

ARTICLE 12

ZONING PERMIT

SECTION 12.010, PURPOSE: The purpose of the Zoning Permit process is to ensure compliance with this ordinance by the establishment of any use or development which is permitted by the land use zone. Zoning Permits will be required prior to the construction, reconstruction, alteration, or change of use of a structure or lot and prior to issuance of an electrical permit for new residential service.

SECTION 12.015, REVIEW PROCEDURE: Application for a Zoning Permit shall be subject to Ministerial Review. The Ministerial Review authority will refer the application to the public hearing review authority if, in the opinion of the Ministerial Review authority, the proposal may conflict with the purposes and intent of this ordinance or land use plan.

SECTION 12.020, REVIEW CRITERIA: In granting a Zoning Permit the following criteria must be satisfied:

01. The proposed use is listed as a permitted use in the zone in which it is proposed for establishment.
02. The requirements of the zone in which the use is proposed have been met, such as: set backs, lot size, and other development requirements.
03. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration, or the review authority finds Ministerial Review to be adequate. In determining if the Ministerial Review is allowed, the review authority shall find all the following:
 - A. Except where excavation or fill does not exceed 50 yards, the proposed structure or use is at least 300 feet from any surface water (as identified on the USGS Topographical Map) and is at least 300 feet from wetlands (as identified on the National Wetlands Inventory); and
 - B. The structure or use will not be sited on a slope that exceeds 35 percent; and

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C. No road construction will be required in conjunction with the proposed use.

04. SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS: Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.

SECTION 12.025, AUTHORIZATION OF SIMILAR USES: The public review authority may permit in a particular zone a use not listed in that zone provided the use is of the same general type as the uses permitted in that zone by this ordinance and further provided that it is not specifically listed as an allowed use in any other zone.

SECTION 12,030, TIME LIMIT ON ZONE PERMITS: A Zone Permit shall expire two years from the date of final decision unless the applicant submits a written request to the County Planning department for a one year extension prior to the expiration date of the permit; or:

01. In the case of residential and related accessory structures listed below, shall expire four years from the date of final decision unless the applicant submits a written request to the County Planning department for a two year extension prior to the expiration date of the permit:

ORS 215.283(1)(s) Replacement dwelling in the EFU zone.

ORS 215.755 (1) and (3) Replacement dwelling in the T/G zone.

ORS 215.284 Non-Farm dwellings in the EFU zone.

ORS 215.705 (1) through (3) Lot of Record dwellings in the EFU or T/G zones.

ORS 215.720, 740, and 750 Production test, Minimum Parcel (240 acres), 320 Non-contiguous acres, and Template test dwellings in the T/G zone.

Residential development approved in non-resource zones outside of Urban Growth Boundaries (for example, Rural Residential and Existing lot Zones) and,

Additional one year extensions for all zone permits may be approved, where applicable criteria for the decision have not changed, provided the applicant submits a written request to the County Planning department for a one year extension prior to the expiration date of the permit; or

02. The permit is “perfected” by initiation of the approved use as evidenced by:

A. In the case of new construction, completion of any two of four substantial development actions:

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1. A domestic water well (or connection to a permanent water system).
 2. A septic system (or connection to a permanent sewer system).
 3. Electric power to the residence site (or permanent alternative electric generating system adequate for the proposed use).
 4. Construction of the foundation of the principal residence.
- B. In the case of reconstruction, remodeling, alteration or other approved uses, evidence similar to that required for new construction may be accepted by the Planning Department or,
- C. When construction is not included in the approved action, commencement of the approved activity within the approval period.
- D. Validation of commencement of the approved activity or completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the County Planning Department that the approved action has been initiated and a finding by the Department that the permit has been exercised and perfected.
06. Zone Permits listed in section 1 that were valid as of the adoption of this revision (December 6, 2004) are eligible for an addition to the original permit extension date of two years and are also eligible for a one time extension of two years, if requested in writing before the revised permit expiration date has expired. Such permits are also eligible to be “perfected” under the procedures of 12.030(02).

NOTE: Permittees who were not informed of their rights to extend or perfect their permits prior to the expiration of these permits, may receive those rights upon application to the Planning Department and a finding by the Department that the applicant was not informed of their rights.

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