



Clatsop County – Land Use Planning

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TO: Clatsop County Planning Commission

FROM: Gail Henrikson, AICP, CFM – Community Development Director
Jay Blake, Planning Manager

DATE: February 13, 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 under discussion at your February meeting are:

- **Section 2.1000-2.1060:** Procedures Types
- **Section 2.1070:** Pre-Application Meetings
- **Section 2.1080:** Applicant-Neighborhood Meetings
- **Section 2.2190-2.2250:** Appeals
- **Section 2.4000-2.4050:** Conditional Use Permits
- **Section 2.5000-2.5040:** Development and Use Permitted with Review

Additionally, staff is proposing to eliminate or reclassify three existing procedural processes, which are discussed in further detail below and on the attached PowerPoint presentation. Depending upon direction and feedback from the Planning Commission, staff will prepare additional changes to Sections 2.0100, 2.0300, and 2.1130-2.1180.

SECTION 2.1000-2.1060 – PROCEDURE TYPES

Sections 2.1000-2.1060 establish the different procedure types used to process land use applications. Currently, the County utilizes seven different types of procedures:

- Type I
- Type IC
- Type II
- Type IIA
- Type IIR
- Type III
- Type IV

Clatsop County issues a “Development Permit” for new single-family dwellings and accessory buildings. The Development Permit verifies that the use is permitted in the zone, that all required setbacks and building heights are adhered to; and that required sign-offs from water, sewer/septic and fire are

provided. This has been listed as a Type I procedure, even though it does not permit anyone to build anything. This has caused confusion at times as some property owners view the development permit as authorization to begin construction, even though building permits have not been issued. **Proposed Change: Rename this process “Zoning Verification”. The zoning verification form would be submitted with the building permit application to confirm that the proposed structure complies with all applicable land use regulations.**

The Type IC process has historically been used internally by staff to differentiate standard Type I applications and more complex Type I applications such as floodplain permits. **Proposed Change: Staff is proposing to eliminate the Type IC review and simply utilize the Type I procedure.**

Clatsop County uses three levels of Type II procedures to process certain land use applications:

- Type II: Conditional Use that requires public notice, but not a public hearing
- Type IIA: Conditional Use that requires public notice, published ad **and** a public hearing
- Type IIR: Review Use that requires public notice, published ad, but not a public hearing

The Type II and Type IIR procedures are almost identical, except that the Type IIR requires a published ad in addition to the public notice. The Type IIA procedure is a quasi-judicial procedure and more correctly should be classified as Type III. **Proposed Changes: Eliminate Type IIR procedure and reclassify these uses as either Type I or Type II. Eliminate the Type IIA procedure and reclassify these uses as Type III. Reclassify conditional uses as either “minor” (Type II) or “major” (Type III). These changes would not move any uses to a more restrictive process, but are intended to create clarity and uniformity in the way applications for these uses are processed.**

The Type III procedure is a quasi-judicial review which includes variances, subdivisions and the proposed major conditional uses, which are currently processed as a Type IIA. The process for Type IIA and Type III is identical, as both require the following:

- Written public notice
- Published ad
- Sign posted on the property
- Public hearing

By reclassifying Type IIA uses as Type III, it makes clear that these are quasi-judicial applications. No change in the process or the application fees would result from this proposed change.

Type IV applications involve policy changes (legislative actions) or comprehensive plan or zoning changes to a specific property or small group of properties (quasi-judicial). No changes are proposed to the procedures, except to clarify the language used to describe the process.

SECTION 2.1070 – PRE-APPLICATION MEETING

Changes proposed for this section include:

- Change “Conditional Uses” to “Major Conditional Uses”
- Add Destination Resorts to the list of uses that require a pre-application meeting
- Make the meeting summary mandatory
- Change the length of time to provide the summary from 5 days to 10 days

SECTION 2.1080 – APPLICANT/NEIGHBORHOOD MEETINGS

Changes proposed for this section include:

- Revise list of uses that require an applicant/neighborhood meeting
- Separate required procedures for conducting the meeting into “before”, “during” and “after” to clarify the process
- Eliminate language that allows the director to determine a wider notification area based upon various factors as that language is not objective
- Change minimum notification time from 10 days to 14 days
- Add language clarifying that staff attendance is not mandatory

SECTIONS 2.2190-2.2250 – APPEALS

Much of this section is legal by its nature and some of the terms cannot be changed in order to retain the legal context and meaning. Changes proposed for this section include:

- Create new “Intent” section
- Change appeal deadline from 12 days to 14 days
- Eliminate 5 additional days to provide additional information once application is submitted
- Move Section 2.2200 to Section 2.2193
- Remove extraneous or obscure wording and grammar to increase clarity

SECTIONS 2.4000-2.4050 – CONDITIONAL USES

Changes proposed for this section include:

- Change Type IIA to Type III (this does not change the procedure or fee)
- Differentiate between “Minor” (Type II) and “Major” (Type III) conditional uses
- Add list of project information required with the application
- Eliminate list of Type II uses in Section 2.4030 that the Director can elevate to a Type III use. To be clear and objective, these uses should be listed as a Type III use in each applicable zone, rather than relying on director discretion.
- Creates a new Table 2.4 that will include all conditional uses and note whether they are “minor” or “major”

SECTIONS 2.5000-2.5040 – DEVELOPMENT AND USE PERMITTED WITH REVIEW

There are currently seven different zone designations that list certain uses as “Review Uses”. This is currently considered a Type IIR procedure, requiring a public notice and a published ad, but no public hearing. Except for the published ad, the process is identical to a Type II process. **Proposed Changes: Staff would propose elimination the Type IIR procedure and reclassify those uses as either Type I or Type II, based upon similarity with other Type I or Type II uses.**

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.

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
	<u>SECTION 2.2190. APPEALS</u>	
	<u>Section 2.2191. Intent</u> <u>This section establishes procedures for processing an appeal of a decision made by the Community Development Director, Planning Commission, Hearings Officer, or the Board of Commissioners.</u>	<u>New section</u>
<u>Section 2.2190. Request for Review / Appeal</u> 1) The Hearings Officer shall hear appeals from Type I and Type II decisions of the Director 2) The Board of Commissioners shall hear appeals of decisions of the Hearings Officer (Type IIa) and Planning Commission (Type III). 3) The affected party shall file an appeal with the Director within twelve (12) days of a final decision. An additional five days after filing of an appeal may be granted to allow the appellant to submit additional justification for the appeal. The actual appeal, however, must be filed within the twelve-day limit. 4) At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not	<u>Section 2.21902192. Request for Review / Appeal</u> 1) <u>Type I or Type II Procedures:</u> (A) <u>The Hearings Officer shall hear appeals from of Type I and Type II decisions of the Director.</u> (A)(B) <u>The person(s) filing the appeal shall submit an appeal request within 14 calendar days of the date the Notice of Decision was issued.</u> 2) <u>Type III Procedure:</u> (A) <u>The Board of Commissioners shall hear appeals of decisions of the Hearings Officer (Type IIa) and Planning Commission (Type III)- decisions.</u> (B) <u>The person(s) filing an appeal shall submit an appeal request within 14 calendar days of the date the Notice of</u>	<u>Propose to increase length of time to appeal from 12 to 14 days</u> <u>Eliminate 5 additional days to provide additional information once appeal application is submitted</u>

<p>warrant further hearing, summarily affirm the action and deny the appeal. The Board of Commissioners, if it believes the matter warrants review, may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article.</p> <p>5) A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.829.</p>	<p><u>Decision was issued.</u></p> <p>3) <u>Type IV Procedure:</u></p> <p>(A) <u>A Type IV decision issued by the Board of Commissioners may be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.829.</u></p> <p>(B) <u>Appeal of a Type IV decision shall follow procedures established by LUBA or the appropriate hearing tribunal.</u></p> <p>4) <u>At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal.</u></p> <p><u>Section 2.2193. Requirements of Appeal Application</u></p> <p>1) <u>An application for an appeal shall contain the following:</u></p> <p>(A) <u>The case number or other identification of the decision to be appealed.</u></p> <p>(B) <u>The date the decision was issued.</u></p> <p>(C) <u>The name and address of the person(s) or entity appealing the decision.</u></p> <p>(D) <u>A statement verifying that the person appealing the decision has standing and participated</u></p>	
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- in the initial decision.
- (E) The specific reason(s) the decision is being appealed.
- (F) The type of appeal review requested:
- i. **Type I and Type II appeals are always de novo hearings.** A de novo hearing is a hearing where new evidence can be presented. De novo means the hearing will occur as if it were the first time an application was being reviewed.
- ii. **Type III Appeals:** The person submitting the appeal application may request a de novo hearing (Section 2.2195); a review of only additional testimony or evidence (Section 2.2195); or a review based on the existing record (Section 2.2195).
- iii. If the applicant is requesting a de novo review or a review of additional testimony or evidence, the applicant must provide a written statement addressing how

their request meets the
criteria in Section 2.2195.

(G) Required filing fee. Payment
of the fee must accompany an
appeal at the time it is filed

2)

4) The affected party shall file an
appeal with the Director within
twelve (12) days of a final decision.
An additional five days after filing
of an appeal may be granted to
allow the appellant to submit
additional justification for the
appeal. The actual appeal,
however, must be filed within the
twelve-day limit.

2) At its discretion, the reviewing
body may, after considering the
application and appeal, and finding
that the facts therein stated do not
warrant further hearing, summarily
affirm the action and deny the
appeal. The Board of
Commissioners, if it believes the
matter warrants review, may limit
an appeal or review to a review of
the record and a hearing for
receipt of oral arguments regarding
the record, or may accept new
evidence and testimony. If new
evidence is to be received, a
hearing shall be conducted
pursuant to this article.

	<p>3) A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.829.</p> <p>4)3)</p>	
<p><u>Section 2.2200. Requirements of Notice of Appeal</u></p> <p>A notice of appeal shall contain:</p> <ol style="list-style-type: none"> 1) An identification of the decision sought to be reviewed, including the date of the decision. 2) A statement of the standing of the person seeking review. 3) The specific grounds relied upon for review. 4) If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 2.2230(1). 	<p><u>Section 2.2200. Requirements of Notice of Appeal</u></p> <p>A notice of appeal shall contain:</p> <ol style="list-style-type: none"> 1) An identification of the decision sought to be reviewed, including the date of the decision. 2) A statement of the standing of the person seeking review. 3) The specific grounds relied upon for review. 4) If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 2.2230(1). <p>5)1)</p>	<p><u>This will become new Section 2.2193</u></p> <p><u>Definition of “de novo” added to Section 1.0500.</u></p>
<p><u>Section 2.2210. Review</u></p> <p>The Board of Commissioners shall issue an order stating the scope of review to be one of the following:</p> <ol style="list-style-type: none"> 1) Denying review. 2) Restricting review to the record made by the hearing body. 3) Limit review to such issues as the Board of Commissioners determines necessary for a proper resolution of the matter. 	<p><u>Section 2.2210. Establishing Scope of Review</u></p> <p>Following submittal of an application to appeal a decision by the Hearings Officer or the Planning Commission, The the Board of Commissioners shall issue an order stating establishing the scope of review. Review of the appeal shall be limited to be one of the following:</p> <ol style="list-style-type: none"> 1) Denying review. 2) Restricting review to the existing 	

<p>4) De novo hearing on the merits.</p>	<p><u>record and do not accept new testimony or evidence made by the hearing body.</u></p> <p>3) Limit review to such those issues <u>determined by</u> the Board of Commissioners determines as necessary for a proper resolution of to resolve the matter.</p> <p>4) De novo hearing on the merits.</p> <p><u>At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal.</u></p>	
<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:</p> <ol style="list-style-type: none"> 1) A factual report prepared by the Community Development Director. 2) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review. 3) The transcript of the hearing, if 	<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, r<u>Review of the decision on appeal</u> shall be confined to the <u>existing</u> record of the proceeding as specified in this section. The record shall include:</p> <ol style="list-style-type: none"> 1) A factual report prepared by the Community Development Director <u>summarizing the application process to date.</u> 2) All exhibits, materials, pleadings, memoranda, stipulations, <u>comments, staff reports</u> and motions submitted by any party. 	

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<p>previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.</p>	<p>3) which were and received or considered in reaching used to reach the decision under review. The transcript of the hearing, if previously prepared; -. If no transcript was previously prepared, otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.</p>	
<p><u>Section 2.2230. Review Consisting of Additional Evidence or De Novo Review</u></p> <p>1) The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.</p> <p>(A) Prejudice to the parties.</p> <p>(B) Convenience or availability of evidence at the time of the initial hearing.</p> <p>(C) Surprise to opposing parties.</p> <p>(D) The competency, relevancy</p>	<p><u>Section 2.2230. De Novo Review or Review Consisting of Additional Evidence or De Novo Review</u></p> <p>1) For appeals of a decision made by the Hearings Officer or Planning Commission, The the reviewing body may hear the entire matter de novo; or it may admit allow additional testimony and other evidence to be presented without holding a de novo hearing. Additional evidence without a de novo hearing may be allowed -if it is satisfied-determined that the additional testimony or other evidence could not reasonably have been presented at the prior hearing.</p> <p>The reviewing body shall consider all of the following in making such a decision.</p>	

<p>and materiality of the proposed testimony or other evidence.</p> <p>4)2) "De novo hearing" shall mean a hearing by the reviewing body as if the action had not been previously heard and as if no decision has been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.</p>	<p>(A) Prejudice to the parties.</p> <p>(B) Convenience or aavailability of evidence at the time of the initial hearing.</p> <p>(C) Surprise to opposing parties.</p> <p>(D) The competency, relevancy and materiality of the proposed testimony or other evidence.</p> <p>2) "De novo hearing" shall mean a hearing by the reviewing body as if the action had not been previously heard and as if no decision has been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.</p>	
<p>Section 2.2240. Review Body Decision</p> <p>1) Upon review, the review body may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in</p>	<p>Section 2.2240. Review Body Decision</p> <p>1) Upon Following review, the review body may byshall issue an order affirming, reverse reversing or modify modifying in whole or part a determination or requirement of the decision that is under review.</p> <p>2) When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall provide written shall set forth its</p>	

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	<p>the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.</p> <p>2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review.</p> <p>3) The Director shall by written notice send by first class mail the decision arrived at by the Director or hearing body to the applicant, to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.</p>	<p>findings and state its reasons for taking the action encompassed in the order for reversing or modifying the decision.</p> <p>4)3) When the review body elects to remands the matter back to the hearing body for such further consideration as it deems necessary, it shall include a <u>written</u> statement explaining the error found to have that materially affected the outcome of the original decision. <u>The written statement shall also include and the action necessary to rectify such fix the error(s).</u></p> <p>4) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting.</p> <p>2)5) The review body shall render its decision no later than sixty (60) days after the filing of the request for review <u>appeal</u>.</p> <p>3)6) The Director shall <u>send by first class mail the written by written notice send by first class mail the decision arrived at by review body.</u> The decision shall be mailed the Director or hearing body to the applicant, to any participant in the</p>	
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proceedings leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.

Section 2.1180. Remand

The director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B). If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160. If additional information is required from the applicant concerning the items on remand, the Department shall notify the applicant within ten (10) days of the Board of Commissioners written action. The applicant has from the date of notification to the 30th day after the Board's written action to submit all the requested information. The application is considered complete for the remand when all the requested information is submitted or, on the 31st day after the Board's written action, whichever comes first. The remand shall then be scheduled for the next Planning Commission hearing and

Section 2.1180. Remand

- 1) The ~~director~~ Director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B).
- 2) If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160.
- 3) If additional information is required from the applicant concerning the items on remand, the ~~Department~~ Director shall notify the applicant within ten (10) days of the Board of Commissioners written action.
- 4) The applicant has 30 days from the date of notification ~~to the 30th day after the Board's written action to~~ submit all the requested information.
- 4)5) The application is considered complete for the remand when all the requested information is submitted or, on the 31st day after ~~the Board's~~

<p>shall be subject to the time limitations of Section 2.1160.</p>	<p>written actionnotification, whichever comes first. The remand shall then be scheduled for the next Planning Commission hearing and shall be subject to the time limitations of Section 2.1160.</p>	
<p>Section 2.2250. LUBA Remand [ORD.23-02]</p> <p>1) If the County is acting on the remand of a decision from the Land Use Board of Appeals (LUBA), the governing body may authorize the planning commission or hearings officer to conduct hearings and make a decision for lands designated as agricultural or forest lands under Statewide Planning Goals 3 or 4.</p> <p>2) Following review by the planning commission or hearings officer the governing body shall review the decision and shall:</p> <ul style="list-style-type: none"> a) schedule a public hearing and issue a final decision on the application; b) leave the planning commission or hearings officer decision as the final county decision; or c) adopt the planning commission or hearings 	<p>Section 2.2250. LUBA Remand [ORD.23-02]</p> <p>1) If the County is acting on the remand of a decision from the Land Use Board of Appeals (LUBA), the governing bodyBoard of Commissioners may authorize the planningPlanning commission Commission or hearingsHearings officer Officer to conduct hearings and make a decision for lands designated as agricultural or forest lands under Statewide Planning Goals 3 or 4.</p> <p>2) Following review by the planningPlanning commissionCommission or hearingsHearings officer Officer the governing body shall review the decision and shall:</p> <ul style="list-style-type: none"> a) schedule a public hearing and issue a final decision on the application; b) leave the planning commission or hearings officer decision as the final 	

officer decision by consent order as the decision of the governing body.	c) county decision; or adopt the planning commission or hearings officer decision by consent order as the decision of the governing body.	
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SECTION 2.1000. PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE		
EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<u>SECTION 2.1000. PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE</u>	<u>SECTION 2.1000. PROCEDURES FOR DECISION MAKING</u>	
	<p><u>Section 2.1001. Purpose</u> The purpose of this section is to establish standard decision-making procedures that will enable the County, the applicant, and the public to reasonably review applications and participate in the local decision-making process. Table 2.1 provides a key for determining the review procedure and the decision-making body for particular applications.</p>	
<p>An application for a development permit or land use action shall be processed under either a Type I, II, IIa, III or IV procedure as stated within the procedures under Sections 2.1010 to 2.1050.</p> <p>All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by this Code:</p>	<p><u>Section 2.1002. Review Procedures</u> An application for a development permit or land use action shall be processed reviewed using one of the following procedures:</p> <ul style="list-style-type: none"> • under either a Type I (Section 2.1010) • Type II (Section 2.1020) • IIa • Type III (Section 2.1030) • Type IV (Section 2.1040) <p>procedure as stated within the procedures underThe process for each review type is listed in Sections 2.1010 to 2.10501040.</p>	<p>Propose renaming Type IIA procedure as Type IIII. Both are public hearings and both require public and published notices and posting of the subject property. No fees would change. The proposed change would only combine what are essentially the same process.</p> <p>Delete the last paragraph entirely. State law will supersede the County's code if there is a conflict. Any other land use procedures should be clearly detailed in the code.</p>

	<p>All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by this Code:</p>	
<p>Section 2.1010. Type I Procedure</p> <p>1) Type I development actions involve permitted uses or developments governed by clear and objective review criteria. Type I actions do not encompass discretionary land use decisions. Impacts have been recognized by the development standards within each zone.</p> <p>2) Those actions identified in this code as development and uses permitted under the Type I procedure are Type I actions.</p> <p>3) Under the Type I procedure, an application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this Ordinance, the nature of the development proposed may require a review committee to determine compliance with standards. When</p>	<p>Section 2.1010. Type I Procedure (Staff Review)</p> <p>1) <u>Type I development actions involve permitted uses or developments governed by clear and objective review criteria. Type I actions do not encompass discretionary land use decisions. Impacts have been recognized by the development standards within each zone.</u></p> <p>These actions identified in this code as development and uses permitted under the Type I procedure are Type I actions.</p> <p>2) <u>Under the Type I procedure, an</u></p>	<p><u>Administrative variances and adjustments up to 10% do not currently exist in code. Separate clear and objective standards would need to be developed and added to LAWDUC as part of this process. (See Table 2.1)</u></p>

<p>that is required, the action of the Director to issue or deny the development permit pursuant to Sections 2.1110 to 2.1170 will consider the determination of the committee.</p> <p>4) A decision of the Community Development Director may be appealed by the applicant to the Hearings Officer, pursuant to Section 2.2190.</p>	<p>application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this Ordinance, the nature of the development proposed may require a review committee to determine compliance with standards. When that is required, the action of the Director to issue or deny the development permit pursuant to Sections 2.1110 to 2.1170 will consider the determination of the committee.</p> <p>3) A decision of the Community Development Director, or designee, may be appealed by the applicant to the Hearings Officer, pursuant to Section 2.2190.</p>	
<p>Section 2.1020. Type II Procedure</p> <p>1) Type II land use actions generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance</p>	<p>Section 2.1020. Type II Procedure</p> <p>1) Type II land use actions generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance</p>	<p><u>Administrative variances, requests for interpretation and adjustments are new processes that would need to have clear and objective procedural standards created. (See Table 2.1)</u></p> <p><u>There is currently no procedure codified in LAWDUC to detail the Notice of Decision process.</u></p>

	with this code.	with this code. <u>Type II decisions are made by the Community Development Director or designee. Public notice is required and shall be sent according the procedures in Sections 2.20402.2050.</u>	
2)	Those actions identified in this code as a conditional development and use, development permitted with review, subdivisions containing six lots or less, partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.	4) — Those actions identified in this code as a	
3)	Except as provided in subsection (5), under the Type II procedure an application for a development permit shall be processed without a need for public hearing. The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Director may obtain technical assistance from a review committee or local or state agencies.	2) — conditional development and use, development permitted with review, subdivisions containing six lots or less	
4)	If the Director finds that the development appears to satisfy the required standards, the Director shall mail a notice of intent to issue a development permit to the applicant and to other persons pursuant to Sections 2.2040 to 2.2050.	3) — partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.	
5)	If the Community Development	4) — Except as provided in subsection (5), under the a Type II procedure an application for a development permit shall be processed without a need for public hearing.	
		2)5) — At the conclusion of the public comment period, the Community Development Director shall review the comments received and prepare a Notice of Decision, approving, approving with conditions, or denying the application based on the	

<p>Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may treat the application as a Type IIa procedure.</p> <p>6) The Community Development Director shall review any information received under subsection (4) and make a finding for each of the points in dispute. The Director shall make a decision on the application by approving, conditionally approving, or denying the application.</p>	<p><u>applicable LAWDUC criteria. A Notice of Decision shall be mailed to the applicant and to other persons pursuant to Section 2.XXX.</u>The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Director may obtain technical assistance from a review committee or local or state agencies.</p> <p>3) If the Director finds that the development appears to satisfy the required standards, the Director shall mail a notice of intent to issue a development permit to the applicant and to other persons pursuant to Sections 2.2040 to 2.2050.</p>	
<p>7) A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice, pursuant to Section 2.2190.</p>	<p>4)6) <u>Alternatively, if following the close of the public comment period, the Community Development Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may treat elevate the application as to a Type III Type IIa procedure</u>review and transmit all written comments, along with the application and staff findings,</p>	

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	<p>5)7) <u>to the County Hearings Officer.</u> The Community Development Director shall review any information received under subsection (4) and make a finding for each of the points in dispute. The Director shall make a decision on the application by approving, conditionally approving, or denying the application.</p> <p>6)8) <u>A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice, pursuant to Section 2.2190.</u></p>	
<p>Section 2.1030. Type IIa Procedure</p> <p>1) Type IIa land use actions involve development or uses which require the exercise of discretion and judgment when applying the development criteria contained in this Code, the Comprehensive Plan or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan. Under</p>	<p>Section 2.1030. Type IIa Procedure</p> <p>1) Type IIa land use actions involve development or uses which require the exercise of discretion and judgment when applying the development criteria contained in this Code, the Comprehensive Plan or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.</p>	<p><u>The process name would be changed from Type IIA to Type III, but the process would remain the same. LAWDUC currently distinguishes between Type IIA public hearings and Type III public hearings, but the process is essentially the same for both procedures. Fees would also remain unchanged.</u></p> <p><u>Per the Planning Commission bylaws approved by the Board of Commissioners, variances and conditional use permits are reviewed by the Hearings Officer.</u></p>

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	<p>the Type IIa procedure, an application for a land use action shall be processed by the Hearings Officer after holding a public hearing. The Hearings Officer shall determine whether or not the proposed development meets the required development standards.</p> <p>2) Those actions identified in this Code as a variance or conditional use under the Type IIa procedure are Type IIa actions.</p> <p>3) Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Hearings Officer.</p> <p>4) The Director shall provide notice (published and mailed) of intent to hold a public hearing and issue a decision on a land use application pursuant to Section 2.2020 and Section 2.2060.</p> <p>5) The Hearings Officer shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The Hearings Officer shall make a decision on the application by</p>	<p>4)2) Under the Type IIa procedure, an application for a land use action shall be processed by the Hearings Officer after holding a public hearing. The Hearings Officer shall determine whether or not the proposed development meets the required development standards.</p> <p>2) Those actions identified in this Code as a variance or conditional use under the Type IIa procedure are Type IIa actions.</p> <p>3) Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Hearings Officer.</p> <p>4) The Director shall provide notice (published and mailed) of intent to hold a public hearing and issue a decision on a land use application pursuant to Section 2.2020 and Section 2.2060.</p> <p>5) The Hearings Officer shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The Hearings Officer shall make a decision on the application by</p>	<p><u>Subdivisions are reviewed by the Planning Commission.</u></p>
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<p>approving, conditionally approving, or denying the application.</p> <p>6) A decision by the Hearings Officer may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190.</p>	<p>approving, conditionally approving, or denying the application.</p> <p>6)3) A decision by the Hearings Officer may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190.</p>	
<p>Section 2.1040. Type III Procedure</p> <p>1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications include subdivisions with seven or more lots, similar use, quasi-judicial zoning map amendments that do not involve any change to the comprehensive plan or designation. Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Planning Commission.</p> <p>2) The Director shall mail and publish a notice pursuant to Section 2.2020 and Section 2.2060.</p> <p>3) At the public hearing, the staff,</p>	<p>Section 2.10401030. Type III Procedure (Quasi-Judicial Review)</p> <p>1) Type III actions involve complex or subjective decisions which may impose possible significant effects <u>negative impacts</u> on some persons or a broad effect on a number of persons. <u>Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.</u> Often these applications include subdivisions with seven or more lots, similar use, quasi-judicial zoning map amendments that do not involve any change to the comprehensive plan or designation.</p> <p>4)2) Once an application is determined by the Community Development Director to be complete, it is shall be scheduled for public hearing pursuant to</p>	

<p>the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the Development and Use Standards Document in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the County, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the County and to otherwise fulfill the criteria for approval.</p> <p>4) A decision of the Planning Commission may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190</p>	<p><u>Section 2.2010 before the Planning Commission or the Hearings Officer, as noted in Table 2.1. The Planning Commission and Hearings Officer shall be referred to as the "Decision-Making Body" for the purposes of this section.</u></p> <p>3) <u>The Director shall mail and publish a notice pursuant to Section 2.2020 and Section 2.2060.</u></p> <p>4) <u>The Director shall provide public notice (published and mailed) of the public hearing according to the requirements of Section 2.2020 and Section 2.2060.</u></p> <p>2)5) <u>The Director, or designee, shall post a sign on the property that is the subject of the hearing according to the requirements of Section 2.2030.</u></p> <p>6) <u>At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval</u></p>	
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testimony and evidence shall be submitted regarding the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes applies to the decision.

- 7) The decision-making body shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The decision-making body shall issue a Notice of Decision on the application either approving, approving with conditions, or denying the application.
- 8) The Notice of Decision shall be mailed to the applicant and to anyone who submitted written comments, public testimony, or who is otherwise legally entitled to notice.
- 9) The decision-making body may apply conditions to:
 - (A) ensure the project will comply with all applicable development standards;
 - (B) avoid imposing public service obligations on the County; or
 - (C) mitigate detrimental to

	<p><u>surrounding properties and residents; and</u></p> <p>3)10) The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the Development and Use Standards Document in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the County, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the County and to otherwise fulfill the criteria for approval.</p> <p>4)11) A decision of the Hearings Officer or Planning Commission may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190</p>	
<p>Section 2.40501040. Type IV Procedure</p> <p>1) Type IV actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of</p>	<p>Section 2.40501040. Type IV Procedure (Legislative and Quasi-Judicial Decisions)</p> <p>1) <u>Type IV (Quasi-Judicial) applications apply to individual properties, such as a zone change request.</u></p> <p><u>Type IV (Legislative) applications</u></p>	

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<p>public policy such as amendments to the text of the Comprehensive Plan, Community Plans, Zoning Code, or Comprehensive Plan Zoning Map are generally processed as legislative. Large scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is to be used where indicated in this Ordinance.</p> <p>2) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.2010 before the Planning Commission.</p> <p>3) The Director shall mail and publish a notice pursuant to Section 2.3020.</p> <p>4) At the public hearing, the staff, the applicant, and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the</p>	<p><u>involve the creation, revision, or large-scale implementation of public policy, such as adoption of regulations, zone changes and comprehensive plan amendments.</u></p> <p>1) — actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy such as amendments to the text of the Comprehensive Plan, Community Plans, Zoning Code, or Comprehensive Plan Zoning Map are generally processed as legislative. Large scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is to be used where indicated in this Ordinance.</p> <p>2) Under the Type IV procedure, <u>the</u>The Director shall schedule a</p>	
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<p>proposal does or does not meet appropriate criteria and standards for approval or their proposals for modifications they consider would be necessary for approval. If criteria are involved, the Planning Commission shall have made a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the Board of Commissioners.</p> <p>5) If the Planning Commission has recommended against or has failed to act on a legislative proposal, the Board of Commissioners may terminate further consideration of the proposal. For quasi-judicial proposals and legislative proposals on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the Board of Commissioners shall conduct a public hearing. The Director shall set a date for the hearing, pursuant to Section 2.2010. The form of notice and persons to</p>	<p><u>public hearings pursuant to as required by Section 2.2010 before the Planning Commission.</u></p> <p>3) <u>For legislative applications, The the Director shall mail and publish a provide notice pursuant to Section 2.3020.</u></p> <p>12) <u>For quasi-judicial applications, the Director shall provide public notice (published and mailed) of the public hearing according to the requirements of Section 2.2020 and Section 2.2060. Published notice must occur at least 10 days prior to the Board of Commissioners public hearing date. Mailed notice must be sent at least 20 days, but not more than 40 days, before the date of the first hearing. The Director, or designee, shall post a sign on the property that is the subject of the hearing per the requirements of Section 2.2030.</u></p> <p>4) <u>The Director, or designee, shall notify the Department of Land Conservation and Development (DLCD) of Type IV amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.</u></p> <p>3)5) <u>At the public hearing, the staff,</u></p>	
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<p>receive notice are as required by the relevant sections of this Ordinance. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.</p> <p>6) To the extent that a finding of fact is required, the Board of Commissioners shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The Board of Commissioners may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Board</p>	<p>the applicant, and interested persons any interested person may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria and standards for approval or their proposals for modifications they consider would be necessary for approval. If criteria are involved, the Planning Commission shall have made a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the Board of Commissioners.</p> <p>6) <u>Following the public hearing, if the Planning Commission has shall make a recommendation to the Board of Commissioners. If the Planning Commisssin has recommended against or has failed to act on a legislative proposal, the Board of Commissioners may terminate further consideration of not to consider the proposal.</u></p> <p>7) <u>For quasi-judicial proposals and legislative proposals on which the</u></p>	
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<p>of Commissioners determines the conditions are appropriate to fulfill the criteria for approval.</p> <p>7) To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance.</p> <p>8) Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in accordance with the Clatsop County Charter and State Law.</p>	<p>Planning Commission has made a favorable recommendation and for other proposals that have not been terminatedrecommended approval, the Board of Commissioners shall conduct a public hearing.</p> <p>8) The Director shall set a date for the <u>Board of Commissioners</u> hearings, pursuant to Section 2.2010. The form of notice and persons to receive notice are as required by the relevant sections of this Ordinance2.3020.</p> <p>4)9) At the public hearing, the staff shall review the report recommendation of the Planning Commission and provide other pertinent informationstaff findings, and if Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.</p> <p>5)10) To the extent that a finding of fact is required, the Board of Commissioners shall make a</p>	
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	<p>finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The Board of Commissioners may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Board of Commissioners determines the conditions are appropriate to fulfill the criteria for approval.</p> <p><u>11)</u> To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance.</p> <p><u>12)</u> <u>Appeal of a legislative land use decision by the Board of Commissioners may be appealed to the Land Use Board of Appeals (LUBA).</u></p> <p><u>13)</u> Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in accordance with the Clatsop</p>	
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	County Charter and State Law.	
<p><u>Section 2.1060. Legislative Enactments Not Restricted</u></p> <p>Nothing in Article 2 shall limit the authority of the Board of Commissioners to make changes in district or zone designations or requirements as part of some more extensive revision of the Comprehensive Plan or implementing ordinance or to make changes in the. Nothing in this article shall relieve a use or development from compliance with other applicable laws.</p>	<p><u>Section 2.1060. Legislative Enactments Not Restricted</u></p> <p>Nothing in Article 2 shall limit the authority of the Board of Commissioners to make changes in district or zone designations or requirements as part of some more extensive revision of the Comprehensive Plan or implementing ordinance or to make changes in the. Nothing in this article shall relieve a use or development from compliance with other applicable laws.</p>	

<u>Table 2.1. Summary of Application Approvals by Type of Review</u>		
<u>Application</u>	<u>Approval Procedure Type</u>	<u>Applicable Regulations and Standards</u>
<u>Appeal – Director’s Decision to Hearings Officer</u>	<u>III</u>	<u>2.2190-2.2250</u>
<u>Appeal – Hearings Officer/Planning Commission to Board of Commissioners</u>	<u>IV</u>	<u>2.2190-2.2250</u>
Code Interpretation	II	TBD – This would be a new procedure to replace the Development and Uses of the Same Type (2.6000-2.6030)
<u>Conditional Use – Minor</u>	<u>II</u>	<u>2.4000</u>
<u>Conditional Use – Major</u>	<u>III</u>	<u>2.4000 – Hearings Officer Review</u>
<u>Development Permit</u>	<u>I</u>	<u>2.0100, 2.0300, 2.1010</u>
<u>Expansion of Non-Conforming Use or Structure</u>	<u>I</u>	<u>3.1000</u>
<u>Floodplain Development Permit</u>	<u>I</u>	<u>5.1000</u>
<u>Geologic Hazards Permit</u>	<u>I</u>	<u>5.3000</u>
<u>Grading, Drainage, Erosion Control Permit</u>	<u>I</u>	<u>3.2000</u>
<u>Home Occupation – Limited</u>	<u>I</u>	<u>3.8000</u>
<u>Home Occupation</u>	<u>II</u>	<u>3.8000</u>

<u>Lot of Record Determination</u>	<u>I</u>	<u>TBD – This process is in place, but not detailed in LAWDUC</u>
<u>Map or Text Amendment - Comprehensive Plan</u>	<u>IV</u>	<u>2.8100</u>
<u>Map or Text Amendment – LAWDUC</u>	<u>IV</u>	<u>2.8100</u>
<u>Partition</u>	<u>II</u>	<u>2.9000</u>
<u>Property Line Adjustment</u>	<u>I</u>	<u>2.9000</u>
<u>Site Plan</u>	<u>I</u>	<u>2.9400</u>
<u>Subdivision – Minor (4-6 Lots)</u>	<u>II</u>	<u>2.9000</u>
<u>Subdivision – Major (6+ Lots)</u>	<u>III</u>	<u>2.9000 – Planning Commission Review</u>
<u>Temporary Use</u>	<u>I</u>	<u>2.8200</u>
<u>Validation of a Unit of Land</u>	<u>I</u>	<u>TBD – This process is in place, but not detailed in LAWDUC</u>
<u>Variance</u>	<u>III</u>	<u>2.8000 – Hearings Officer Review</u>
<u>Variance, Administrative</u>	<u>I</u>	<u>TBD – This would be a new process</u>

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
SECTION 2.0100. DEVELOPMENT PERMIT REQUIRED	SECTION 2.0100. DEVELOPMENT PERMIT <u>s</u> REQUIRED	
<p>1) Except as excluded by Section 2.0300, no person shall engage in or cause to occur a development for which a development permit has not been issued. The Building Official shall not issue a permit for the construction, reconstruction or alteration of a structure or a part of a structure for which a development permit has not been issued.</p> <p>2) A development permit shall be issued by the Community Development Director according to the provisions of this Ordinance. The Director shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the permit applicant created the violation, unless the violation can be rectified as part of the development.</p> <p>3) A decision on a development permit shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.</p> <p>4) Authorization of a development permit shall be void after 180 days unless</p>	<p>1) <u>Except as excluded by Section 2.03000110, all development and uses shall require a development permit approved by the Land Use Planning Division.</u>no person shall engage in or cause to occur a development for which a development permit has not been issued.</p> <p>4)2) <u>The Building Official shall not issue a permit for the construction, reconstruction or alteration of a structure or for any part of a structure for which a development permit has not been issued by the Land Use Planning Division.</u></p> <p>3) <u>The Community Development Director, or designee, shall A development permit shall be issued by the Community Development Director according to the provisions of this Ordinance approve a development permit application if all applicable criteria and standards have been met.</u></p> <p>2)4) <u>The Director shall not issue a A development permit shall not be approved if the subject property for the improvement or use of land that has been previously divided is not a lot of record or otherwise developed in</u></p>	<p><u>This process needs to be re-examined and revised. Staff is developing a proposal that will be brought back separately to the Planning Commission for further discussion.</u></p>

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ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
substantial construction or action has taken place.	<p>violation of this Ordinance, if there are open code violations on the property. This prohibition applies regardless of whether the permit applicant created the violation, unless A development permit may be issued of the permit would resolve the open code violation the violation can be rectified as part of the development.</p> <p>3)5) A decision on a development permit shall be final upon expiration of the period provided for filing an appeal or once the appeal period has closed, if If a development permit is appealed, approval does not become final until the final decision has been issued by upon rendering of the decision by the reviewing body.</p> <p>6) Authorization of a dDevelopment permits shall be voidexpire after 180 days unless unless the project is actively in progress or substantial construction or action has taken place.</p> <p>4)7) A development permit is a Type I application.</p>	
SECTION 2.0110. EXEMPTIONS		
The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the	The activities listed below do not require a development permit. Other local, state or federal permits, such as floodplain development permits, geologic hazard permits, or building permits may still be required.	Moved from Section 2.0300 to combine all development permit-related regulations

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
Ordinance.		
1) Landscaping, gardening or other similar treatment or use of the land surface not involving the placement of a structure.	1) <u>Landscaping, gardening or similar activities that do not involve the placement of a structure.</u>	
2) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.	2) <u>Fences less than or equal to 6 feet in height, subject to the following conditions:</u> <u>(A) Fences shall not block the clear vision area required by Section 3.9530;</u> <u>(B) Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.</u>	
3) A change internal to a building or other structure that does not substantially affect the use of the structure and that does not require a building permit.	3) <u>A change to the interior of a building or other structure, if:</u> <u>(A) The alteration does not change the use of the building; and</u> <u>(B) The alteration does not require a building permit.</u>	
4) Residential accessory structures less than 200 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area).	4) <u>Residential accessory structures less than 200 square feet in area and less than 10 feet in height, provided:</u> <u>(A) There is already a house or other primary use on the property; and</u> <u>(B) The structure does not block the clear vision area required by Section 3.9530.</u>	
5) A temporary emergency measure	5) <u>Temporary emergency measures necessary for the immediate safety or protection of property in the event of a natural disaster or catastrophic event,</u>	

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.</p> <p>6) Erection of a tent or similar portable structure for not more than 30 days.</p> <p>7) Farming, except in the F-80 zone.</p> <p>8) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.</p> <p>9) The propagation, management, or harvest of timber regulated by the Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.</p> <p>10) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) may be temporarily occupied by the property owners or their family or guests for not more than 30 days out of any 90-day period. No more than three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be</p>	<p><u>until appropriate permits may be obtained.</u></p> <p>6) <u>Tents or portable structures for an event, provided that these items are removed within 30 days.</u></p> <p>7) <u>Farming, except in the F-80 zone.</u></p> <p>8) <u>Seasonal flower stands, subject to the following:</u> <u>(A) flowers must be grown on the property where the stand is located;</u> <u>(B) the stand is no larger than 10 square feet in area and less than 10 feet tall.</u></p> <p>9) <u>Activities conducted under the Oregon Forest Practices Act.</u></p> <p>10) <u>Temporary residential occupancy of recreational vehicles and boats by property owners or their family or guests. Temporary residency is restricted to:</u> <u>(A) A maximum of 30 days out of any 90-day period;</u> <u>(B) A maximum of three recreational vehicles; and</u> <u>(C) The recreational vehicle shall be removed from the property at the end of the 30-day period.</u></p> <p>11) <u>The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such</u></p>	

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ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>removed from the property at the end of each occupancy period.</p> <p>11) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.</p> <p>12) A recreational vehicle may be occupied as a residential dwelling on a lot or parcel with an existing dwelling that is uninhabitable due to damages from a natural disaster, including wildfire, earthquake, flooding or storms, until no later than:</p> <p>a) The dwelling has been repaired or replaced and an occupancy permit has been issued;</p> <p>b) The County determines that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or</p> <p>Twenty-four months after the date the dwelling first became uninhabitable. [ORD. 23-02]</p>	<p><u>facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.</u></p> <p><u>12) A recreational vehicle may be occupied as a residential dwelling on a lot or parcel with an existing dwelling that is uninhabitable due to damages from a natural disaster, including wildfire, earthquake, flooding or storms, until no later than:</u></p> <p><u>(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;</u></p> <p><u>(B) The County determines that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or</u></p> <p><u>Twenty-four months after the date the dwelling first became uninhabitable. [ORD. 23-02]</u></p>	
SECTION 2.0200. STATE AND FEDERAL PERMIT REQUIREMENTS		

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If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Division a copy of the state or federal permit.	If any state or federal permit is required for a development or use, an applicant <u>must provide a copy of the permit to the Planning Division in order for the final approval to be issued</u> , prior to issuance of a development permit or action, shall submit to the Planning Division a copy of the state or federal permit.	
SECTION 2.0300- EXCLUSIONS FROM DEVELOPMENT PERMIT REQUIREMENT		
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<p>The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.</p> <p>13) Landscaping, gardening or other similar treatment or use of the land surface not involving the placement of a structure.</p> <p>14) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530- Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.</p> <p>15) A change internal to a building or other</p>	<p>The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.</p> <p>1) Landscaping, gardening or other similar treatment or use of the land surface not involving the placement of a structure.</p> <p>2) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530- Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.</p> <p>3) A change internal to a building or other</p>	<p><u>Move to new section 2.0100 to collate all requirements related to development permits in one section.</u></p>

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<p>structure that does not substantially affect the use of the structure and that does not require a building permit.</p> <p>16) Residential accessory structures less than 200 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area).</p> <p>17) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.</p> <p>18) Erection of a tent or similar portable structure for not more than 30 days.</p> <p>19) Farming, except in the F-80 zone.</p> <p>20) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.</p> <p>21) The propagation, management, or harvest of timber regulated by the</p>	<p>structure that does not substantially affect the use of the structure and that does not require a building permit.</p> <p>4) Residential accessory structures less than 200 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area).</p> <p>5) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.</p> <p>6) Erection of a tent or similar portable structure for not more than 30 days.</p> <p>7) Farming, except in the F-80 zone.</p> <p>8) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.</p> <p>9) The propagation, management, or harvest of timber regulated by the</p>	

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<p>Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.</p> <p>22) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) may be temporarily occupied by the property owners or their family or guests for not more than 30 days out of any 90-day period. No more than three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be removed from the property at the end of each occupancy period.</p> <p>23) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.</p> <p>24) A recreational vehicle may be occupied as a residential dwelling on a lot or parcel with an existing dwelling that is uninhabitable due to damages from a</p>	<p>Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.</p> <p>10) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) may be temporarily occupied by the property owners or their family or guests for not more than 30 days out of any 90-day period. No more than three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be removed from the property at the end of each occupancy period.</p> <p>11) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.</p> <p>12) A recreational vehicle may be occupied as a residential dwelling on a lot or parcel with an existing dwelling that is uninhabitable due to damages from a</p>	

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<p>natural disaster, including wildfire, earthquake, flooding or storms, until no later than:</p> <p>a) The dwelling has been repaired or replaced and an occupancy permit has been issued;</p> <p>b) The County determines that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or</p> <p>c) Twenty-four months after the date the dwelling first became uninhabitable. [ORD. 23-02]</p>	<p>natural disaster, including wildfire, earthquake, flooding or storms, until no later than:</p> <p>(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;</p> <p>(B) The County determines that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or</p> <p>(C) Twenty-four months after the date the dwelling first became uninhabitable. [ORD. 23-02]</p>	
SECTION 2.1000. PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE		
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<p><u>Section 2.1090. Effective Date of Development Permits</u></p> <p>1) A decision on a Type II, IIa, III or IV request shall not become final until expiration of the period provided for filing an appeal, pursuant to Section 2.2190 or ORS 197.830, whichever applies, has elapsed.</p> <p>2) If appealed, the decision rendered pursuant to Section 2.1090(1) shall not become final until rendering of the decision by the reviewing body.</p>	<p><u>Section 2.1090. Effective Date of Development Permits</u></p> <p>1) A decision on a Type II, IIa, III or IV request shall not <u>will</u> become final until <u>once the expiration of the period provided for filing an appeal period has closed, pursuant to Section 2.2190 or ORS 197.830, whichever applies, has elapsed.</u></p> <p>2) <u>If a development permit is appealed, approval does not become final until the final decision has been issued by the reviewing body.</u> If appealed, the decision</p>	<p><u>Move this to Section 2.1000</u></p>

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	rendered pursuant to Section 2.1090(1) shall not become final until rendering of the decision by the reviewing body.	
<p><u>Section 2.1100. Use of a Development</u></p> <p>A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended or which is non-conforming (See Section 3.1000 Nonconforming uses and structures).</p>	<p><u>Section 2.1100. Use of a Development</u></p> <p>A development property or structure may shall only be used only for a lawful use. A lawful use of a development property or structure is one that is not prohibited by law and for which the development is designed, arranged and intended or which is non-conforming (See Section 3.1000 Nonconforming uses and structures).</p>	<u>Move to Section 1.1040</u>
<p><u>Section 2.1110. Procedures for Processing Development Permits</u></p> <p>1) An application for a development permit shall be processed under either a Type I, II, IIa or III procedure as these procedures are described in Section 2.1000 to 2.1040.</p> <p>2) When an application and proposed development is submitted, the Director shall determine the appropriate procedure. When an application includes procedures that call for different procedure types they shall be considered by a single hearing body.</p>	<p><u>Section 2.1110. Procedures for Processing Development Permits Consolidated Applications</u></p> <p>1) An application for a development permit shall be processed under either a Type I, II, IIa or III procedure as these procedures are described in Section 2.1000 to 2.1040.</p> <p>2) When an application and proposed development is submitted, the Director shall determine the appropriate procedure. When an application includes procedures proposed development that call for requires</p>	<u>Delete #1 and move #2 to Section 2.1000</u>

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When there is a question as to the appropriate type procedure, the question shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.	<p><u>different procedure types, they review will occur by a single decision maker, based upon the highest applicable procedure. For example, if an application includes proposed development that would require Type I, Type II and Type III reviews, the entire application shall be reviewed as a Type III procedure and shall be reviewed by either the Hearings Officer or the Planning Commission, as listed in Table 2.1. shall be considered by a single hearing body. When there is a question as to the appropriate type procedure, the question shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.</u></p> <p><u>3)1)</u></p>	
<p><u>Section 2.1120. Coordination of Development Permit Procedure</u></p> <p>The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Ordinance. Sufficient</p>	<p><u>Section 2.1120. Coordination of Development Permit Procedure</u></p> <p>The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Ordinance. Sufficient</p>	<p><u>Move to Section 2.1000</u></p>

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information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, IIa, or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit the Director shall be provided with the detail required to establish full compliance with the requirements of this Ordinance.	information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, IIa , or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit the Director shall be provided with the detail required to establish full compliance with the requirements of this Ordinance.	
<p><u>Section 2.1130. Development Permit Application</u></p> <p>An application for a development permit shall consist of the materials specified in this Section, plus any other materials required by this Ordinance.</p> <ol style="list-style-type: none"> 1) A completed development permit application form with a site map drawn to scale. 2) An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by this Ordinance and other information that may have a bearing in determining the action to be taken. <p>(A) Applications for permits,</p>	<p><u>Section 2.1130. Development Permit Application</u></p> <p>An application for a development permit shall consist of the materials specified in this Section, plus any other materials required by this Ordinance.</p> <ol style="list-style-type: none"> 1) A completed development permit application form with a site map drawn to scale. 2) An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by this Ordinance and other information that may have a bearing in determining the action to be taken. <p>(A) Applications for permits,</p>	

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<p>excluding land divisions, requesting the construction of a dwelling unit, whether the dwelling be seasonal or year-round, or other development requiring the following services, shall be accompanied by the following proofs of services:</p> <p>1) Proof that a year-round source of potable water has been obtained pursuant to Section 3.0040.</p> <p>2) There shall be verification of septic approval or hook-up to a state approved sewer system.</p> <p>3) Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.</p> <p>4) Proof of legal access to the property:</p> <p>(A) If access is taken directly from a State, County, or Public road, documentation from the appropriate agency verifying legal access.</p> <p>(B) If access is taken from a Private road or across property not in exclusive ownership of the applicant, proof of easement shall</p>	<p>excluding land divisions, requesting the construction of a dwelling unit, whether the dwelling be seasonal or year-round, or other development requiring the following services, shall be accompanied by the following proofs of services:</p> <p>1) Proof that a year-round source of potable water has been obtained pursuant to Section 3.0040.</p> <p>2) There shall be verification of septic approval or hook-up to a state approved sewer system.</p> <p>3) Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.</p> <p>4) Proof of legal access to the property:</p> <p>(A) If access is taken directly from a State, County, or Public road, documentation from the appropriate agency verifying legal access.</p> <p>(B) If access is taken from a Private road or across property not in exclusive ownership of the applicant, proof of easement shall</p>	

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<p>be provided.</p> <p>5) Legal description of the property affected by the application.</p> <p>6) Authorization from the local fire official.</p> <p>7) Additional information required by other sections of this Ordinance because of the type of development proposal or the area involved.</p>	<p>be provided.</p> <p>5) Legal description of the property affected by the application.</p> <p>6) Authorization from the local fire official.</p> <p>7) Additional information required by other sections of this Ordinance because of the type of development proposal or the area involved.</p>	
<p><u>Section 2.1140. Submission of Development Permit Application</u></p> <p>Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. The Director shall have 30 days from the date the application is submitted in which to determine if the application is complete. If the application is deemed incomplete the Director shall notify the applicant in writing of exactly what information is missing. Within 180 days the application shall be deemed complete if the applicant: (a) provides all of the missing information; or (b) provides some of the missing information and written notice that no other information will be provided; or (c) provides written notice that none of the information will be provided.</p>	<p><u>Section 2.1140. Submission of Development Permit Application</u></p> <p>Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. The Director shall have 30 days from the date the application is submitted in which to determine if the application is complete. If the application is deemed incomplete the Director shall notify the applicant in writing of exactly what information is missing. Within 180 days the application shall be deemed complete if the applicant: (a) provides all of the missing information; or (b) provides some of the missing information and written notice that no other information will be provided; or (c) provides written notice that none of the information will be provided.</p>	
<p><u>Section 2.1150. Referral and Review of the</u></p>	<p><u>Section 2.1150. Referral and Review of the</u></p>	

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<p><u>Development Permit Applications</u></p> <p>1) Transmit one copy of the application, or appropriate parts of the application, to appropriate referral agencies for review and comment and for determination of compliance with state and federal requirements. If the referral agency does not comment within ten (10) days, unless an extension of up to ten (10) days is requested by the agency and granted by the Director, the referral agency is presumed to have no comment. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III procedure.</p> <p>2) Transmit an application involving review or approval by others for disposition as provided by the applicable sections of this Ordinance. The Director shall, whenever feasible, consolidate action on approvals.</p> <p>3) If a Type III procedure is required, the Director shall provide for notice and hearing as set forth in Section 2.2020 and Section 2.2060.</p>	<p><u>Development Permit Applications</u></p> <p>1) Transmit one copy of the application, or appropriate parts of the application, to appropriate referral agencies for review and comment and for determination of compliance with state and federal requirements. If the referral agency does not comment within ten (10) days, unless an extension of up to ten (10) days is requested by the agency and granted by the Director, the referral agency is presumed to have no comment. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III procedure.</p> <p>2) Transmit an application involving review or approval by others for disposition as provided by the applicable sections of this Ordinance. The Director shall, whenever feasible, consolidate action on approvals.</p> <p>3) If a Type III procedure is required, the Director shall provide for notice and hearing as set forth in Section 2.2020 and Section 2.2060.</p>	
<p><u>Section 2.1160. Development Permit Decision</u></p>	<p><u>Section 2.1160. Development Permit Decision</u></p>	

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<p>1) The Director shall issue a development permit if the Director finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this Ordinance.</p> <p>2) The Director shall deny the development permit if required approvals are not obtained or the application otherwise fails to comply with Ordinance requirements. The notice shall describe the reason for denial.</p> <p>3) Within forty-five (45) days of the date of accepting a permit application not involving approval by others or within ten (10) days of receiving required approval by others, the Director shall grant or deny the application, the evidence, comments from referral agencies and review committees and approvals required by others. The Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 2.1090.</p> <p>4) An application for a Development Permit may be processed using abbreviated findings when the proposed development is found to meet all of the</p>	<p>1) The Director shall issue a development permit if the Director finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this Ordinance.</p> <p>2) The Director shall deny the development permit if required approvals are not obtained or the application otherwise fails to comply with Ordinance requirements. The notice shall describe the reason for denial.</p> <p>3) Within forty-five (45) days of the date of accepting a permit application not involving approval by others or within ten (10) days of receiving required approval by others, the Director shall grant or deny the application, the evidence, comments from referral agencies and review committees and approvals required by others. The Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 2.1090.</p> <p>4) An application for a Development Permit may be processed using abbreviated findings when the proposed development is found to meet all of the</p>	

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<p>following:</p> <p>(A) The proposed development is in compliance with the zoning regulations of this ordinance if:</p> <ol style="list-style-type: none"> 1) The use is allowed, and 2) Meets lot width/depth ratio, and 3) All setbacks are adequate, and 4) An approved access is available, and 5) Potable water supply is present pursuant to Clatsop County Standards Document, Section 3.0040 (does not apply to land partitions), and 6) Proof of sewage disposal acceptable to DEQ. <p>(B) The proposed development is not in a floodway or floodplain as shown on the County floodway maps.</p> <p>(C) The proposed development is not in a hazards zone as shown on the County's hazard map.</p> <p>(D) No other agencies need to be notified of the development prior to the County issuing a development permit.</p>	<p>following:</p> <p>(A) The proposed development is in compliance with the zoning regulations of this ordinance if:</p> <ol style="list-style-type: none"> 1) The use is allowed, and 2) Meets lot width/depth ratio, and 3) All setbacks are adequate, and 4) An approved access is available, and 5) Potable water supply is present pursuant to Clatsop County Standards Document, Section 3.0040 (does not apply to land partitions), and 6) Proof of sewage disposal acceptable to DEQ. <p>(B) The proposed development is not in a floodway or floodplain as shown on the County floodway maps.</p> <p>(C) The proposed development is not in a hazards zone as shown on the County's hazard map.</p> <p>(D) No other agencies need to be notified of the development prior to the County issuing a development permit.</p>	

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<p>In the event of an appeal, the Community Development Director may expand upon the abbreviated findings used when making the original determination.</p> <p>Abbreviated findings shall be restricted to Type I and Type II procedures where no or little discretion is needed to make a decision and shall serve as a development permit if all questions are answered positively.</p> <p>5) Except for Type IV procedures, all County actions on development permits, including resolution of all appeals at the Planning Commission and Board of Commissioners must be complete within 150 days of receipt of a completed application (see Section 2.1140 for determination of completed application). This 150-day period may be extended no more than 215 days at the request of the applicant.</p>	<p>In the event of an appeal, the Community Development Director may expand upon the abbreviated findings used when making the original determination.</p> <p>Abbreviated findings shall be restricted to Type I and Type II procedures where no or little discretion is needed to make a decision and shall serve as a development permit if all questions are answered positively.</p> <p>5) Except for Type IV procedures, all County actions on development permits, including resolution of all appeals at the Planning Commission and Board of Commissioners must be complete within 150 days of receipt of a completed application (see Section 2.1140 for determination of completed application). This 150-day period may be extended no more than 215 days at the request of the applicant.</p>	
<p><u>Section 2.1170. Action on Resubmission of Denied Application</u></p> <p>After sixty (60) days from the date of final determination denying an application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of any</p>	<p><u>Section 2.1170. Action on Resubmission of Denied Application</u></p> <p>After sixty (60) days from the date of final determination denying an application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of any</p>	

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additional fees required. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration.	additional fees required. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration.	
<p><u>Section 2.1180. Remand</u></p> <p>The director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B). If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160. If additional information is required from the applicant concerning the items on remand, the Department shall notify the applicant within ten (10) days of the Board of Commissioners written action. The applicant has from the date of notification to the 30th day after the Board's written action to submit all the requested information. The application is considered complete for the remand when all the requested information is submitted or, on the 31st day after the Board's written action, whichever comes first. The remand shall then be scheduled for the next Planning</p>	<p><u>Section 2.1180. Remand</u></p> <p>The director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B). If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160. If additional information is required from the applicant concerning the items on remand, the Department shall notify the applicant within ten (10) days of the Board of Commissioners written action. The applicant has from the date of notification to the 30th day after the Board's written action to submit all the requested information. The application is considered complete for the remand when all the requested information is submitted or, on the 31st day after the Board's written action, whichever comes first. The remand shall then be scheduled for the next Planning</p>	

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Commission hearing and shall be subject to the time limitations of Section 2.1160.	Commission hearing and shall be subject to the time limitations of Section 2.1160.	
<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 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><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 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><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</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</p>	

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<p>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 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>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 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>	

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<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 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>(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 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>	

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<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 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>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 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>	

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<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 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</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 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</p>	

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<p>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 notice of the written decision.</p>	<p>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 notice of the written decision.</p>	
<u>Section 2.2160. Decision</u>	<u>Section 2.2160. Decision</u>	

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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.	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><u>Section 2.2170. Findings and Order</u></p> <p>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 or deny. 4) The decision to deny or approve the proposed change with or without conditions. 	<p><u>Section 2.2170. Findings and Order</u></p> <p>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 or deny. 4) The decision to deny or approve the proposed change with or without conditions. 	

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<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 of the record at the person's own expense. 	<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 of the record at the person's own expense. 	

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<p><u>Section 2.2190. Request for Review / Appeal</u></p> <p>1) The Hearings Officer shall hear appeals from Type I and Type II decisions of the Director</p> <p>2) The Board of Commissioners shall hear appeals of decisions of the Hearings Officer (Type IIa) and Planning Commission (Type III).</p> <p>3) The affected party shall file an appeal with the Director within twelve (12) days of a final decision. An additional five days after filing of an appeal may be granted to allow the appellant to submit additional justification for the appeal. The actual appeal, however, must be filed within the twelve-day limit.</p> <p>4) At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal. The Board of Commissioners, if it believes the matter warrants review, may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing</p>	<p><u>Section 2.2190. Request for Review / Appeal</u></p> <p>1) The Hearings Officer shall hear appeals from Type I and Type II decisions of the Director</p> <p>2) The Board of Commissioners shall hear appeals of decisions of the Hearings Officer (Type IIa) and Planning Commission (Type III).</p> <p>3) The affected party shall file an appeal with the Director within twelve (12) days of a final decision. An additional five days after filing of an appeal may be granted to allow the appellant to submit additional justification for the appeal. The actual appeal, however, must be filed within the twelve-day limit.</p> <p>4) At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal. The Board of Commissioners, if it believes the matter warrants review, may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing</p>	

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<p>shall be conducted pursuant to this article.</p> <p>5) A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.829.</p>	<p>shall be conducted pursuant to this article.</p> <p>5) A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.829.</p>	
<p><u>Section 2.2200. Requirements of Notice of Appeal</u></p> <p>A notice of appeal shall contain:</p> <ol style="list-style-type: none"> 1) An identification of the decision sought to be reviewed, including the date of the decision. 2) A statement of the standing of the person seeking review. 3) The specific grounds relied upon for review. 4) If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 2.2230(1). 	<p><u>Section 2.2200. Requirements of Notice of Appeal</u></p> <p>A notice of appeal shall contain:</p> <ol style="list-style-type: none"> 1) An identification of the decision sought to be reviewed, including the date of the decision. 2) A statement of the standing of the person seeking review. 3) The specific grounds relied upon for review. 4) If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 2.2230(1). 	
<p><u>Section 2.2210. Review</u></p> <p>The Board of Commissioners shall issue an order stating the scope of review to be one of the following:</p> <ol style="list-style-type: none"> 1) Denying review. 2) Restricting review to the record made by 	<p><u>Section 2.2210. Review</u></p> <p>The Board of Commissioners shall issue an order stating the scope of review to be one of the following:</p> <ol style="list-style-type: none"> 1) Denying review. 2) Restricting review to the record made by 	

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<p>the hearing body.</p> <p>3) Limit review to such issues as the Board of Commissioners determines necessary for a proper resolution of the matter.</p> <p>4) De novo hearing on the merits.</p>	<p>the hearing body.</p> <p>3) Limit review to such issues as the Board of Commissioners determines necessary for a proper resolution of the matter.</p> <p>4) De novo hearing on the merits.</p>	
<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:</p> <p>1) A factual report prepared by the Community Development Director.</p> <p>2) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.</p> <p>3) The transcript of the hearing, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.</p>	<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:</p> <p>1) A factual report prepared by the Community Development Director.</p> <p>2) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.</p> <p>3) The transcript of the hearing, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.</p>	
<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, review of the decision on</p>	<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, review of the decision on</p>	

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<p>appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:</p> <ol style="list-style-type: none"> 4) A factual report prepared by the Community Development Director. 5) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review. 6) The transcript of the hearing, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim. 	<p>appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:</p> <ol style="list-style-type: none"> 1) A factual report prepared by the Community Development Director. 2) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review. 3) The transcript of the hearing, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim. 	
<p><u>Section 2.2240. Review Body Decision</u></p> <ol style="list-style-type: none"> 1) Upon review, the review body may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it 	<p><u>Section 2.2240. Review Body Decision</u></p> <ol style="list-style-type: none"> 1) Upon review, the review body may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it 	

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<p>shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.</p> <p>2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review.</p> <p>3) The Director shall by written notice send by first class mail the decision arrived at by the Director or hearing body to the applicant, to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.</p>	<p>shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.</p> <p>2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review.</p> <p>3) The Director shall by written notice send by first class mail the decision arrived at by the Director or hearing body to the applicant, to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.</p>	
<p><u>Section 2.2250. LUBA Remand [ORD.23-02]</u></p> <p>1) If the County is acting on the remand of a decision from the Land Use Board of Appeals (LUBA), the governing body may authorize the planning commission or hearings officer to conduct hearings and make a decision for lands designated as agricultural or forest lands under Statewide Planning Goals 3</p>	<p><u>Section 2.2250. LUBA Remand [ORD.23-02]</u></p> <p>1) If the County is acting on the remand of a decision from the Land Use Board of Appeals (LUBA), the governing body may authorize the planning commission or hearings officer to conduct hearings and make a decision for lands designated as agricultural or forest lands under Statewide Planning Goals 3</p>	

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<p>or 4.</p> <p>2) Following review by the planning commission or hearings officer the governing body shall review the decision and shall:</p> <p>a) schedule a public hearing and issue a final decision on the application;</p> <p>b) leave the planning commission or hearings officer decision as the final county decision; or</p> <p>c) adopt the planning commission or hearings officer decision by consent order as the decision of the governing body.</p>	<p>or 4.</p> <p>2) Following review by the planning commission or hearings officer the governing body shall review the decision and shall:</p> <p>a) schedule a public hearing and issue a final decision on the application;</p> <p>b) leave the planning commission or hearings officer decision as the final county decision; or</p> <p>c) adopt the planning commission or hearings officer decision by consent order as the decision of the governing body.</p>	
SECTION 2.5000. DEVELOPMENT AND USE PERMITTED WITH REVIEW		
Section 2.5010. Application for a Development and Use Permitted with	Section 2.5010. Application for a Development and Use Permitted with	

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<p><u>Review</u> If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.</p> <p><u>Section 2.5020. Authorization of a Development and Use Permitted with Review</u> A new, enlarged or otherwise altered development listed in this Ordinance as a development and use permitted with review shall be approved by the Community Development Director under a Type II procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant and with published notice in a newspaper of general distribution. After taking into account location, size, design and operation characteristics of the proposed development, the Director shall determine whether or not the proposed development complies with the requirements of Sections 1.1040 and 1.1050. The Director may require changes in the proposed development</p>	<p><u>Review</u> If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.</p> <p><u>Section 2.5020. Authorization of a Development and Use Permitted with Review</u> A new, enlarged or otherwise altered development listed in this Ordinance as a development and use permitted with review shall be approved by the Community Development Director under a Type II procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant and with published notice in a newspaper of general distribution. After taking into account location, size, design and operation characteristics of the proposed development, the Director shall determine whether or not the proposed development complies with the requirements of Sections 1.1040 and 1.1050. The Director may require changes in the proposed development</p>	

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to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.	to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.	
<p><u>Section 2.5030. Requirements for Development and Use Permitted with Review</u></p> <p>Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Developments requiring a state or federal permit are subject</p>	<p><u>Section 2.5030. Requirements for Development and Use Permitted with Review</u></p> <p>Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Developments requiring a state or federal permit are subject</p>	

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to the Consistency Review Procedure set forth in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.	to the Consistency Review Procedure set forth in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.	
<p><u>Section 2.5040. Time Limit on Permit for Review Use</u></p> <p>Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant review use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p>	<p><u>Section 2.5040. Time Limit on Permit for Review Use</u></p> <p>Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant review use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p>	
SECTION 2.6000. DEVELOPMENTS AND USES OF THE SAME TYPE		
<u>Section 2.6010. Determination of Nature of Unlisted Developments and Uses</u>	<u>Section 2.6010. Determination of Nature of Unlisted Developments and Uses</u>	

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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.	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.	
<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.	<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.	
<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	<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	

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS		
EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
similarity shall be maintained in the Land Use Planning Division, for future reference.	similarity shall be maintained in the Land Use Planning Division, for future reference.	
SECTION 2.7000. COASTAL ZONE CONSISTENCY REVIEW		
<u>Section 2.7010. Applicability</u> This section applies to the following activities that directly affect the coastal zone: <ol style="list-style-type: none"> 1) Actions requiring federal permits or licenses 2) Federal activities and development projects 3) Outer continental shelf activities 4) Federal grants or financial assistance. 	<u>Section 2.7010. Applicability</u> This section applies to the following activities that directly affect the coastal zone: <ol style="list-style-type: none"> 1) Actions requiring federal permits or licenses 2) Federal activities and development projects 3) Outer continental shelf activities 4) Federal grants or financial assistance. 	
<u>Section 2.7020. Consistency Review Procedure for Activities Requiring State or Federal Permits or Licenses</u> Applicants for activities in Clatsop County's coastal zone which require a state or federal permit or license shall submit to the Community Development Director a copy of the completed permit application, other supporting material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the applicable elements of the Comprehensive Plan and this Ordinance.	<u>Section 2.7020. Consistency Review Procedure for Activities Requiring State or Federal Permits or Licenses</u> Applicants for activities in Clatsop County's coastal zone which require a state or federal permit or license shall submit to the Community Development Director a copy of the completed permit application, other supporting material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the applicable elements of the Comprehensive Plan and this Ordinance.	

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS		
EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>If the activity requires a local permit, the applicant shall apply for the local permit under the established permit program. Approval of the permit shall constitute a ruling that the action is consistent with the applicable elements of the Comprehensive Plan and Ordinance. If the action does not require a local permit, the County may make an investigation to provide information on the project's conformance with the Plan and Ordinance standards and provisions. The investigation can be done administratively or through public hearings.</p> <p>The Community Development Director shall respond to the state or federal public permit granting agency within seven working days of the local actions. The response shall contain a statement of whether the permit is consistent with the applicable elements of the Comprehensive Plan, the reasons development is or is not consistent, standards and conditions which apply if the permit is granted, and the need for local permits for developments associated with the activity.</p>	<p>If the activity requires a local permit, the applicant shall apply for the local permit under the established permit program. Approval of the permit shall constitute a ruling that the action is consistent with the applicable elements of the Comprehensive Plan and Ordinance. If the action does not require a local permit, the County may make an investigation to provide information on the project's conformance with the Plan and Ordinance standards and provisions. The investigation can be done administratively or through public hearings.</p> <p>The Community Development Director shall respond to the state or federal public permit granting agency within seven working days of the local actions. The response shall contain a statement of whether the permit is consistent with the applicable elements of the Comprehensive Plan, the reasons development is or is not consistent, standards and conditions which apply if the permit is granted, and the need for local permits for developments associated with the activity.</p>	
<p><u>Section 2.7030. Consistency Review Procedure for Federal Activities and Development Projects</u></p> <p>Federal activities in the Coastal Zone are not subject to the established local permit</p>	<p><u>Section 2.7030. Consistency Review Procedure for Federal Activities and Development Projects</u></p> <p>Federal activities in the Coastal Zone are not subject to the established local permit</p>	

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS		
EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>procedures. Federal activities which directly affect the coastal zone of the county must be consistent, to the maximum extent practicable, with the coastal zone management program. The coastal zone management programs include the County's Comprehensive Plan and this Ordinance. The federal consistency determination is reviewed by the Oregon Department of Land Conservation and Development.</p> <p>Consistency determinations for federal activities shall be reviewed for conformance with the mandatory enforceable policies of the County's Comprehensive Plan and Ordinance. The review may be done administratively or through public hearings. The federal agency has the option of applying for a local permit to demonstrate consistency with the Plan and Ordinance.</p> <p>The Community Development Director shall communicate concurrence or disagreement with the consistency determination, and recommendations for conditions of project approval to the Oregon Department of Land Conservation and Development within 21 days of receiving the notice for reviewing the federal consistency determination.</p>	<p>procedures. Federal activities which directly affect the coastal zone of the county must be consistent, to the maximum extent practicable, with the coastal zone management program. The coastal zone management programs include the County's Comprehensive Plan and this Ordinance. The federal consistency determination is reviewed by the Oregon Department of Land Conservation and Development.</p> <p>Consistency determinations for federal activities shall be reviewed for conformance with the mandatory enforceable policies of the County's Comprehensive Plan and Ordinance. The review may be done administratively or through public hearings. The federal agency has the option of applying for a local permit to demonstrate consistency with the Plan and Ordinance.</p> <p>The Community Development Director shall communicate concurrence or disagreement with the consistency determination, and recommendations for conditions of project approval to the Oregon Department of Land Conservation and Development within 21 days of receiving the notice for reviewing the federal consistency determination.</p>	
<u>Section 2.7040. Outer Continental Shelf Activities</u>	<u>Section 2.7040. Outer Continental Shelf Activities</u>	

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS		
EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>Federally licensed or permitted activities described in Outer Continental Shelf plans and which affect Clatsop County's coastal zone shall be conducted in a manner consistent with the coastal zone management program. The applicant's consistency certification is reviewed by the Department of Land Conservation and Development. The Community Development Director may review these activities for consistency with the Plan and Zoning Ordinance. The review may be done administratively or through public hearings. The Community Development Director may communicate concurrence or disagreement with the consistency certification to the Oregon Department of Land Conservation and Development within the time specified on the Oregon Department of Land Conservation and Development notice for the activities.</p>	<p>Federally licensed or permitted activities described in Outer Continental Shelf plans and which affect Clatsop County's coastal zone shall be conducted in a manner consistent with the coastal zone management program. The applicant's consistency certification is reviewed by the Department of Land Conservation and Development. The Community Development Director may review these activities for consistency with the Plan and Zoning Ordinance. The review may be done administratively or through public hearings. The Community Development Director may communicate concurrence or disagreement with the consistency certification to the Oregon Department of Land Conservation and Development within the time specified on the Oregon Department of Land Conservation and Development notice for the activities.</p>	
<p><u>Section 2.7050. Federal Grants and Financial Assistance</u> Federal financial assistance of grants to state agencies, cities, counties, special purpose districts, or regional bodies, for activities which affect the coastal zone shall be granted only when the activities are consistent with the coastal zone management program. The Community Development Director may review the grants and financial assistance for</p>	<p><u>Section 2.7050. Federal Grants and Financial Assistance</u> Federal financial assistance of grants to state agencies, cities, counties, special purpose districts, or regional bodies, for activities which affect the coastal zone shall be granted only when the activities are consistent with the coastal zone management program. The Community Development Director may review the grants and financial assistance for</p>	

ARTICLE 2: PROCEDURES FOR LAND USE APPLICATIONS		
EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
consistency with the Plan and Ordinance. The review may be done administratively or through public hearings. The Community Development Director may communicate the review findings to the Intergovernmental Relations Division Clearinghouse within the time specified on the Clearinghouse notice.	consistency with the Plan and Ordinance. The review may be done administratively or through public hearings. The Community Development Director may communicate the review findings to the Intergovernmental Relations Division Clearinghouse within the time specified on the Clearinghouse notice.	

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>Section 2.1070. Pre-application Conference</u></p> <p>1) An applicant or the applicant's authorized representative shall request the Director to arrange a pre-application conference. Unless the applicant and Director agree that a conference is not needed, the conference shall be held within 15 days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and proposed development. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within 5 days of the conference. The summary shall include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.</p> <p>2) The Director shall invite applicable service agencies, such as Clatsop</p>	<p><u>Section 2.1070. Pre-application Meeting</u></p> <p>The purpose of the meeting is to acquaint the applicant with the application process and the applicable elements of the Comprehensive Plan and Development Code.</p> <p>1) A pre-application conference shall be required for the following types of applications: (A) Major Conditional Use Permits (B) Zone Changes (C) Subdivision Plats (D) Planned Unit Developments (E) Destination Resorts</p> <p>2) An applicant or the applicant's authorized representative may request a pre-application conference.</p> <p>3) Meeting Procedures. The pre-application meeting shall be conducted as follows: (A) The pre-application meeting shall be held within 15 days of receipt of the completed application or request from the applicant. (B) The Director shall invite applicable county departments, the Oregon Department of Transportation and other state or federal agencies with potential jurisdiction over the project.</p>	

<p>County Public Works and the Oregon Department of Transportation, to the pre-application conference if it is determined that the agencies' facilities or services may be significantly impacted by the proposed development.</p>	<p>(C) The Director, shall provide the applicant with a written summary of the meeting within 10 days of the meeting. The summary shall include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.</p>	
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>Section 2.1080. Applicant-Neighborhood Meeting [Ord. #17-02]</u></p> <p>The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their proposed development may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. Applicants are encouraged to reconcile as many public concerns as possible before submitting their land use application(s). County staff may attend the neighborhood meeting in an advisory capacity to answer questions.</p> <p>1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:</p> <ul style="list-style-type: none"> (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; 	<p><u>Section 2.1080. Applicant-Neighborhood Meeting [Ord. #17-02]</u></p> <p>The purpose of an Applicant-Neighborhood meeting is to encourage early and effective communication about major proposed developments.</p> <p>1) The following applications shall require an Applicant-Neighborhood Meeting:</p> <ul style="list-style-type: none"> (A) Multi-family developments consisting of more than four attached residential units that abuts a single-family zoning district; (B) Commercial or industrial development that abuts any residential zoning district; (C) Subdivisions; (D) Cluster and planned unit developments; (E) Transfer of Development Rights; (F) Destination Resorts (G) Quasi-judicial map amendments; <p>2) Procedures (Before the Meeting):</p> <ul style="list-style-type: none"> (A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development. (B) The applicant shall send mailed notice of the public meeting to: <ul style="list-style-type: none"> i. The Community 	

<p>(E) Cluster and planned development;</p> <p>(F) Quasi-judicial map amendments;</p> <p>(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.</p>	<p>Development Department Director</p> <p>ii. All property owners within 300 feet of the boundaries of the subject property.</p> <p>iii. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.0500, notice shall be sent to the designated representative(s) of such neighborhood or community organization.</p>	
<p>2) Neighborhood Meetings must meet the following requirements:</p> <p>(A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development and availability of staff to attend.</p> <p>(B) The applicant shall send mailed notice of the public meeting to the Community Development Department Director and all property owners within a minimum distance of 300 feet of the boundaries of the subject property with the specific area to be determined by the Director based on the project scale, land</p>	<p>(C) The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll.</p> <p>(D) The notice shall be sent a minimum of 14 days and no more than 30 days before the meeting, and shall include:</p> <p>i. Date, time and location of the public meeting;</p> <p>ii. Brief description of the development proposal with enough detail so that the project is easily understandable;</p> <p>iii. Location map that shows the subject property, including property address (if applicable) and nearest</p>	

<p>use and transportation patterns or anticipated public interest in the project. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.030, notice shall be sent to the designated representative(s) of such neighborhood or community organization. The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll. The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:</p> <ol style="list-style-type: none"> 1) Date, time and location of the public meeting; 2) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable; 	<p>cross streets.</p> <p>3) Procedures (At the Meeting):</p> <p>(A) The applicant's presentation at the neighborhood meeting shall include:</p> <ol style="list-style-type: none"> i. A map showing the location of the subject property; ii. A conceptual site plan of the project, tentative subdivision plan and/or elevation drawings of any proposed structures, when applicable; iii. Information about sizes and heights of structures, proposed lot sizes, density, and setbacks from property lines; iv. Expected impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.); v. Mitigation proposed by the applicant to alleviate the expected impacts; vi. An opportunity for the public to provide comments. <p>4) Procedures (After the Meeting):</p> <p>(A) The applicant shall take meeting notes and submit them to the County. The notes shall include:</p> <ol style="list-style-type: none"> i. Meeting date and time; ii. Names and addresses of all attendees; 	
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<p>3) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical references, and a map that depicts the subject property.</p> <p>(C) The applicant's presentation at the neighborhood meeting shall include:</p> <p>1) A map depicting the location of the subject property(ies) proposed for development.</p> <p>2) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.</p> <p>3) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.</p>	<p>iii. Summary of issues raised and comments made at the meeting, and the applicant's responses.</p> <p>5) Based upon availability, County staff may attend the neighborhood meeting in an advisory capacity to answer questions. Staff attendance is not mandatory.</p> <p>6) A land use application will not be deemed complete until the applicant provides all information required by this section. This includes:</p> <p>1) A copy of the notice to surrounding property owners;</p> <p>2) A signed affidavit of mailing;</p> <p>3) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email, or at the meeting, and the applicant's responses;</p> <p>4) A copy of the meeting notes as described in Subsection (4)(A) above.</p> <p>5) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.</p>	
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<p>4) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).</p> <p>5) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.</p> <p>6) An opportunity for the public to provide comments.</p> <p>(D) The applicant shall take meeting notes and submit them to the County, including:</p> <p>1) Meeting date and time;</p> <p>2) Name and address of all in attendance;</p> <p>3) Summary of issues raised and comments made at the meeting, and the applicant's responses.</p> <p>3) A land use application will not be deemed complete until the applicant demonstrates substantial compliance with this section by including the results of the neighborhood meeting and supporting documentation with the application. This includes:</p> <p>(A) A copy of the notice to surrounding property owners;</p>		
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<p>(B) A signed affidavit of mailing the required notice of neighborhood meeting;</p> <p>(C) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email at the meeting, and the applicant's responses;</p> <p>(D) A copy of the meeting notes as described in Subsection (2)(D) above.</p> <p>(E) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.</p>		
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SECTION 2.5000. DEVELOPMENT AND USE PERMITTED WITH REVIEW		
<p><u>Section 2.5010. Application for a Development and Use Permitted with Review</u></p> <p>If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.</p> <p><u>Section 2.5020. Authorization of a Development and Use Permitted with Review</u></p> <p>A new, enlarged or otherwise altered development listed in this Ordinance as a development and use permitted with review shall be approved by the Community Development Director under a Type II procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant and with published notice in a newspaper of general distribution. After taking into account location, size, design and operation characteristics of the proposed development, the Director shall determine whether or not the proposed development complies with the requirements of Sections 1.1040 and 1.1050. The Director may</p>	<p><u>Section 2.5010. Application for a Development and Use Permitted with Review</u></p> <p>If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.</p> <p><u>Section 2.5020. Authorization of a Development and Use Permitted with Review</u></p> <p>A new, enlarged or otherwise altered development listed in this Ordinance as a development and use permitted with review shall be approved by the Community Development Director under a Type II procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant and with published notice in a newspaper of general distribution. After taking into account location, size, design and operation characteristics of the proposed development, the Director shall determine whether or not the proposed development complies with the requirements of Sections 1.1040 and 1.1050. The Director may</p>	<p><u>Delete this section and procedure and reclassify these uses as either Type I or Type II</u></p>

<p>require changes in the proposed development to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.</p>	<p>require changes in the proposed development to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.</p>	
<p><u>Section 2.5030. Requirements for Development and Use Permitted with Review</u></p> <p>Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Developments requiring a state or federal permit are subject to the Consistency Review Procedure set forth</p>	<p><u>Section 2.5030. Requirements for Development and Use Permitted with Review</u></p> <p>Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Developments requiring a state or federal permit are subject to the Consistency Review Procedure set forth</p>	

in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.	in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.	
<p><u>Section 2.5040. Time Limit on Permit for Review Use</u></p> <p>Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant review use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p>	<p><u>Section 2.5040. Time Limit on Permit for Review Use</u></p> <p>Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant review use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p>	

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<u>SECTION 2.4000. CONDITIONAL DEVELOPMENT AND USE</u>	<u>SECTION 2.4000. CONDITIONAL USES</u>	
<u>Section 2.4010. General</u> Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development and use needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this ordinance and the objectives of the comprehensive plan.	<u>Section 2.4010. General Purpose</u> Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects <u>impacts</u> , all may indicate that the circumstances of the development and use <u>application</u> needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured <u>to ensure</u> that the uses are <u>is</u> compatible with their <u>its</u> locations and with surrounding land uses, and will further the purpose of <u>with</u> this ordinance and the objectives of the comprehensive plan.	<u>Add a definition of “conditional use”:</u> <u>A use that would not be generally appropriate within a zoning district but which, if controlled as to number, area, location, and/or relation to the surrounding area, would not be detrimental to the public health, safety, or general welfare.</u>
<u>Section 2.4020. Application for a Conditional Development and Use</u> If a development and use is classified as conditional in a zone, it is subject to approval under Sections 2.4000 to 2.4050. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 2.9400	<u>Section 2.4020. Application for a Conditional Development and Use</u> If a development and use is classified as conditional in a zone, it is subject to approval under Sections 2.4000 to 2.4050. An applicant for a proposed conditional development and use shall provide facts and	

<p>sufficient to enable the Community Development Director or hearing body to make a determination.</p>	<p>evidence and a site plan in compliance with<u>prepared according to the requirements of Section 2.9400.</u> The applicant shall also provide a detailed project description, including:</p> <ol style="list-style-type: none"> <u>1. Operating characteristics of the use</u> <u>2. Number of buildings and dimensions for each building</u> <u>3. Operating hours</u> <u>4. Number of employees</u> <u>5. Number and size of off-street parking spaces</u> <u>6. Proposed lighting and location</u> <u>7. Proposed signs, locations and dimensions</u> <u>8. Proposed fencing location and dimensions</u> <u>9. Proposed landscape buffer locations and plant heights</u> <p><u>The purpose of these requirements is to ensure that the applicant has provided sufficient enough detailed information to enable allow the Community Development Director or hearing bodydecision maker to make reach a determination.</u></p> <p><u>Minor conditional uses are processed as a Type II application. Major conditional uses are processed as a Type III application.</u></p>	
<p><u>Section 2.4030. Authorization of a Conditional Development and Use</u></p>	<p><u>Section 2.4030. Authorization of aMinor and Major Conditional Development and Uses</u></p>	<p><u>Minor and major are new terms proposed</u></p>

<p>1) A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:</p> <ul style="list-style-type: none"> (A) Dog kennel or Kennel; (B) Airport; (C) Bed & Breakfast over 3 units; (D) Golf courses; (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard; (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation; (G) Non-farm partition; (H) Non-farm dwelling; (I) Farm help relative dwelling; (J) Home occupations related to auto/machinery repair or painting; (K) Firearms training facility; (L) Solid waste disposal site; (M) Small scale, light industrial developments such as assembly, fabricating, processing, 	<p>1) <u>Conditional uses are listed in each zone as either a Type II (Minor Conditional Use) or Type III (Major Conditional Use).</u> A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use <u>Type II conditional use applications may be approved</u> shall be reviewed by the Community Development Director, under a Type II procedure except that the following conditional developments and uses <u>Type III conditional use applications may be approved</u> shall be reviewed by the Hearings Officer under a Type IIa procedure.:</p> <ul style="list-style-type: none"> (A) Dog kennel or Kennel; (B) Airport; (C) Bed & Breakfast over 3 units; (D) Golf courses; (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard; (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation; (G) Non-farm partition; (H) Non-farm dwelling; (I) Farm help relative dwelling; (J) Home occupations related to 	<p><u>to differentiate between Type II and Type III conditional uses.</u></p> <p><u>The uses listed in Subsections A-O should either be classified as Type III or Type II in order to avoid discretion. These uses should be listed as Type III uses in each applicable zone.</u></p>
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	<p>compounding, packing and similar operations within an enclosed building.</p> <p>(N) Automobile wrecking yard.</p> <p>(O) Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.</p> <p>2) Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shorelands Zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.</p> <p>3) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.</p> <p>(A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive</p>	<p>auto/machinery repair or painting;</p> <p>(K) Firearms training facility;</p> <p>(L) Solid waste disposal site;</p> <p>(M) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building.</p> <p>(N) Automobile wrecking yard.</p> <p>(O) Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.</p> <p>2) <u>Where the</u> <u>a proposed development involves</u> <u>application is for a non-water dependent use or an activity in the Marine Industrial Shorelands Zone, Section 4.1700</u> <u>1950, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency</u> <u>apply.</u></p> <p>3) <u>In addition to the other applicable</u></p>	
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<p>Plan.</p> <p>(B) The proposed use meets the requirements and standards of this Ordinance.</p> <p>(C) The site under consideration is suitable for the proposed use considering:</p> <ol style="list-style-type: none"> 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location. 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets. 3) The adequacy of public facilities and services necessary to serve the use. 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features. <p>(D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.</p> <p>(E) The proposed use will not</p>	<p>standards of this ordinance, t<u>The hearing bodydecision maker must determine that the development will comply with the following criteria to approve a conditional development and use</u>shall approve, approve with conditions or deny an application for a new, enlarged or conditional use based on findings fact for each of the following criteria-:</p> <p>(A) The proposed use does not conflict with any<u>complies with all applicable provisions, goals, or policy-policies of the Comprehensive Plan.</u></p> <p>(B) The proposed use meets<u>complies with all applicablethe requirements and standards of this Ordinance.</u></p> <p>(C) The site under consideration<u>subject property is suitable for the proposed use considering based upon the property's size, shape location, topography and natural features-:</u></p> <p>(A) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.</p> <p><u>(D) The subject property has or will have</u></p>	
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	<p>interfere with normal use of coastal shorelands.</p> <p>(F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas, and</p> <p>(G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.</p> <p>(H) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.1040 and 1.1050, the applicant must accept those conditions listed in Section 2.4040 that the hearing body finds are appropriate to obtain compliance with the criteria.</p>	<p><u>legal access at the time of occupancy.</u></p> <p>(D)<u>(E)</u> <u>There is or will be at the time of occupancy, adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets within the roadway system to serve the project.</u></p> <p>(E)<u>(F)</u> <u>Adequate public facilities and services are or will be available to service the subject property at the time of occupancy. Adequate public facilities and services are demonstrated by providing a signed agency review form to the Land Use Planning Division prior to commencing construction. The adequacy of public facilities and services necessary to serve the use.</u></p> <p><u>(G) The proposed development will not impact The natural resources, including:</u></p> <ul style="list-style-type: none"> <u>i. Wetlands</u> <u>ii. Coastal Shorelands as identified in Goal 17</u> <u>iii. streams, lakes, or rivers</u> <u>iv. aquatic areas</u> <u>v. inventoried Goal 5 resources</u> <p><u>If impacts will occur, the applicant must provide information on the proposed mitigation.</u></p> <p>(F)<u>(H)</u> <u>The proposed development will</u></p>	
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not be impacted by natural hazards and will not increase risk to surrounding lands and buildings if the use will be constructed within a floodplain or geologic hazard area. and physical features of the site such as topography, natural hazards, natural resource values, and other features.

~~(G)~~(I) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (G) above.

~~(H)~~ The proposed use will not interfere with normal use of coastal shorelands.

~~(I)~~ The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas, and

(J) For properties designated in the Comprehensive Plan as Agricultural Lands or Forest Lands, the decision maker must find that ~~The the use is~~ consistent with the maintenance of peripheral and major big game habitat on lands identified in the ~~Comprehensive Plan as Agricultural Lands or Conservation Forest Lands.~~ In ~~making~~To make this

	<p>determination, <u>the decision maker shall</u> consideration shall be given to <u>consider the cumulative effects to big game habitat of from</u> the proposed action and other <u>existing and proposed</u> development in the area on big game habitat.</p> <p>4) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.1040 and 1.1050, the applicant must accept those conditions listed in Section 2.4040 that the hearing body finds are appropriate to obtain compliance with the criteria.</p> <p><u>5)4)</u></p>	
<p><u>Section 2.4040. Requirements for Conditional Development and Use</u></p> <p>In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 2.4030:</p> <ol style="list-style-type: none"> 1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor. 2) Establish a special yard or other open space or lot area or dimension. 	<p><u>Section 2.4040. Requirements for Conditional Development and UseParameters for Conditions of Approval</u></p> <p>In permitting a conditional development and use, <u>In addition to compliance with all applicable regulations and standards, the hearing bodydecision maker may impose any of the following conditions on its approval as provided by Section 2.4030of to ensure the proposed use is compatible with other surrounding uses. These conditions may include, but are not limited to, the following:</u></p> <ol style="list-style-type: none"> 1) <u>Limiting the hours, days, place and manner of operation</u>manner in which 	

<p>3) Limit the height, size or location of a building or other structure.</p> <p>4) Designate the size, number, location or nature of vehicle access points.</p> <p>5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.</p> <p>6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.</p> <p>7) Limit or otherwise designate the number, size, location, height of or lighting of signs.</p> <p>8) Limit the location and intensity of outdoor lighting or require its shielding.</p> <p>9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.</p> <p>10) Designate the size, height, location or materials for a fence.</p> <p>11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.</p> <p>12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.</p> <p>13) Specify other conditions to permit the development of the County in</p>	<p>the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.</p> <p><u>2) Limiting operations that create environmental impacts such as noise, vibration, air pollution, glare and odor, or requiring design features to minimize those impacts;</u></p> <p><u>2)3) Establish a special yard</u>Requiring additional setback areas, or other open space or increased lot area, width or depth or dimension.</p> <p><u>3)4) Limiting the height, size footprint or location of a building or other structure.</u></p> <p><u>4)5) Designate</u>Designating the size, number, location or nature<u>surfacing of vehicle access points.</u></p> <p><u>5)6) Increase the amount of</u>Requiring street right-of-way dedication, roadway width widening or other improvements within the street right-of-way.</p> <p><u>6)7) Designate</u>Designating the size, location, screening, drainage, surfacing or other improvement of<u>for a parking or truck loading areas.</u></p> <p><u>7)8) Limiting or otherwise designate</u>designating the number, size, location, height of or lighting of signs.</p> <p><u>8)9) Limiting the location and intensity of outdoor lighting</u>or require its shielding.</p> <p><u>9)10) Require</u>Requiring diking, screening,</p>	
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<p>conformity with the intent and purpose of the classification of development.</p>	<p>landscaping or another facility <u>other buffering to protect minimize or mitigate adjacent or nearby property and designate standards for installation or maintenance of the facility impacts to surrounding properties from the proposed use.</u></p> <p>10)<u>11)</u> Designate <u>Designating</u> the size, height, location or materials for a fence.</p> <p>11)<u>12)</u> Require <u>Requiring</u> the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.</p> <p>12)<u>13)</u> Require <u>Requiring</u> provisions for public access (physical and or visual) to natural, scenic and recreational resources.</p> <p>13)<u>14)</u> Specify <u>Specifying</u> other conditions <u>needed to permit ensure</u> the development of the County in conformity with the intent and purpose of the classification of development is in compliance with all applicable codes.</p>	
<p><u>Section 2.4050. Time Limit on Permit for Conditional Use</u></p> <p>1) Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director,</p>	<p><u>Section 2.4050. Time Limit on Permit for Conditional Use</u>Expiration of a Conditional Use Approvals</p> <p>1) Authorization of a <u>A conditional use approval shall be void</u>expire <u>after two years unless the project is completed, is actively under development, or substantial construction or action pursuant thereto has taken place</u></p>	

extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.

- 2) Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void after four years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The county may approve no more than five additional one-year extensions of a permit if:

- a) The applicant makes a written request for the additional extension period prior to the expiration of an extension;
- b) The applicable residential development statute has not

occurred as defined in Section 1.0500.

- 2) A one-year extension may be granted by the original decision maker upon finding that:

(A) The applicant has demonstrated that the application is still in compliance with all applicable regulations and standards

(B) There are changes to the project

(C) There are still adequate public facilities and services and roadway capacity to service the project~~However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such~~

- 3) An extension request is must be submitted in writing at least 10 days and not more than 30 days prior to expiration of the permitapproval.

- 4) A five-year extension may be granted by the original decision maker for conditional use approvals for dike maintenance and related activities~~The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; as such approvals will normally correspond with parallel state and/or federal permits.~~

- 5) A conditional use approval for a

<p>c) been amended following the approval of the permit; and An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.</p> <p>d) An extension of a permit under subsection (2) of this section is not a land use decision as defined in ORS 197.015. [ORD. 23-02]</p>	<p>Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void expire after four years unless the project is completed, is actively under construction or substantial construction or action pursuant thereto has taken place occurred as defined in Section 1.0500.</p> <p><u>6) The original decision maker may grant a two-year extension for a conditional use dwelling in the AF, EFU and F-80</u></p> <p><u>(A) The applicant has demonstrated that the application is still in compliance with all applicable regulations and standards</u></p> <p><u>(B) There are changes to the project</u></p> <p><u>(C) There are still adequate public facilities and services and roadway capacity to service the project</u></p> <p><u>7) An extension request must be submitted in writing prior to expiration of the approval. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit.</u></p>	
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	<p>7)<u>8)</u> The county <u>In addition to the two-year extension above, the original decision maker may approve no more than five additional one-year extensions of a conditional use approval for a dwelling in the EFU, F-80 or AF zones</u> permit if:</p> <p>(A)<u>(D)</u> <u>An extension request must be submitted in writing</u> The applicant makes a written request for the additional extension period prior to the expiration of an extension;</p> <p>(B)<u>(E)</u> <u>The applicable residential development statute has not been amended following the approval of the permit; and</u></p> <p>(C)<u>(F)</u> <u>An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.</u></p> <p>(D)<u>(G)</u> <u>An extension of a permit under subsection (27) of this section is not a land use decision as defined in ORS 197.015.</u></p> <p>[ORD. 23-02]</p>	
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