



# Clatsop County – Land Use Planning

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**TO:** Clatsop County Planning Commission

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

**DATE:** March 12, 2024

**RE: CAOS: ARTICLE 2 - PROCEDURES**

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

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

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

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

## Proposed Changes or Clarifications:

### Section 2.2020 – 2.2180: Public Notice/Hearing Requirements

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

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

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

**Section 2.8200-2.8260: Temporary Use Permits**

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

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

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

**Section 2.9400-2.9410: Site Plan Review**

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

**Section 2.9500-2.9520: Transportation System Impact Review**

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

**DISCUSSION AND NEXT STEPS**

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

**THE CIRCLE-BACKS:**

**Section 2.1080: Applicant-Neighborhood Meetings**

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

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

Current Requirements:

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

Suggested list of items requiring an Applicant-Neighborhood Meeting:

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

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

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

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



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

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

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

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

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



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

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

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

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

<p>or deny.</p> <p>4) The decision to deny or approve the proposed change with or without conditions.</p>	<p>4) The decision to deny or approve the proposed change with or without conditions.</p>	
<p><b><u>Section 2.2180. Record of Proceedings</u></b>  The hearing body shall cause the proceedings to be recorded stenographically or electronically.</p> <p>1) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.</p> <p>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.</p> <p>3) The findings and order shall be included in the record.</p> <p>4) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies</p>	<p><b><u>Section 2.2180. Record of Proceedings</u></b>  The hearing body shall cause the proceedings to be recorded in writing or electronically.</p> <p>1) Testimony shall be written if required for review or if ordered by the hearing body.</p> <p>2) The hearing body shall, where practicable, retain in the hearing record any evidence presented. The items shall be labeled with the testifier's name and whether the evidence was presented on behalf of a proponent or opponent. Exhibits received shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person they belong to, or otherwise disposed of.</p> <p>3) The findings and order shall be included in the record.</p> <p>4) A person shall have access to the record of the proceedings and copies of the record shall be provided at the requester's own expense.</p>	<p>Small clarifications.  Changed stenographically to writing.</p>

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

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

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



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

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

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

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

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

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

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



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

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

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



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

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

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

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denial of the tentative partition plan map or property line adjustment decision and follow the process as set forth in Section 2.2190.	Section 2.2190.	
<p><b><u>Section 2.9070. General Standards for Minor and Major Partitions</u></b> (Ord. 21-05)</p> <p>Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.</p> <p>1) Standards for partitions in resource zones (as defined in Section 1.0500):</p> <p>(A) Minor Partitions in Resource Zones shall meet the following standards:</p> <p>1) Road approach approval from the appropriate agency shall be demonstrated.</p> <p>2) Clustering in resource zones shall be subject to the standards for partitioning of non-</p>	<p><b><u>Section 2.9070. General Standards for Minor and Major Partitions</u></b> (Ord. 21-05)</p> <p><b><u>Purpose</u></b></p> <p>Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.</p> <p>1) <b><u>Partitions within resource zones:</u></b></p> <p>(A) <b><u>Minor Partitions</u></b> shall meet the following standards:</p> <p>1) Road approach approval from the appropriate agency shall be demonstrated.</p> <p>2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards.</p> <p>3) Comprehensive Plan Goal 4</p>	<p>Road standards that are already included in Table 3.2 do not need to be repeated in this section.</p>

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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



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improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.	plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.	
<p><b><u>Section 2.9160. Form and Scale of Preliminary Plat (Ord. 21-05)</u></b></p> <p>The preliminary plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.</p>	<p><b><u>Section 2.9160. Form and Scale of Preliminary Plat (Ord. 21-05)</u></b></p> <p>The preliminary plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.</p>	
<p><b><u>Section 2.9170. Preliminary Plat Information (Ord. 21-05)</u></b></p> <p>The Preliminary Plat of the proposed subdivision shall include the following information:</p> <ol style="list-style-type: none"> <li>1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved</li> </ol>	<p><b><u>Section 2.9170. Preliminary Plat Information (Ord. 21-05)</u></b></p> <p>The Preliminary Plat of the proposed subdivision shall include the following information:</p> <ol style="list-style-type: none"> <li>1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved</li> </ol>	

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

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

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

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

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



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



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

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

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

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

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

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



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



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

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

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

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

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

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



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



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

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

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

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

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

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

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



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

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

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

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<b>SECTION 2.9400. SITE PLAN REIVEW</b>		
<p><b><u>Section 2.9410. Site Plan Review Requirements</u></b></p> <p>Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.1040, 1.1050 and the requirements of this Section.</p>	<p><b><u>Section 2.9410. Site Plan Requirements</u></b></p> <p>Before a permit can be issued for development, a site plan must be approved by the Community Development Director or designee. A site plan shall include the following Information:</p> <p><b>1) RESIDENTIAL DEVELOPMENT:</b></p> <ul style="list-style-type: none"> <li>(A) all property lines</li> <li>(B) all existing and proposed structures</li> <li>(C) distance of all existing and proposed structures from: <ul style="list-style-type: none"> <li>i. all property lines</li> <li>ii. lakes, streams, rivers and/or wetlands</li> </ul> </li> <li>(D) all waste water systems, including septic tanks, drain fields and holding tanks</li> <li>(E) all access roads, driveways, parking areas and easements</li> <li>(F) storm water drainage plan</li> <li>(G) locations and types of outdoor lighting</li> <li>(H) completed zoning verification form</li> </ul> <p><b>2) NON-RESIDENTIAL DEVELOPMENT:</b></p> <ul style="list-style-type: none"> <li>(A) All property lines</li> <li>(B) All existing and proposed structures</li> <li>(C) Building dimensions</li> <li>(D) Driveways and road access points and dimensions</li> </ul>	

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

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

<p>projected conditions measured at the end of the planning period identified in TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.</p> <ol style="list-style-type: none"> <li>1) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or</li> <li>2) Degradation of the performance of an existing or planned transportation facility such that it would not meet the performance standards in the TSP or comprehensive plan; or</li> <li>3) Degradation of the performance of an existing or planned transportation</li> </ol>	<p>classification of an existing or planned transportation facility; or</p> <ol style="list-style-type: none"> <li>2) Degradation of the performance of an existing or planned transportation facility such that it would not meet the performance standards in the TSP or comprehensive plan; or</li> <li>3) Degradation of the performance of an existing or planned transportation facility that is otherwise projected not to meet the performance standards identified in the TSP or comprehensive plan.</li> </ol> <p>(D) Allows types or intensities of development that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or</p> <p>(E) Reduces the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.</p> <p>2) Amendment applications that will significantly affect the transportation system shall be reviewed according to the standards in OAR 660-012-0060. Conditions of approval, as required by</p>	
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<p>facility that is otherwise projected not to meet the performance standards identified in the TSP or comprehensive plan.</p> <p>(D) Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or</p> <p>(E) Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.</p> <p>2) Amendments That Affect Transportation Facilities. If it is determined that there would be a significant effect, the approved amendments must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the TSP through one or a combination of the remedies listed in (A) through (E) below, unless the amendment meets the balancing test in subsection (E) or qualifies for partial mitigation in (3) below. An amendment that is approved using (2)(E) or (3), must recognize that additional motor</p>	<p>1) OAR 660-012-0060, shall be applied.</p> <p><b>Exemptions:</b> An amendment may be approved, even if it would affect an existing transportation facility, if the amendment is exempted by OAR 660-012-0060(3), (9) or (10).</p>	
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<p>vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.</p> <p>(A) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.</p> <p>(B) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism pursuant to OAR 660-012-0060 or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the TSP planning period.</p> <p>(C) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.</p> <p>(D) Providing other measures as a condition of development or</p>		
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<p>through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.</p> <p>(E) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.</p> <p>3) Notwithstanding sections (1) and (2), an amendment may be approved that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the</p>		
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facility in accordance with OAR 660-012-0060.		
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