WALDPORT PLANNING COMMISSION
June 22, 2020
MEETING NOTICE AND AGENDA

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, June 22, 2020 AT 2:00 P.M. IN THE CITY COUNCIL MEETING ROOM, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL

2. MINUTES: (February 24, 2020 Planning Commission Meeting)

3. CITIZEN COMMENTS AND CONCERNS

4. DISCUSSION/ACTION ITEMS:
   A. Waldport Development Code Amendments
      1) Off-street Parking
      2) Downtown District (D-D)
      3) Tsunami Hazard
      4) Notifications of Land Use Applications
      5) Continuous Partitioning
   B. Planner’s Report
   C. Other Issues*

5. ADJOURNMENT

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 18th day of June 2020

City of Waldport
WALDPORT PLANNING COMMISSION
FEBRUARY 24, 2020
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Barham called the meeting to order at 2:00 p.m. Chair Barham and Commissioners Stole, Phillips, Kelleher, Schlosser and Lambert answered the roll. Commissioner Woodruff was absent. A quorum was present.

2. MINUTES: The Commission considered the minutes from the January 27, 2020 meeting. Commissioner Phillips moved to approve the minutes as presented. Commissioner Schlosser seconded, and the motion carried unanimously.

3. CITIZEN COMMENTS AND CONCERNS: Hollis Lundeen addressed the Commission, noting for the record that she wanted to be contacted with any new information pertaining to the LUBA remand of the Vista View proposed subdivision. She also reiterated her opinion that it should be heard by the Planning Commission prior to being heard by the City Council. Commissioner Barham noted that the hearing decision may not be in the purview of the Commission, but her concerns would be forwarded to the City Manager and the City Council for consideration.

4. DISCUSSION/ACTION ITEMS:
   Waldport Development Code Amendments: Contract Planner Peterson reviewed the memorandum updating the status of the amendments. Commissioner Schlosser voiced a concern regarding the recent change to allow outright residential uses in some areas of the Downtown District, wondering if the lots would be allowed to change to commercial uses if the owner so desired. Mr. Peterson responded that the ability to do so would be clarified in the code, and also noted in the meeting minutes to provide additional interpretative background.

   Discussion ensued regarding the remaining amendments to be addressed. Commissioner Lambert mentioned that the State is currently discussing legislation concerning accessory dwelling units (ADUs), as well as tsunami resilience regulations, which is one reason why those items have been postponed for the time being. Mr. Peterson indicated that an advantage to developing code language for ADUs would be to implement parking and size requirements, as City regulations could be more restrictive than State regulations. Commissioner Lambert suggested the idea of having a workshop to discuss ADU standards, and Commissioner Barham noted that both issues could be further reviewed, though the City does not meet the size requirements requiring ADU regulation at present. Commissioner Phillips added that trending concerns regarding climate change and rising sea levels may also make the discussion about tsunami resilience more timely.

   Notification of Land Use Applications: Commissioner Barham noted that this item had been removed from the initial code amendments due to the proposed language differing from that in the notice of public hearing, so it needed to be addressed in the next hearing when the correct language is included in the notice.

   Discussion then ensued regarding the issue of continuous minor partitioning, which can currently be done with administrative approvals rather than going through the public
hearing process. Mr. Peterson indicated he would work on language for both the land use application notification and continuous partitioning for review at the next Planning Commission meeting.

B. Planner's Report: The written report was included in the packet materials.

C. Garage Conversion Report: Contract Planner Peterson mentioned that the issue of garage conversions had been brought up as a concern at the last meeting. He provided a written explanation of the interpretation of the Code which had allowed the approval of the first request, and noted that a subsequent request had also been submitted. Discussion ensued, with the Commission expressing concern regarding the future use of a structure that has been converted, the reasoning for requiring a garage or carport to be built in the first place, parking issues that can result from allowing such conversions, and code enforcement. Mr. Peterson indicated he would review all code references to parking, and consensus of the Commission was to further discuss this issue as part of the first set of code amendments to be implemented.

D. Other issues: Commissioner Stole mentioned that a code amendment regarding livestock was still on list and wondered if that particular issue needed further discussion. Commissioner Barham responded that it may be just to the extent of removing the language from the development code and recommending a more appropriate section of the municipal code.

5. ADJOURNMENT: At 3:04 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Reda Q Eckerman, City Recorder

APPROVED by the Planning Commission this _____ day of ____________________, 2020.

SIGNED by the Chair this _____ day of ____________________, 2020.

________________________________________
Steve Barham, Chair
To: Waldport Planning Commission  
cc: Dann Cutter, City Manager  
     Reda Eckerman, City Recorder  
From: Justin Peterson, City Planner  
Re: Status of Waldport Development Code Amendments

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<th>Code Amendment</th>
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| A | Downtown District Zone (D-D)  
   | Consensus at Dec. 16, 2019 City Council/Planning Commission work session: 1) insert four standards, as drafted, regarding yard setbacks, screening outdoor storage, and drainage; 2) allow residential-only uses on properties fronting some minor streets; 3) maintain general purpose/public parking. Initiate discussion with Chamber of Commerce/businesses re: compliance. Ready for public hearings. |
| B | Tsunami Resilience Land Use Measures  
   | Planning Commission recommended to move forward with public hearings on the draft Tsunami Evacuation Facilities Improvement Plan (an amendment to the Comprehensive Plan) and 2) the draft Tsunami Hazard Overlay Zone (an amendment to the Development Code). |
| C | Notification of Land Use Applications  
   | PC proceed w/ review |
| D | Continuous Partitioning  
   | PC proceed w/ review |
| E | Parking  
   | PC proceed w/ review |
| F | Planned Development Zone P-D - Review and Update  
   | PC proceed w/ review |
| G | Planned Industrial Zone I-P Review Standards  
   | PC proceed w/ review |
| H | Vacation Rental Dwellings  
   | PC proceed w/ review |
| I | Livestock Regulations  
   | Proposal to remove livestock regulations from Title 16 Development Code. This requires Planning Commission and City Council public hearings.  
     Revise Title 6 Animals. This requires City Council action. |
| J | Accessory Dwelling Units (ADUs)  
   | Planning Commission discussion to table this due to the State’s mandate (to cities with population >2,500) to not require ADU parking space or require owner-occupancy. |
June 15, 2020

To: Waldport Planning Commission

From: Justin Peterson, City Planner

Re: 2020 Waldport Development Code Amendments
   Updated Draft Amendment for PARKING

The Issue and Current Parking Standards
On the January 27, 2026, Planning Commission meeting members asked about a Garage Conversion. The R-1 standard for single family residences states: “All new single-family homes are required to have a garage or carport constructed of like materials” (WMC 16.12.030(B)(6)). As discussed in the previous Planning Commission meeting the interpretation of new single-family dwelling has led to the conversion of garages to living space in single-family residences that are not “new”.

The Planning Commission members expressed interest in exploring a clarification in the existing code standard. The purpose of this memo is to continue the conversation about the above mentioned standard and other parking standards. The existing code standards related to parking are listed below for reference.

Current Code Language
16.04 Introductory Provisions and Definitions

"Carport" means a structure used to shelter a vehicle, having no enclosed uses overhead, and which is entirely open on two or more sides.

"Garage" means a building or place to shelter motor vehicles.

"Loading Space" means an off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials, and which space or berth abuts on a street, alley or other appropriate means of access.

"Parking space" means an off-street enclosed or unenclosed surfaced area of not less than twenty (20) feet by nine (9) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords access for automobiles.

"Yard" means an open, unoccupied space other than a court on a lot which is unobstructed from the ground to the sky, except as otherwise provided in this code.

16.12.030 Standards
No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off street parking or loading area, or other required open space for another use.

All new single-family homes are required to have a garage or carport constructed of like materials.

16.72.020 Off-street parking and off-street loading requirements.
At the time a new structure is erected, the use of an existing structure is enlarged, or the category of use is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this
Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.

In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the planning commission in the form of deeds, leases or contracts to establish the joint use.

Off-street parking spaces shall be located on the same lot or on an adjoining lot unless otherwise approved by the planning commission.

Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid the flow of water across public sidewalks.

Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances of residents by the erection between the uses, of a sight-obscuring fence or vegetative buffer, of not less than five (5) feet in height, except where vision clearance is required.

Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone, on any adjacent building, or on any street or highway.

Required off-street parking shall not be provided in the required front or street side-yard areas in a residential zone.

Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required and shall be enclosed or defined by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4 1/2) feet from the property line.

Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.

Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

Compact parking spaces may be permitted at a ratio of one (1) space to every three (3) full-sized spaces (See "Parking Space" definition under Section 16.04.030 of this title for dimension requirements).

Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.

Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.
Q. Required off-street parking must be provided when the category of use of an existing structure is changed, except under the following circumstances:

1. The number of parking spaces required by the code for the new use will be equal to or less than the code requirements for the previous use, and there will be no reduction in the number of parking spaces, or

2. No additional area is available for new parking spaces and at least seventy-five (75) percent of the number of spaces required for the new use will be provided, with no reduction in the number of parking spaces.

R. For the purpose of calculating the number of off-street parking spaces required, the total floor area of a structure shall be used.

S. Off-street parking requirements.

1. Dwelling. One (1) space for each dwelling unit.

2. Mobile Home Park. Two (2) spaces for each mobile home space.

3. Motel, Hotel or Resort. One (1) space for each accommodation.

4. Hospital. Three (3) spaces for each two (2) beds.

5. Nursing home or similar institution. One (1) space for each three (3) beds.

6. Church, club or similar place of assembly. One (1) space for each six (6) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly.

7. Library. One (1) space for each three hundred (300) square feet of floor area.

8. Skating rink, or similar commercial amusement enterprise. One (1) space for each one hundred (100) square feet of floor area.


10. Retail Store: One (1) space for each three hundred (300) square feet of floor area.

11. Eating and drinking establishments. One (1) space for each four (4) seats.

12. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture. One (1) space for each six hundred (600) square feet of floor area.

13. Bank, office. One (1) space for each six hundred (600) square feet of floor area.

14. Instructional classes, such as martial arts or dance studios. One (1) space for each instructor plus one (1) space for each one hundred (100) square feet of floor area.

15. Schools:
   a. Pre-school, Kindergarten, Elementary and Junior High: Two (2) spaces per classroom.
   b. High School: Five (5) spaces per classroom.

16. Bed and breakfast establishments: One (1) off-street parking space for owners/operators with one (1) additional space for each authorized guest room.

17. Personal services establishment (i.e. barber, beauty shops). Two (2) off-street parking spaces per each operator station.

18. Multi-family dwellings. One and one-half (1.5) spaces per dwelling unit.
HB 3309, relating to statewide tsunami regulations

During the 2019 legislative session, HB 3309 was passed and then signed into law by the Governor. Portions of this bill relate to development in the tsunami regulatory zone and affect coastal local governments in communities with tsunami risk. This informational brief was put together to help answer some of your questions about this bill and what it does and does not mean. The provisions of this bill went into effect on January 1, 2020.

Background

The original statute, ORS 455.446-447, went into effect in 1996. This Oregon statute limited and/or prohibited construction of certain types of new essential facilities, hazardous facilities, major structures and special occupancy structures in the regulated tsunami inundation zone. The official regulatory tsunami inundation line was adopted by the Oregon Department of Geology and Mineral Industries (DOGAMI) Governing Board and is sometimes referred to as the “SB 379 line.” (This line is NOT the same as the tsunami inundation maps [S, M, L, XL, XXL] that were developed by DOGAMI in 2013, see section on “Tsunami Inundation Maps” below for more about those maps). Some of the facilities listed in the statute were prohibited, including hospitals, schools, police and fire stations, emergency communication centers, and jails. Other uses were allowed after consultation with DOGAMI for input on the voluntary incorporation of special evacuation or other mitigation techniques. The DOGAMI Governing Board could also grant an exception to restrictions in the tsunami regulatory zone if the board determined that the safety of building occupants was ensured to the maximum reasonable extent. These regulations are housed in Oregon Building Codes and administered by the local building official.

HB 3309 Changes

With the passage of HB 3309, all prohibited uses under ORS 455.446-447 have become consultation uses. That means that all new essential facilities, hazardous facilities, major structures, and special occupancy structures (as defined in the statute) may now be permitted within the regulatory tsunami inundation line (the SB 379 line). These uses are still subject to consultation with DOGAMI for assistance in determining the impact of possible tsunamis on the proposed development and for assistance in preparing methods to mitigate risk at the site of a potential tsunami. Consultation must take place prior to submittal of design plans to the building official for final approval. There is no requirement to adhere to the mitigation that DOGAMI suggests.

Tsunami Inundation Maps (TIMs) & Evacuation Zones

The regulatory tsunami inundation line used to regulate the uses in ORS 455.446-447 is NOT the same as the DOGAMI Tsunami Inundation Maps that were developed in 2013. The Tsunami Inundation Maps (TIMs) use updated and comprehensive tsunami modeling and represent the best available science of the Cascadia Subduction Zone (CSZ) and possible tsunami events. These maps are meant to assist residents and visitors along the coast to prepare for the next CSZ earthquake and tsunami. The TIMs display five scenarios, labeled as “T-shirt sizes” (i.e. S, M, L, XL, and XXL), showing the impact of a CSZ tsunami that reflects the full range of possible inundation.
Communities typically use the XXL tsunami inundation zone (AKA the “maximum-considered” event) to plan evacuation routes for life safety purposes. This zone is what is displayed (in yellow) on the Tsunami Evacuation Brochures that were produced by DOGAMI and are available online: www.oregonsunami.org.

Communities can choose voluntarily to adopt additional regulations or plan evacuation routes based on the other tsunami inundation scenarios according to each community’s acceptable level of risk. However, those decisions are discretionary and voluntary. Currently, there are no statewide regulations using these t-shirt sized tsunami zones.

**Local Government Role**

- For those jurisdictions that have adopted Tsunami Hazard Overlay Zones, corresponding maps, and comprehensive plan policies, the change in the state statute language does not change anything. Those jurisdictions will still apply the land use provisions as outlined in their respective plans and development code. For example, if the Tsunami Hazard Overlay Zone prohibits certain uses from being allowed in the “Large” tsunami inundation zone, those provisions still prevail, regardless of the changes to the Oregon Building Codes regulations in HB 3309.

- For jurisdictions that do not have tsunami specific regulations in their land use programs, the changes in HB 3309 (as outlined above) will be administered through building codes.

Any and all coastal jurisdictions can move forward voluntarily with adopting their own tailored tsunami hazard land use regulations. The Oregon Department of Land Conservation & Development (DLCD) developed a Tsunami Land Use Guide that provides model code and comprehensive plan policy language as a starting point. Many jurisdictions have done this or are in the process of adopting these types of regulations. DLCD can provide technical assistance and support on this topic. It is important to note that the provisions of the model code do not apply to single family homes on existing lots or parcels, nor does it apply to existing development.

The provisions as suggested in the Land Use Guide focus on three main areas:

1) Prohibit the development of certain new critical and special occupancy facilities, such as hospitals, police and fire stations, schools, and large gathering facilities in a specified tsunami inundation zone (such as the “Large” or “Medium” tsunami inundation zones on the DOGAMI maps). This is to allow those facilities and services to function post-event.

2) Require new land divisions within the specified tsunami inundation zone to include evacuation improvements in their overall development design, such as route signs, educational materials, or pedestrian pathways. This is to help ensure evacuation success to the maximum possible extent.

3) Provide an optional flexible permit process which would allow a development proposal to modify underlying code standards (such as density requirements or setbacks) in order to achieve higher degrees of risk reduction than is required, similar in concept to a planned development.

There is also a “Use Exception” process to allow a prohibited use to be permitted based on specific criteria.

Current jurisdictions with adopted Tsunami Hazard Overlay Zones:

- Coos County
- Douglas County
- Reedsport
- Florence
- North Bend
- Rockaway Beach
- Gearhart
- Port Orford
- Tillamook County

DLCD can share the code language and maps these communities adopted to anyone interested.

Related Building Code Update

Oregon Building Codes Division also considered adoption of a new building codes chapter: Tsunami Loads and Effects (ASCE 7-16, Chapter 6). This chapter would require certain design and construction standards (incorporating tsunami forces and flow depths) for Risk Category III and IV buildings and structures located in the Tsunami Design Zone. ([Risk III and IV buildings](#) generally refer to buildings and structures that pose a substantial hazard to human life in the event of failure or essential facilities.) The Tsunami Design Zone (TDZ) is a third category of tsunami inundation mapping that is NOT the same as the SB 379 line or the tsunami inundation maps (TIMs) produced by DOGAMI. The TDZ is a west coast wide zone that was created to be used to engineer buildings for tsunami forces. The TIMs were developed for life safety and evacuation purposes, and have been critical in assisting local governments in determining their acceptable level of risk for certain types of land uses.

The TDZ usually most closely matches the “Large” Tsunami Inundation Zone developed by DOGAMI. Unless explicitly defined (or otherwise regulated by the jurisdiction), Chapter 6 of ASCE 7-16 would not preclude the development of certain essential facilities from being built in the TDZ. For example, jails, schools, and child care centers would be allowed to be built under this chapter, but would require the structures to be designed to withstand tsunami forces and loads. It is important to note that [this chapter](#) has been adopted as **optional** by the Building Codes Division, which means that local governments can adopt this standard but are not required to do so. The 2019 Oregon Structural Specialty Code went into effect on October 1, 2019 with this optional chapter (Appendix O).

For more information, please contact: Meg Reed, DLCD Coastal Shores Specialist at [meg.reed@state.or.us](mailto:meg.reed@state.or.us) or 541-574-0811.
June 15, 2020

To: Waldport Planning Commission

From: Justin Peterson, City Planner

Re: 2020 Waldport Development Code Amendments
Updated Draft Amendment for
NOTIFICATION OF LAND USE APPLICATIONS

The Issue and Current Procedure for Public Hearing Notification
The City has received complaints that the notice of the Planning Commission public hearing is not distributed to as many property owners as it should be. For Quasi-Judicial Hearings (land use applications requiring a public hearing with the Planning Commission) State law requires notices of the public hearing be sent to property owners within 100' of the perimeter of the subject property. The City sends notices to property owners within 250' of the subject property.

The complaints have occurred for subdivision and planned development applications. However, there are additional quasi-judicial land use applications where notices of the Planning Commission public hearing are required, e.g. conditional uses and variances.

Current Code Language
Waldport Development Code (WDC) Section 16.108.020 identifies review procedures for land use applications. Subsection D.2 identifies noticing requirements for Quasi-Judicial Hearings stating, in part, that ......the applicant and the owners of record of property on the most recent tax assessment roll of Lincoln County within two hundred fifty (250) feet of the subject property shall be notified in writing. ....... This paragraph continues to state Said notice shall also be provided to any neighborhood or community organization recognized by the City Council and whose boundaries include the subject property.
June 15, 2020

To: Waldport Planning Commission

From: Justin Petersen, City Planner

Re: 2020 Waldport Development Code Amendments
     Updated Draft Amendment for
     CONTINUOUS PARTIONING

The Issue and Current Procedure for Continuous Partitioning
Clarification on continuous partitioning. In 2019 neighboring property owners to the partition off Fernwood Lane had concerns about the 2017 and then 2018 the partition. Industrial Park Zone also brought this to light. The Approval of partitions requires that “if it is determined that continuous partitioning of a tract of land may occur in subsequent years….. the application shall be referred to the planning commission….”.

Current Code Language

16.100.020 Approval of partitions.
   A. A person may offer or negotiate to sell any parcel in a partition prior to the approval of the tentative plan for such partition, but no person may dispose of, transfer, sell or agree to sell any parcel in a partition prior to final approval.
   B. No building permits shall be issued for any parcel in a partition until the partition has been granted final approval.
   C. If it is determined that continuous partitioning of a tract of land may occur in subsequent years which may result in the need for a new road(s), utilities, or stormwater drainage facilities to be constructed, thereby impacting city services and surrounding property, the application shall be referred to the planning commission for a determination as to whether the development should be subject to the subdivision requirements of this article.
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<th>Application/Activity</th>
<th>Applicant</th>
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