

**200 INTRODUCTION**

This Article establishes the procedures to be used in reviewing and taking action on development proposals.

**201 DEVELOPMENT PERMIT**

**201-1 Permit Required**

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Section 106-57, without first obtaining a Development Permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid Development Permit has been issued. Development authorized by a Development Permit shall occur only as approved.

**201-2 Exclusions from Permit Requirement**

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

- 201-2.1 Landscaping outside the flood plain and not involving a structure or parking lot;
- 201-2.2 Any change or repair to a building or other structure that does not alter or expand the use thereof, and, except as permitted by Section 440-2, does not require a building permit;
- 201-2.3 Erection of a tent for a lawful use not exceeding ten (10) days in any thirty (30) day period;
- 201-2.4 Farm use, except for grading or as provided in Section 201-2.12 as prohibited by Sections 421 and 422 and those specific farm uses specifically prohibited in urban land use districts. For the purposes of Section 201-2.4, "farm use" does not include the boarding or training of horses for profit;
- 201-2.5 An emergency measure necessary for immediate safety of persons or protection of property, except those authorized by Section 702 which are exempt from the requirements of this Code, provided however, that an application for a Development Permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency;
- 201-2.6 Propagation or cutting of trees except as specified in Section 407-3 provided the trees are not designated as a significant natural resource area in an urban Community Plan, designated for preservation through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a flood plain or drainage hazard area;

- 201-2.7 Establishment, construction, maintenance, preservation or termination of local public streets substantially in the public right-of-way together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 421, 422, and 426;
- 201-2.8 Except in the EFU, AF-20 and EFC Districts, establishment, construction, maintenance, preservation or termination of the following authorized public facilities in the public right-of-way directly serving development or as shown on the Transportation Plan or adopted Public Facility Plan, together with piping and culverting and necessary drainage systems and accessory structures and easements: sewer and water lines, electrical and gas distribution lines, telephone and television cable transmission lines. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 416, 421, 422, and 426;
- 201-2.9 Maintenance, preservation or repair of local public streets or private streets, including culverting and piping, accessory drainage systems and necessary accessory structures, within a flood plain or drainage hazard area. Work shall comply with local, state and federal regulatory requirements, including the requirements of Article IV;
- 201-2.10 In the EFU, EFC, AF-20, and MAE Districts only, operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the construction of access roads, subject to the following:
- A. There shall be no work in a flood plain, drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource;
  - B. A permit is obtained from the Department of Geology and Mineral Industries (DOGAMI) prior to commencing work; and
  - C. Access to the site from a public road shall comply with the sight distance standards of Section 501-8.5 E.
- 201-2.11 The following structures accessory to a residential use:
- A. Playground equipment and structures;
  - B. Stone or brick barbecues;
  - C. Clotheslines;
  - D. Treehouses, playhouses and storage sheds less than one-hundred and twenty (120) square feet in area;
  - E. Arbors and trellises;

- F. Dog houses totaling no more than fifty (50) square feet;
- G. Hutches for rabbits and other small animals totaling no more than fifty (50) square feet;
- H. Houses for wild or domestic birds totaling no more than fifty (50) square feet;
- I. Basketball hoops, tetherball poles and other permanently mounted sports equipment;
- J. Above-ground swimming pools, hot tubs and spas with no permanent plumbing or electrical connections.

Such uses shall not be located in a required front or street side yard and shall be set back at least three (3) feet from a side (except a street side yard) or rear property line. Such uses, except uses authorized by Section 201-2.11 D., may be placed at a side or rear property line if a sight-obscuring fence at least six (6) feet in height is located along the property line. No portion of the structure shall extend over the property line. The maximum allowed height is fifteen (15) feet.

201-2.12 The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the flood plain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan without first obtaining a Development Permit:

- A. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid Development or Building Permit;
- B. Cemetery graves;
- C. Excavations for wells, tunnels or utilities;
- D. Excavations or fills for public projects conducted by or under contract of the County;
- E. Exploratory excavations affecting or disturbing areas less than six thousand (6,000) square feet in size, under the direction of soil engineers or engineering geologists;
- F. Access roads developed to support forest-related activities, agricultural crop production or grazing activities, where the roads:
  - (1) Are located on property used for an interim agricultural or forest use;
  - (2) Are solely for providing access to water supplies, equipment or supply storage areas, livestock grazing areas, producing fields or orchards, or fence lines;
  - (3) Do not create a cut or fill greater than three (3) feet in height visible from a public road;

- (4) Are sixteen (16) feet or less in width;
  - (5) Do not divert drainage onto or cause increased erosion on adjacent properties; and
  - (6) Do not discharge or threaten to discharge silt onto adjacent properties or into streams shown on the latest USGS seven and one-half (7-½) minute topographic quadrangle map;
- G. Accepted farm practices, as defined in ORS 215.203, such as preparation of land for cultivation and not including grading for roadwork or pads for structures are subject to all of the following:
- (1) No piping of drainages serving off-site properties;
  - (2) If fill is proposed, finished grade is no higher than adjacent property at the property line, or fill or excavation area is outside the district setbacks;
  - (3) Preserves existing drainage pattern, including direction and flow capacity and velocity of an existing drainage swale or channel. A drainage swale is a local depression, which conveys water to or from an adjoining property. All ponds shall be located outside drainage channels;
  - (4) Except for ponds, all material is either topsoil [i.e. the A Horizon as defined by Natural Resources Conservation Service (NRCS)] or if utilized for nursery purposes, the material is commonly used to grow nursery crops;
  - (5) Fill material does not contain hazardous or contaminated substances, putrescibles or material such as asphalt, concrete or tires;
  - (6) Compliance with Oregon Administrative Rule Chapter 603, Division 95 (Agricultural Water Quality Management Program);
  - (7) All grading activities must be completed within one calendar year of commencing grading and the graded area returned to farm use;
  - (8) Except for nursery farms, imported fill material shall not exceed five thousand (5,000) cubic yards;
  - (9) Charging a fee to place fill is not allowed.
- H. Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, NRCS, and/or the Washington County Soil and Water Conservation District (SWCD), or a Water Quality Farm Plan approved by SWCD for a Container Nursery;
- I. An excavation which is less than two (2) feet in depth, or which does not create a cut slope greater than five (5) feet in height and steeper than one and one half (1-1/2) horizontal to one (1) vertical;

- J. Imported fill which does not exceed one-hundred-fifty (150) cubic yards on any one (1) lot or parcel placed, in a single year, on natural terrain and does not obstruct a drainage course, and where the fill will be:
    - (1) Less than one (1) foot in depth and placed on natural slope flatter than five (5) horizontal to one (1) vertical; or
    - (2) Less than three (3) feet in depth when not intended to support structures.
  - K. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary, in accordance with Section 430-105.6; and
  - L. Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above-ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.
  - M. Farm related pipes, including but not limited to irrigation and drainage pipes, and necessary accessory structures, such as pumps.
- 201-2.13 Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration or replacement of a nonconforming use shall require a Development Permit as provided in Section 440.
- 201-2.14 Family day care provider as defined in Section 106-78, except in the EFU, EFC, AF-20, AF-10, AF-5, RR-5, Industrial, R-IND and MAE Districts.
- 201-2.15 Emergency or routine repairs or maintenance of a lawfully established communication tower or antenna.
- 201-2.16 Transportation improvements required to fulfill a condition of approval of a development action.
- 201-2.17 Receive-only satellite dishes as accessory uses to a maximum diameter of ten (10) feet, located in a side or rear yard and no closer than three (3) feet to any property line, with the center of the dish mounted no more than six (6) feet above grade.
- 201-2.18 Except in the EFU, EFC and AF-20 Districts, a home occupation which meets the standards for a Type I home occupation set forth in Section 430-63 but involves no customers entering the premises;
- 201-2.19 Child care provided at a public or private school for before and/or after school care exclusively for students affiliated with the school.
- 201-2.20 Farm stands in the AF-5, AF-10, EFU, AF-20, and EFC Districts if:
- A. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from

promotional activity do not make up more than twenty-five (25) percent of the total annual sales of the farm stand; and

- B. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

201-2.21 In the EFU, EFC and AF-20 Districts, boarding or training of horses for profit, subject to compliance with the standards in Section 430-21.

201-2.22 Shelter home, as defined in ORS 108.610(5), in the R-5, R-6, R-9, R-15 and R-24 Districts provided it is in an existing dwelling and on a lot that is at least fifteen-thousand (15,000) square feet in size.

201-2.23 Development that involves removal of vegetation down to duff or bare soil and is outside the flood plain, drainage hazard area or an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan.

201-2.24 Utility facilities in the EFU and AF-20 Districts :

- A. The placement of utility facilities, with the exception of water and sewer facilities, overhead and in the subsurface of public roads and highways along the public right-of-way and when not located within a drainage hazard or flood plain hazard area.
- B. The placement of utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
  - (1) A public right-of-way;
  - (2) Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
  - (3) The property to be served by the utility.

201-2.25 In the EFU and AF-20 Districts, onsite filming and activities accessory to onsite filming for less than forty-five (45) days - See ORS 215.306 for standards.

201-2.26 Residential Home, as defined in Section 106-179, in any district that allows a single family dwelling unit as a Type I action or in any district in an existing dwelling, except in the EFU and AF-20 Districts.

201-2.27 Private hunting and fishing operations in the EFC District which do not constitute development as defined in Section 106-57.

201-2.28 Annexation, boundary changes, or extraterritorial extensions pursuant to ORS 199.

201-2.29 Installation and maintenance of farm-related irrigation and drainage pipes within the 100-year flood plain, provided the disturbed soil is already farmed and is outside of

the *Water Areas and Wetlands & Fish and Wildlife Habitat* Significant Natural Resource Area, as defined in Section 422, and that the land disturbance will not alter flood storage capacity or water velocities. The property owner shall be required to sign an affidavit stating that all spoils will be removed from the flood area and placed in an appropriate disposal site.

201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way, excluding street lights on power poles and traffic signal lights, where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where "pole" is defined as a monopole, double pole or lattice utility structure, subject to the following:

- A. Within the public road right-of-way, existing poles may be replaced with new poles in order to support the new antenna, provided the new pole is not more than fifteen (15) feet higher than pole to be replaced;
- B. No more than one (1) associated equipment cabinet not to exceed twelve (12) cubic feet may be mounted on the pole. The cabinet shall be painted with or constructed of material with a non-reflective neutral color that matches or is similar to that of the pole. All associated ground-mounted equipment shelters located in the right-of-way are subject to the applicable standards of ODOT or Washington County to occupy or perform operations upon the affected roadway;
- C. Antennas, excluding whip antennas, shall extend no more than ten (10) feet above the pole it is mounted on. Antennas, excluding whip antennas, shall be either flush-mounted or located within a cylindrical enclosure on top of the pole (including omni-directional antennas) in order to minimize visual impacts. Antennas shall be painted with a non-reflective neutral color that matches or is similar to that of the pole;
- D. All cabling shall be painted with non-reflective neutral colors that match or are similar to that of the pole. If cabling is contained in protective conduit then the conduit shall be of the same or similar color as the pole; and
- E. Service providers shall provide to the Review Authority upon completion of the installation, copies of all plans and elevation schematics for purposes of maintaining an accurate inventory of these exempt facilities. Service providers are encouraged, though not required, to include in future submittal materials pursuant to this Section, the same information for exempt facilities they maintain that were installed since October 5, 2000, the effective date of Ordinance 560.
- F. All applicable county, state and federal right-of-way and/or building permits

201-2.31 Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district as defined in ORS 540.505. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit.

201-2.32 The placement of an antenna and/or antenna support structures (including guy wires) of amateur radio operators up to a maximum height of seventy (70) feet,

provided the antenna is mounted to a permanent structure, and provided the antenna and any associated support structures are in compliance with district setback standards.

### **201-3 Issuance and Effective Date**

- 201-3.1 The Development Permit shall be effective upon the expiration of any local appeal period. For the final decision of the County, the development permit shall be effective upon issuance.
- 201-3.2 In the event that a final approval of the Board or Hearings Officer is appealed to a body of competent jurisdiction, the Development Permit shall be issued after notice of the decision is provided and it shall be the responsibility of the person appealing the Board or Hearings Officer decision to seek appropriate judicial remedies halting action upon the permit. Notwithstanding issuance, however, the holder of the Permit shall proceed at the Permit holder's own risk and shall be deemed to have expressly assumed all risk of proceeding and shall save and hold harmless Washington County from any responsibility or liability for proceeding with development.
- 201-3.3 Every Development Permit shall be specific as to the approval granted or development authorized. It shall be subject to the standards and conditions set forth in this Code, excepting only those variances or exceptions authorized by the Review Authority, together with any conditions imposed by the Review Authority. The development permit shall be effective immediately unless otherwise conditioned.

### **201-4 Expiration**

- 201-4.1 Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a Development Permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:
- A. The Development Permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction; or
  - B. An application for an extension is filed pursuant to Section 201-5; or
  - C. The development has commenced as provided in Section 201-6.
  - D. Upon final approval by the County of a permit, if the permit is appealed to a body of competent jurisdiction, the two-year permit period shall be tolled until a final, unappealed decision by a competent jurisdiction is made.

In addition to A., B., C. and D., land divisions and property line adjustments shall expire automatically two (2) years from the date of preliminary or final approval, whichever is applicable, as specified in Article VI.

- 201-4.2 For dwellings allowed under the following provisions, a Development Permit shall expire automatically four (4) years from the date of issuance unless one of the actions outlined under Section 201-4.1 occurs first:
- A. Replacement Dwellings in the EFU, EFC and AF-20 Districts;

- B. Non-Farm Dwellings in EFU and AF-20 Districts;
- C. Marginal Lands Dwellings in the AF-20 District;
- D. Lot of Record, Large Ownership and Template Dwellings in the EFC District; and
- E. Caretaker residences for public parks and public fish hatcheries.

201-4.3 A Development Permit for a solar access permit shall expire automatically one-hundred-and-eighty (180) days from the date of issuance unless one of the requirements of Section 201-4.1 occur first as provided in Section 427-5.7.

201-4.4 A Development Permit for a solar access permit shall expire automatically if construction is abandoned or suspended for a period of one-hundred-and-eighty (180) days or more as provided in Section 427-5.7 B.

201-4.5 Section 201-4 does not apply to Development Permits for public transportation facilities authorized by Article VII.

201-4.6 In the EFU and AF-20 Districts, an approved deferred replacement permit pursuant to Section 430-8 allows the construction of a replacement dwelling at any time.

#### **201-5 Extension**

201-5.1 Extension in all Districts Except the EFU and AF-20 Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. An extension may be granted for a maximum of two (2) years from the original date of expiration except as provided in Section 427-5.8. Subsequent two-year extensions may be granted, except as provided in Section 427-5.8. Extensions shall be granted only upon findings that:

- A. Commencement could not practically occur for reasons beyond reasonable control of the Permit holder;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit;
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval; and
- D. For residential development applications, the density is consistent with the density requirements of the primary district.

201-5.2 Extension in the EFU, AF-20 and EFC Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension

requests shall be processed as a Type II action. Except as provided for below in Section 201-5.3, one extension may be granted for a maximum period of one (1) year from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional one (1) year extensions may be authorized where applicable criteria for the decision have not changed.

- A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit; and
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

#### 201-5.3 Extension of Certain Dwelling Approvals in the EFU, AF-20 and EFC Districts

For the dwelling approvals listed under Section 201-4.2 only, if an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. One extension may be granted for a maximum of two (2) years from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional extensions are not permitted.

- A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit; and
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

#### **201-6 When a Development has Commenced**

- 201-6.1 This provision applies to authorized projects that are initiated prior to the expiration of the development permit, but are not completed before the expiration date. Once development has commenced, the holder of the Development Permit is allowed to complete the development. After development has commenced, the Development Permit does not expire unless it is revoked pursuant to Section 201-7.

There are two processes for making decisions to determine whether or not development has commenced. The Type I process can be summarized as expending a minimum dollar amount of money physically altering the land or structure, or changing the use thereof or, in the case of development requiring a building permit, issuance of the building permit. The Type II process can be summarized as expending any combination of time, labor, or money physically altering the land or structure, or changing the use thereof; or expending a combination of time, labor, or money toward completion of a development project without physically altering the land or structure or changing the use thereof for reasons beyond reasonable control of the Permit holder.

201-6.2 Type I decision:

The authorized development has commenced when the holder of the Permit has:

- (1) Physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and
- (2) Such alteration or change is directed toward completion of applicable Code standards or Conditions of Approval for the development; and
- (3) Is sufficient in terms of money expended to demonstrate a good faith effort to complete the development. Sufficient means spending at least: \$5,000 for projects involving one dwelling on an existing lot or parcel, \$10,000 for partitions and subdivisions with four (4) lots, and \$25,000 for all other projects. The expenditures must be related to completion of the development; this money must have been spent on physically altering the property. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land; or
- (4) In the case of development requiring a building permit for a dwelling or commercial building permit, the land use sign-off for the permit or issuance of the building permit shall be conclusive evidence of commencing development. A Development Permit which otherwise would have expired [development has not commenced in accordance with (1), (2) and (3) above], but for issuance of a building permit, shall expire automatically upon expiration of the building permit. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law.

201-6.3 Type II decision:

The authorized development has commenced when the holder of the Permit has:

- (1) Physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and
- (2) Such alteration or change is directed toward completion of the development; and
- (3) Is sufficient in terms of time, labor, or money expended to demonstrate a good faith effort to complete the development. Expenditures must be related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land; or
- (4) Physically altering the land or structure or changing the use thereof could not practically occur for reasons beyond reasonable control of the Permit holder and other effort expended is sufficient in terms of time, labor, or money spent to

demonstrate a good faith effort to complete the development. Expenditures must be related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.

201-6.4 In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two (2) years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit or final building inspection by the Director for eighty (80) percent or more of the structure or structures.

### **201-7 Revocation of Development Permit**

201-7.1 Revocation shall be processed as a Type I action. A Development Permit may be revoked upon a finding of:

- A. Noncompliance with the standards or conditions set forth in this Code, or any special conditions imposed upon the permit;
- B. Intentional fraud, misrepresentation or deceit upon the part of the applicant as to an issue material to the issuance of the Development Permit;
- C. Abandonment or discontinuance as determined by failure to make reasonable progress toward completion of a commenced development for a continuous period of one (1) year. Bona fide good faith efforts to market the development shall not constitute abandonment or discontinuance; or
- D. A change in this Code, the Comprehensive Plan or State law which would make the approved development unlawful or not permitted, prior to the development obtaining a vested right or nonconforming use status.

201-7.2 Revocation shall be effective immediately upon the County providing written notice thereof to the holder of the Permit. Unless provided otherwise by the revoking authority, revocation terminates the authority to continue the use. Continued use without a current valid development permit shall be a violation of this Code.

201-7.3 The holder of a revoked Permit may reapply for a new Permit at any time as an entirely new application.

201-7.4 Revocation is available in addition to and not in lieu of any other remedy provided by law and is not a condition precedent to any such remedy.

### **201-8 Transferability of Development Permit**

Unless otherwise provided in the Development Permit, a Development Permit shall be transferable provided the transferor files a statement with the Director signed by the transferee and recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the Development Permit and all conditions of approval, understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this Code. The transferor shall be jointly

responsible for ensuring compliance until such a statement is filed, at which time the transferor's obligation shall be terminated.

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