



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

6/3/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 17, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lorraine Gonzales, Clackamas County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

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DEPT OF
MAY 28 2010
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **Clackamas County**

Local file number: **ZDO-222**

Date of Adoption: **05/20/2010**

Date Mailed: 05/26/2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 01/21/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Chapter 3 of the Clackamas County Comprehensive Plan and **Section 1006** of the Clackamas County Zoning Development Ordinance (ZDO) were amended to add new provisions and regulations with the purpose to preserve and protect the groundwater resources in rural, unincorporated Clackamas County. Properties located in areas identified by the State of Oregon as Sensitive Groundwater Areas will be subject to different regulations than properties outside these areas. Other amendments included the transfer of concurrency language from **Section 1022** to **Section 1006** of the ZDO. Conforming amendments were made to ZDO **Sections 1102, 1105, 1106 and 1203** for consistency with **Section 1006**.

Does the Adoption differ from proposal?

Yes, additional amendment language was included in ZDO **Section 1006**. These amendments included a revision to the threshold for regulation, a revision to some of the required assumptions for studies the ordinance requires, as well and other non-substantive edits. Additional conforming amendments were included in ZDO **Sections 1022, 1102, 1105, 1106 and 1203**.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment 45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Clackamas County, State of Oregon Water Resources Department

Local Contact: Lorraine Gonzales/Martha Nix

Phone: (503)742-4541/4529 Extension:

Address: 150 Beaver Creek Rd.

Fax Number: 503-742-4550

City: Oregon City

Zip: 97045

E-mail Address:

Lorrainego@co.clackamas.or.us

Marthanix@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).

ORDINANCE NO. ZDO-222

An Ordinance amending Chapter 3 of the Clackamas County Comprehensive Plan and Sections 1000 and 1100 of the Clackamas County Zoning and Development Ordinance

WHEREAS, groundwater is a critical resource for the rural area of Clackamas County; and

WHEREAS, certain areas of Clackamas County have experienced declining groundwater levels, which may affect public health and safety; and

WHEREAS Clackamas County deems it important to regulate certain land uses based on the availability of groundwater, along with sewer and utilities; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission unanimously recommended approval of ZDO-222, a groundwater protection ordinance on March 8, 2010; and

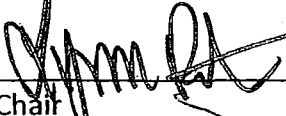
WHEREAS, the Clackamas County Board of County Commissioners held public hearings on April 26, 2010 and May 20, 2010; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

- Section 1:** Chapter 3 of the Clackamas County Comprehensive Plan is hereby amended as shown in Exhibit A hereto.
- Section 2:** Sections 1000 and 1100 of the Clackamas County Zoning and Development Ordinance are amended as shown in Exhibit B hereto.
- Section 3:** This ordinance shall be effective 90 days from the date of its adoption.

ADOPTED this 20th day of May, 2010

BOARD OF COUNTY COMMISSIONERS


Chair


Recording Secretary

ZD0 – 222

EXHIBIT A

ZDO – 222: CLACKAMAS COUNTY COMPREHENSIVE PLAN
PROPOSED AMENDMENTS

Proposed changes to the Water Resources section of Chapter 3: Natural Resources and Energy in the Clackamas County Comprehensive Plan

(New language is underlined; deleted language is indicated with ~~strike through~~)

Groundwater

26.0 Cooperate with appropriate state and federal agencies to inventory and catalog groundwater resources and their uses to assess groundwater potentials and establish management criteria and priorities to protect and maintain this natural asset.

27.0 Investigate the feasibility of maintaining or subsidizing a groundwater testing service, available to the County's citizens (upon request for a nominal fee) to assist in assuring adequate well water quality.

28.0 Cooperate in the monitoring of groundwater levels and quality with the Oregon Water Resources Department.

29.0 Protect groundwater supplies in rural, agricultural, and forest areas. ~~through large lot zoning (see Land Use Chapter).~~

29.1 Implement large-lot zoning.

29.2 Regulate all subdivisions utilizing groundwater as a potable water source to promote long-term sustainability of groundwater supplies.

29.3 Regulate all development and land divisions utilizing groundwater as a potable water source located in areas classified by the State of Oregon as a groundwater limited area, critical groundwater area or other area where new groundwater appropriations are restricted by the State of Oregon, to promote long-term sustainability of groundwater supplies.

30.0 Develop programs to encourage the conservation of groundwater.

ZDO – 222

EXHIBIT B

ZDO - 222

(New language is underlined; deleted language is indicated with ~~strikethrough~~)

(Sections that have been moved are noted by a reference to the original location, e.g. (1006.02))

1006 UTILITIES AND WATER SUPPLY, SANITARY SEWER, SURFACE WATER, AND UTILITIES CONCURRENCY

1006.01 PURPOSE

- A. To provide adequate services and facilities appropriate to the scale and type of development concurrently with the development it is intended to serve.
- B. Implement the groundwater protection provisions of the Clackamas County Comprehensive Plan.
- C. Assure that developments that rely on groundwater have sufficient water available to serve the proposed uses.
- D. Allow an assessment of the impact that a proposed development to be served by well(s) may have on the sustainability of the affected aquifer.
- E. This ordinance is not intended to act as a guarantee that a property owner will locate an adequate water supply, that a water supply will continue to provide adequate water, or that a water supply will be exempt from further regulation.
- F. Support and encourage sustainable development in the planning and provision of utility services and infrastructure.

1006.02 GENERAL STANDARDS

- A. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of districts for surface water management. (2/10/94)
- B. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground. (1006.02C)
 - 1. ~~The impact on groundwater supplies shall be addressed in each application for a subdivision or major partition in those rural areas identified by the Water Resources Department in coordination with the County, as having declining groundwater levels.~~

- ~~2. Written certifications required from a public water system serving a development identifying they have authority to provide service and there is adequate potable water available in quantities sufficient for year round use. (2/10/94)~~
- C. Street lights shall be required for all development inside the Portland Metropolitan urban growth boundary. (2/10/94)
 1. Street lighting shall be installed pursuant to the requirements of the County Service District No. 5 and the company serving the development. In every instance, a street light shall be installed where a new road intersects the County right of way and, in the case of subdivisions, at every intersection within the subdivision. (2/10/94)
 2. Areas outside County Service District No. 5 shall annex to the district through petition to the district. (1006.02G)
- D. Easements shall be provided along property lines as deemed necessary by the Department of Transportation and Development, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivision, and on the final map of all partitions. (2/10/94)(1006.02H)
- E. All development which has a need for, or will be provided with public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district or company serving the development. (10-11-82) (1006.02B)
- F. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider. (1022.05)
 1. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner. (1022.05)
 2. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable. (1022.05)

3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development. (1022.05)

G. Prior to final approval of any partition or subdivision, the applicant shall provide evidence that any wells in the tract subject to temporary or permanent abandonment under ORS 537.665 have been properly abandoned.

H. A final plat for any partition or subdivision in a Sensitive Groundwater Area relying on an exempt-use well or wells shall contain the following notation:

"The property herein described is situated in a "Sensitive Groundwater Area" based on regulatory action by the State of Oregon. The availability of groundwater may be limited, and if a long-term decline in water supply occurs the property owner may need to find an alternate source. Clackamas County is not responsible for deepening or replacing wells that fail to produce an adequate supply of groundwater, or that are subject to regulatory action by the State of Oregon."

1006.03 WATER SUPPLY STANDARDS INSIDE THE PORTLAND METROPOLITAN URBAN GROWTH BOUNDARY AND MOUNT HOOD URBAN AREA. (1006.02B(4))

The provisions of this section apply within the Portland Metropolitan urban growth boundary and Mount Hood urban area: (2/10/94)

- A. Land divisions or other development requiring water service shall not be approved, except as provided in (D) below, unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Division. (2/10/94)
- B. New development requiring water service within the boundaries of a water service system, created pursuant to ORS Chapters 264, 450, or 451, shall receive service from this system. (2/10/94)
- C. New public water systems shall not be created unless formed pursuant to ORS Chapters 264, 450, or 451. (2/10/94)
- D. A legal lot of record not located within the approved boundaries of a public water system may be served by an alternative water source. (2/10/94)

1006.04 DEFINITIONS

-Unless specifically defined in Subsection 1006.04, words or phrases used in Section 1006 shall be interpreted to give them the same meaning as they have in common usage and to give Section 1006 its most reasonable application.

- A. “Aquifer” means a layer of rock or alluvial deposit which holds water.
- B. “Development permit” means any county partition or subdivision approval; approval of commercial, institutional or industrial development; or residential building or manufactured dwelling placement permit, including any land-use decision, as defined in ORS 197.015, required by this ordinance to be made prior to issuance of the residential building or manufactured dwelling placement permit.
- C. “Exempt-use well” means a well from which groundwater is used as defined in ORS 537.545(1) as amended.
- D. “Groundwater” means any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates or otherwise moves.
- E. “Permitted well” means a well from which the intended use of water requires a registration, certificate of registration, application for a permit, permit, certificate of completion or groundwater right certificate under ORS 537.505 to 537.795 and 537.992.
- F. “Sensitive Groundwater Area” means any area classified by the State of Oregon as a groundwater limited area, critical groundwater area or other area where new groundwater appropriations are restricted by the State of Oregon.
- G. “Unreasonably interfere” means a proposed development will result in one or more senior ground water appropriators being unable to obtain either the permitted or the customary quantity of ground water, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. However, in aquifers where flow is predominantly through fractures, full penetration may not be required as a condition of finding substantial or undue interference.

1006.05 WATER SUPPLY STANDARDS OUTSIDE THE PORTLAND METROPOLITAN URBAN GROWTH BOUNDARY AND MOUNT HOOD URBAN AREA.

The provisions of this section apply outside the Portland Metropolitan Urban Growth Boundary and the Mount Hood urban area.

- A. Applicants for any development permit shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right or exempt-use well.
- B. All subdivisions outside of the Portland Metropolitan Urban Growth Boundary proposing to use an exempt-use well or wells and all land divisions, and new industrial, commercial or institutional development located within a Sensitive Groundwater area and proposing to use an exempt-use well or wells must affirmatively demonstrate:
1. That the subject aquifer is capable of sustaining the proposed development with sufficient potable water.
 2. That the proposed development is not likely to unreasonably interfere with existing wells.
 3. That the proposed development is not likely to contribute to the overdraft of the affected aquifer.
- C. Unless waived by the Planning Director, an applicant for any proposed development subject to ZDO § 1006.05(B) shall submit a hydrogeologic review with the subject application. The purposes of a hydrogeologic review are to provide information and professional analysis regarding the geology and hydrogeology of the area in the immediate vicinity of the proposed development for the County to determine compliance with ZDO § 1006.05(B) (1) – (3). Study findings, maps, and conclusions shall be presented in a clear and understandable report.
1. A hydrogeologic review report shall include sufficient evidence and analysis to demonstrate compliance with ZDO 1006.05B, and at a minimum, shall include the following information:
 - a. A map showing all lots and parcels within at least one-quarter mile of the proposed development;
 - b. The location, as determined by publicly available information, of all known wells on all lots or parcels within at least one-quarter mile of the proposed development, and the quantity of water permitted to be used;
 - c. The estimated use of groundwater within at least one-quarter mile of the proposed development, including but not limited to, 400 gallons/day of household use for each lot and parcel, 2,000 gallons/day for lawn and landscape irrigation from June through September, and water use from permitted wells. The estimated use of groundwater shall include any development or tentative land division which has been approved by the county, and shall assume development of a single-family residence on each undeveloped lot or parcel.

- d. The quantity of water the proposed land use will utilize. If the proposal is for residential use, water use shall be calculated as 400 gallons/day per household and 2000 gallons/day for lawn and landscape irrigation from June through September. If the proposal is for a land division for residential purposes, all proposed lots or parcels shall be included in the calculation, and the calculation shall assume that the remainder of the tract will be developed at its allowed density.
 - d.e. Identification of aquifers in the area of the subject property;
 - e.f. Compilation and review of available geologic and hydrogeologic studies of the review area;
 - f.g. Compilation and evaluation of available well deepening and replacement well information in the review area;
 - g.h. Compilation and analysis of existing geologic information, including representative well logs, physical location of representative wells, and an evaluation of the local stratigraphy and geologic structure in the review area;
 - h.i. Compilation and analysis of existing and available water level and pump test information including evaluation of long-term stability and sustainability of groundwater levels (heads); and
 - i.j. Interpretation of the information gathered for subsections (1)(a) through (i) of this section, including preparation of geologic and hydrogeologic maps and cross sections necessary to support and/or illustrate the interpretation.
2. A hydrogeologic review shall conclude that there is sufficient information to demonstrate -compliance with ZDO §1006.05B, and may need to be based on draw down tests or other physical measurements where necessary.
3. The Planning Director may, at the Director's discretion, allow an applicant to modify the water use assumptions used in the hydrogeologic review where an applicant proposes enforceable water conservation and/or reuse measures, including but not limited to:
- a. Gray water use;
 - b. Water conserving appliances and fixtures;
 - c. Landscaping with drought resistant plants; or
 - d. Rainwater harvest and/or the use of cisterns.

To be deemed enforceable, any conservation or reuse measure must be approved by County Counsel.

- D. All reviews and plans required by this Section shall be reviewed by a qualified professional of the County's choice during the development review process. Such review shall include examination to ensure required elements have been completed, study procedures and assumptions are generally accepted, and all conclusions and recommendations are supported and reasonable.
- E. Outside of Sensitive Groundwater Areas, the Planning Director may, at the Director's discretion, waive some or all of the requirements for a hydrogeologic review where an applicant demonstrates through well logs or other evidence that the specified information is not necessary to determine compliance with ZDO 1006.05B.
- F. Water service for partitions and subdivisions shall be provided according to the provisions of ORS 92.090. When no water is to be provided by a public or community water system, there shall be a note on the final plat indicating that no public water service is being provided, in addition to the filing and disclosure requirements of ORS 92.090. (2/10/94)(1006.02B(3))
- G. Approved land divisions at densities requiring public water service shall include a note on the final plat indicating public water service is required for development. (2/10/94) (1006.02B(3))
- H. For any subdivision of 11 lots or more, all lots shall be served by a single public or community water source.

1006.06 PUBLIC SANITARY SEWER AND SURFACE WATER STANDARDS

- A. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities. (1006.02D)
- B. Approval of a development that requires public sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider. (1022.03)
 - 1. The statement shall verify that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner. (1022.03)
 - 2. The service provider may require preliminary sanitary sewer system plans and calculations for the proposed development prior to signing a preliminary statement of feasibility.

3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve sanitary sewer system capacity for the development. (1022.03)

1006.07 SUBSURFACE SEWAGE DISPOSAL STANDARDS

~~C.A.~~ All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Department of Transportation and Development Water Environment Services, Soils Section prior to submittal of a land use application to the County for development. Said systems shall be installed pursuant to ORS 454.605-454.745 and Chapters 171, 523 and 828, and Oregon Administrative Rules 340, Divisions 71 and 73 and the policies of the Clackamas County, WES, Soils Section. (1006.02E)

~~-(1006.02E)~~

~~D.B.~~ Within the Portland Metropolitan urban growth boundary and the Mount Hood urban area, all land divisions or other development requiring subsurface disposal systems shall be prohibited except for: (2/10/94)

1. A lot of record legally recorded prior to adoption of this Ordinance.
2. Parcels of ten (10) acres or larger in areas designated as future urbanizable.
3. Parcels that do not have a sanitary sewerage system that is legally and physically available as defined in OAR 340-071-0160(4)(f), including parcels which have unique topographic or other natural features which make sewer extension impractical as determined on a case-by-case basis.
4. Areas under a sewer moratorium with sewer services five years or more away if the area is annexed into a city or district which can assure that future delivery of sewerage services is planned. (1006.02F)

1006.08 SURFACE WATER MANAGEMENT STANDARDS

A. All developments shall provide for positive drainage and adequate conveyance of storm and surface water runoff from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point and shall:

1. Comply with the requirements of any special districts with surface water management regulatory jurisdiction, or

5-2. The requirements of Section 1008 and the County Roadway Standards in areas not under the jurisdiction of a surface water management regulatory authority.

B. Installation of stormwater management and conveyance facilities shall be coordinated with the extension of necessary water and sanitary sewer services.

A.C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner. (1022.04)

1. The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility.

2. In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the County Department of Transportation and Development, Engineering Division.

1-3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development. (1022.04)

1006.09 EXCEPTIONS

A. A land use application shall be deemed complete and may be approved without the submittal of one or more of the preliminary statements of feasibility required by Subsections 1006.02, 1006.06 and 1006.08 if the applicant demonstrates that a good faith attempt has been made to obtain the statement(s). At a minimum, demonstration of a good faith attempt shall require the applicant to submit the following: (1022.06A)

1. A statement signed by the applicant indicating that the service provider or surface water management authority has not responded to a request for a preliminary statement of feasibility or has refused to issue one. When the refusal to issue a preliminary statement of feasibility is based upon a finding that adequate service cannot be provided, such refusal shall not qualify for an exception under this subsection; and (1022.06A(1))

2. A copy of a letter delivered to the service provider or surface water management authority clearly requesting a preliminary statement of feasibility. The letter shall be dated no less than 30 days prior to the submittal of the land use application. (1022.06A(2))
- B. In the absence of evidence in the record to the contrary, it shall be presumed that the failure of a service provider or surface water management authority to respond to a request for a preliminary statement of feasibility constitutes a finding of adequacy of service. This presumption shall be for the purposes of land use application approval only and does not guarantee that service can be provided. (1022.06B)

1006.10 ADMINISTRATION

- A. For subdivisions, partitions, commercial, industrial, and institutional developments, the provisions of this chapter shall be applied during the development review process.

ZDO - 222

New language is underlined; deleted language is indicated with ~~strikethrough~~
(Sections that have been moved are noted by a reference to the original location, e.g. (1006.02))

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1022 CONCURRENCY (1/25/07)

1022.01 PURPOSE

The purpose of this section is to ensure that ~~sanitary sewer, surface water management, water, and transportation infrastructure~~ is provided concurrent with the new development it is required to serve or, ~~in the case of transportation infrastructure,~~ within a reasonable period of time following the approval of new development. (1/20/05)

1022.02 APPLICATION OF SECTION

This section shall apply to the following development applications: design review, tentative subdivision plans, tentative partition plans, and conditional uses. This section shall not apply to final plat approval for which tentative approval was granted prior to March 14, 2002, including time extensions requested under Subsections 1105.06 or 1106.05. (1/20/05)

~~1022.03 SANITARY SEWER SERVICE~~

~~Approval of a development that requires public sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider. The statement shall verify that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve sanitary sewer system capacity for the development.~~

~~1022.04 SURFACE WATER MANAGEMENT~~

~~Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is~~

New language is underlined; deleted language is indicated with strikethrough
(Sections that have been moved are noted by a reference to the original location, e.g. (1006.02))

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~filed and need not reserve surface water treatment and conveyance system capacity for the development.~~

~~1022.05~~ — WATER SERVICE

~~Approval of a development that requires public water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development. (1/20/05)~~

~~1022.06~~ — EXCEPTION

~~A. A land use application shall be deemed complete and may be approved without the submittal of one or more of the preliminary statements of feasibility required by Subsections 1022.03 through 1022.05 if the applicant demonstrates that a good faith attempt has been made to obtain the statement(s). At a minimum, demonstration of a good faith attempt shall require the applicant to submit the following:~~

- ~~1. A statement signed by the applicant indicating that the service provider or surface water management authority has not responded to a request for a preliminary statement of feasibility or has refused to issue one. When the refusal to issue a preliminary statement of feasibility is based upon a finding that adequate service cannot be provided, such refusal shall not qualify for an exception under this subsection; and~~
- ~~2. A copy of a letter delivered to the service provider or surface water management authority clearly requesting a preliminary statement of~~

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~~feasibility. The letter shall be dated no less than 30 days prior to the submittal of the land use application.~~

- ~~B. In the absence of evidence in the record to the contrary, it shall be presumed that the failure of a service provider or surface water management authority to respond to a request for a preliminary statement of feasibility constitutes a finding of adequacy of service. This presumption shall be for the purposes of land use application approval only and does not guarantee that service can be provided.~~

1022.073 TRANSPORTATION FACILITIES

- A. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement: (1/20/05)
1. Development that is located: (4/28/05)
 - a. In a Light Industrial, General Industrial, or Business Park zoning district; and (4/28/05)
 - b. North of the Clackamas River; and (4/28/05)
 - c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and (4/28/05)
 - d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and (4/28/05)
 - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway). (4/28/05)
 2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result; (1/20/05)

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3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
 4. Mass transit facilities, such as light rail transit stations and park-and-ride lots; (1/25/07)
 5. Home occupations to host events, which are approved pursuant to Section 806; and (1/25/07)
 6. Development in the Government Camp Village (Comprehensive Plan Map X-MH-4) that is otherwise consistent with the Comprehensive Plan and zoning designations for the Village. (1/25/07)
- B. As used in Subsection 1022.073(A), “adequate” means a minimum of Level-of-Service (LOS) D, except: (1/20/05)
1. Portions of 82nd Avenue and Sunnyside Road located within the Clackamas Regional Center boundary as identified on Map X-CRC-1 of the Comprehensive Plan shall be subject to the following minimums:
 - a. LOS E during the weekday midday peak one-hour period; and (1/20/05)
 - b. LOS F during the first hour and LOS E during the second hour of the weekday PM peak two-hour period. (1/20/05)
 2. Portions of 82nd Avenue, Sunnyside Road, and Johnson Creek Boulevard located within the Clackamas Regional Center Design Plan Area and outside the Regional Center boundary as identified on Map X-CRC-2 of the Comprehensive Plan shall be subject to the following minimums: (1/20/05)
 - a. LOS D during the weekday midday peak one-hour period; and (1/20/05)
 - b. LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period. (1/20/05)

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3. Roadways—other than 82nd Avenue and Sunnyside Road—within the Clackamas Regional Center boundary shall be subject to the following minimums: (1/20/05)
 - a. LOS E during the weekday midday peak on-hour period; and (1/20/05)
 - b. LOS E during the first hour and LOS E during the second hour of the weekday PM peak two-hour period. (1/20/05)
 4. Except as established by Subsections 1022.073(B)(1) through (3), LOS E shall apply to developments proposed on property with a zoning designation of Campus Industrial, Light Industrial, General Industrial, Rural Industrial, or Business Park. (1/20/05)
 5. Except as established by Subsections 1022.073(B)(1) through (3), LOS E shall apply to high-employment developments. A high-employment development is one that provides a minimum of 50 FTE per acre. Only jobs where the employee reports to work at the subject property shall be included in this calculation. (1/20/05)
 6. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the State of Oregon, with the exception of those facilities identified in Subsections 1022.073(B)(1) and (2). (1/20/05)
- C. For the purpose of calculating capacity as required by Subsections 1022.073(A) and (B), the following standards shall apply: (1/20/05)
1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the *Clackamas County Roadway Standards*. The method of calculating capacity on state facilities is established by the Oregon Highway Plan. (1/20/05)
 2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the *Clackamas County Roadway Standards*. (1/20/05)
 3. Capacity shall be evaluated for motor vehicle traffic only. (1/20/05)

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4. Except as established by Subsections 1022.073(B)(1) through (3), capacity shall be evaluated for the peak 15-minute period of both the AM weekday and PM weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the AM or the PM peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s). (1/20/05)

D. As used in Subsection 1022.073(A), “timely” means: (1/20/05)

1. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued; (1/20/05)
2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued; (1/25/07)
3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction’s capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
4. Alternatively, “timely” means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative: (1/20/05)
 - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
 1. Complete the necessary improvements; or (1/20/05)
 2. For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of

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credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee. (1/20/05)

5. For a phased development, the first phase shall satisfy Subsections 1022.073(D)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following: (1/20/05)
 - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified. (1/20/05)
 - b. Necessary improvements for a particular phase shall either: (1/20/05)
 1. Comply with Subsections 1022.073(D)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or (1/20/05)
 2. Comply with Subsection 1022.073(D)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase. (1/20/05)
- E. As used in Subsection 1022.073(D), "necessary improvements" are: (1/20/05)
 1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1022.073(B). (1/20/05)
 - a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the *Clackamas County Roadway*

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Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

2. If a transportation impact study is not required, county traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.
- F. As an alternative to compliance with Subsection 1022.073(A), the applicant may make a voluntary substantial contribution to the transportation system. (1/20/05)
1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
 - a. A complete project or a segment of a roadway identified in the Clackamas County 20-Year Capital Improvement Plan (CIP), the Statewide Transportation Improvement Plan (STIP), or the capital improvement plan (CIP) of a city or another county. (1/20/05)
 1. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in the Clackamas County 20-Year CIP the STIP or the CIP of a city or another county—will be completed within five years; (1/20/05)
 - b. Located within the impact area of the proposed development. The impact area shall be established by the *Clackamas County Roadway Standards*; (1/20/05)
 - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1st of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in Clackamas County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle,

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Washington) Construction Cost Index; and shall be determined as follows:
(1/20/05)

$$\begin{array}{rcl} & \text{Change in Average Market Value X 0.50} & \\ + & \text{Change in Construction Cost Index X 0.50} & \\ = & \text{Minimum Construction Cost Adjustment Factor} & \end{array}$$

After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.
(1/20/05)

2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
(1/20/05)
 - a. Complete the substantial contribution; or
 - b. For transportation facilities under the jurisdiction of Clackamas County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee. (1/20/05)

- G. Where there is a conflict between Chapter 10 of the Comprehensive Plan and Subsection 1022.07~~3~~3, the provisions of Chapter 10 shall take precedence.

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1102 DESIGN REVIEW (6/29/06)

1102.01 APPLICABILITY (6/29/06)

This section shall apply to all development, redevelopment, expansions, and improvements in all commercial, industrial, and multifamily zoning districts and to other uses as required by the Planning Director, the Hearings Officer, or the Board of County Commissioners. For purposes of this provision, the MR-1 and MR-2 zoning districts shall be considered "multifamily zoning districts," even though attached single-family dwellings are a primary use. (3/24/05)

1102.02 CRITERIA AND PROCEDURE (6/29/06)

- A. A design review application may be approved pursuant to Subsection 1305.02 if the applicant provides evidence substantiating that the proposed development complies with Section 1000, the standards of the zoning district in which the subject property is located, and all other applicable provisions of this Ordinance. (6/29/06)
- B. The Planning Director may review and render a decision on an application for design review or forward the application to the Design Review Committee for review and decision. In deciding whether to forward an application to the Design Review Committee, the Planning Director shall consider: (6/29/06)
1. The size of the project, including mass of buildings, site area, landscaping, and parking requirements; (6/29/06)
 2. The presence of natural features, such as wetlands, steep slopes, treed area, and riparian corridors; (6/29/06)
 3. Visual significance; and (6/29/06)
 4. Impact on neighboring properties, particularly where a project is adjacent to a residential area. (6/29/06)
- C. An application shall be forwarded to the Design Review Committee for review and decision if requested by the applicant or required by the Hearings Officer or the Board of County Commissioners. (6/29/06)
- D. The Planning Director may consult with individual members of the Design

Review Committee at any point during the evaluation of a design review application or in determining compliance with conditions of design review approval. (6/29/06)

1102.03 DESIGN REVIEW COMMITTEE

- A. The Board of County Commissioners shall appoint a Design Review Committee and may remove members of the Committee. (6/29/06)
- B. Members of the Design Review Committee shall be appointed for a term of four years and may, at the discretion of the Board of County Commissioners, serve more than one term. (6/29/06)
- C. The Design Review Committee shall consist of a minimum of seven members and shall include the following: (6/29/06)
 - 1. One landscape architect; (6/29/06)
 - 2. One architect; (6/29/06)
 - 3. One registered engineer; (6/29/06)
 - 4. One graphic design representative; (6/29/06)
 - 5. One representative from the field of finance or the construction and development industry; and (6/29/06)
 - 6. Two members from the general public, who may be from any discipline or group, including any of the above. (6/29/06)
- D. The Design Review Committee shall adopt rules to govern its deliberations and decisions and shall keep a record of its proceedings. (6/29/06)

1102.04 PREAPPLICATION CONFERENCE

- A. A preapplication conference between the applicant and the Planning Director shall be required prior to submission of an application for design review. (6/29/06)
- B. The following subjects shall be reviewed at the preapplication conference: (6/29/06)
 - 1. Description of existing site conditions, including: (6/29/06)
 - a. Property location and size; (6/29/06)

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- b. Adjacent land uses and potential cooperation or conflict in land use (e.g., shared parking or need for buffers); (6/29/06)
 - c. Access to the site for different modes of transportation, including mass transit, trucks, passenger vehicles, bicycles, and pedestrians; (6/29/06)
 - d. Designated Open Space or zoning overlays (e.g. Floodplain Management District; River and Stream Conservation Area; Historic Landmarks, Districts, and Corridors); (6/29/06)
 - e. Natural features on the site (e.g., land forms, drainage, wooded areas, large trees, wetlands); (6/29/06)
 - f. Existing and potential noise sources; and (6/29/06)
 - g. Existing uses, structures, circulation, parking, landscaping, and setbacks; (6/29/06)
2. Development concepts and requirements, including: (6/29/06)
- a. Proposed uses, structures, circulation, parking, landscaping, and setbacks; (6/29/06)
 - b. Applicable provisions of this Ordinance, the Comprehensive Plan, and other development regulations administered by the County or other service providers. Emphasis will be on identifying and, if possible, resolving conflicts between regulations; and (6/29/06)
 - c. Conditions placed on previous development approvals. (6/29/06)

1102.05 SUBMITTAL REQUIREMENTS (6/29/06)

- A. An application for design review shall include the following: (6/29/06)
- 1. A completed design review application on a form provided by the County Planning Division; (6/29/06)
 - 2. A narrative describing the proposed use; (6/29/06)
 - 3. Calculations demonstrating compliance with the density standards of Section 1012, if applicable; (6/29/06)
 - 4. An engineering geologic study if required pursuant to Section 1002 or 1003; (6/29/06)

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5. Preliminary statements of feasibility if required pursuant to Subsections Section 1022.03, 1022.04 1006 and 102205; (6/29/06)
6. A transportation impact study if required pursuant to Section 1007 or 1022; (6/29/06)
7. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property; (6/29/06)
8. An existing conditions map of the subject property showing: (6/29/06)
 - a. Contour lines at 2-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at 5-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information. (6/29/06)
 - b. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent; (6/29/06)
 - c. Drainage; (6/29/06)
 - d. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003; (6/29/06)
 - e. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings; (6/29/06)
 - f. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the site is heavily wooded, an aerial photograph, of a scale not to exceed 1":400', may be submitted and only those trees that will be affected by the proposed development need be sited accurately; (6/29/06)
 - g. Location of any overlay zones regulated by Section 700 (e.g. Floodplain Management District, Willamette River Greenway, Historic Landmark); (6/29/06)
 - h. Noise sources; (6/29/06)

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- i. Sun and wind exposure; (6/29/06)
 - j. Significant views; and (6/29/06)
 - k. Existing structures, impervious surfaces, utilities, landscaping, and easements; (6/29/06)
9. A proposed site Plan showing: (6/29/06)
- a. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties; (6/29/06)
 - b. Property lines and dimensions for the subject property. Indicate any proposed changes to these; (6/29/06)
 - c. Natural features to be retained; (6/29/06)
 - d. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the subject property; (6/29/06)
 - e. The location of at least one temporary benchmark and spot elevations; (6/29/06)
 - f. Location and dimensions of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings; (6/29/06)
 - g. Approximate location and size of storm drainage facilities; (6/29/06)
 - h. Relation to transit; location and dimensions of parking and loading areas, including dimensions of individual parking spaces and drive aisles; bikeways and bicycle racks, sidewalks and pedestrian crossings; (6/29/06)
 - i. Orientation of structures showing windows and doors; (6/29/06)
 - j. Location and type of lighting; (6/29/06)
 - k. Service areas for waste disposal, recycling, loading, and delivery. (6/29/06)
 - l. Location of mail boxes; And (6/29/06)
 - m. Freestanding signs; (6/29/06)

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10. A grading plan showing location and extent of proposed grading, general contour lines, slope ratios, slope stabilization proposals, and natural resources protection consistent with Sections 1002 and 1003; (6/29/06)
11. Architectural drawings, including: (6/29/06)
 - a. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs; (6/29/06)
 - b. Building sections; (6/29/06)
 - c. Floor plans; (6/29/06)
 - d. Color and type of building materials; and (6/29/06)
 - e. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination; (6/29/06)
12. A general landscape development plan, which shall include the elements required on the proposed site plan and: (6/29/06)
 - a. Existing plants and groups of plants proposed; (6/29/06)
 - b. Description of soil conditions; plans for soil treatment such as stockpiling of topsoil or addition of soil amendments; and plant selection requirements relating to soil conditions; (6/29/06)
 - c. Erosion controls, including plant materials and soil stabilization, if any; (6/29/06)
 - d. Irrigation system (i.e. underground sprinklers or hose bibs); (6/29/06)
 - e. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and (6/29/06)
 - f. Open space or recreation areas, if applicable. (6/29/06)

1102.06 MAINTENANCE

All approved onsite improvements shall be the ongoing responsibility of the property owner or occupant. (6/29/06)

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1102.07 COMPLIANCE

The development shall be completed pursuant to the approved final plans prior to issuance of a certificate of occupancy, except as provided under Section 1104.
(6/29/06)

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1105 SUBDIVISIONS (6/29/06)

1105.01 APPLICABILITY (6/6/02)

- A. Pursuant to ORS Chapter 92, subdivisions are all divisions of property creating 4 or more lots in the same calendar year. (6/6/02)
- B. For application review purposes, the Planning Division distinguishes between major and minor subdivisions as follows: (6/6/02)
 - 1. Major subdivisions are all divisions of property creating 11 or more lots in the same calendar year and are subject to review by the Hearings Officer pursuant to Section 1300. (6/6/02)
 - 2. Minor subdivisions are all divisions of property creating 4 to 10 lots in the same calendar year and shall be processed as Planning Director decisions pursuant to Subsection 1305.02. (6/6/02)
- C. Except as may be otherwise required by Section 808, ORS Chapter 97, or other applicable regulations, this section shall apply to subdivisions for cemetery purposes. (6/6/02)

1105.02 GENERAL PROVISIONS

- A. All subdivisions shall comply with this ordinance and ORS Chapter 92. (6/6/02)
- B. A master plan for future lots and access shall be required for any application that leaves any portion of the subject property capable of further division. (6/6/02)

1105.03 SUBMITTAL REQUIREMENTS (6/6/02)

- A. Applications for subdivisions shall be submitted to the Planning Division on forms provided by the Planning Division. (6/6/02)
- B. Applications shall include 20 copies of the preliminary plat prepared by an Oregon registered professional engineer or professional land surveyor, drawn to a scale of not less than 1 inch equals 50 feet nor more than 1 inch equals 200 feet. If the preliminary plat drawings are larger than 11" by 17", a minimum of 5 reduced-sized, legible copies of the preliminary plat shall be submitted on 8-1/2" by 14" or 11" by 17" paper. The following information shall be provided on the preliminary plat or by separate cover: (6/6/02)

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1. Complete names, addresses and phone numbers of all property owners, applicants, engineers and land surveyors; (6/6/02)
2. Source of domestic water; (6/6/02)
3. Method of sewage disposal; (6/6/02)
4. Existing zoning; (6/6/02)
5. Proposed utilities; (6/6/02)
6. Calculations justifying the proposed density pursuant to Section 1012, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district; (3/24/05)
7. Subdivision name that has been approved pursuant to Subsection 1105.05(D); (6/6/02)
8. Date the drawing of the preliminary plat was made; (6/6/02)
9. Property description of the proposed subdivision by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses; (6/6/02)
10. North arrow; (6/6/02)
11. Vicinity map showing the location of the subdivision relative to well-known landmarks in all directions, at a scale of 1 inch equals 2,000 feet or some other scale that better depicts the area, and at least 4 inches by 4 inches in size; (6/6/02)
12. Identification of each lot and block by number; (6/6/02)
13. Gross acreage of property being subdivided; (6/6/02)
14. Locations, dimensions and area of each lot and tract; (6/6/02)
15. Locations and widths of all roads abutting the subdivision site, and their legal and common names and numbers, direction of drainage and approximate grades; (6/6/02)

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16. Locations and widths of all proposed roads and their proposed names, approximate grades, and radii of curves and note whether public or private; (6/6/02)
 17. Location and width of legal access to the subdivision, other than public or county roads, if applicable; (6/6/02)
 18. Contour lines at 2-foot intervals if 10 percent slope or less, 5-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information; (6/6/02)
 19. Locations of all drainage channels, including their name if known, width, depth and direction of flow; (6/6/02)
 20. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose(s); (6/6/02)
 21. Locations and dimensions of all driveways, pedestrian walkways and existing structures on the subject property; (6/6/02)
 22. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas; (6/6/02)
 23. Contiguous property under the same ownership as the subject property, including property descriptions; (6/6/02)
 24. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable; and (3/24/05)
 25. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees and bearing trees. (6/6/02)
- C. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsections 1102.05(A)(7) and (8) and Section 1103. The analysis required under these provisions may be incorporated in the subdivision application review process. (6/29/06)
- D. Except for applications submitted pursuant to Subsection 1105.08, each application shall be accompanied by a boundary survey map of the property being platted. The survey map shall be prepared by an Oregon registered professional land surveyor and shall have been accepted for filing with the County Surveyor. (6/6/02)

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(Sections that have been moved are noted by a reference to the original location, e.g. (1006.02))

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- E. An application shall be accompanied by preliminary statements of feasibility required pursuant to ~~Subsections Section 1022.03, 1022.04~~ 1006 and ~~1022.05~~.
(6/6/02)

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CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1105.04 PRELIMINARY PLAT REVIEW (6/6/02)

A. Upon receipt of an application satisfying the submittal requirements of Subsection 1105.03, the Planning Division shall provide notice of the application to the following: (6/6/02)

1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s); (6/6/02)
2. Any city or other entity whose dual-interest or urban growth management agreement involves the subject property and requires such notice; (6/6/02)
3. County Assessor; (6/6/02)
4. County Surveyor; (6/6/02)
5. Sewer district serving, or which could serve, the property; (6/6/02)
6. Water district serving the property; (6/6/02)
7. Surface water management regulatory authority; (6/6/02)
8. Fire district serving the property; (6/6/02)
9. Divisions of the Department of Transportation and Development; and (6/6/02)
10. Others deemed by the Planning Director to have an interest in the application. (6/6/02)

B. Those parties provided notice pursuant to Subsection 1105.04(A) shall be given a minimum of 15 calendar days from the date of mailing to reply unless otherwise prescribed in a dual-interest or urban growth management agreement. (6/6/02)

1105.05 FORM OF FINAL PLAT (6/6/02)

- A. The final plat shall be prepared in a form and with information consistent with the relevant provisions of ORS 92 and 209.250. (6/6/02)
- B. The final plat shall contain, at a minimum, the following information:

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1. The lines and names of all streets and other public ways, parks, playgrounds, and easements dedicated to the public or granted for the use of the owners within the subdivision and to whom the easement will be conveyed; (6/6/02)
2. The length and bearings of all straight lines, curves, radii, arcs and the semi-tangents of all curves; (6/6/02)
3. All dimensions along the lot lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any lot line in the field; (6/6/02)
4. Suitable primary control points, approved by the County Surveyor and description and ties to these control points, to which all dimensions, angles, bearings and similar data given on the plat map shall be referred; (6/6/02)
5. The location and complete physical descriptions of all permanent monuments found or set, including full physical descriptions of Public Land Survey Corners (monument and accessories) shown on the plat. Record references for the found monuments shall be cited; (6/6/02)
6. The plat numbers and, if applicable, names of all platted subdivisions, partitions, condominiums and cemeteries, and the legal numbers and names of all roads adjacent to the subdivision; (6/6/02)
7. The date(s) monuments were set (so identified), the date(s) the final plat was prepared (so identified), a north arrow and a graphical and an engineering scales; (6/6/02)
8. The boundary of the divided tract, with the bearings, curves and distances marked, as determined by a field survey made by an Oregon registered professional land surveyor, and to close with a linear error of closure of not more than 1 foot in 10,000 feet. In addition, the survey shall be performed with the reference to the Federal Geodetic Control Committee guidelines for third order class II; (6/6/02)
9. Any easements or notes required by the Department of Transportation and Development, Water Environment Services, other public service providers or the County Surveyor and the locations, widths and purposes of all existing easements of record, including instrument numbers; and (6/6/02)
10. Open space and common ownerships within the plat shall be labeled as tracts and their use and ownership identified. Labeling of tracts shall be

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alphabetical beginning with the letter "A" and no missing letters shall be
allowed. (6/6/02)

- C. All Homeowners Association Agreements, Articles and Bylaws, and other similar items required or proposed shall be submitted with the final plat for review by the Planning Division, Office of County Counsel and, if requested, by the County Surveyor. (6/6/02)
1. The final plat shall not be approved by the Planning Division until the Homeowners Association Agreement, Articles and Bylaws are approved.
 2. The Homeowners Association Agreement, Articles and Bylaws shall be consistent with ORS Chapter 92 and ORS Chapter 94, if appropriate. (6/6/02)
 3. A certificate of formation of a nonprofit corporation, with a state seal, for the Homeowners Association shall be submitted with the final plat for review by the Planning Division. (6/6/02)
 4. After Planning Division approval, signed and notarized original documents of the Homeowners Association Agreement, Articles and Bylaws and the certificate of formation described in Subsection 1105.05(C)(3) shall be submitted for recording at the same time as the final plat is submitted to the County Clerk. The final plat shall contain references to such documents. (6/6/02)
- D. Proposed plat names shall be subject to approval by the County Surveyor pursuant to ORS 92.090. An applicant shall obtain plat name approval prior to submittal of the preliminary plat. (6/6/02)

1105.06 APPROVAL PERIOD (6/6/02)

- A. Approval of a preliminary plat is valid for 2 years from the date of the final written decision. If the county's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this 2-year period, the final plat shall be recorded with the County Clerk. If a final plat is not recorded within 2 years of the final written decision approving a preliminary plat, a maximum of 3, 1-year extensions of the approval may be granted as a Planning Director decision pursuant to Subsection 1305.02, subject to the following provisions: (6/6/02)
1. A time extension shall be requested in writing, on forms provided by the Planning Division, prior to the expiration of preliminary plat approval; and (6/6/02)

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2. The applicant shall demonstrate that: (6/6/02)
 - a. The subdivision is consistent with the provisions of this ordinance in effect on the date a complete application for a time extension is submitted; and (6/6/02)
 - b. There exists good cause for failure to record the final plat with the County Clerk; and (6/6/02)
 - c. There is reasonable expectancy that the final plat will be recorded within the 1-year extension period; and (6/6/02)
 - d. There have been no changes in the property or surrounding area that would be cause for reconsideration of the original decision. (6/6/02)

1105.07 FINAL PLAT REVIEW (6/6/02)

- A. The final plat shall be submitted to the Planning Division for review. If the plat is consistent with the approved preliminary plat and the conditions of approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify Planning Division approval by signing the plat. (6/6/02)
- B. After Planning Division approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements. The applicant shall be responsible for any fees that may be charged for services performed by the following officials. (6/6/02)
 1. County Assessor; (6/6/02)
 2. County Surveyor; (6/6/02)
 3. Board of County Commissioners; and (6/6/02)
 4. County Road Official (6/6/02)
- C. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number and placed in the permanent file records of the County Clerk. The applicant shall be responsible for all recording fees. (6/6/02)

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1105.08 VACATION OF RECORDED PLATS OR PORTIONS THEREOF (6/6/02)

- A. The county may initiate proceedings to vacate public property pursuant to ORS 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes. The property owner may initiate vacation proceedings of public or private property by filing with the Planning Division an application that includes the following: (6/6/02)
1. A description of the property proposed to be vacated, including any recorded legal descriptions or recorded plat; (6/6/02)
 2. A recent title report on each property proposed to be vacated that was prepared under the criteria of the County Surveyor; (6/6/02)
 3. A statement of the reasons for requesting that the plat, or portions thereof, be vacated; (6/6/02)
 4. The complete names, addresses and phone numbers of all persons holding any recorded right, title or interest in or to each property proposed to be vacated; (6/6/02)
 5. The complete names, addresses and phone numbers of all persons owning any improvements being constructed on any public property proposed to be vacated; (6/6/02)
 6. The complete names, addresses and phone numbers of all persons owning any real property abutting any public property proposed to be vacated; and (6/6/02)
 7. If the petition is for vacation of property that will be redivided in any manner, a preliminary subdivision or partition plat showing the proposed redivision shall be submitted. (6/6/02)
- B. Approval of a plat vacation request shall be granted only if the vacation is in the public interest. The determination of whether a vacation is in the public interest shall include, but not necessarily be limited to, the following findings: (6/6/02)
1. Will not result in the vacation of public roads necessary to serve the area or adjacent properties; (6/6/02)
 2. Will not interfere with the need to provide public facilities such as sewer and water; and (6/6/02)

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3. Will not jeopardize the potential for development of other properties pursuant to the Comprehensive Plan designation for the area. (6/6/02)
- C. Plat vacations shall be reviewed by the Planning Director if the proceedings for vacation were initiated by a petition that contains the notarized signatures of owners and contract purchasers of 100 percent of property proposed to be vacated and abutting any public property proposed to be vacated. The petition must indicate the owners' and contract purchasers' approval of the proposed vacation. (6/6/02)
- D. Except as provided in Subsection 1105.08(C), plat vacations shall be reviewed by the Hearings Officer at a hearing conducted pursuant to Section 1300. (6/6/02)
- E. After considering vacation proceedings pursuant to Subsection 1105.08(C) or 1105.08(D), the Hearings Officer or Planning Director shall issue a report and recommendation to the Board of County Commissioners for granting or denying the vacation of property. The report shall include an assessment of whether the vacation is in the public interest as required by Subsection 1105.08(B). Notice of the Hearings Officer's or Planning Director's recommendation shall be provided pursuant to Section 1300 or Subsection 1305.02, respectively. (6/6/02)
- F. The Board of County Commissioners shall consider the Hearings Officer's or Planning Director's recommendation to approve or deny the proposed vacation. If the Board of County Commissioners approves the proposed vacation, the Board Order shall: (6/6/02)
1. State that the plat, or portion thereof, is vacated; (6/6/02)
 2. Describe the exact location of each property to be vacated using a description prepared by and bearing the seal and original signature of an Oregon registered professional land surveyor or other appropriate means of description; and (6/6/02)
 3. Authorize the County Surveyor to mark the vacation on the plat officially recorded with the County Clerk and on the exact copy filed with the County Surveyor. (6/6/02)
- G. The Board Order vacating a plat, or portion thereof, shall be recorded with the County Clerk and certified copies of the recorded order shall be filed with the County Surveyor and the County Assessor. The order shall become effective upon recording. (6/6/02)

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1106 PARTITIONS (6/29/06)

1106.01 APPLICABILITY (6/6/02)

- A. Partitions are all divisions of property creating 3 or fewer parcels in a calendar year. (6/6/02)
- B. Land divisions in the EFU, TBR and AG/F zoning districts shall comply with the requirements for divisions specified in Sections 401, 406 and 407, respectively, and are not subject to the partitioning process described in this section. However, final plats are required pursuant to Subsection 1106.06 and ORS Chapter 92, except as noted therein or in Subsection 1106.01(D). (6/6/02)
- C. Partitions in zoning districts other than EFU, TBR and AG/F are subject to all the provisions in this section. (6/6/02)
- D. Partitions containing parcels larger than 10 acres (based on the best available records) need not be surveyed; however, all partitions containing parcels smaller than 80 acres (based on the best available records) shall have a final plat that conforms to ORS Chapter 92 and Subsection 1106.06. The plat shall be prepared by an Oregon registered professional land surveyor. (6/6/02)

1106.02 GENERAL PROVISIONS

- A. All partitions shall comply with this ordinance and ORS Chapter 92. (6/6/02)
- B. Partition approval is valid in perpetuity, upon recording of the final partition plat.
- C. Partitions are subject to Sections 1000 and 1014. (6/6/02)
- D. Roads created for access to parcels in a partition shall be a minimum of 20 feet wide and shall be consistent with Sections 1007 and 1014 and the County Roadway Standards. (6/6/02)
- E. Development on a recorded partition parcel is subject to the requirements of the zoning district in which the parcel is located at the time of development. (6/6/02)

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- F. A master plan for future parcels and access shall be required for any application that leaves a portion of the subject property capable of further division. (6/6/02)
- G. No parcel within an approved partition may be re-divided within the same calendar year the final partition plat is recorded, except through the subdivision process identified in Section 1105. Additionally, a partition must be recorded prior to submittal of an application for re-dividing. (6/6/02)
- H. The applicant, owner or developer is responsible for all fees related to the survey, inspection and recording of a partition plat. (6/6/02)

1106.03 SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLAT REVIEW (6/6/02)

- A. Applications for partitions shall be submitted to the Planning Division on forms provided by the Planning Division. (6/6/02)
- B. Applications shall include a preliminary plat drawn to scale of not less than 1 inch equals 20 feet nor more than 1 inch equals 200 feet. The following information shall be provided on the preliminary plat or by separate cover: (6/6/02)
 - 1. Complete names, addresses and phone numbers of the owners of the property to be divided; (6/6/02)
 - 2. Property description of the proposed partition by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses; (6/6/02)
 - 3. Dimensions and size in square feet or acres of all proposed parcels; (6/6/02)
 - 4. Individual parcel designation, e.g. Parcel 1, Parcel 2; (6/6/02)
 - 5. Contiguous property under the same ownership as the subject property, including property descriptions; (6/6/02)
 - 6. North arrow; (6/6/02)
 - 7. All adjacent roads (noting whether public or private), including name and road width; (6/6/02)
 - 8. Location of well(s) or name of water district; (6/6/02)
 - 9. Type of sewage disposal and name of sewer district if applicable; (6/6/02)

10. Zoning; (6/6/02)

11. All existing structures on the property and their setbacks from property lines. Note whether property lines referred to are existing or proposed; (6/6/02)
12. Location of any septic tank(s) and drainfield(s); (6/6/02)
13. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable; (3/24/05)
14. Locations of all drainage channels, including their name if known, width, depth and direction of flow; (6/6/02)
15. Other pending applications, including building permits, on the subject property; (6/6/02)
16. All easements, including widths, labeled as existing or proposed; and (6/6/02)
17. Contour lines at 2 foot intervals if 10 percent slope or less, 5 foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information. (6/6/02)

- C. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsections 1102.05(A)(7) and (8) and Section 1103. The analysis required under these provisions may be incorporated in the partition application review process. (6/29/06)
- D. An application shall be accompanied by preliminary statements of feasibility required pursuant to ~~Subsections Section 1022.03, 1022.04 1006~~ and 1022.05 (6/6/02)

1106.04 PROCESS FOR PRELIMINARY PLAT REVIEW (6/6/02)

- A. Upon receipt of an application which satisfies all submittal requirements of Subsection 1106.03, the Planning Division shall provide notice of the application to the following: (6/6/02)
 1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s); (6/6/02)
 2. Any city or other entity whose dual-interest or urban growth management agreement involves the subject property and requires such notice; (6/6/02)

3. Sewer district serving, or which could serve, the property; (6/6/02)
 4. Water district serving the property; (6/6/02)
 5. Surface water management regulatory authority; (6/6/02)
 6. Fire district serving the property; (6/6/02)
 7. County Assessor; (6/6/02)
 8. Divisions of the Department of Transportation and Development; and (6/6/02)
 9. Others deemed by the Planning Director to have an interest in the application. (6/6/02)
- B. Those parties provided notice pursuant to Subsection 1106.04(A) shall be given a minimum of 15 calendar days from the date of mailing to reply unless otherwise prescribed in a dual-interest or urban growth management agreement. (6/6/02)
- C. Partitions shall be processed as Planning Director decisions pursuant to Subsection 1305.02. (6/6/02)

1106.05 APPROVAL PERIOD (6/6/02)

- A. Approval of a preliminary plat is valid for 2 years from the date of the final written decision. If the county's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this 2-year period, the final plat shall be recorded with the County Clerk. If a final plat is not recorded within 2 years of the final decision approving a preliminary plat, a single 1-year extension of the approval may be granted as a Planning Director decision pursuant to Subsection 1305.02, subject to the following provisions: (6/6/02)
1. A time extension shall be requested in writing, on forms provided by the Planning Division, prior to the expiration of preliminary plat approval; and (6/6/02)
 2. The applicant shall demonstrate that: (6/6/02)
 - a. The partition is consistent with the provisions of this ordinance in effect on the date a complete application for a time extension is submitted; and (6/6/02)
 - b. There exists good cause for the failure to record the final plat with the

County Clerk; and (6/6/02)

- c. There is reasonable expectancy that the final plat will be recorded within the 1-year extension period; and (6/6/02)
- d. There have been no changes in the property or surrounding area that would be cause for reconsideration of the original decision. (6/6/02)

1106.06 FINAL PLAT REVIEW (6/6/02)

- A. The final plat shall be submitted to the Planning Division for review. If the final plat is consistent with the approved preliminary plat, and if all conditions of approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify Planning Division approval by signing the plat and shall transmit the approved plat to the County Surveyor for inspection. (6/6/02)
- B. No building or manufactured home placement permit shall be issued, or parcel sold, transferred or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk. (6/6/02)

1106.07 VACATION

All, or a portion of, a recorded partition plat may be vacated pursuant to Subsection 1105.08. (6/6/02)

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1203 CONDITIONAL USE (5/22/03)

1203.01 CRITERIA AND PROCEDURE (6/6/02)

The Hearings Officer may approve a conditional use pursuant to Section 1300 if the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates that the proposed use satisfies the following criteria: (6/6/02)

- A. The use is listed as a conditional use in the underlying zoning district. (6/6/02)
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- C. The proposed development is consistent with Section 1022 and safety of the transportation system is adequate to serve the proposed development. (6/6/02)
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district. (6/6/02)
- E. The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use. (6/6/02)

1203.02 APPROVAL PERIOD

- A. A conditional use approval shall expire if it is not implemented within 2 years from the date of the final written decision unless a lesser time period is specified as a condition of approval or a time extension is approved pursuant to Subsection 1203.03. However, a conditional use approval for the following uses shall expire if the approval is not implemented within 10 years from the date of the final written decision unless a lesser time period is specified as a condition of approval or a time extension is granted pursuant to Subsection 1203.03: (5/22/03)

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1. Public roads; (5/22/03)
 2. Public schools, including colleges and universities; (5/22/03)
 3. Public parks; (5/22/03)
 4. Public safety facilities, including fire and police facilities; (5/22/03)
 5. Public libraries; (5/22/03)
 6. Public sanitary sewer facilities; (5/22/03)
 7. Public surface water management facilities; (5/22/03)
 8. Public water supply facilities; (5/22/03)
 9. Private facilities that are analogous to the public facilities identified above; and (5/22/03)
 10. Hospitals. (5/22/03)
- B. If the county's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. (5/22/03)
- C. A conditional use approval is implemented when all necessary permits for development have been secured and are maintained. (5/22/03)
- D. Conditional use approval of uses identified in Subsections 1203.02(A)(1) through (10) shall not have the effect of reserving vehicle trips for purposes of evaluating transportation concurrency for other developments. Instead, the vehicle trips these facilities are expected to generate shall be reserved upon design review approval. (5/22/03)

1203.03 TIME EXTENSIONS

A single, 1-year time extension may be granted for uses that received no more than a 2-year initial approval period. Two, 5-year time extensions for uses identified in Subsections 1203.02(A)(1) through (10) may be granted. Time extensions shall be processed as Planning Director decisions pursuant to Subsection 1305.02 and subject to the following provisions: (5/22/03)

- A. A time extension shall be requested in writing, on forms provided by the Planning Division, prior to the expiration of the approval; and (6/6/02)

- B. The applicant shall demonstrate that: (6/6/02)
 - 1. The conditional use is consistent with the provisions of this ordinance in effect on the date a complete application for a time extension is submitted; and (6/6/02).
 - 2. There is reasonable expectancy that the necessary development permits will be secured within the extension period. (5/22/03)

1203.04 SUBMITTAL REQUIREMENTS (6/6/02)

An application for a conditional use shall include the following: (6/6/02)

- A. A completed land use application on a form provided by the Planning Division; (6/6/02)
- B. A completed conditional use supplemental application on a form provided by the Planning Division; (6/6/02)
- C. Preliminary statements of feasibility required pursuant to Section ~~1022-03, 1022-04~~ 1006 and 1022. (6/6/02)
- D. A description of the proposed use and specific reason(s) for the request (6/6/02)
- E. A vicinity map showing the relationship of the proposed use to the surrounding area; (6/6/02)
- F. A site plan of the subject property, including existing and proposed improvements and other information necessary to address the requirements and conditions associated with the use; (6/6/02)
- G. Building profiles of proposed new and remodeled structures; (6/6/02)
- H. Information addressing the approval criteria in Subsection 1203.01; and (6/6/02)
- I. Any submittal requirements established by an applicable 800 section. (6/6/02)



BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

CERTIFICATE OF MAILING

I hereby certify that the enclosed Ordinance No. ZDO-222 was deposited in the mail on May 26, 2010

Signed: _____

Cheryl J. Cornelison, Administrative Assistant
Clackamas County Board of Commissioners
(503) 655-8619



CLACKAMAS
COUNTY
PUBLIC SERVICES BUILDING
OFFICE OF COUNTY COUNSEL
2051 KAEN ROAD | OREGON CITY, OR 97045

FIRST CLASS MAIL

Attention: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Ste. 150
Salem, OR 97301-2540