent measures as specified in the time schedule of the approved Erosion Control Plan, or as otherwise required by the Community Development Director, following the end of active disturbance or redisturbance, in accordance with the following criteria:<ol style="list-style-type: none">(a) Appropriate temporary stabilization measures should include seeding, mulching, sodding,	<p>Development Department in conjunction with the other appropriate state, federal and local agencies, determines that the development requires the disturbance in the proposed location. If disturbance activities are unavoidable, the following requirements shall be met.</p> <ol style="list-style-type: none">1. Land disturbing activities shall be kept out of the stream channel and riparian area to the maximum extent possible. Where construction crossings are necessary, additional state, federal and local permits may be required. The applicant shall demonstrate compliance with all applicable regulations and obtain all applicable permits for the project, prior to any land disturbing activity.2. The time and area of disturbance of stream channels and riparian areas shall be kept to the minimum necessary for the project. Instream work shall follow Oregon Department of Fish and Wildlife (ODFW) Guidelines for timing of in-water work to protect fish and wildlife resources. An ODFW fish biologist shall be consulted and approve the erosion control and streambank stabilization plan, prior to land disturbance near fish bearing streams. The stream channel, including bed
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<p>and/or non-vegetative measures such as sediment blankets.</p> <p>(b) Appropriate permanent stabilization measures should include seeding, mulching combined with seeding, sodding, landscaping, and non-vegetative measures such as paving, gravel, etc. In dune areas, planting of dune grass may be required.</p> <p>(c) Areas having slopes greater than 12 percent should be stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent.</p> <p>(d) Roadway improvement projects resulting in disturbed slopes steeper than 2:1 should be stabilized with sod, mat or sediment blanket in conjunction</p>	<p>and banks, shall be restabilized within 24 hours after channel disturbance is completed, interrupted or stopped.</p> <p>4) The standards contained in the "Erosion Control Guidance" cited in Section 3.2040 is hereby incorporated into this section and made a part hereof by reference for the purpose of reviewing Erosion Control Plans under Section 3.2030. In the event of a conflict between the provisions of said guidance and this ordinance, the ordinance shall govern.</p> <p>5) Maintenance of Control Measures: All erosion control measures should be maintained to ensure proper function. Maintenance should include, but not be limited to:</p> <p>(A) Periodic inspection for functioning, at least once every 7 days; or once every 24 hours during storm events; and</p> <p>(B) Any sediment build-up behind sediment barriers shall be removed and the sediment shall be placed in a controlled sediment area; and</p> <p>(C) Erosion control measures shall be repaired or replaced as frequently as necessary to ensure optimal functioning.</p> <p>6) Amendments of Plans: Changes to an approved Erosion Control Plan shall be submitted to the Community Development Director and shall be processed in the same manner as the original plan.</p> <p>7) Responsibility:</p>	
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<p>with seeding, or equivalent.</p> <p>6. Soil storage piles containing more than 10 cubic yards of material should be covered with a sediment blanket, impervious cover, or shall incorporate hay or straw into the surface of the soil pile to stabilize it. The pile shall not be placed in a location with a downslope gradient of less than 50 feet to a watercourse, unless the pile is contained by a sediment barrier at the toe of the slope.</p> <p>7. Land disturbance activities in riparian areas shall be avoided, unless the Community Development Department in conjunction with the other appropriate state, federal and local agencies determines that the development requires the disturbance in the proposed location. If disturbance activities are unavoidable, the following requirements shall be met.</p> <p>(a) Construction activity shall be kept out of the stream channel and riparian area to the maximum extent</p>	<p>(A) It is the responsibility of the property owner to comply with the submitted Erosion Control Plan.</p> <p>(B) The applicant of an erosion control plan shall not be relieved of responsibility for damage to persons or property otherwise imposed by law. The County will not be made liable for such damage, by:</p> <p>(1) the approval of a submittal under this ordinance;</p> <p>(2) compliance with the provisions of the submitted plan or with conditions attached to it by the County;</p> <p>(3) failure of County officials to observe or recognize hazardous or unsightly conditions;</p> <p>(4) failure of County officials to disapprove an erosion control plan submittal; or</p> <p>(5) exemptions from erosion control plan submittal requirements of this ordinance.</p>	
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possible. Where construction crossings are necessary, additional state, federal and/or local permits may be required. The property owner or agent shall demonstrate compliance with all applicable regulations and obtain all applicable permits for the project, prior to any land disturbing activity on the site.

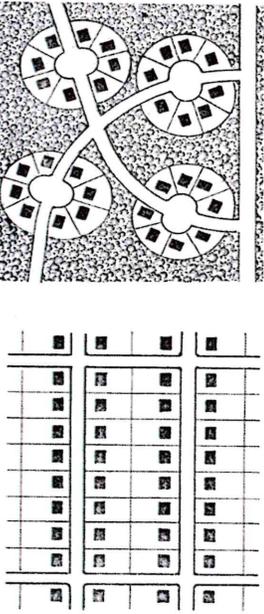
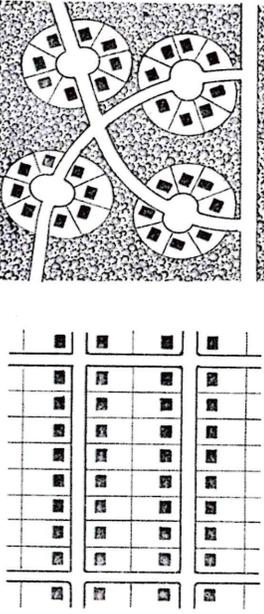
(b)

The time and area of disturbance of stream channels and riparian areas shall be kept to the minimum necessary for the project. Instream work shall follow Oregon Department of Fish and Wildlife (ODFW) Guidelines for timing of in-water work to protect fish and wildlife resources. An ODFW fish biologist shall be consulted and approve the erosion

<p>control and streambank restabilization plan, prior to the use of fords across fish bearing streams. The stream channel, including bed and banks, shall be restabilized within 24 hours after channel disturbance is completed, interrupted or stopped.</p> <p>2) Guidance Adopted by Reference: The standards and specifications contained in the "Erosion Control Guidance" cited in Section 3.2040 is hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under erosion and sediment control plans approved under Section 3.2030. In the event of a conflict between the provisions of said guidance and this ordinance, the ordinance shall govern.</p> <p>3) Maintenance of Control Measures: All soil erosion and sediment control measures necessary to meet the requirements of this ordinance should be maintained to ensure proper function. Maintenance should include, but not be limited to, the following standards: (A) Erosion control and prevention measures should be inspected</p>		
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<p>periodically, with a frequency of no less than every 7 days; and</p> <p>(B) Erosion control and prevention measures shall be inspected every 24 hours during storm events to insure the measures are functioning properly; and</p> <p>(C) Any sediment build-up behind sediment barriers shall be removed and the sediment shall be placed in a controlled sediment area; and</p> <p>(D) Erosion and sediment control and prevention measures shall be repaired or replaced as frequently as necessary to ensure optimal functioning of the measures.</p> <p>4) Amendments of Plans: Amendments to a reviewed Erosion Control Plan shall be submitted to the Community Development Director and shall be processed in the same manner as the original plan.</p> <p>5) Responsibility:</p> <p>(A) It will be the responsibility of the property owner to comply with the submitted Erosion Control Plan.</p> <p>(B) The person submitting the erosion control plan shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or its officers or agents will not be made liable for such damage, by:</p> <p>(1) the approval of a submittal under this ordinance;</p> <p>(2) compliance with the provisions of the submitted</p>		
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<p>plan or with conditions attached to it by the County; failure of County officials to observe or recognize hazardous or unsightly conditions;</p> <p>(3) failure of County officials to disapprove an erosion control plan submittal; or</p> <p>(4) exemptions from erosion control plan submittal requirements of this ordinance.</p> <p>(5)</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>SECTION 3.3000 CLUSTER DEVELOPMENTS AND DENSITY TRANSFERS</u></p> <p><u>SECTION 3.3000. CLUSTER DEVELOPMENT AND DENSITY TRANSFER</u></p>  <p><i>Figure 7: Traditional Subdivision vs. Cluster Development (Image: American Planning Association)</i></p> <p>Section 3.3010. Purpose The intent of these standards is to preserve lands suitable for open space by providing an alternative to the division of rural residential lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.</p>	<p><u>SECTION 3.3000 CLUSTER DEVELOPMENTS AND DENSITY TRANSFERS</u></p> <p><u>SECTION 3.3000. CLUSTER DEVELOPMENT</u></p> <p><u>Section 3.3010. Purpose</u></p>  <p><i>Figure 7: Traditional Subdivision vs. Cluster Development (Image: American Planning Association)</i></p> <p>The purpose of this section is to provide a method through which cluster developments are allowed in appropriate rural residential zones and to preserve lands deemed appropriate for permanent open space. Cluster Developments allow an alternative to traditional lot sizes and subdivision design.</p>	<p>Updated Purpose of the Section.</p>
<p><u>Section 3.3020. Procedures for Cluster Development</u> A cluster development shall comply with the procedures</p>	<p><u>Section 3.3020. Procedures for Cluster Development in Rural Residential and Development Zones</u></p>	<p>Simplified Development Review Process</p>

<p>and standards in this section.</p> <ol style="list-style-type: none"> 1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.1070. 2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development. 3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning. 4) (A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded. (B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including: <ol style="list-style-type: none"> 1) the number of homesite lots allowable on the original parcel, 2) a legal description of the original parcel, 3) the number of homesite lots that will result from the proposed partition, and 4) the number of homesite lots, if any, that could be allowed in the future on the original parcel. 	<p><u>Cluster developments are allowed within certain residentially zoned property and within Rural Community zones. The review shall follow the following process:</u></p> <ol style="list-style-type: none"> 1. <u>The application shall follow a Type III review process (Section 2.XXX of LAWDUC).</u> 2. <u>A pre-application with affected state and local regulatory agencies shall be required and conducted in compliance with Section 2.XXX of this code.</u> 3. <u>The development of a cluster development will be allowed by partition or subdivision plat process as outline in Section 2.XXX of this code.</u> 	
	<p><u>Section 3.3025. Cluster Development Design Standards.</u></p> <ol style="list-style-type: none"> 1. <u>No commercial or industrial uses shall be allowed.</u> 2. <u>The cluster development shall include a minimum of 30% of the project area in permanent open space. Open space shall include wetlands, steep dunes, stream buffers, water bodies, deflation plains, and other environmentally sensitive areas within the development.</u> 3. <u>Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous.</u> 	

	<p>4. <u>Each lot shall have a minimum of two potential sites for on-site septic systems, unless a community sewer system is provided, unless a sewer system is approved consistent with OAR 660-004-000.</u></p> <p>5. <u>Roadways shall be constructed to meet minimum Clatsop County road standards.</u></p> <p>6. <u>Additional conditions of approval may be included to ensure the development meets the intent of the zoning district in which it is located.</u></p> <p>7. <u>In areas not served by a community sewer system, individual parcels shall not be less than two acres in size.</u></p> <p>8. <u>The applicants shall record a deed restriction stating that the subdivision or partition was approved in an area where farming and forestry operation may exist in the area and that the property owner shall not cause negative impacts on adjacent farm and forestry uses.</u></p>	
<p><u>Section 3.3030. Residential Cluster Development Standards</u></p> <p>1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.</p>	<p><u>Section 3.3030. Maintenance of Common Open Space and Facilities for Cluster Developments</u></p>	<p>Clarified ownership of open space, and other lands within cluster developments</p>

<p>2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.</p> <p>3) The cluster development shall not contain commercial or industrial developments.</p> <p>4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).</p> <p>5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).</p> <p>6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.</p> <p>7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.</p> <p>8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.</p> <ol style="list-style-type: none"> 1. The number of new dwellings units to be clustered does not exceed 10; 2. None of the new lots or parcels created will be smaller than two acres; 3. The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new 	<ol style="list-style-type: none"> 1. <u>All lands that are shown in common ownership for access, recreational facilities, or required open space shall be owned and maintained by the property owners through a homeowner's association (HOA) as organized under the laws of the State of Oregon. The HOA shall abide by all state regulations and duly adopt and enforce a declaration of covenants and restrictions on all common areas and facilities. The HOA shall remain until such time as the roads are accepted by a public entity.</u> 2. <u>Private open space required as part of the development may be sold or transferred to a publicly organized not-for-profit organization whose stated intent is the protection, maintenance, and preservation of natural environments.</u> 3. <u>For any open space or common area provided as part of the cluster development, the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary or outside of a municipality.</u> 	
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<p>service or extension is authorized consistent with OAR 660-011-0060; The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;</p> <p>4. Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and</p> <p>5. For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.</p>	
<p><u>Section 3.3040. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area</u></p> <p>1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.</p> <p>2) The minimum percentage of common open space shall be 30% excluding roads.</p>	<p><u>Section 3.3030. Transfer of Development Rights Purpose and Definitions.</u></p> <p><u>Clatsop County operates and maintains a transfer of development rights program within the residentially zoned districts within the Clatsop Plains overlay district.</u></p> <p><u>The following terms shall be used for this section:</u></p>

Separated TDR from Cluster Development

Added Definitions

3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

6) Streams and drainages which form a system of common open space shall be preserved.

Section 3.3050. Density Transfer Standards for the Clatsop Plains Planning Area

1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

(A) The remaining lot or parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezoning request at the same time as the density transfer request is submitted, and

RECEIVING ZONE: A tract or parcel designated by action of the Planning Commission where a developer will receive the transferrable development right.

SENDING ZONE: A tract or parcel that is designated by action of the Planning Commission from which the owner of land may transfer a transferable development right.

TRANSFERABLE DEVELOPMENT RIGHT (TDR): the conversion of a property owner's development rights to a "credit" that can be sold for use in other areas.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM: A Clatsop County program to manage the creation of TDR credits to be sold or transferred from one (sending) parcel to another (receiving) parcel.

Section 3.3035. Transfer of Development Rights. Receiving Site Standards

Lands proposed for receiving sites shall be approved for development with the following minimum standards:

(1) **The receiving site shall be a minimum of 4 contiguous acres in size and contiguous to a public right-of-way.**

(2) **The receiving site density shall not exceed the allowed density for the residential zoning district for the receiving property.**

Outlined Procedures

<p>(B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and</p> <p>(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and</p> <p>(D) No lot or parcel of land shall be involved in more than one (1) density transfer transaction, and</p> <p>(E) Density transfer goes with the property - not the owner; and</p> <p>(F) Minimum lot or parcel size shall be one (1) acre for the receiving site.</p> <p>2) All lots or parcels sending or receiving density credits shall be recorded in the "Density Table". If a receiving site cannot be identified for all density credits created by the application the applicant shall prepare a notarized affidavit identifying the sending site and number of credits that are not being assigned. This affidavit shall be kept on file with the Community Development Department. The remaining credits may be assigned at a later time to a cluster development in the Clatsop Plains subject to the applicable standards of this section.</p> <p>3) The table tracking all density transfers is maintained administratively by the Clatsop County Community Development Department.</p>	<p>(3) <u>Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous.</u></p> <p>(4) <u>The development shall not include commercial or industrial uses other than allowed home occupations.</u></p> <p>(5) <u>The receiving site shall have minimum lot sizes that allow for a primary and secondary septic site, but shall not be less than one acre in size.</u></p> <p>(6) <u>Receive site parcels shall connect to available public water and sewer systems. If no public sewer and water utilities are available, the developer may propose a cluster sewer and community water system. These utilities must be owned and maintained by the homeowner's association.</u></p> <p>(7) <u>Additional conditions of approval may be included by the approving authority to ensure that the development meets the intent of the receiving site zoning district.</u></p> <p><u>Section 3.3040. Transfer of Development Rights Sending Site Standards</u></p> <p><u>Lands proposed for transfer of development sending sites shall be approved for development with the following minimum standards:</u></p> <p><u>1. Sending zones shall be restricted from further development or platting through one of the two methods:</u></p>	
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	<p>a. <u>The owner of the property shall keep the current resource zoning district and file a deed restriction prohibiting further development or platting of the site. Or</u></p> <p>b. <u>The property may be rezoned to another resource or conservation zone if approved by the County Board and the DLCD.</u></p> <p>2) <u>The sending zone shall be prohibited from further residential development unless the subject property is incorporated into an Urban Growth Boundary or annexed by a municipality and appropriate municipal utilities are provided to the site.</u></p>	
	<p>Section 3.3060. Maintenance of Common Open Space and Facilities</p> <p>Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by- laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.</p>	

SECTION 3.4000. MOBILE HOMES	SECTION 3.4000. MANUFACTURED HOMES
<p><u>SECTION 3.4010. MOBILE HOME PARK DEVELOPMENT</u> <u>Section 3.4020. Standards for a Mobile Home Park</u> A mobile home park shall be built to state standards in effect at the time of construction and shall comply with the following additional standards.</p> <p><u>Section 3.4030. Permitted Uses Within a Mobile Home Park</u> No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted by this article as follows:</p> <ol style="list-style-type: none"> 1) Mobile homes for residential use only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport, or garage, and storage or washroom building. 2) Private and public utilities. 3) Community recreation facilities, including swimming pools, for residents of the park and guests only. 4) A mobile home park may have one residence for the use of a caretaker or manager responsible for maintaining or operating the property. 5) Occupied, abandoned or unoccupied mobile homes may be abated if they constitute a menace to the public health, safety and welfare. <p><u>Section 3.4040. General Conditions and Limitations Within a Mobile Home Park</u></p>	<p><u>SECTION 3.4010. MANUFACTURED HOME PARK DEVELOPMENT</u> Manufactured homes on individual parcels are allowed through the same procedures as other residential home types. Manufactured home parks are allowed as Type III reviews in the following zoning districts:</p> <ul style="list-style-type: none"> • <u>Rural Community Commercial</u> • <u>Rural Community Multi-Family Residential</u> • <u>Rural Service Area – Multi-Family Residential</u> <p><u>SECTION 3.4020. STANDARDS FOR A MANUFACTURED HOME PARK</u> Manufactured home parks shall be built in compliance with all state regulations in effect at the time of approval with additional standards and conditions applied as part of the Type III review.</p> <p><u>Section 3.4040. General Conditions and Limitations Within a Mobile Home Park</u> The following standards shall apply to the construction of new or modification to existing</p>
	<p style="color: red;">Organization changes only</p>

<p>1) Area - The parcel of land to be used for mobile home park purposes shall contain not less than four (4) acres.</p> <p>2) Density - In no event shall the density exceed eight (8) mobile homes per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each mobile home.</p> <p>3) Yard Regulations - For the purposes of this Ordinance, the setback required in each instance shall be a line parallel to and measured at right angles from the front, side or rear property line. The front and rear building setback lines shall extend the full width of the property. The depth of the lot shall not exceed two times the average width. No building, structure or mobile home shall be located so that any part thereof extends into the area between the building setback line and the property line. Fences and signs may be placed within the aforementioned area as an exception to this subsection. Mobile home parks shall set back at least thirty (30) feet from any interior property line abutting residential zoned property. The setback shall be at least fifteen (15) feet from any interior property line abutting commercial or industrial zoned property. The setback from any abutting public street or highway shall be at least twenty-five (25) feet.</p> <p>4) No mobile home shall occupy more than forty (40) percent of the space provided for it.</p> <p>5) Screening - A sight-obscuring fence or wall of not less than five (5) feet nor more than six (6) feet in height, and/or evergreen planting of not less than five (5) feet in height, shall surround the mobile home park. Such fence, wall or planting may be placed up to the front property line if adequate</p>	<p><u>manufactured home parks. Through the Type III review process additional conditions of approval shall be applied based on specific site considerations:</u></p> <ol style="list-style-type: none"> 1. <u>Minimum Area: 4 contiguous acres</u> 2. <u>Maximum Density: Eight (8) units per acre</u> 3. <u>Structure Setbacks:</u> <ol style="list-style-type: none"> a. <u>External Property Lines: Thirty (30) feet</u> b. <u>Internal Lot Lines: five (5) feet</u> c. <u>Maximum Space Coverage: 40% of individual site</u> d. <u>Public Street Right-of-way: Fifteen (15) feet</u> e. <u>Internal Edge of street: Ten (10) feet</u> 4. <u>Screening - a minimum 5 foot and maximum 6 foot fence or wall shall be constructed and maintained along the perimeter of the approved manufactured home park. The fence/wall may be replaced with an evergreen planting strip that is a minimum of 5 feet in height and spaced so that an effective screening will exist within five years of construction. Adequate site distances shall be maintained at all entrance points to the manufactured home park.</u> 5. <u>All manufactured home parks shall have frontage and access on to a public right-of-way. No structure or site within a manufactured home park shall gain access directly onto the adjacent public road.</u> 	
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<p>vision clearance for entrances and exits is maintained.</p> <p>6) Access to a Public Street - A mobile home park shall not be established on any site that does not have access to any public street which does not meet the County Road Standards in Section S6.000.</p> <p>7) Service Buildings - Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable County and State ordinances and statutes regulating building, electrical installations and plumbing and sanitation systems.</p> <p>8) Structures - Structures located in any mobile home space shall be limited to a storage building, ramada or carport. The storage building, ramada or carport may be combined as one structure. No structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner. The words "structural additions" shall not be construed to exclude the construction of an awning, patio cover, or cabana adjacent to a mobile home. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.</p> <p>9) A mobile home permitted in the park, if not resting on continuous foundation, shall be provided with a continuous skirting of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit.</p>	<p>6. <u>Manufactured homes shall be used for residential purposes. Accessory structures shall be allowed, including carports storage sheds, or ramadas. Attached access stairs and landings, awnings, patio covers or cabanas shall be allowed. No other attached structural alterations shall be allowed.</u></p> <p>7. <u>A manufactured home within a shall be on continuous foundation, or shall be provided with a continuous skirting of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit.</u></p>
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<p>Section 3.4050. Site Requirements Within a Mobile Home Park</p> <p>The following shall be considered the minimum site requirements for a new mobile home park or the expansion of an existing mobile home park.</p> <ol style="list-style-type: none"> 1) Accessway - Accessways shall connect each mobile home space to a public street and shall have a minimum right-of-way width of thirty-six (36) feet. 2) Walkways - Walkways of not less than three (3) feet in width shall be provided from each mobile home space to the service buildings and recreational area or areas, and from the patio to the accessway. A walkway system shall be provided which gives safe, convenient access and should be so designed to be located through interior area, and removed and kept separate from vehicular traffic. 3) Recreation Area - A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations in the park. At least one (1) recreational area shall have a minimum size of five thousand (5,000) square feet (and be of a shape that will make it usable for its intended purpose) and at least fifty (50) percent of the required recreation area shall be provided for use by residents of the entire park. 4) Electrical - Approved underground electrical hookups shall be provided for each mobile home space. 5) Sewage - Each mobile home space shall be provided with a sewage connection which complies with Oregon State Department of Environmental Quality regulations. 	<p>Section 3.4050. Site Requirements Within a Manufactured Home Park</p> <p>The following shall be considered the minimum site requirements for a new manufactured home park or the expansion of an existing manufactured home park.</p> <ol style="list-style-type: none"> 1) Accessway – Access from the manufactured home park on to the public right-of-way shall be consistent with County access requirements 2) Walkways - Walkways within the development shall be consistent with the requirements of the American’s with Disabilities Action (ADA). 3) Recreation Area - A minimum of two hundred (200) square feet of community recreation area shall be provided for each manufactured home space. The recreation area may be in one or more locations in the park. All recreational areas shall include land that is suitable for recreational purposes. The recreational facilities are to be maintained in a safe manner and are the responsibility of the manufactured park owner. 4) Electrical - Approved underground electrical hookups shall be provided for each manufactured home space. 5) Sewage - Each home space shall have a sewage connection which complies with Oregon State Department of Environmental Quality regulations. 6) Water Supply - A continuous supply of pure water for drinking and domestic 	
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<p>6) Water Supply - A continuous supply of pure water for drinking and domestic purposes that meet Oregon State standards shall be supplied by underground facilities to all buildings and mobile home spaces within the park.</p> <p>7) Anchors and Tie-Downs - Each mobile or trailer space shall be equipped with ground anchors of sufficient number and design to accommodate "over the top" and "frame" type tie-downs to anchor the mobile home or trailer in winds up to and including 100 miles per hour. Anchors and tie-downs shall be in place and installed on said mobile home within thirty (30) days of placement on a site.</p>	<p>purposes that meet Oregon State standards shall be supplied by underground facilities to all buildings and home spaces within the park.</p> <p><u>Anchors and Tie-Downs - Each manufactured home or trailer space shall be equipped with ground anchors of sufficient number and design to accommodate "over the top" and "frame" type tie-downs to anchor the manufactured home or trailer in winds up to and including 100 miles per hour. Anchors and tie-downs shall be in place and installed on said manufactured home within thirty (30) days of placement on a site.</u></p> <p>8) <u>Laundry room facilities for residents of the park shall be included in the park design.</u></p>	
<p>Section 3.4060. Mobile Home Space Requirements The minimum mobile home space requirements for a new mobile home park or the expansion of an existing mobile home park are as follows:</p> <p>1) The average size of a mobile home space in a mobile home park shall not be less than four thousand (4,000) square feet and no space shall be smaller than three thousand (3,000) square feet. No space shall have a width of less than forty (40) feet, nor less than eighty-five (85) feet in depth.</p> <p>2) No mobile home space shall have a paved stand of less than ten (10) feet in width and less than thirty (30) feet in length.</p> <p>3) Occupied mobile homes shall be parked only on stands provided, shall be setback a minimum of ten</p>	<p>Section 3.4060. Manufactured Home Space Requirements</p> <p>1) <u>The minimum manufactured home space requirements for a new manufactured home park or the expansion of an existing manufactured home park are as follows:</u></p> <p>a. <u>The average size of a manufactured home space in a manufactured home park shall not be less than four thousand (4,000) square feet and no space shall be smaller than three thousand (3,000) square feet. No space shall have a width of less than</u></p>	<p>Clarified language where possible</p>

<p>(10) feet from the edge of all accessways, and shall observe the setbacks as established in subsection (e) of Section 7.</p> <p>4) Each mobile home space shall be provided with a patio having a minimum area of one hundred forty (140) square feet. The patio shall have a minimum width of seven (7) feet and a minimum length of twenty (20) feet and shall be constructed adjacent and parallel to each mobile home parking space.</p> <p>5) One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area shall be provided for each mobile home space. The building height shall not be less than seven (7) feet nor more than nine (9) feet.</p> <p>6) Minimum space requirements between mobile homes: (A) End-to-end, twenty-five (25) feet. (B) Temporary or permanent structures situated in one (1) space shall be separated by at least fifteen (15) feet from temporary or permanent structures, or mobile homes in an adjoining space.</p>	<p><u>forty (40) feet, nor less than eighty-five (85) feet in depth.</u></p> <p>2) <u>Occupied manufactured homes shall be parked only on stands provided, shall be setback a minimum of ten (10) feet from the edge of all accessways.</u></p> <p>3) <u>One (1) permanent storage building or unit containing a minimum of thirty-two (32) square feet of floor area shall be provided for each manufactured home space. The building(s) may be located on each individual manufactured home site or in a central location.</u></p> <p>4) <u>Minimum space requirements between manufactured homes: twenty-five (25) feet.</u></p>	
<p><u>Section 3.4070. Improvement Requirements Within a Mobile Home Park</u></p> <p>Improvement requirements for a new mobile home park or the expansion of an existing park are as follows:</p> <p>1) Roadways within an accessway and sidewalk shall be paved with a crushed rock base and asphalt or concrete surfacing according to structural specifications required by the County Roadmaster.</p> <p>2) The minimum surfaced width of the roadway within an accessway shall be twenty (20) feet if there is no parking allowed, and thirty (30) feet if parking is allowed. The first fifty (50) feet of the accessway</p>		<p>Moved to another Section and simplified</p>

<p>measured from the street shall be surfaced to a width of thirty (30) feet and shall be connected to an existing street according to place approved by County Roadmaster or State Highway Engineer.</p> <p>Patios shall be paved with asphalt, concrete, or suitable hard surfaced material.</p> <p>All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.5 foot candles of illumination.</p> <p>Wires for service to light poles and mobile home spaces shall be underground.</p> <p>Mobile home stands shall be paved with asphalt or concrete surfacing, or with crushed rock contained with concrete curbing or pressure treated wooded screens.</p> <p>The mobile home park shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the County Engineer.</p> <p>Recreation areas shall be suitably improved and maintained for recreational purposes as the Planning Commission finds necessary for the types of residents for whom the mobile home park is intended.</p> <p>Public telephone service shall be made available for the mobile home park residents.</p> <p>Adequate and properly equipped laundry room facilities shall be made available to the residents of the mobile home park.</p>		
<p><u>Section 3.4080. Plot Plans Required for a Mobile Home Park</u> The application for a permit to construct a new mobile home park or to expand an existing mobile home park,</p>	<p><u>Section 3.4080. Procedures for review of a Manufactured Home Park</u> <u>The application for a permit to construct a new</u></p>	

<p>shall be accompanied by seven (7) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park, and should be drawn to scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall be placed on substantial tracing paper, and shall show the following information:</p> <p>The planning process for development shall include:</p> <ol style="list-style-type: none"> 1) Professional Design Team. The applicant for all proposed mobile home parks, pursuant to Section S3.200 shall certify that the talents of one of the following professionals shall be used in the planning process for development: <ol style="list-style-type: none"> (A) An architect licensed by the State of Oregon. (B) A registered engineer or registered engineer and land surveyor licensed by the State of Oregon. <p>The professional chosen by the applicant(s) from (A) or (B) above shall be designated to be responsible for conferring with the Community Development staff with respect to concept and details of the plan. The selection of the professional coordinator of the design team will not limit the owner of the developer in consulting with the Community Development staff or the Planning Commission.</p> <ol style="list-style-type: none"> 2) Plot plan of land in area to be developed indicating location of adjacent streets and all private rights-of-way existing and proposed within four hundred (400) feet of the development site as well as topographical lines for each five (5) foot contour. 3) A legal boundary survey. 4) Boundaries and dimensions of the mobile home park. 	<p><u>manufactured home park or to expand an existing manufactured home park, shall be completed as a Type III Conditional Development and Use process. The plans shall be submitted pursuant to Section XXX of this code.</u></p> <p><u>The plans shall be prepared by a registered design professional licensed by the State of Oregon, including either an architect or a registered engineer or registered engineer and land surveyor licensed by the State of Oregon.</u></p> <p><u>The plans shall include all of the information required for the submittal of a Type III application and the following information:</u></p> <ol style="list-style-type: none"> 1) <u>Location and dimensions of each manufactured home space, each site designated by number.</u> 2) <u>Location, dimensions, and design of each existing or proposed structure and gross floor area.</u> 3) <u>Location and size access ways, walkways, recreational areas, parking spaces, and loading areas</u> 4) <u>Total number of manufactured home spaces.</u> 5) <u>Location of available fire and irrigation hydrants.</u> 6) <u>Preliminary Utility plans for sanitary sewer, water, and drainage.</u>
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<ol style="list-style-type: none">5) Location and dimensions of each mobile home space. Designate each space by number, letter or name.6) Name of mobile home park and address.7) Scale and north point of plan.8) Location and dimensions of each existing or proposed structure, together with the usage to be contained therein, and approximate location of all entrances thereto, and height and gross floor area thereof.9) Location and width of access ways.10) Location and width of walkways.11) Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.12) Extent, location, arrangement, type and proposed improvements of all open space, landscaping, fences and walls.13) Architectural drawings and sketches demonstrating the planning and character of the proposed development.14) Total number of mobile home spaces.15) Location of each lighting fixture for lighting the mobile home spaces and grounds.16) Location of recreation areas and buildings and area of recreation space in square feet.17) Location and type of landscaping, fence, wall or combination of any of these or other screening materials.18) Location of point where mobile home park water and sewer system connects with the public system.19) Location of available fire and irrigation hydrants.20) Location of public telephone service for the park.21) Enlarged plot plan of a typical mobile home space	
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		<p>showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.</p> <p>22) Detailed plans required - at the time application for a permit to construct a new mobile home park or to expand an existing park, the applicant shall submit seven (7) copies of the required detailed plans:</p> <ul style="list-style-type: none"> (A) New structures. (B) Water and sewer systems. (C) Electrical systems. (D) Road, sidewalk and patio construction. (E) Drainage system, including existing and proposed finished grades. (F) Recreation area improvements. <p>23) Before construction of a swimming pool in a mobile home park, two (2) copies of plans approved by the Oregon State Board of Health shall be filed with the Building Inspector.</p>
	<p><u>Section 3.4090. Improvement Requirements for Expansion of Existing Manufactured Home Parks</u> <u>The following standards shall apply when an existing manufactured home park is expanded. All new construction shall meet the requirements of this code.</u></p> <ul style="list-style-type: none"> 1) <u>Sewers - Existing sewer lines within the park may remain in use so long as they function properly and the park conforms to the County and State regulations governing sewage and waste water. Any replacement of sewer facilities shall conform to the requirements of new manufactured home parks.</u> 2) <u>Water Supply - An existing water supply system</u> 	<p><u>Section 3.4090. Improvement Requirements for Expansion of Existing Mobile Home Parks</u></p> <ul style="list-style-type: none"> 1) Sewers - Existing sewer lines within the park which do not meet the minimum requirements of this article may remain in use so long as they function properly and the park conforms to the County and State regulations governing sewage and waste water. Any replacement of sewer facilities shall conform to the requirements of new mobile home parks. 2) Water Supply - An existing water supply system which does not meet minimum requirements of this article with respect to general availability, etc. may remain in use so long as it continues to

function properly and the park conforms to the County and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new mobile home parks.

3) Lighting and Wiring - The electrical and lighting systems shall be made to conform to the Uniform Building Code of the State of Oregon.

4) Service Building - Service buildings shall be made to conform to the standards for new mobile home parks.

5) Surfacing for accessways, patios and stands shall be made to conform to the following standards:

(A) Accessways shall be surfaced to a minimum width of twenty (20) feet with a crushed rock base and asphalt or concrete surfacing according to structural specifications established by the County Engineer. If parking is to be allowed, the minimum surfaced width of the roadway shall be thirty (30) feet.

(B) Mobile home standards shall be surfaced with crushed gravel to a size equal to or greater than the dimensions of the trailer located on the stand, but shall not be less than ten (10) feet by thirty (30) feet.

(C) Patios shall have a surface area of at least one hundred forty (140) square feet and a minimum width of seven (7) feet, paved with concrete, asphalt, flagstone or the equivalent.

(D) Walkways shall have a minimum width of three (3) feet with a paved surface of concrete, asphalt or the equivalent. Walkways shall be provided from each mobile home space to the service

which does not meet minimum requirements of this article with respect to general availability, etc. may remain in use so long as it continues to function properly and the park conforms to the County and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new manufactured home parks.

3) Lighting and Wiring - The electrical and lighting systems shall be made to conform to the applicable State Specialty Codes of the State of Oregon.

4) Service Building - Service buildings shall be made to conform to the standards for new manufactured home parks.

5) Walkways within the manufactured home park shall be brought up to standards found in the Americans with Disabilities Act.

6) Outside Storage - All outside storage in a manufactured home park shall be in an enclosed building as required for new manufactured home parks.

<p>buildings. From the patio to the surfaced part of the accessways may be considered as part of the walkway to the service building.</p> <p>6) Outside Storage - All outside storage in a mobile home park shall be in an enclosed building as required for new mobile home parks.</p>		
<p><u>Section 3.4095. Replacement of a Mobile Home Park Destroyed by Natural Disaster [ORD. 23-02]</u> Mobile home parks, including legal non-conforming parks, may be replaced if:</p> <ol style="list-style-type: none"> 1) The mobile home park was destroyed by a natural disaster that occurred on or after September 1, 2020 and resulted in the declaration of a state of emergency under ORS 401.165 or 401.309 for wildfire, floods, tsunamis, earthquakes or similar events, including disasters began by negligent or intentional acts; 2) The replacement complies with Section 5.1000 and Section 5.3000, as applicable; 3) Mobile homes replaced under this section were assessed as a building or structure for purposes of ad valorem taxation for the most recent property tax year ending before the disaster. 4) The destroyed park was lawfully established under the existing land use regulations at the time, and/or at the time of interruption or destruction or at the time of the application. 	<p><u>Section 3.4095. Replacement of a Manufactured Home Park Destroyed by Natural Disaster [ORD. 23-02]</u> <u>Manufactured home parks, including legal non-conforming parks, may be replaced if:</u></p> <ol style="list-style-type: none"> 1) <u>The manufactured home park was destroyed by a natural disaster that occurred on or after September 1, 2020 and resulted in the declaration of a state of emergency under ORS 401.165 or 401.309 for wildfire, floods, tsunamis, earthquakes or similar events, including disasters began by negligent or intentional acts;</u> 2) <u>The replacement complies with Section 5.1000 and Section 5.3000, as applicable;</u> 3) <u>Manufactured homes replaced under this section were assessed as a building or structure for purposes of ad valorem taxation for the most recent property tax year ending before the disaster.</u> 4) <u>The destroyed park was lawfully established under the existing land use regulations at the time, and/or at the time of interruption or destruction or at the time of the application.</u> 	<p>No changes</p>

<p>SECTION 3.4100. STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS</p> <ol style="list-style-type: none"> 1) The mobile home shall bear an Oregon "Insignia of Compliance" with a date not prior to 1972. 2) Reconstruction or equipment installation shall be State approved as evidences by an appropriate insignia. 3) Mobile homes shall be installed in accordance with State standards and shall be tied down with one of the following: <ol style="list-style-type: none"> (A) A galvanized steel cable of not less than 7/32" diameter having approved clamps and connecting hardware. (B) A galvanized aircraft cable of not less than 1/4" diameter having approved clamps and connecting hardware. (C) A galvanized steep strap 1-1/4" x .035" having approved clamps and connecting Hardware. (D) Any other approved cable or strap with a breaking strength of not less than 4,800 pounds with approved clamps and connecting hardware. 4) Mobile homes shall have continuous skirting of compatible siding material. 5) All mobile homes (whether of residential or storage purposes) shall be securely anchored and tied down within thirty (30) days of being placed on the site. 6) Mobile home add-ons subject to the following: <ol style="list-style-type: none"> (A) The siding on the addition and the siding on the rest of the mobile home should match each other as close as possible. (B) The addition should be located on a foundation approved by the Department of 	<p>SECTION 3.4100. STANDARDS FOR MANUFACTURED HOMES ON INDIVIDUAL LOTS</p> <p><u>The placement of manufactured homes on individuals lots of record shall be regulated by the Oregon Manufactured Dwelling Installation Specialty Code (2010) or as amended.</u></p>	<p>Removed sections that require additional standards for manufactured homes.</p>
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	<p>(C) Commerce, Building Codes Division. Any alteration to the mobile home shall be approved by the Department of Commerce.</p> <p>(D) The Department of Community Development will review the request within 180 days of permit issuance for conformance to 1-3 above. If conformance has not occurred within the 180 days permit issuance the matter will be referred to the Planning Commission at its earliest convenience for a hearing to determine how to resolve the issue.</p>	
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CLATSOP COUNTY PROJECT STATUS REPORT APRIL 2024

PROJECT STATUS REPORT – APRIL 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
20170352	Arch Cape Deli	T4N, R10W, Section 30BB, Tax Lots 00601 and 00605 79330 Hwy 101	Conditional use permit to construct and operate a restaurant/grocery store/flex space with a manager's living quarters	11-14-17	APPROVED WITH CONDITIONS 7-0	N/A	N/A	Demolition and grading permits approved; property line adjustment approved; electrical, mechanical and fire suppression permits issued	Grading work begun Project is vested for land use; no expiration date Building permit expired 7-5-22 Permits for commercial alarm/suppression systems; electrical and mechanical issued
21-000665 Ordinance 24-06	Clatsop Plains Community Plan	N/A	Update of Clatsop Plains Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24	APP'D	Adoption acknowledged COMPLETE	N/A

PROJECT STATUS REPORT – APRIL 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
21-000666 Ordinance 24-07	Elsie-Jewell Community Plan	N/A	Update of Elsie-Jewell Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24	APP'D	Adoption acknowledged COMPLETE	N/A
22-000378 Ordinance 24-08	Lewis and Clark Olney Wallooskee Community Plan	N/A	Update of Lewis & Clark Olney Wallooskee Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24	APP'D	Adoption acknowledged COMPLETE	N/A
21-000668 Ordinance 24-09	Northeast Community Plan	N/A	Update of Northeast Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24	APP'D	Adoption acknowledged COMPLETE	N/A
21-000669 Ordinance 24-10	Seaside Rural Community Plan	N/A	Update of Seaside Rural Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24	APP'D	Adoption acknowledged COMPLETE	N/A
22-000377 Ordinance 24-11	Southwest Coastal Community Plan	N/A	Update of Southwest Coastal Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24 3-13-24 3-27-24	APP'D with amendments	Submitted to DLCDD; awaiting acknowledgement	N/A

PROJECT STATUS REPORT – APRIL 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
23-000556 Ordinance 24-14	Housing Amendments	N/A	LAWDUC amendments to facilitate housing construction	TBD		TBD			Public information meeting held January 17, 2024 BOC work session February 14, 2024 Notices to special districts being prepared (45-day notice required by OAR)
Ordinance 24-05	Non-Conforming Uses and Structures	N/A	LAWDUC amendments to clarify non-conforming use and structures standards	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24	APP'D	Adoption acknowledged COMPLETE	N/A
	Clear and Objective Standards	N/A	Develop clear and objective standards for housing by July 1,	TBD		TBD		On-going work sessions BOC work	

PROJECT STATUS REPORT – APRIL 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
			2025					session February 21	
Ordinance 24-12	Geologic Hazard Report Preparation Professionals	N/A	Expand list of professionals who are qualified to prepare geologic hazard reports	3-12-24 4-9-24		TBD			

*Expiration date for projects that are not completed or substantially completed

Indicates change to project status



Clatsop County – Land Use Planning

800 Exchange Street, Suite 100

Astoria, OR 97103

(503) 325-8611 | (503) 338-3606 (Fax) | comdev@clatsopcounty.gov

TO: Planning Commission Members

CC: Land Use Planning Staff

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: April 9, 2024

RE: **FY 23/24 WORK PLAN – QUARTERLY UPDATE**

On June 14, 2023, the Board of Clatsop County Commissioners formally approved the Land Use Planning FY 23/24 Work Plan as part of the County’s adopted budget. The work plan incorporates strategic plan action items identified by the Board when such action items intersect with land use planning. The work plan also includes items identified by staff, which should be accomplished in order to meet regulatory requirements or to update regulations and processes in order to increase operational efficiencies. The purpose of the work plan is twofold:

1. Ensure that Community Development staff is focused on Board priority items
2. Assist staff in resource and budget planning

In order to demonstrate accountability and transparency to both elected and appointed officials and the public, staff will provide quarterly updates on the status of tasks included in the work plan.

For project information and updates, visit us on the web!

www.clatsopcounty.gov/landuse



LAND USE PLANNING FY 2023-24 WORK PLAN

TASK #1	COMPREHENSIVE PLAN UPDATE		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Goals 1-4, 6-14, Goal 19 to return to Board at March 15 work session, with possible adoption prior to the end of FY 22/23 or early FY 23/24.</p> <p>UPDATES: OCTOBER 2023: Completed</p>	1.00 FTE	Public Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Staff
	<p>B. Goal 5: Continued review and revision with Board, Planning Commission, legal counsel and the public</p> <p>UPDATES: OCTOBER 2023: Revised draft of Goal 5 under courtesy review by DLCD; BOC work session scheduled for October 25 JANUARY 2024: PC public hearing held December 12; BOC public hearings scheduled for January 10 and 24, 2024 APRIL 2024: Ordinance 24-02 adopted January 24, 2024.</p>	1.00 FTE	Public Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>Acknowledged by DLCD. COMPLETE</p>		
	<p>C. Community Plans: Continued review and revision with Board, Planning Commission, legal counsel and the public</p> <p>UPDATES: OCTOBER 2023: Revised community plans scheduled for BOC work session November 1 JANUARY 2024: PC public hearing scheduled for January 9, 2024; BOC public hearings scheduled for February 14 and 28, 2024 APRIL 2024: Clatsop Plains, Elsie-Jewell, Lewis and Clark Olney Wallooskee, Northeast, and Seaside Rural Community Plans adopted on February 28, 2024. Southwest Coastal Community Plan adopted March 27, 2024, with revisions.COMPLETE</p>	<p>1.00 FTE</p>	<p>Public Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Oregon's Kitchen Table</p>
<p>D. Prepare revisions based upon final DLCD and land use legal review, if needed</p> <p>UPDATES: OCTOBER 2023: Ongoing JANUARY 2024: Ongoing</p>	<p>1.00 FTE</p>	<p>Public Board of Commissioners County Counsel County Land Use Counsel DLCD Staff</p>	



LAND USE PLANNING

FY 2023-24 WORK PLAN

APRIL 2024: COMPLETE		
<p>E. Draft an RFP for environmental consultant services to update the Estuary Management Plan and develop recommendations to update Goals 16 (Estuarine Resources) and 17 (Coastal Shorelands)</p> <p>UPDATES:</p> <p>OCTOBER 2023: RFP issued June 30, 2023. Notice of Intent to Award issued September 29. Contract scheduled for Board approval October 25</p> <p>JANUARY 2024: Contract awarded; initial meeting with CREST held November 30; 1st stakeholder meeting to be scheduled in late January/early February 2024</p> <p>APRIL 2024: First public meeting scheduled for April 20, 2024.</p>	<p>0.25 FTE \$150,000</p>	<p>Public Board of Commissioners County Counsel County Land Use Counsel DLCD Environmental Consultants Staff</p>
<p>F. Draft an RFP for environmental consultant services to update Goal 18 (Beaches and Dunes) and develop recommendations to update LAWDUC implementing ordinances</p> <p>UPDATES:</p> <p>OCTOBER 2023: RFP issued June 30, 2023. Notice of Intent to Award issued September 29. Contract scheduled for Board approval October 25</p> <p>JANUARY 2024: Contract awarded; initial meeting with CREST</p>	<p>0.25 FTE \$50,000</p>	<p>Public Board of Commissioners County Counsel County Land Use Counsel DLCD Environmental Consultants Staff</p>



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>held November 15; 1st stakeholder meeting to be scheduled in late January/early February 2024</p> <p>APRIL 2024: First public meeting scheduled for April 20, 2024.</p>		
	<p>G. Continue to work with Board to review and revise public participation process and schedule as needed</p> <p>UPDATES: OCTOBER 2023: Ongoing JANUARY 2024: Ongoing APRIL 2024: Ongoing</p>	0.02 FTE	Public Board of Commissioners Planning Commission Staff
TASK #2	STRATEGIC PLAN FOCUS AREA - GOVERNANCE		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Develop annual work program, to be approved by the Board of Commissioners, establishing priorities and focus areas for staff and the Planning Commission</p> <p>UPDATES: OCTOBER 2023: Ongoing. Quarterly updates to be provided to the Planning Commission and BOC JANUARY 2024: Ongoing. Quarterly updates to be provided to the</p>	0.05 FTE	Board of Commissioners Planning Commission Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>Planning Commission and BOC APRIL 2024: Ongoing.</p>		
	<p>B. Continue to increase public outreach through the use of new and diverse media in order to attract new participants representing the demographic, economic, and social composition of the county.</p> <p>UPDATES: OCTOBER 2023: Ongoing work with County’s Public Affairs Office JANUARY 2024: Ongoing work with County’s Public Affairs Office APRIL 2024: Ongoing</p>	0.20 FTE	Public Board of Commissioners Planning Commission Public Affairs Office Staff
	<p>C. Create quarterly newsletter to be mailed to all property owners providing updates on ongoing and future projects and to identify future trends and issues</p> <p>UPDATES: OCTOBER 2023: Digital quarterly newsletter to begin publishing in October JANUARY 2024: Ongoing work with County’s Public Affairs Office APRIL 2024: Ongoing</p>	0.15 FTE	Public Public Affairs Officer Staff
	<p>D. Develop and implement a work plan for the state-mandated</p>	0.20 FTE	Public



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>Committee for Citizen Involvement</p> <p>UPDATES: OCTOBER 2023: Not started JANUARY 2024: Not started APRIL 2024: Not started</p>		<p>Board of Commissioners Planning Commission Public Affairs Officer Staff</p>
TASK #3	STRATEGIC PLAN FOCUS AREA - ENVIRONMENTAL QUALITY		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Work with DLCD and DEQ to identify existing data related to water quality and quantity within Clatsop County and to identify potential funding sources that could be utilized by Clatsop County to hire its own consultants to collect and/or analyze this data</p> <p>UPDATES: OCTOBER 2023: Discussions started with DEQ, DLCD and Oregon Solutions in FY 22/23. No further updates JANUARY 2024: AOC Water Knowledge Exchange Program presentation at January 17 BOC work session</p>	0.20 FTE	<p>Public Board of Commissioners Planning Commission DLCD DEQ Environmental Consultant Staff</p>



LAND USE PLANNING

FY 2023-24 WORK PLAN

	<p>APRIL 2024: No updates</p>		
	<p>B. Continue to monitor and participate in the NEPA review of FEMA’s Implementation Plan to address National Marine Fisheries Services Biological Opinion (BiOp); prepare and update the Board as needed</p> <p>UPDATES:</p> <p>OCTOBER 2023: BOC submitted public comments in FY 22/23. FEMA developing model ordinance and draft Environmental Impact Statement (EIS). Publication anticipated in early 2024. Staff attendance at Oregonians for Floodplain Protection meetings - a coalition organized by Tillamook County</p> <p>JANUARY 2024: NEPA review ongoing; draft EIS to be published in summer 2024</p> <p>APRIL 2024: No updates</p>	<p>0.25 FTE</p>	<p>AOC Board of Commissioners Planning Commission Staff</p>
<p>C. Continue discussions with the Board to determine preferred path to implement requirements of FEMA’s Biological Opinion (BiOp); obtain public input</p> <p>UPDATES:</p> <p>OCTOBER 2023: Information provided as needed via County Manager’s weekly report to the Board. No public work items currently scheduled</p>	<p>0.25 FTE</p>	<p>Public Board of Commissioners Planning Commission FEMA DLCD Staff</p>	



LAND USE PLANNING FY 2023-24 WORK PLAN

JANUARY 2024: No updates

APRIL 2024: No updates

**TASK
#4**

STRATEGIC PLAN FOCUS AREA - INFRASTRUCTURE

SUBTASKS	REQUIRED RESOURCES	PARTNERS
<p>A. Provide assistance to Emergency Management staff as needed with regard to FEMA hazard mitigation grant application preparation</p> <p>UPDATES: OCTOBER 2023: No request for assistance has been received JANUARY 2024: No updates APRIL 2024: No updates</p>	0.10 FTE	Board of Commissioners Emergency Management Affected Stakeholders FEMA Staff
<p>B. Provide assistance, as needed, to support discussions and projects related to tide gates and levees</p> <p>UPDATES: OCTOBER 2023: Meetings with Public Works staff to identify project for NOAA's Coastal Regional Resiliency Grant (see Task</p>	0.05 FTE	Public Board of Commissioners FEMA Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>D, below)</p> <p>JANUARY 2024: Clatsop County coalition invited to submit full grant application; applications due February 2024</p> <p>APRIL 2024: Awaiting award announcements</p>		
	<p>C. Work with Emergency Management to implement recommendations from the Tsunami Evacuation Facilities Improvement Plan (TEFIP)</p> <p>UPDATES:</p> <p>OCTOBER 2023: Not yet started</p> <p>JANUARY 2024: Not yet started</p> <p>APRIL 2024: Meeting with EM staff held in March to begin identifying priority projects to include in grant applications</p>	0.10 FTE	Public Board of Commissioners Emergency Management Staff
	<p>D. Work with DLCD and NOAA to identify potential impacts to infrastructure and community assets from sea level rise</p> <p>UPDATES:</p> <p>OCTOBER 2023: Public Works, Planning, NOAA, CREST, and other agencies and organizations drafted and submitted a letter of intent to apply for NOAA’s Coastal Regional Resiliency Challenge Grant in August 2023. The project identified would focus on sea level rise and impacts to dikes and levees in both WA and OR.</p>	0.10 FTE	Public Board of Commissioners DLCD NOAA Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>Awaiting determination from NOAA re: invitation to apply</p> <p>JANUARY 2024: NOAA presentation to BOC at February 7 work session</p> <p>APRIL 2024: No updates</p>		
	<p>E. Provide assistance as needed for any climate change local impact analyses</p> <p>UPDATES:</p> <p>OCTOBER 2023: Ongoing work with DLCD's NOAA Fellow re: sea level rise.</p> <p>JANUARY 2024: NOAA presentation to BOC at February 7 work session</p> <p>APRIL 2024: No updates</p>	0.05 FTE	Board of Commissioners Consultants OCCRI Staff
	<p>F. Work with watershed councils to identify and map watershed boundaries and create a Webmaps layer</p> <p>UPDATES:</p> <p>OCTOBER 2023: Met with North Coast Watershed Association staff in July 2023. Watershed Association presentation to BOC on September 6, 2023. Association is finished up a mapping grant.</p> <p>JANAURY 2024: No updates</p>	0.01 FTE	Watershed Councils GIS Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

APRIL 2024: No updates

TASK #5 STRATEGIC PLAN FOCUS AREA - SOCIAL SERVICES

	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Continue to monitor state legislation and audit County zoning codes to identify areas where the County’s regulations may be out of sync with state regulations regarding child care facilities, emergency shelters, and residential care facilities and homes; prepare code amendments recommended by DLCD</p> <p>UPDATES:</p> <p>OCTOBER 2023: Ongoing. 2023 legislative update amendments discussed in work session with PC October 2023</p> <p>JANUARY 2024: Community Development staff selected to serve on DLCD’s Child Care Barriers Work Group. Meetings to begin in February 2024</p> <p>APRIL 2024: Next work group meeting scheduled for May 31, 2024. Survey for child care providers issued April 1, 2024.</p>	0.05 FTE	DLCD Public Board of Commissioners Planning Commission Staff

TASK STRATEGIC PLAN FOCUS AREA - ECONOMIC DEVELOPMENT



LAND USE PLANNING FY 2023-24 WORK PLAN

#6			
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Draft an RFP for consultant services to conduct an Economic Opportunities Analysis and develop recommendations to update the Comprehensive Plan and LAWDUC implementing ordinances</p> <p>UPDATES:</p> <p>OCTOBER 2023: RFP issued June 30, 2023. Contract awarded to Johnson Economics September 27, 2023. Initial meeting with consultant/staff on October 3 to finalize project scope and timeline</p> <p>JANUARY 2024: 1st stakeholder meeting held November 15. 2nd meeting scheduled for January 25. Consultants preparing Buildable Lands Inventory</p> <p>APRIL 2024: 3rd meeting scheduled for April 17. Planning Manager appointed to Goal 9 Targeted Industries Rulemaking Advisory Committee</p>	<p>0.25 FTE \$95,000</p>	<p>Public Business Owners Board of Commissioners Chambers of Commerce Port of Astoria County Counsel County Land Use Counsel DLCD Consultants Staff</p>
	<p>B. Conduct review of commercial and industrial zones to identify and implement changes to simply development process and reduce or remove barriers to development</p>	<p>0.25 FTE</p>	<p>Public Business Owners Board of Commissioners Planning Commission</p>



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>UPDATES: OCTOBER 2023: Economic Strategies Group meeting September 2023. Group to identify local changes needed and state assistance required JANUARY 2024: No updates APRIL 2024: No updates</p>		Staff
	<p>C. Initiate process to review local regulatory barriers to economic development; include evaluation of opportunities to reduce the cost of development</p> <p>UPDATES: OCTOBER 2023: Economic Strategies Group meeting September 2023. Group to identify local changes needed and state assistance required JANUARY 2024: No updates APRIL 2024: No updates</p>	0.15 FTE	Public Affected Stakeholders Board of Commissioners Planning Commission Staff
	<p>D. Identify barriers to affordable, workforce and market-rate housing within Clatsop County codes; identify a variety of housing options that would be appropriate within unincorporated Clatsop County</p>	0.15 FTE	Public Contractors Board of Commissioners Planning Commission Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>UPDATES:</p> <p>OCTOBER 2023: Housing amendments discussed at BOC work session October 4 and at PC work session October 10. Public hearing with PC tentatively scheduled for December 2023. Planning staff also assisted with drafting a regional grant application for DLCD to conduct a Regional Infrastructure Readiness Study. The grant has been awarded for this project.</p> <p>JANUARY 2024: Public information session scheduled for January 16, 6PM</p> <p>APRIL 2024: Revisions being drafted; public notice for special districts prepared, but not mailed pending completion of draft amendments</p>		
TASK #7	LEGISLATED MANDATES		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Continue to meet all regulatory requirements and process applications according to 150-day timeframe mandated by ORS</p> <p>UPDATES:</p> <p>OCTOBER 2023: Ongoing</p> <p>JANUARY 2024: Ongoing</p>	4.50 FTE	Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>APRIL 2024: Ongoing</p> <p>B. Update the <i>Land and Water Development and Use Code</i> to incorporate any applicable legislative changes made during the 2023 legislative session</p> <p>UPDATES:</p> <p>OCTOBER 2023: Draft 2023 legislative amendments presented at October 10 PC work session</p> <p>JANUARY 2024: PC public hearing held November 2023; 1st BOC hearing January 10; 2nd BOC hearing scheduled for January 24, 2024</p> <p>APRIL 2024: No 2024 legislative updates required at this time; pending ongoing rulemaking at state level</p>	0.15 FTE	Public Board of Commissioners Planning Commission Staff
TASK #8	PROCESS IMPROVEMENT AND STREAMLINING		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	A. Continue to review and revise Community Development website to ensure information is relevant, clear, and accurate. Include information that makes the development and permitting process easy to understand for all users.	0.10 FTE	Public Public Affairs Office Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>UPDATES: OCTOBER 2023: Ongoing JANUARY 2024: Ongoing APRIL 2024: Ongoing</p>		
	<p>B. Continue to utilize a formal orientation program for newly-appointed planning commissioners. Update Planning Commission training materials as needed.</p> <p>UPDATES: OCTOBER 2023: Implemented; utilized as needed JANUARY 2024: No updates APRIL 2024: No updates</p>	0.01 FTE	County Counsel Planning Commission Staff
	<p>C. Continue to work with the Oregon Building Codes Division to implement updates to the Accela e-permitting system to clarify planning requirements.</p> <p>UPDATES: OCTOBER 2023: Ongoing JANUARY 2024: Ongoing APRIL 2024: Ongoing</p>	0.01 FTE	Oregon BCD Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

TASK #9	SPECIAL PROJECTS		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Update Continuity of Operations Plan for Community Development Department</p> <p>UPDATES: OCTOBER 2023: Not yet started JANUARY 2024: Not yet started APRIL 2024: Not yet started</p>	0.20 FTE	Emergency Management Staff
	<p>B. Following DLCD acknowledgement of the comp plan updates, begin review of and updates to the LAWDUC</p> <p>UPDATES: OCTOBER 2023: “Low-hanging fruit” amendments being processed as time permits; “clear and objective standards” to be developed and adopted by January 1, 2025; housing amendments in process JANUARY 2024: Ongoing; “clear and objective standards” project started December 2023</p>	1.00 FTE	Public Board of Commissioners County Counsel County Land Use Counsel Planning Commission Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>APRIL 2024: Ongoing</p>		
	<p>C. Continue to work with Oregon Solutions to implement the County's commitments from the Clatsop Plains Elk Collaborative Declaration of Cooperation</p> <p>UPDATES: OCTOBER 2023: Final meeting with Oregon Solutions held on March 22, 2023. Facilitation of project now transferred to CREST. No updates since March 2023 JANUARY 2024: No updates APRIL 2024: No updates</p>	<p>0.10 FTE</p>	<p>Public Board of Commissioners Oregon Solutions Planning Commission Staff</p>
	<p>D. Evaluate and obtain public input regarding participation in FEMA's Community Rating System (CRS) program</p> <p>UPDATES: OCTOBER 2023: Not started JANUARY 2024: Not started APRIL 2024: Not started</p>	<p>0.01 FTE</p>	<p>Public Board of Commissioners Emergency Management Staff</p>
<p>E. Evaluate and obtain public input regarding becoming a Certified Local Government, to assist with historic preservation efforts</p>	<p>0.01 FTE</p>	<p>Public Board of Commissioners</p>	



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>UPDATES: OCTOBER 2023: Not started JANUARY 2024: Not started APRIL 2024: Not started</p>		Staff
	<p>F. Schedule public meetings to continue to receive public input on the review and update of the County’s geologic hazard overlay development process and requirements</p> <p>UPDATES: OCTOBER 2023: Ordinance 23-12 (GHO exemptions) adopted August 23, 2023 JANUARY 2024: Information to be provided to PC on January 9, 2024, re: professionals qualified to prepare reports APRIL 2024: Ordinance 24-12 scheduled for PC review April 9; BOC review April 24 and May 8</p>	0.05 FTE	Public Affected Stakeholders Board of Commissioners Planning Commission DOGAMI Staff
	<p>G. Recreate permitted and conditional use tables in LAWDUC</p> <p>UPDATES: OCTOBER 2023: Draft revisions to be presented for PC discussion January 2024</p>	0.05 FTE	Public Board of Commissioners Planning Commission Staff



LAND USE PLANNING FY 2023-24 WORK PLAN

	<p>JANUARY 2024: Draft revisions to be developed as part of “clear and objective standards” project</p> <p>APRIL 2024: No updates</p>		
	<p>H. Initiate process to obtain public input to identify concerns and determine level of support for adoption of a Tsunami Overlay Zone; draft code amendments if needed</p> <p>UPDATES: OCTOBER 2023: Not started JANUARY 2024: Not started APRIL 2024: Not started</p>	<p>0.50 FTE \$5,000 (FY 23/24)</p>	<p>Public Affected Stakeholders Board of Commissioners Planning Commission Emergency Management DLCD Staff</p>

BCD: Oregon Building Codes Division
 DEQ: Department of Environmental Quality
 DLCD: Department of Land Conservation and Development
 DOGAMI: Department of Geology and Mineral Industries
 FEMA: Federal Emergency Management Agency
 NOAA: National Oceanic and Atmospheric Administration
 OCCRI: Oregon Climate Change Research Institute



Clatsop County – Land Use Planning

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TO: Planning Commission Members

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: April 9, 2024

RE: **DIRECTOR'S REPORT**

CHILD CARE FACILITY BARRIERS WORK GROUP

Following the first meeting of the Childcare Facility Barriers Work Group, a survey was issued to obtain feedback from child care providers who have recently navigated the permitting process. This survey is intended to identify barriers and obstacles that these providers encountered when trying to open or expand an existing facility. Child care providers can access the survey [here](#). The survey will remain open until 9AM in April 15.

COMPREHENSIVE PLAN UPDATE

- **Economic Opportunities Analysis (EOA):**
A status update was provided to the Board on March 27. The focus of the EOA will be shifting from identifying industrial/commercial lands and will focus on policies and needs that the County will need in order to remain stable as the HCP and other outside regulatory changes impact the County. The next [meeting of the Technical advisory Committee](#) is scheduled from 1-3PM, Wednesday, April 17.
- **Goals 16-18 Updates**
The first public meeting to introduce the project will be held on Saturday, April 20, from 10AM-Noon at the Boyington Building. The Boyington Building is located at 857 Commercial Street, Astoria. A [website](#) for the project has also been established.
- **Southwest Coastal Community Plan**
The Board approved the Southwest Coastal Community Plan following a second public hearing on March 27. The approved plan has been sent to the Department of Land Conservation and Development (DLCD) for review and formal acknowledgment.

CLATSOP REGIONAL HOUSING TASK FORCE

The Clatsop Regional Housing Task Force held a meeting on March 27. Information was presented to the group regarding:

- Housing Planning Assistance project update
- A mixed use project on Downtown Warrenton
- State legislative updates related to housing
- PSU population forecast

USACE PROJECTS

Staff continues to participate in weekly meetings with USACE staff and staff from DLCD. The purpose of the discussions is to work through issues associated with the USACE's proposed 20-year Dredged Material Management Plan. Separate discussions are also ongoing related to flowlane disposal of

dredged material within the Columbia River. It is possible that a goal exception application may be submitted to address this issue. If a goal exception application is submitted, it will first be reviewed by the Planning Commission. Your commission would then make a recommendation to the Board regarding the exception. Goal exceptions are approved by ordinance, which requires one public hearing before the Planning Commission and two public hearings before the Board of Commissioners.

STAFF CHANGES AND RECRUITMENT

Interviews will be conducted during the week of April 1 for the Building Official position. The job description for Electrical Inspector is being revised and that position will be reopened. Roan Dickey's tentative last day with the County will be April 15. Interviews for a replacement Permit Technician are also being conducted during the week of April 1. There is also an open Planner position due to the promotion of David Cook to Senior Planner, following the resignation of Ian Sisson in January 2024.