

**214 IMPLEMENTATION OF MEASURE 37**

**214-1 Completeness**

The Director may determine that an application is complete notwithstanding failure of the applicant to address a county land use regulation if the County previously decided to modify, remove or not apply the land use regulation for the subject property in response to a Measure 37 claim or demand.

**214-2 Approval of Development Permit**

Notwithstanding any other provision of this Code, the County may approve an application and development permit without the applicant having first demonstrated compliance with a county land use regulation provided that:

214-2.1 The owner of the property that is the subject of the development permit has obtained a decision from the County to modify, remove or not apply the county land use regulation as provided for by state law and any County implementing ordinance. The applicant shall be required to demonstrate compliance with the land use regulation as modified; or

214-2.2 The development permit is conditioned to prohibit any development until the property owner has obtained a decision to modify, remove or not apply the county land use regulation. If the land use regulation is modified, or if the claim or demand is denied as regards any land use regulation, the applicant must file an application and demonstrate compliance.

**214-3 Condition of Approval**

A development approval based on a decision to modify, remove or not apply a county land use regulation does not waive any requirement to comply with other land use regulations, including any other applicable law of the state or other entity. If the Review Authority concludes that a land use regulation continues to restrict or prohibit development of a property in a manner inconsistent with the county approval, the approval and development permit may be conditioned that no grading, building, occupancy or other similar permit shall be issued until the owner of the subject property provides proof that a decision has been made to modify, remove or not apply the regulation.

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**215 CODE COMPLIANCE**

**215-1** No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of The Comprehensive Framework Plan including but not limited to this Development code or the applicable Community Plan.

**215-2** No building or development permit shall be issued unless it has first been determined whether there are existing violations on the property. A building or development permit may be denied where there is an existing violation or may include a condition addressing any existing violation. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

**215-3 Prosecution of Violations**

Violations of the Comprehensive Framework Plan including but not limited to this Development Code and any applicable Community Plan will be prosecuted as provided under Chapter 1.14 of the Washington County Code.

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**216 VALIDATION OF AN UNLAWFULLY CREATED UNIT OF LAND**

- 216-1 An application to validate a unit of land created by a sale that did not comply with the applicable criteria for creation of a unit of land may be approved through a Type II procedure if the unit of land:
- A. Is not a lawfully established unit of land; and
  - B. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
- 216-2 Notwithstanding Section 216-1.B., an application to validate a unit of land under Section 216 may be approved if the county approved a permit for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the dwelling must qualify for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).
- 216-3 The application for a permit for continued use of a dwelling or other building on a unit of land that was not lawfully established may be approved if:
- A. The dwelling or other building was lawfully established prior to January 1, 2007; and
  - B. The permit does not change or intensify the use of the dwelling or other building.
- 216-4 An application to validate a unit of land is not subject to the minimum lot or parcel sizes established by ORS 215.780.
- 216-5 A unit of land becomes a lawfully established parcel when the owner of the unit of land causes a partition plat to be recorded within ninety (90) days after the date the county validated the unit of land.
- 216-6 An application to validate a unit of land shall not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- 216-7 Development or improvement of a parcel created under Section 216 must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).

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