

# GRANT COUNTY LAND DEVELOPMENT CODE

## CHAPTER 1 - GENERAL PROVISIONS

### ARTICLE 10 - ADOPTION

#### 10.010 – TITLE

This Code shall be known as the Grant County Land Development Code.

#### 10.020 – PURPOSE

The purpose of the Land Development Code is to coordinate Grant County regulations governing the use and development of land, and more specifically:

- A. To implement the Grant County Comprehensive Plan and to guide and manage the future growth of the County in accordance with that plan;
- B. To protect the public health, safety, and welfare;
- C. To assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land.

#### 10.030 - AUTHORITY

- A. This Code is established pursuant to Oregon Revised Statutes, Chapters 92, 197, 203 and 215.
- B. This document has been legally adopted by Ordinance under ORS 203.035, ORS 197.175(2), and other statutory rules for Grant County.

#### 10.040 - REPLACEMENT OF OTHER ORDINANCES

- A. The Grant County Land Development Code replaces all previously enacted zoning, subdivision, flood hazard, and other related land use ordinances of Grant County including all lands within any urban growth boundary as established by Ordinance for the cities within Grant County.
- B. All actions taken under any previously enacted Grant County zoning or subdivision or other land use ordinances shall remain in effect subject to the original conditions of approval.

**10.060 - SEVERABILITY**

The provisions of this Land Development Code are severable. If any Article, Section, sentence, clause, or phrase of this Code is adjudged to be invalid by a Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Code.

**10.070 - WITHDRAWAL OF APPLICATION**

If an applicant or appellant withdraws an application in writing, any actions, considerations, decisions, and appeals shall be deemed null and void.

**10.080 - RELATIONSHIP TO OTHER LAWS**

When Oregon Revised Statutes and Oregon Administrative Rules relating to land use are enacted, amended, or repealed, mandatory state laws and rules shall apply from the time they are effective and shall be amended into this Code at the earliest possible time.

## ARTICLE 11 - DEFINITIONS

### 11.010 - PURPOSE

The purpose of this Article is to define the terms and phrases of this Code which are technical, specialized, or may not reflect common usage. If a term is not defined, the definition found in the current edition of Websters, Oxford, or Blacks Law Dictionary shall be used.

### 11.020 - DEFINITIONS ADOPTED BY REFERENCE

In addition to the definitions in this Article, the following are incorporated by reference. If any definition in this Code conflicts with a definition included by reference, the definition of state statute shall prevail except where this Code is more restrictive.

- A. Oregon Revised Statutes  
Chapter 92 - Subdivisions and Partitions
- B. Oregon Revised Statutes  
Chapter 197 - Comprehensive Plan Coordination; Planning Districts
- C. Oregon Revised Statutes  
Chapter 215 - County Planning; Zoning; Housing Codes

### 11.030 - TERMS DEFINED

1. AASHTO. The acronym stands for American Association of State Highway and Transportation Officials. This organization publishes material on road design and construction.
2. ABUTTER. An individual, firm, association, syndicate, corporation, or other legal entity having an interest in property bordering directly on a public road or approved private road.
3. ABUTTING. Adjoining with a common lot or parcel line, except that where two or more lots or parcels adjoin only at a corner or corners, they shall not be considered as abutting unless the common lot or parcel line between the two lots or parcels measures eight or more feet in a single direction.
4. AC. This abbreviation stands for asphaltic concrete pavement.
5. ACCESS. The place, means, or way by which pedestrians or vehicles shall have ingress and egress to a property or use.

6. ACCESS WAY. A walkway that provides pedestrian and bicycle passage either between roads or from a road to a building or other destination such as a school, park or transit stop. Access ways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Access ways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where access ways cross driveways, they are generally raised, paved or marked in a manner that provides convenient access for pedestrians.
7. ACCESS CONTROL STRIP. A designation on the final plat which restricts or prohibits access to a specific public road or highway.
8. ACCESS ROAD, LOCAL. A public road that is not a county road, state highway, or federal road.
9. ACCESSORY STRUCTURE OR USE. A structure or use that is incidental, consistent with, and subordinate to the primary structure or use;
  - A. On the same tax lot or parcel; or
  - B. On the same tract as the primary structure or use when the tax lot or parcel on which the accessory structure or use is located is consolidated into a single parcel with all other contiguous lots and parcels in the tract.
10. ADEQUATE ACCESS. For Site Plan Review purposes, the term shall mean one of the following:
  - A. The development fronts on a county road or state highway with a valid access permit; or
  - B. The development is served by a special access road under the control of the United States Bureau of Land Management, the United States Forest Service or the Oregon Department of Forestry with a valid long-term access use permit; or
  - C. The development is served by a road decreed by a court to be a public usage road; or
  - D. The development is served by a written and recorded easement which contains no language excluding commercial or industrial traffic, and the proposed activity is a home occupation business or resource use involving farm, forest, mining, or aggregate.
11. ADJACENT. Near or close by; may be contiguous, abutting, or adjoining, or separated by a roadway, alley, or natural separation.

12. ADMINISTRATIVE PERMIT. Permit issued by the Planning Office which does not generally require review at a public hearing.
13. ADULT FOSTER HOME. A family home, licensed by the Oregon Department of Human Resources, in which residential care is provided in a homelike environment for 5 or fewer adults who are not related to the provider by blood or marriage.
14. ADVERSELY AFFECTED. A party's use and enjoyment will be negatively impacted by a land use decision due to identified consequences from the proposed use or development. Examples of adverse affects may include noise, odors, increased traffic, or potential flooding.
15. ADVERTISING STRUCTURE. Any structure used to facilitate advertising of goods or services. This includes billboards, sandwich boards, and exterior signs.
16. AGGREGATE PROCESSING. The extraction, screening and crushing of sand, gravel and/or quarry material.
17. AGGREGATE USE. The extraction, screening, stockpiling and crushing of sand, gravel and/or quarry material.
18. AGRICULTURAL BUILDING: Any structure that is considered to be an “agricultural building” as defined in ORS 455.315.
19. AGRICULTURE, FARMING, FARM USE. As defined in ORS Chapter 215, including the current employment of land, including that portion of such lands under buildings, supporting accepted farming practices for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of: livestock, poultry, fur bearing animals, or honeybees, or dairying and the sale of dairy products or any other agricultural or horticultural use or farm use, animal husbandry, or combination thereof, and any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use. "Farm use" includes the preparation and storage of the agricultural products grown on and/or off site for primary or secondary marketing. It does not include the use of land subject to the provisions of ORS Chapter 321, or the construction and use of dwellings customarily provided in conjunction with farm use. It does include:
  - A. Land subject to the soil bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84 540 70, Stat. 188);
  - B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; and

- C. Land planted in orchards or other perennials prior to maturity.

As used in this Code, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

As used in the definition of "farm use" in ORS 215.203 and in this code:

- A. "Preparation" of product or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products; and
- B. "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

- 20. AGRICULTURAL ENTERPRISE, COMMERCIAL. A farm operation that:
  - A. Contributes in a substantial way to the area's existing agricultural economy; and
  - B. Helps maintain agricultural processors and established farm markets.
- 21. AGRI-TOURISM. A common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals. Except for small, farm-themed parties, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agri-tourism.
- 22. AIRPORT. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- 23. AIRPORT COMBINING ZONE. That area of approach and transition surfaces around airports where special land use and height regulations are applied.
- 24. AIRPORT, COMMERCIAL. An airport used by the general public and commercial airline operations including associated maintenance, operations, and support facilities.
- 25. AIRPORT CLEAR ZONE. An area extending from each end of a runway which is kept clear of obstructions that may affect incoming and departing aircraft.

26. AIRPORT DIRECT IMPACT AREA. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.
27. AIRPORT ELEVATION. The highest point of an airport's useable runway, measured in feet above mean sea level.
28. AIRPORT HAZARD. Any obstacle or situation which obstructs or interferes with the safe operation of an airport or landing field. This includes vegetation, structures, towers, glare, lights, and electrical interference.
29. AIRPORT IMAGINARY SURFACE. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
30. AIRPORT NOISE IMPACT BOUNDARY. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.
31. AIRPORT OVERLAY ZONE. An area in which special land use regulations are established to ensure the safety of the airport operation.
32. AIRPORT, PERSONAL-USE. An airstrip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities, restricted except for any and all aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in conjunction with agricultural activities only. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip.
33. AIRPORT SECONDARY IMPACT AREA. The area located between 5,000 and 10,000 feet from an airport runway.
34. AIRPORT SPONSOR. The owner, manager, or other person or entity designated to represent the interests of an airport.
35. AIRPORT ZONE BOUNDARY. An area adjacent to an airport within the boundaries of which there is significant impact from dust, fuel particles, noise, and related activities arising from the operation of an airport.
36. ALLEY. A public way providing a secondary means of access to abutting property.
37. ALTER; ALTERATION. A change, addition, or modification in either construction or use of a building or structure.

38. AMENDMENT. A change in the text or maps of applicable ordinances, resolutions, or related regulations pertaining to land use, including the Comprehensive Plan, the Goals and Policies, and the Land Development Code.
39. ANIMAL HUSBANDRY. Management, breeding, and raising of animals.
40. APPEAL. A request that a decision by the staff, Hearings Officer, Planning Commission, and/or County Court be reviewed by a higher authority.
41. APPLICANT. The property owner, (or contract purchaser, attorney, or representative holding a valid letter of authority) requesting approval of a proposed land use action by a Review or Hearing Body.
42. APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
  - A. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
    1. 2,000 feet for a utility runway having a non-precision instrument approach
    2. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
    3. 4,000 feet for a non-precision instrument runway, other than utility, leaving visibility minimums at or below three-fourths statute mile; and
    4. 16,000 feet for precision instrument runway.
  - B. The approach surface extends for a horizontal distance of:
    1. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;
    2. 10,000 feet at a slope of 34 feet outward for each foot upward for all non- precision instrument runways, other than utility; and
    3. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at a slope of 40 feet outward for each on foot upward, for precision instrument runways.

- C. The outer width of an approach surface will be that width prescribed in the Airport Combining Zone for the most precise approach existing or planned for that runway end.
43. ARMORY. Place owned and operated by a government agency, where arms and military equipment is stored and/or a facility for military training and national security.
44. ASSESSOR. The County Assessor of Grant County.
45. ASSOCIATED TRANSMISSION LINES. Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
46. AUTO REPAIR. Facilities for the general repair of automobiles, including rebuilding and reconditioning of engines, transmissions, mechanical parts and brake and muffler shops. The repair of motorcycles and small engines is allowed in this type of facility.
47. AUTO, BOAT, AND RECREATIONAL VEHICLE SALES LOT. Any property where the business is the display, sale, or rental of operative new or used motor vehicles, boats, trailers, or recreational vehicles. Repair or service facilities must be accessory to the primary sales function of the business.
48. AUTOMOBILE SERVICE STATION. Any property where the business is the supply of motor fuel, oil, lubrication, and accessories to motor vehicles, including tune up services and vehicle maintenance service.
49. AUTOMOBILE WRECKING YARD. Any property where the dismantling, salvaging, storing, disposing, or selling of parts of vehicles or trailers is conducted; or, the open storage of five or more unlicensed vehicles not in running condition from which parts have not been removed.
50. AWNING. Any stationary structure used in conjunction with a structure for the purpose of providing shelter and having a roof with supports with not more than one wall or storage cabinet substituting for a wall.
51. BASEMENT. A space wholly or partly underground, having more than ½ of its height, measured from floor to ceiling, below the average finished grade.
52. BED AND BREAKFAST INN. A Bed and Breakfast Inn is an accessory use to a single family residential dwelling, which is intended to provide temporary accommodation and breakfast to travelers for a daily fee. No meal other than breakfast shall be provided. The owner and/or operator shall live on the site. The limitations of Article 92 of this Code shall not apply to Bed and Breakfast Inns operating in a Commercial Zone

53. **BERM**. A constructed mound or small hill. (See Buffer)
54. **BICYCLE**. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
55. **BICYCLE FACILITIES**. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.
56. **BILLBOARD**. Same as "Advertising structure."
57. **BIKEWAY**. Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:
- A. Multi-use path. A paved 10 to 12 foot wide way that is physically separated from motorized vehicular traffic. Typically shared with pedestrians, skaters and other non-motorized users.
  - B. Bike Lane. A 4 to 6 foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
  - C. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider. Typically shared with pedestrians in rural areas.
  - D. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
  - E. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles, typically shared with pedestrians.
58. **BLOCK**. An area of land within a subdivision which may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.
59. **BOARDING HOUSE**. A dwelling, or part thereof, other than a hotel, motel, or multiple family dwelling, where lodging, with or without meals is provided, for compensation.
60. **BOAT YARD**. Any place or structure used for the construction, dismantling, sales, storage, service, repair, or maintenance of boats.
61. **BOND**. Any form of security, including a cash deposit, surety bond, collateral, property, or credit instrument submitted to guarantee performance by a developer, builder, or land owner.

62. **BUFFER**. An area of land used to separate land uses and mitigate impacts from one to the other(s). A buffer may include site developments such as berms, walls, fences or other similar structures or may be composed of vegetation.
63. **BUILDABLE AREA**. The portion of the lot or parcel, excluding setbacks, where a structure may be erected.
64. **BUILDING**. A structure built for the shelter or enclosure of persons, animals, or property of any kind.
65. **BUILDING, AGRICULTURAL**. A structure whose use shall be primarily for the storage of farm implements, crops, feed or similar farm products, or to provide shelter for livestock, poultry, or fowl.
66. **BUILDING HEIGHT**. See Height of Building.
67. **BUILDING LINE**. A line on a plat or map indicating the limit beyond which buildings or structures cannot be erected.
68. **BUILDING LOT**. A lot or parcel of land, which is legally created and designed for the purpose of erecting a building or buildings (See Lot, Authorized and Tax Lot)
69. **BUILDING SITE**. The ground area of a building or buildings, together with all open spaces required by this Code, and which generally has its principal frontage upon a public or private street.
70. **CAMPGROUNDS**. An area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hookups shall not be provided to individual camp sites.
71. **CAMPING ON PROPERTY**. Camping on a parcel without service connections for a period of four (4) months in any twelve (12) month period will not be considered a permanent residence.
72. **CARETAKERS QUARTERS**. A manufactured dwelling or apartment limited to 1000 square feet for a caretaker who is necessary for the protection of the main use on industrial property.
73. **CARETAKERS RESIDENCE**. A manufactured dwelling or home for a caretaker who is necessary for the protection of the main use on property zoned for forest use.
74. **CARPORT**. A roofed structure for sheltering a motor vehicle, open on two or more sides.

75. CARRYING CAPACITY. The ability of land to support proposed development as determined by an evaluation of suitability for sewage disposal, the adequacy of the domestic groundwater supply (quantity and quality), the presence of adequate off-site roads, the suitability of soil and terrain to support on-site roads, the presence or absence of flood, fire or erosion hazards, and the applicability of other special land use concerns (e.g., watershed protection, protection of wildlife and fishery habitat, the presence of scenic easements, airport flight paths, the availability of emergency services, etc.).
76. CEMETERY. Property designated and dedicated for cemetery purposes, including burial grounds, columbaria, crematories, mausoleums, and mortuaries.
77. CERTIFIED PUMP TESTER. An individual certified by the Water Resources Department as possessing the knowledge and equipment to conduct Major and Minor Pump Tests.
78. CHURCH. Building and premises used for the conduct of regular religious services; may include a residence for the pastor, but not including academic schools operated by a church.
79. CITIZEN ADVISORY COMMITTEE (CAC). A CAC is a group of citizens from a defined geographic area which was established by the County Court, and whose members have been appointed by the Court.
80. CLINIC, MEDICAL, DENTAL OR OPTICAL. Facility for examination, consultation, and treatment of patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment except for emergency or temporary care.
81. CLUB OR LODGE. Buildings and facilities owned and operated for a fraternal, social, or recreational purpose, to which membership is required for participation, but is not operated primarily for profit and is recognized by the IRS as a tax exempt organization subject to Section 501 C(3) of the Tax Code.
82. COMMERCIAL. Any activity or use involving the exchange of products or services for compensation in the course of a business. "In the course of business" means the use or activity must involve repeated transactions, and does not include the isolated exchange of products or services for compensation. It is not necessary for a commercial use or activity to be conducted for profit in order to be commercial. In addition, compensation may include a trade for goods or services or the receipt of donations.
83. COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE. The processing, packaging, treatment, and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies, and services directly related to the production and harvesting of agricultural products. Such uses include the following:

- A. Storage, distribution, and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agricultural uses;
  - B. Farm product receiving plants, including processing, packaging, and reshipment facilities, excluding canneries;
  - C. Livestock feed or sales yards;
  - D. Storage, repair, or sale of fencing, irrigation pipe, pumps, and other commercial farm related equipment and implements;
  - E. Farm equipment storage and repair facilities;
  - F. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers;
  - G. Veterinarian clinic;
  - H. Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products;
  - I. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building;
  - J. Wineries which may include retail sales;
  - K. Other such uses which may be construed as similar to the uses listed above.
84. COMMERCIAL DAIRY FARM. A commercial dairy farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Section 64.070 from the sale of fluid milk.
85. COMMERCIAL POWER GENERATION FACILITY. An electrical power generating plant with a nominal electrical generating capacity of more than 25,000 kilowatts, including but not limited to a thermal power plant, hydropower plant, combustion turbine power plant, geothermal power plant, or a nuclear installation disposal facility, and any facility handling a quantity of fissionable materials sufficient to form a critical mass. A commercial power generation facility includes related or supporting facilities including any structure adjacent to an energy facility, including associated transmission lines, reservoirs, and intake structures built in conjunction with and used as part of the energy facility.
86. COMMERCIAL TREE SPECIES. Trees recognized for commercial productions under rules adopted by the State Board of Forestry pursuant to ORS 527.715
87. COMMISSION. The Grant County Planning Commission.

88. COMMUNICATION FACILITY. A structure for the purpose of transmitting and receiving telegraph, telephone, microwave, television, radio, and other similar signals.
89. COMMUNITY BUILDING. A facility owned and operated by a governmental agency or a non profit community organization, when the primary purpose of the facility is for education, recreation, social welfare, community improvements, or public assembly.
90. COMMUNITY SEWAGE SYSTEM. An on-site sewage system which serves more than one lot or parcel, or more than one condominium unit, or more than one unit of a planned unit development, and is approved by the Oregon State Department of Environmental Quality as a Community System.
91. COMPLAINANT. A person(s) who lodges a complaint about an alleged violation of this Code.
92. COMPREHENSIVE PLAN. The Plan adopted by the Grant County Court for the guidance of growth and development of the County, which is prepared and adopted in conformance with ORS Chapter 92, ORS Chapter 197 and ORS Chapter 215.
93. CONDITIONAL USE. A use, which requires review and either approval, approval with conditions, or disapproval, by a Review or Hearing Body.
94. CONFERENCE GROUNDS. A retreat or meeting place for the formal exchange of views and consultation, which may include overnight accommodations for conferees.
95. CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.
96. CONTIGUOUS. Connected in such a manner as to form a single block of land.
97. CONVALESCENT HOME, NURSING HOME. Any certified and licensed institution which operates and maintains a facility providing convalescent and chronic care and keeping, for a period exceeding 24 hours for two or more ill or infirm patients not related to the administrator or owner by blood or marriage. Convalescent and chronic care includes all procedures commonly accepted in nursing and caring for the sick, but does not include surgical facilities.
98. COUNTY. Grant County, Oregon.
99. COURT; COUNTY COURT. The Grant County Court, the duly elected governing body of the County.

100. COUNTY ENGINEER. A registered engineer or other designated person who assists Grant County.
101. COUNTY MAINTAINED ROAD OR STREET. A road or street and appurtenances which has been accepted for County maintenance by order of the County Court under the authority of ORS 368.016, or any other provisions of law.
102. COUNTY ROAD. "County road" means a public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016.
103. CRITERIA. A general rule upon which a finding, judgment, or decision can be based.
104. CUL DE SAC. The vehicle turnaround portion of a dead-end road.
105. CULTURED CHRISTMAS TREES. As defined in ORS 215.203(3) and as an agricultural use as defined in this ordinance.
106. CURB LINE. The line separating the roadway from the planting strip or footway.
107. DAY CARE FACILITY. A facility which provides the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, provided to a child during part of the 24 hours of the day, with or without compensation. May include a day nursery, nursery school group, or home of the day care provider, as set out in ORS 418.805.
108. DECLARANT. The person who files a declaration under the requirements of this Code and the Oregon Revised Statutes.
109. DECLARATION. The instrument described in this Code by which the subdivision or partition plat was created.
110. DEDICATION. An approved or accepted designation of land by the owner for public or general use.
111. DE NOVO. (Latin) A new hearing, which can take into account all previous testimony and any new testimony presented by the proponent and/or the opponent to an issue.
112. DENSITY. The number of dwelling units to be contained within a specified land area.
113. DEPARTMENT OF AVIATION. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
114. DESIGN. The design of any street or alley alignment, grade, or width, or the alignment or width of easements and right of way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

115. DESTINATION RESORT. A self contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities.
116. DEVELOPED RECREATIONAL FACILITIES. For the purpose of developing a Destination Resort or a Recreational Resort, means improvements constructed for the purposes of recreation and may include but are not limited to golf courses, tennis courts, swimming pools, marinas, ski runs, and bicycle paths.
117. DEVELOPER. A person or other entity seeking to divide and/or develop and/or redevelop a lot or parcel of land for public or private purposes.
118. DEVELOPMENT. Any alteration of improved or unimproved real estate, including but not limited to a land division, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
119. DEVELOPMENT SITE. A tract of land consisting of one or more contiguous lots of record under common ownership, subject to a Development Permit.
120. DISPLAY SURFACE. The area made available by the sign structure for the purpose of displaying an information or advertising message.
121. DIRECTOR of PLANNING. The Planning Director for Grant County or a designate that is acting on behalf of the Director.
122. DRAINAGE WAY. Natural or constructed watercourse which transmits natural stream or storm runoff.
123. DRIVEWAY. A way of access for a vehicle to serve a limited number of users from a road or street, which is usually of narrow width and often in private ownership or subject to restricted public use.
124. DRIVEWAY APPROACH. A vehicle access constructed to standards adopted by the County Court from a public right of way to property which abuts a public street.
125. DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons
126. DWELLING, SINGLE FAMILY. A residential structure containing one dwelling.
127. DWELLING, TWO FAMILY or DUPLEX. A building or portion thereof containing not more than two kitchens, designed or used to house not more than two families living independently of each other.

128. DWELLING, MULTIPLE. A building or portion thereof, used and designed as a residence for three or more families living independently of each other, including separate cooking facilities for each unit. Such building(s) include triplex, four-plex, apartment houses, apartment hotels and flats, but do not include automobile courts or boarding houses.
129. EASEMENT. A grant of the right to use the property of another for a specific purpose; may be either appurtenant or in gross.
130. EATING/DRINKING ESTABLISHMENTS. Businesses providing facilities for preparation and consumption of food and beverages, including alcoholic beverages.
131. EVENT, TEMPORARY. A temporary event is one that is held primarily on or is using public property that has an expected attendance of more than 50, but no more than 500 people, that will not continue for more than 72 hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a Type I process and are not considered “outdoor mass gatherings” as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).
132. EMPLOYEEES. All persons working for another, for wages or salary.
133. FAA. The Federal Aviation Administration.
134. FAA’S TECHNICAL REPRESENTATIVE. As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they related to airports. This may include, but is not limited to, the USDAAPHIS – Wildlife Services.
135. FAMILY. One or more persons living in one dwelling as one housekeeping unit.
136. FARMING, FARM USE. See Agriculture, Farming, Farm Use.
137. FARMWORKER HOUSING. Housing limited to occupancy by farmworkers and their immediate families, no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.
138. FARM OPERATOR. A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
139. FARM OR RANCH OPERATION. All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

140. FEE-BASED ACTIVITY TO PROMOTE THE SALE OF FARM CROPS OR LIVESTOCK (as applied to farm stands). An agri-tourism activity that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of a farm stand.
141. FEEDLOT, COMMERCIAL. An open lot or portion of property designed or used for the purpose of the concentrated feeding or the preparation for resale or slaughter of 10 or more animal units; does not apply to indoor animal husbandry, or to the feeding of animals accessory to dairy use, or other permitted use, or to the fattening of animals solely for the domestic use of the property owner, or to the penning and feeding of animals for display or show.
142. FINAL ACTION. A final determination or decision on a land use or land division issue made by the Review or Hearing Body and accompanied by adopted findings, and signed by the Review or Hearing Body or its designee.
143. FINAL PLAT. A map and other writings prepared in conformance with an approved tentative plan for a subdivision, planned unit development, partition, replat, or property line adjustment which is recorded with the County Clerk to complete the process for dividing land or adjusting property lines.
144. FINDINGS. As required in ORS 215.416(8), written statements of fact, conclusions, and determinations based upon the evidence at hand, presented relative to the criteria and standards for such review and accepted by the Review or Hearing Body in support of a final action.
145. FIRE LANE. A way cleared of obstacles so as to allow clear passage for vehicles during a fire emergency.
146. FIREWORKS. Those fireworks as defined in ORS 480.110(1), and which are prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, but which do not include an explosive as defined in ORS 480.200(3). Such products include diversionary devices used for law enforcement and military purposes which are similar in scope and effect to fireworks as defined in ORS 480.110(1).
147. FLAGLOT. A unit of land created by a subdivision or partition and which includes a narrow projection with a vehicle pathway to a public road.
148. FLOOD HAZARD AREA. An area highly prone to flooding for which the following terms have special significance:
- A. BASE FLOOD. A standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood." Designation on maps always includes the letters A or V;

- B. FLOOD PLAIN. The area adjacent to a stream that is subject to periodic flooding;
  - C. FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot;
  - D. FLOOD FRINGE. The area of the flood plain lying outside the floodway, but subject to periodic flooding;
  - E. SHALLOW FLOODING. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding;
  - F. SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
149. FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- A. The overflow of waters; and/or
  - B. The unusual and rapid accumulation of runoff of surface waters from any source.
150. FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
151. FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
152. FLOOR AREA. The sum of the gross areas of all floors of a building, measured from the outside walls, excluding attic space having less than seven feet of headroom, or basement space with less than six feet of headroom.
153. FOREST LANDS. as defined in Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment. Forest lands shall include:
- A. Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices;
  - B. Other forested land that maintain soil, air, water, and fish and wildlife resources.

154. FOREST OPERATIONS. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
155. FOREST USE, FOREST MANAGEMENT. The management, production, and harvesting of timber resources in accordance with the Oregon Forest Practices Rules, including:
- A. The production of trees and the processing of forest products;
  - B. Open space and to buffer conflicting uses (See Buffer);
  - C. Watershed protection and wildlife and fisheries habitat;
  - D. Soil protection from wind and water;
  - E. Maintenance of clean air and water;
  - F. Outdoor recreational activities and related support services and wilderness values compatible with these uses;
  - G. Grazing land for livestock.
156. FORESTRY BUILDING. A building in conjunction with, and necessary to, a forestry operation or forestry management use.
157. FOSTER HOME. A family home or facility which is licensed by the State in which residential care is provided for five or fewer children or adults who are not related to the provider by blood or marriage.
158. FRONTAGE. That portion of a parcel of property which abuts a street or highway.
159. FUEL BREAK. An area of non combustible materials or slow burning plants or the absence of vegetation around a structure.
160. FUEL DEPOT. Any lot or building used for the storage and/or marketing of fuel products.
161. GARAGE. A building or a portion of a building permanently constructed for the purpose of enclosing a motor vehicle.
162. GEOLOGIC BOUNDARY. A line between areas of the earth's surface occupied by rocks or formations of different type or age.

163. GOALS. The statements identified as such in the Land Conservation and Development Commission Goals and Guidelines and the Comprehensive Plan of Grant County.
164. GOLF COURSE. An area of land with highly maintained natural turf laid out for the game of golf with a series of nine (9) or more holes, each including a tee, a fairway, a putting green, and often one or more artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), and OAR 660-033, means a nine (9) or eighteen (18) hole regulation golf course or a combination nine (9) and eighteen (18) hole regulation golf course consistent with the following:
- A. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
  - B. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
  - C. Non-regulation golf course is a golf course or golf course-like development that does not meet this definition, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges;
  - D. Accessory uses provided as part of a golf course must be consistent with the following standards:
    - 1. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include parking, maintenance buildings, cart storage and repair, practice or driving range, clubhouse, restrooms, lockers, showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include sporting facilities unrelated to golfing such as tennis courts, swimming pools, weight rooms, wholesale or retail operations oriented to the non-golfing public, and housing;
    - 2. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g. food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

165. GRADE (GROUND LEVEL). The average of the finished ground level at the center of all walls of a building. Case walls are parallel to and within five feet of a sidewalk and the ground level should be measured at the sidewalk.
166. GREENHOUSE. Building constructed chiefly of glass or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other plants and which shall be classified as an accessory building except in resource zones.
167. GROUNDWATER. Groundwater is defined by ORS 537.515(3) as: "Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of this State, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves."
168. GUEST HOUSE. An accessory structure, site constructed and built to the following specifications: no plumbing for a sink except for a bathroom and a wetbar; no 220 wiring or natural gas pipes to an outlet other than a water heater, furnace, or heating system; no kitchen facilities, or laundry facilities; and limited to a maximum of 1,000 square feet. There may be only one guest house in addition to the main residence;
- A. On the same tax lot or parcel; or
  - B. On the same tract as the main residence when the lot or parcel on which the guesthouse will be sited is consolidated into a single parcel with all the other contiguous lots or parcels in the tract.
- A floor plan shall accompany the application for a Guest House. A Guest House may be used for rental purposes as a Bed & Breakfast Inn under Article 92.
169. GUEST RANCH. A facility for overnight lodging incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. Guest Ranch facilities may include a lodge, bunkhouse or cottage accommodation as well as passive recreational activities and food services to ranch guests only.
170. HALF STREET. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been, or could later be, provided in another subdivision or partition.
171. HARDSHIP. For the purpose of obtaining a variance, it is a condition which arises out of the land which may make it difficult for a person to construct a building or install improvements which are in compliance with the provisions of this Code.
172. HEARING. A proceeding to hear a quasi-judicial application or a legislative amendment before a Hearing Body.

173. HEARING BODY. That entity which has jurisdiction over a particular hearing.
174. HEARINGS OFFICER. The Grant County Land Use Hearings Officer, when available and authorized by the County Court.
175. HEIGHT. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
176. HEIGHT OF BUILDING. The vertical distance above finish grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hip roof. The measurement shall be taken from the finish grade of the adjoining sidewalk or ground surface. The height of a stepped or terraced building is the maximum height of any segment of the building.
177. HIGH VALUE FARMLAND. For the purpose of locating a limited lot of record dwelling on farmland, means soils that are:
- A. Irrigated and classified prime, unique, Class I or Class II; or
  - B. Not irrigated and classified prime, unique, Class I or Class II; and
  - C. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture taken prior to 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards but not including seed crops, hay, pasture, or alfalfa.
178. HIGHWAY READY. A recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
179. HOME OCCUPATION. Any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, or in an accessory building as allowed by the Zone, and having no more than five full-time employees other than members of the immediate family.
180. HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
- A. 5,000 feet for all runways designated as utility.
  - B. 10,000 feet for all other runways

- C. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
181. HORTICULTURE. The science and pursuit of growing plants.
182. HOSPITAL. An institution providing medical or surgical care to patients, and the related overnight nursing and long term care requirements arising from that treatment.
183. HOSPITAL, PET. See Veterinary Clinic.
184. HOTEL. A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation and in which no provision is made for cooking in individual rooms or suites of rooms.
185. IMPROVEMENTS. Include the following:
- A. ON SITE IMPROVEMENTS. Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, streets, and irrigation systems located within the boundary lines of the lot or parcel;
  - B. ADJACENT OFF SITE IMPROVEMENTS. Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, and irrigation systems located outside of and adjacent to any boundary line of the lot or parcel;
  - C. OFF SITE IMPROVEMENTS. Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, and irrigation systems located outside of and not adjacent to any boundary line of the lot or parcel.
186. INDUSTRIAL. The on-site production of goods and products. Industrial uses include manufacturing, production, processing, assembling, packaging, warehousing, shipping, and receiving of goods and materials, bulk storage of fuels and related materials, and similar uses.
187. INFRACTION. An offense against the County in the form of a violation of the County Land Development Code, constitutes an infraction and shall be handled in accordance with a set of procedures.

188. INTEREST. Includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, the lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period of more than three years. "Interest" does not include any interest in a condominium as that term is defined in ORS Chapter 91 or any security interest under a land sales contract, trust deed or mortgage.
189. INTERIOR YARDS. The area enclosed by the designated setback.
190. IRRIGATION, IRRIGATED. Watered by an artificial or controlled means, including sprinklers, furrows, ditches or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation including tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this ordinance, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.
191. JUDICIAL NOTICE. A decision by the Presiding Officer to accept as evidence and recognize the existence and truth of certain facts, which may have an impact on the issue or application before the Hearing Body, and which are universally accepted as true and existing. These facts can be referenced and utilized by the Hearing Body in a decision, without them being introduced as a formal document into evidence at the hearing.
192. JUNK YARD. Any property where any person is engaged in the breaking up, dismantling, sorting, or distributing of any scrap, waste, recycled, or discarded material.
193. KENNEL. A use providing for the accommodation of four or more dogs, cats, or other household pets.
194. KITCHEN. Any space within a building designed to be used for cooking and preparing food, may contain a sink (excluding bar sinks), range, stove, or microwave. The following criteria will be considered by the Planning Director in determining whether a space is designed as a kitchen: if the size and location of counter and cabinet will facilitate food storage, preparation, and cooking; do the number, size, and location of electrical outlets exceed those normally used for activities not associated with a kitchen; is the area plumbed for a sink; is the area separated from the main living space so as to form a room which is not suitable for a bathroom.
195. LANDING STRIP, PERSONAL-USE. See Airport, Personal-Use.
196. LIVESTOCK. Animals of the bovine species, horses, mules, asses, sheep, goats, and swine.

197. LIVING HISTORY MUSEUM. A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
198. LOADING AREA. An off street space or berth for the temporary parking of commercial vehicles while loading or unloading.
199. LODGE. A facility providing temporary lodging in conjunction with outdoor recreational activities.
200. LOT. A unit of land that is created by a subdivision of land.
201. LOT AREA. The total area within the boundary lines.
202. LOT or PARCEL, AUTHORIZED. (See Building Lot and Tax Lot) An authorized lot or parcel shall be defined as a separate unit of land created by one of the following:
  - A. A parcel of land in a recorded subdivision, legally created under the law in force at the time; (ORS 92.010)
  - B. A parcel in an unrecorded subdivision that was filed with the Department of Commerce in accordance with regulations in effect at the time of filing;
  - C. A parcel created by a land partition as defined in ORS 92.010;
  - D. By deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances, codes, or regulations;
  - E. Does not include a unit of land created solely to establish a separate tax account.
203. LOT, CORNER. A lot abutting two streets at their intersection or a single street with a right angle turn.
204. LOT DEPTH. The average distance between the front lot line and the rear lot line.
205. LOT, INTERIOR. A lot other than a corner lot.
206. LOT LINE. The property line separating a lot or parcel from a street, alley or abutting parcel.
207. LOT LINE, FRONT. The property line separating a lot or parcel from the street. In case of a corner lot, the property line most parallel to the front of the house. In case of a flag lot, the line at which the driveway enters onto the body of the lot.

208. LOT LINE, REAR. A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to, and at a maximum distance from, the front lot line.
209. LOT LINE, SIDE. Any property line not a front or rear lot line.
210. LOT WIDTH, AVERAGE. The average horizontal distance between the side lot or parcel lines, ordinarily measured parallel to the front lot or parcel line on a rectangular lot.
211. LOUNGE. A place where the sale and consumption of alcoholic beverages occurs in conjunction with a food service operation.
212. LOWEST FLOOR. The lowest floor or the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code found at Section 69.160.
213. MAJOR PUMP TEST. A water quantity test designed to measure the extent of drawdown and recovery in a well(s) and to produce and measure a cone of depression where possible with the pump or a comparable pump installed to accommodate the proposed use.
214. MANUFACTURED DWELLING. A manufactured dwelling is the term used to describe all three of the following types of manufactured structures:
- A. RESIDENTIAL TRAILER. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962 with a minimum size of at least eight feet by 32 feet;
  - B. MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction;
  - C. MANUFACTURED HOME. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards, (HUD standards), and regulations in effect at the time of construction.

215. MANUFACTURED DWELLING PARK. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. It does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by Grant County under an Ordinance or Code adopted pursuant to ORS 92.010 to 92.190.
216. MANUFACTURING. The fabrication, production, or making of goods by hand or machine to a useable form.
217. MAP. A diagram, drawing, or other writing that depicts the arrangement of lots or parcels.
218. MARKETING. An activity or use in which the main object is the promotion and sale of products or services. Marketing may involve the preparation of products for shipment or sale and may include wholesale, retail or warehouse operations.
219. MEDICAL HARDSHIP. A temporary circumstance caused by serious illness or infirmity, authorized by a licensed medical practitioner (Medical Doctor, Physician's Assistant or Nurse Practitioner).
220. MEMBERSHIP OWNED RECREATIONAL AREA. A privately owned development on a single parcel, providing temporary accommodations such as campsites or recreational vehicle spaces.
221. METES AND BOUNDS. The boundary lines of a lot or parcel of land with their terminal points and angles which are described by listing courses and distances of the boundaries. Usually produced through a survey done by a licensed surveyor.
222. MINERALS. Includes soil, coal, clay, stone, sand gravel, metallic ore, and any other solid material or substance excavated for commercial, industrial, or construction use from natural deposits situated within or upon lands in this state.

223. MINING, AGGREGATE. This use includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. “Mining” does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.
224. MINING. The act process or business of extracting resources from the ground.
225. MINOR PUMP TEST. Same as a Major Pump Test but of lesser duration.
226. MODULAR UNIT. A prefabricated structure other than a manufactured dwelling, that meets the State Building Code standards for a given occupancy, and is transportable to a building site in distinct modules or units.
227. MORTGAGE LOT. A parcel or lot created to provide security for the purchase price of that parcel, lot, or an improvement on the parcel or lot, which does not involve transfer of legal title and possession.
228. MORTUARY. Facility for funeral and interment services including crematories, funeral homes, and related facilities.
229. MOTEL. A building or group of buildings containing guest rooms or units with accompanying automobile parking including auto courts, motor courts, motor hotels, and similar designations, intended or used primarily for the accommodation of transients.
230. MOTOR HOME. See Recreational Vehicle.
231. NATIONAL WILD AND SCENIC RIVER. A national wild and scenic river system, instituted by Act of Congress, and designated as wild, scenic, or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic, or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior to meet the criteria established in the Act and such criteria supplementary thereto. The Wild, Scenic, and Recreational segments of a river are defined as follows:
- A. WILD RIVER AREAS. Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted;

- B. SCENIC RIVER AREAS. Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads;
  - C. RECREATIONAL RIVER AREAS. Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.
232. NATURAL AREAS. A designated physical or biological unit.
233. NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this Code.
234. NEIGHBORHOOD ACTIVITY CENTER. An attraction or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops and employment areas.
235. NET METERING POWER FACILITY. A facility for the production of energy that:
- A. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues, but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
  - B. Is intended to offset part of the customer-generator's requirements for energy;
  - C. Will operate in parallel with a utility's existing transmission and distribution facilities;
  - D. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
  - E. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
236. NON CONFORMING LOT, OR STRUCTURE. A parcel of land or a structure which lawfully existed prior to adoption of this Code, but which does not meet the standards for lot area, dimension, setbacks, or other criteria in this Code.

237. NON CONFORMING USE. Any use which lawfully existed prior to the adoption of this Code, but which does not conform with the permitted or conditional uses described in the Zone.
238. NON-CONFORMING USE, ALTERATION OF. As specified in ORS 215.130(9), it shall mean the following:
- A. A change in the use of no greater adverse impact to the neighborhood; and
  - B. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.
239. NON-COMMERCIAL/STAND ALONE POWER GENERATING FACILITY. A facility for the production of energy that:
- A. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues, but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;
  - B. Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;
  - C. Operates as a stand alone power generator not connected to a utility grid;
  - D. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
240. NON-COMPLIANCE, CONTINUING. A failure to comply with any part of this Code which occurs on more than one day during any period of time of three months or less.
241. NON-COMPLIANCE, NON CONTINUING. A failure to comply with any part of this Code which is not a continuing noncompliance.
242. NON-PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA approved airport layout plan or other FAA planning document.

243. NRCS WEB SOIL SURVEY. Official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service as of January 1, 2016, for agricultural soils that are not high-value, and as of December 6, 2007, for high-value agricultural soils.
244. NURSING HOME. See Convalescent Home.
245. OAR. Oregon Administrative Rules.
246. OBSTRUCTION. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
247. OFFENSE. A violation of the provisions of this Code.
248. OFFICE. A building, use, or structure designed for use by businesses and professions for the performance of their day to day functions including medical and dental clinics and other professional offices, but excludes laboratories, kennels, and offices incidental to a primary use such as warehouses, storage facilities, and small manufacturing facilities.
249. OFFICIAL MAP. The map or maps officially adopted by the County as the Comprehensive Plan Map or Zoning Map.
250. OPEN PLAY FIELD. A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.
251. OPEN SPACE. Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails, or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use, and lands used as buffers. Open space does not include residential lots or yards, or streets or parking areas.
252. OPPONENT. An attorney or qualified representative opposing the request.
253. ORS. Oregon Revised Statutes.
254. OTHER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by turbine driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

255. OUTDOOR MASS GATHERING. A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 500 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours, but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).
256. OUTDOOR STORAGE. The keeping of materials, merchandise, goods, or vehicles outside of an enclosed structure.
257. OUTDOOR SALES. A use of land for the purpose of retail sales and services, outside of a structure and may include a sales office.
258. OWNER. An individual, firm, association, syndicate, partnership, or corporation having any proprietary interest in land for which an application for a land use or land division under these regulations and other applicable law has been filed.
259. PARCEL. A unit of land that is created by a partitioning of land, intended for lease, transfer of ownership, or development.
260. PARK, PRIVATE. Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
261. PARK, PUBLIC. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance.
262. PARKING AREA. An area containing parking spaces and maneuvering area, not a street or other public way, to be used for parking of motor vehicles.
263. PARKING SPACE. A delineated area for the temporary storage of motor vehicles.
264. PARTITION. Either an act of partitioning land or an area or tract of land partitioned under the provisions of Article 52.
265. PARTITION LAND. To divide land into two or three parcels of land within a calendar year, but does not include:

- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;
  - B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning regulations;
  - C. The division of land resulting from the recording of a subdivision or condominium plat;
  - D. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215,283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street, or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further partitioned.
266. PARTITION, MAJOR. A partition which includes the creation of a road or street. A private road, easement or way shall be defined as a street for purposes of major partitioning.
267. PARTITION, MINOR. A partition where each parcel created has frontage on and access immediately to an existing road or street; a partition that does not require the creation of a road or street as defined under "Partition, Major".
268. PARTITION PLAT. A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition, replat, or property line adjustment.
269. PARTY. A person or organization who meets the following criteria:
- A. Participates in the hearing or review either orally or in writing; and
  - B. Either:
    - 1. Was entitled to notice of the application prior to the hearing or review; or
    - 2. Would be adversely affected as defined in Section 11.030(14) by a final action of the Review or Hearing Body.

270. PEDESTRIAN FACILITIES. A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths and trails.
271. PEDESTRIAN WAY. An area for ingress and egress solely designed for pedestrian use; generally used in conjunction with a commercial or multi family residential design.
272. PERFORMANCE AGREEMENT. An agreement between a developer and the Governing Body where the developer agrees to perform certain tasks and make certain improvements to the property as a condition of receiving an approval. The improvements may be done over a period of time and the developer agrees to set aside monies to pay for the improvements. The terms and conditions of a performance agreement are subject to Article 14.
273. PERMANENT FOUNDATION. An approved structural support system that is capable of resisting flood forces. A building (including manufactured dwellings) is anchored to a "permanent foundation" when it will resist flotation, collapse, or lateral movement produced by a 100-year flood. A permanent foundation may include reinforced piers or block walls, posts, concrete walls, properly compacted fill or other systems of equivalent strength. Dry-stacked concrete blocks do not constitute a reinforced pier.
274. PERMIT. A permit issued by the County Planning Department to establish compliance with this Code and the Comprehensive Plan.
275. PERSON. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and includes any trustee, receiver, assignee, or other similar representative.
276. PLACE OF PUBLIC ASSEMBLY. A structure which is designed for purposes which include deliberation, education, worship, or entertainment for the public at large.
277. PLANNED UNIT DEVELOPMENT. A self contained development, often with a mixture of building types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.
278. PLANNING COMMISSION. The Grant County Planning Commission, appointed by the County Court.
279. PLANNING DIRECTOR. The Planning Director of Grant County or an authorized representative.
280. PLAT. A final map including a subdivision plat, replat, or partition plat.
281. PLOT PLAN. A drawing, prepared to scale, showing accurately and with dimensions of all the uses proposed for a development on a lot or parcel.

282. PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Land System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.
283. PRESERVE, HUNTING, FISHING. Land set aside for commercial or non commercial hunting and fishing.
284. PRESIDING OFFICER. The person who presides over the proceedings of a Hearing Body, and is charged with the responsibilities as delineated in Article 31 of this Code.
285. PRINCIPALLY ENGAGED IN FARM USE. As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full-time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household need meet the “principally engaged” test, or the test may be met collectively by more than one household member.
286. PRIMARY PROCESSING OF FOREST PRODUCT. The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
287. PRIMARY SAFETY ZONE: A fuel break extending a minimum of 50 feet in all directions around dwellings unless the area extends onto an adjoining lot or parcel where the fuel break may terminate at the property line. (See Fuel Break)
288. PRIMARY SURFACE. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
- A. 500 feet for utility runways having non-precision instrument approaches.
  - B. 500 feet for other than utility runways having non-precision instrument approaches with visibility minimums greater than three-fourths statute mile; and

- C. 1000 feet for non-precision instrument runways with visibility minimums at or below three-fourths statute mile, and for precision instrument runways.
289. PRIVATE ROAD. The entire right-of-way for vehicle and pedestrian traffic, which does not provide for continuous and unrestricted rights of the public to travel.
290. PROCESSING OF EXTRACTIVE RESOURCES. All operations involved in the removal and preparation of mineral resources for shipment, refinement, sale or personal use.
291. PROFESSIONAL OFFICE. The place of business of a person engaged in a recognized profession.
292. PROPERTY LINE. The division line between two units of land.
293. PROPERTY LINE ADJUSTMENT. The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size complies with the zoning requirements for lot size.
294. PROPERTY OWNER. Person(s) who by title and deed owns the property.
295. PROPONENT. The applicant; the applicant's authorized representative or attorney.
296. PROCESSED. As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.
297. PUBLIC ASSEMBLY FACILITY. For the purposes of the Airport Combining Zone, a permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a matter where people are concentrated in reasonably close quarters. Public assembly facilities do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
298. PUBLIC NEED. A conclusion based upon presentation of findings of fact that substantiate that a specific request is in the best interests of the public in terms of economic, social, and environmental reasons.

299. PUBLIC ROAD. A road over which the public has a right of use that is a matter of public record.
300. PUBLIC AND SEMI PUBLIC BUILDINGS. Granges, community centers, and structures of similar nature and use.
301. PUBLIC WATER SYSTEM. A system for the provision to the public of piped water for human consumption, if the system has more than three service connections or supplies water to a public or commercial establishment which operates a total of at least 60 days per year, and which is used by 10 or more individuals per day or is a facility licensed by the Environmental Health Division. A public water system may be further defined by the Environmental Health Division.
302. QUARTERS. An apartment which is part of an industrial building or mini-warehouse, limited to 1000 square feet, for the purpose of housing a night watchman or a caretaker.
303. QUASI JUDICIAL ACTION. Under Oregon Land Use law, an action involving application of adopted policies to specific land use or division proposals requiring findings of fact and conclusions to substantiate approval or disapproval.
304. QUORUM. A majority of the members of a Hearing Body appointed by the Grant County Court present at any meeting.
305. RAMADA. A stationary structure having a roof extending over a manufactured dwelling; the structure may also extend over a patio or parking area for motor vehicles which is used principally for protection from sun and rain.
306. REASONABLY DIRECT. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
307. RECLAMATION. Actions designed to rehabilitate the earth's surface by plant cover, soil stabilization, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.
308. RECREATION. Any experience voluntarily engaged in during leisure (discretionary) time from which the individual derives satisfaction.
309. RECREATIONAL RESORT. A self contained development providing visitor oriented accommodations and developed recreational facilities.

310. RECREATIONAL VEHICLE. A vehicle which is identified as a recreational vehicle by the manufacturer, and is licensed as a recreational vehicle by the Department of Motor Vehicles. It is commonly known as a travel trailer, motor home or an RV.
311. RECREATIONAL VEHICLE PARK. A development designed as temporary siting for recreational vehicles, having limited facilities including potable water and sewer, to serve the users.
312. REINFORCED PIER. A pier that has, at a minimum, a footing adequate to support the weight of a manufactured dwelling under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers.
313. RELATIVE. A child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse.
314. RENTAL UNIT. Any dwelling which is occupied, by parties other than the owner, pursuant to a lawfully executed rental agreement, oral or written.
315. REPLACEMENT WELL. A well constructed for the purpose of being used in conjunction with, or replacing an established well, which over time has declined in capacity and can no longer serve the established needs of the user(s).
316. REPLAT. The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.
317. RESIDENCE. See definition of a dwelling, Section 11.030(121).
318. RESIDENTIAL FACILITY. A residential care facility, residential training facility, or residential treatment facility, as defined in ORS 443.400, licensed by or under the Oregon Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 residents who need not be related. Resident means any individual residing in a facility who receives residential care, treatment or training. An individual is not considered to be a resident if he or she is related by blood or marriage within the fourth degree as determined by civil law to the person licensed to operate or maintain the facility. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

319. **RESIDENTIAL HOME.** A residential care, residential training home, or residential treatment home, as defined in ORS 443.400, licensed by or under the Oregon Department of Human Resources, which provides residential treatment or training or a combination thereof for 5 or fewer residents who need not be related. Resident means any individual residing in a home who receives residential treatment or training. An individual is not considered to be a resident if he or she is related by blood or marriage within the fourth degree as determined by civil law to the person licensed to operate or maintain the home. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
320. **RESOURCE RECOVERY.** A facility to accept municipal solid waste for separation, processing, storage, and distribution. Material may be crushed, shredded, chipped, or compacted in preparation for transport to market. Material (refuse) that is not to be recycled shall be transported to an authorized sanitary land fill site.
321. **RESOURCE STRUCTURE.** A building or structure used in conjunction with a forest, farm, or mining operation.
322. **RESTAURANT.** Any establishment where food and drink is prepared for sale to the public on or off the premises.
323. **RETIREMENT FACILITY.** A building, or group of buildings for elderly residents for which meal service, housekeeping, and activity programs are provided, but for which nursing care is not provided.
324. **REVIEW BODY.** Refers to the Planning Director or a designee; the Grant County Planning Commission; or Hearings Officer.
325. **RIGHT OF WAY.** The area between boundary lines of a street or road.
326. **ROAD OR STREET.** A public or private way or easement that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land(s), excluding a private way or easement that is created to provide ingress or egress to such land for forestry, mining or agricultural purposes.
327. **ROAD, SERVICE.** A road contained entirely within property boundaries and used for internal traffic flow.
328. **ROADSIDE STAND.** A temporary structure designed and/or used for display and sale of agricultural products produced on the premises, for food, beverages, and/or produce not grown on the property, or for other goods and services.

329. ROADWAY. The portion or portions of street right-of-way developed for vehicular traffic.
330. RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
331. RUNWAY PROTECTION ZONE (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:
- A. 1000 feet for utility runways
  - B. 1700 feet for other than utility runways having non-precision instrument approaches.
  - C. 2500 feet for precision instrument runways.
332. RURAL ROADS. Any road built to county standards, including the following types:
- A. ARTERIAL STREET. A major street which functions to move large amounts of traffic. Generally consists of four lanes, or two lanes with adequate shoulders, and generally has higher speed limits than collector streets;
  - B. MAJOR COLLECTOR. A rural road providing service between traffic generators and larger towns or with routes of higher classification, as designated on the Highway Classification maps of Grant County as periodically revised;
  - C. MINOR COLLECTOR. Rural roads spaced at intervals consistent with population density to collect and distribute traffic from/to local rural roads and bring all developed areas within a reasonable distance of a collector system as designated on the Highway Classification Maps of Grant County as periodically revised;
  - D. LOCAL. A rural road providing access between residential roads and road systems of higher order or providing alternate cross linkage between roads of higher order but not serving as a collector;
  - E. RESIDENTIAL. A rural road providing direct access to abutting land and access to local rural roads or higher order road systems. The number of lots to be served shall be 60 or less;

- F. LIMITED RESIDENTIAL. A rural road providing direct access to abutting land and access to local rural roads or roads of higher order. This is a road intended exclusively for access to abutting property where the number of lots is permanently restricted because one end terminates in a cul-de-sac without a street plug. In areas where the topography is gently rising, less than 15% side slopes, the number of lots served shall be 10 or less and the length is not to exceed 1300 feet. In areas where the terrain is steeper, more than 15% side slopes, the number of lots served shall not exceed 20 lots and the length shall not exceed 2600 feet;
  - G. RESTRICTED RESIDENTIAL. A rural road providing direct access to abutting land and access to local rural roads of a higher order. This is a road intended to serve a maximum of five (5) lots.
333. SAFE AND CONVENIENT. Bicycle and pedestrian routes that:
- A. Are reasonably free from hazards; and
  - B. Provide a reasonably direct route-of-travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.
334. SALE OR SELL. For the sale of real estate, every disposition or transfer of land legally divided, or an interest or estate.
335. SANITARY LAND FILL. Land used for the disposal of solid waste, in conformance with State Law.
336. SCENIC EASEMENT. The right to control the use of land, including air space above the land, for the purpose of protecting the natural qualities of a designated area, this control does not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.
337. SCENIC WATERWAYS. River, or segment of a river, that has been designated as such in accordance with ORS 390.805 to 390.925, or any subsequent Act, and includes related adjacent land (i.e. all land within one fourth of one mile on each side of a river or segment of river within the scenic waterway, except land that, in the State Highway Department judgment, does not affect the view from the waters within a scenic waterway). Designated scenic waterways are as have been identified on the John Day River System.
338. SCHOOL, PUBLIC AND PRIVATE. An institution of learning which offers instruction as required by the State of Oregon to meet prescribed standards including kindergarten, elementary, secondary, higher education, vocational, and trade schools.

339. SERIES PARTITION. A series of partitions resulting in the creation of four or more parcels.
340. SERVICE STATION. See Auto Service Station.
341. SETBACK. A specified distance for the placement of a structure from, including but not limited to, a road, a right-of-way or easement, property line, other structure, septic system, well, river or other waterway, or natural or man-made resource.
342. SIDEWALK. A pedestrian walkway with permanent surfacing.
343. SIGN. Any visual device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, person, institution, or business, and which is affixed to a structure or the land. Each display surface of a sign, other than two surfaces parallel and back to back on the same structure, shall be considered a separate sign; the cumulative area allowed shall be calculated as the area of one side. This definition shall not include official notices issued by a court or public body or officer, or directional, warning, or information signs or structures required or authorized by law or by Federal, State, or County authority.
344. SIGN, ILLUMINATED. A sign which is lighted by an artificial light source.
345. SIGNIFICANT. As it relates to bird strike hazards, “significant” means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
346. SILVICULTURE. Systematic management for the production of trees.
347. SIMILAR USE. A use that is nearly but not exactly the same; having a general resemblance to other uses allowed in a specific zone.
348. SITE PLAN. A drawing, prepared to scale, showing accurately and with dimensions of all the uses proposed for a development on a lot or parcel.
349. SLOW BURNING PLANTS. Plants that are naturally resistant to combustion.
350. SOILS. The soils identified in the document used by Grant County to identify soils for development and division purposes is the 1981 Soil Survey of Grant County, published by the Soil Conservation Service.
351. SPECIAL FLOOD HAZARD AREA (SFHA). Areas subject to inundation from the waters of a 100 year flood.
352. STATEMENT OF UNDERSTANDING. A document describing the rights and responsibilities of the applicant in the review of an application.

353. START OF CONSTRUCTION (FOR FLOOD ADMINISTRATION PURPOSES) Includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include the following: land preparation, including clearing, grading, and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundation or the erection of temporary forms; and the installation on the property of accessory buildings, including garages or sheds not occupied as dwelling units or not part of the main structure.
354. STREET PLUG. A parcel of land dedicated to the public or deeded to the County as road right of way to be used in the future for a public road, over which the control of and right to access across rests with the County Court at their discretion, consistent with this Code.
355. STREET, PUBLIC. See Road or Street.
356. STRUCTURAL ALTERATION. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
357. STRUCTURE. Anything constructed or erected which requires a fixed location on the ground or is attached to something having a fixed location on the ground, including a gas or liquid storage tank that is principally above ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels, food stands, and parking lots. Decks, paved or concrete slabs, patios or walkways which are constructed less than 30 inches above grade are not considered structures. Decks, paved or concrete slabs, patios or walkways which are 30 inches or higher above grade are considered structures and a development permit shall be required. Fences which meet the height requirements set out in Article 73 are not considered structures. Retaining walls less than four feet in height are not considered structures for the sake of general property line setbacks.
358. STRUCTURE (RELATED TO AIRPORT). Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, Cranes, grapples, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.
359. SUBDIVIDE. To effect a subdivision, as applied to this Code.

360. SUBDIVIDER. Any person who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.
361. SUBDIVIDE LAND. To divide an area or tract of land into four or more lots within a calendar year. However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided.
362. SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.
363. SUBDIVISION PLAT. A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
364. SUBSTANDARD WELL. A well which does not meet the minimum standards for well construction and maintenance as defined by the Oregon Administrative Rules, Chapter 690, Division 200.
365. SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
366. SUBSTANTIAL DEVELOPMENT. Actions taken by the permit holder which encompass more than simple site preparation and grading. The permit holder shall have accomplished significant physical development of the site which may include the commencement of one or more services (sewer, septic system, water, storm drainage, parking, roads, etc.) If no physical improvements are required for the conditional use, operation of the project must have begun. The level of development must demonstrate a good faith commitment by the permit holder to beginning the project.
367. SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, beginning when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure, the cost of which equals or exceeds 50 percent of the market value of the structure as shown on the current Assessor's rolls or as determined by M.A.I. qualified appraiser either:
- A. Before the improvement or repair is started; or
  - B. If the structure has been damaged and is being restored, before the damage occurred.

The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
368. SUBSTANTIAL INTERFERENCE. Interference which is caused by use of a groundwater source, which diminishes another groundwater source that is fully developed, to the extent that it will not supply its legally established use.
369. SUBSTANTIVE RESPONSE. A response which includes any information that could be considered in rendering a decision.
370. TAKING. A land use regulation applied to a specific property, such as rezoning, which directly interferes with or substantially disturbs the owner's use and enjoyment of the property, including substantial reduction of economically viable uses of the land, interference with distinct investment-backed expectations, prevention of the best use of the land, or deprivation of a fundamental attribute of ownership. Taking does not include the denial of a land use application or a refusal to grant a permit.
371. TAVERN. A place where the sale or consumption of beer and wine beverages is the principal activity.
372. TAX LOT. An area of land utilized for tax assessment purposes. A tax lot shall not be construed to imply that the lot has been created in conformance with applicable land use regulations or that it can be independently developed or sold without conformance with all regulations. (See Authorized Lot and Building Lot)
373. TEMPORARY STRUCTURE OR USE. A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.
374. TENANT(S) IN POSSESSION. Person(s) responsible for the everyday management of a property.
375. TENTATIVE PLAN. A map and other writings submitted for review and approval for a subdivision, partition, replat, or property line adjustment.
376. TEST SUPERVISOR. An employee or representative of Grant County that oversees the Major and Minor Pump Tests.
377. TRACT. One or more contiguous lots or parcels in the same ownership.

378. TRANSFER CENTER. A facility where waste materials are taken from smaller collection vehicles and placed in larger vehicles for transport, including truck trailers, or railroad cars. Recycling and some processing may also take place at a transfer center.
379. TRANSITIONAL SURFACE. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
380. TRAVEL TRAILER. See Recreational Vehicle.
381. TRUCK AND HEAVY EQUIPMENT REPAIR. Repair of heavy-duty and commercial trucks, construction equipment and other similar vehicles. Includes the sale, installation, servicing of the equipment and parts, and body repair.
382. USE. The primary or principal activity, structure or facility occurring on a lot or parcel of land. For the purposes of this Code, a change in tenancy is not considered a change in use. Further, a change of use of a room in a single-family dwelling or duplex is not considered a change in use unless the change is to facilitate the operation of a home occupation or a Bed and Breakfast Inn.
383. UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE. Unless otherwise specified the Land Development Code, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers , sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.
384. UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircrafts of 12,500 pounds maximum gross weight or less.
385. VARIANCE. A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.
386. VEHICLE. Any motorized device or contrivance which was manufactured for highway use, for carrying or conveying persons or objects on public roadways. The frame and passenger or load carrying body with the same serial number shall constitute a vehicle.

387. VETERINARY CLINIC. Facility providing for medical care and keeping, including a kennel, where overnight accommodation is limited to emergency care and treatment of animals, with laboratories incidental to the operation of the clinic.
388. VISITOR ORIENTED ACCOMMODATIONS. Overnight lodging, restaurants, and meeting facilities which are designed to provide for the needs of visitors rather than year round residents.
389. VISION CLEARANCE AREA. A triangular area located on a lot abutting an intersection, created by drawing a diagonal line across the lot connecting extensions of the property lines at the intersection, in which no planting, walls, structures, or obstructions shall be placed that will exceed a height of three feet above curb level, or if no curb, from the established street center-line grade. The vision clearance area at all other points is the area between the front property line and a parallel line located at a distance from the property line specified in Section 73.020 of this Code.
390. VISUAL OBSTRUCTION. Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of three feet and eight feet above the curb level, located at a street, drive, or alley intersection which limits the visibility of pedestrians or persons in motor vehicles using the intersection.
391. VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.
392. WALKWAY. A hard surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.
393. WASTE DISPOSAL SITE. Land used for the disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, composting plants, and disposal sites for septic tank pumping or cesspool cleaning by the public or by a solid waste collection service.
394. WATER IMPOUNDMENT. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.
395. WATER OF THE STATE. In Oregon, any natural waterway including bays, estuaries, streams, rivers, creeks, lakes, wetlands, or other area supporting aquatic life. All waters are regulated under the provisions of OAR 141-85.
396. WATER QUALITY TEST. A test to determine potability and/or chemical quality of the water.

397. WATERMASTER. The Grant County Watermaster or a designate that is acting on behalf of the County.
398. WAY. A strip of land, whether public or private, providing access to some or all adjoining land ownerships.
399. WELL. Any artificial opening or artificially altered natural opening, however made, by which groundwater flows under natural pressure or is artificially withdrawn.
400. WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions.
401. WHOLESALE TRADE. Distribution and sale of goods at wholesale. Wholesale trade may include retail trade as an accessory use when wholesale is the dominant use.
402. WINERY. As defined in ORS 215.452, a facility that produces wine with a maximum annual production of:
- A. Less than 50,000 gallons and that:
    - 1. Owns an on-site vineyard of at least 15 acres;
    - 2. Owns a contiguous vineyard of at least 15 acres;
    - 3. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery;
    - 4. Obtains grapes from any combination of 1, 2, or 3 above; or
  - B. At least 50,000 gallons and no more than 100,000 gallons and that:
    - 1. Owns an on-site vineyard of at least 40 acres;
    - 2. Owns a contiguous vineyard of at least 40 acres;
    - 3. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
    - 4. Obtains grapes from any combination of 1, 2, or 3 above.
403. WORKYARD, PUBLIC. An enclosed area for the storage of vehicles and supplies and the provision of maintenance services for public facilities.
404. WRECKING YARD. See Automobile Wrecking Yard.

405. YARD. A space open and unobstructed from the ground upward and unoccupied except for vegetation.
406. YARD, FRONT. A yard between the front line of the building (exclusive of steps) and the front property line.
407. YARD, REAR. An open, unoccupied space on the same lot with a building, between the rear wall of the building (exclusive of steps and porches) and the rear line of the lot.
408. YARD, SIDE. An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side lot line.
409. YOUTH CAMP. A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.
410. YURT. A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
411. ZONE. Classification of land by purpose and use; those specific areas where requirements of density, use, coverage, landscaping, and parking may be applied. May include an overlay zone which applies specific conditions to all uses allowed in a zone based on physical or other characteristics.
412. ZONE, APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL. The area under the approach, transitional, horizontal, and conical surfaces defined in Part 77, Objects Affecting Navigable Air Space, Federal Aviation Regulations, published by the Federal Aviation Administration (FAA) of the U.S. Department of Transportation.
413. ZONE, COMBINING. Zones which overlay the primary zones in specific areas identified by the zoning maps, and which contain additional criteria which must be met in addition to the criteria required in the primary zone.

## **ARTICLE 12 - ADMINISTRATION**

### **12.010 - SCOPE & COMPLIANCE**

No transfer or division of property contrary to the provisions of this Code shall occur. No structure or lot shall be used or occupied, and no structure or part of the structure shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Code.

### **12.020 - CONSISTENCY WITH PLANS & LAWS**

- A. This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- B. Actions initiated under this Code shall be consistent with the Grant County Comprehensive Plan, the Goals and Policies for Grant County, and with any applicable local, state, or federal laws, rules and regulations.
- C. Any use established or conducted, or any building or structure existing in violation of any duly enacted Ordinance upon the effective date of this Code, shall not be deemed to have acquired the status and rights of a non-conforming classification by reason of the adoption of this Code or any of the provisions. To the extent that the use, building, or structure was in violation of that Ordinance, code, statute, or law, or in violation of this Code, it shall be deemed a continuing violation.
- D. Any use, activity, building, or structure found to be non-compliant, incompatible, or inconsistent with the Land Development Code and/or the Grant County Comprehensive Plan shall be considered a violation.

### **12.030 - OFFICIAL ZONING MAPS**

Land Use Zones defined in this Code are adopted on the Official Zoning Map(s) of Grant County. The official Zoning Map(s) are available in the County Planning Office.

### **12.040 - INTERPRETATION OF ZONE BOUNDARIES**

Where uncertainties exist as to the boundaries of any Zone shown on the Official Zoning Map(s) of Grant County, the following provisions shall apply:

- A. Where zone boundaries are indicated as approximately following lot lines, center lines, rights-of-way for highways, streets, alleys, roads, canals, railroads, or contours and the like, those lines shall be construed to be the zone boundaries.

- B. The case of un-subdivided property where a zone boundary divides a lot or parcel of land, the location of the boundary when not indicated by dimension or legal description, shall be determined by the Planning Director in accordance with the Type II Review Procedure, Section 22.040.
- C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area comprising the vacated highway, street, or alley shall have applied to it the same Zone applied to the property it becomes part of.

### **12.050 - ALLOWED USES**

The following uses shall be allowed where located in all Zones:

- A. Existing or functioning highway and road rights-of-way and areas used primarily for automobile and truck transportation shall be deemed to permit continued use and other uses supportive of the primary use.
- B. Railroad rights-of-way and areas used solely for the purpose of accommodating track, signals and other operative devices and the movement or rolling stock shall be deemed to be zoned to permit continued use.
- C. Easements or land areas used solely for electric power line and poles, telephone lines and poles, and gas transmission lines shall be deemed zoned to permit continued use.

### **12.060 - FEES REQUIRED**

Any application for a land use, land division, development decision, or appeal shall be accompanied by a non-refundable fee when prescribed by this Code. The amount of the fee shall be decided by the County Court in a separate fee schedule adopted by Ordinance, and updated periodically.

In addition to the filing fee established by the County Court, the Planning Director may determine that the expertise of a consultant is needed to ensure that a land use application is processed fairly and promptly. Because resources are becoming increasingly limited the County finds it necessary to transfer those administrative costs to the applicant as a part of the land use planning process.

Within 10 days of the filing of the application the County shall determine if the services of a consultant are required and provide the applicant with an estimate of the costs. Within 10 days from the mailing of the estimate the applicant shall tender the estimated amount as a deposit. At the conclusion of the application process applicant shall tender any additional amounts needed to cover actual costs. Failure to tender the amount of the deposit or additional actual costs is a jurisdictional defect and the application shall be dismissed. Any part of the deposit in excess of the actual costs shall be returned to the applicant.

**SECTION 12.070 – PROVISIONS**

A. Effect of provisions:

1. These provisions are declared to be the minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Code;
2. Where conditions imposed by this Code are less restrictive than comparative conditions imposed by any other local ordinance, code, resolution or regulation, or by the provision of state law or state administrative regulation, then the more restrictive shall govern;
3. This Code shall not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. When the private documents impose a greater restriction upon the use of land than are imposed or required by this Code, the enforcement of the private documents shall be the responsibility of the parties signing the documents;
4. A signed application, appeal, or other document may be faxed to the Planning Office and will be accepted as a legal document, provided it is received and stamped in by 5:00 p.m. the day it is due.

B. Language used in this Code:

1. As used in this Code, the singular includes the plural; the words "can" and "may" are discretionary; and the words "will", "shall" and "must" are non discretionary;
2. Whenever a certain hour or time of day is specified in this Code, or any permit, condition of approval, or notice is issued or given, that hour shall be standard time or daylight savings time, whichever is in current use in the County;
3. Time deadlines in this Code shall be computed with day 0 beginning on the date a document is postmarked or delivered or otherwise made public, and ending at 5:00 p.m. on the last working day of the notice or time period. If the last working day is on a holiday, the notice period shall run until 5:00 p.m. on the following regularly scheduled working day. Day shall mean calendar day unless otherwise specified in this Code;
4. Whenever this Code requires consideration of distances, or parking spaces, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, those numbers are rounded to the next highest whole number;
5. “Filing” or “submitted” for the purposes of this Code shall mean that all required documents have been received by the Planning Department by any deadline required in this Code, order, or condition of approval.

**12.080 - EDITORIAL REVISION**

The County Legal Counsel or District Attorney may at any time direct changes be made to any currently maintained copies of this Code to comply with new or amended acts of the Legislature, pursuant to ORS 173.160, provided the editorial revisions are initiated by written memorandum filed with the County Clerk, and are subject to approval by the Planning Commission at its next regular meeting.

**12.090 - DUTIES OF THE PLANNING DIRECTOR**

In order to implement the Oregon Revised Statutes and carry out those mandates, the Planning Director shall have the authority and duty to administer and interpret the provisions of this Code. Duties of the Planning Director shall include, but not be limited to:

- A. Permit Review:
  - 1. Review all Permits to determine that the permit requirements of this Code have been satisfied;
  - 2. Review all Permits to determine that all necessary approvals have been obtained from those Federal, State, or local governmental agencies from which prior approval is required;
  - 3. Issue all types of permits as required in the provisions of this Code.
- B. The Planning Director shall perform the duties and functions required in Article 22, the Administrative Review Procedure.
- C. The Planning Director shall perform the following duties pertaining where applicable, to site review, administrative reviews, and public hearings:
  - 1. Refer and schedule applications to the appropriate Review or Hearing Body;
  - 2. Conduct the correspondence of the Review or Hearing Body;
  - 3. Give notice in accordance with Article 32;
  - 4. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement, and continuances, and a summary of action taken by the Review or Hearing Body;
  - 5. Prepare and maintain findings of fact and/or minutes of public meetings conducted under this Code;
  - 6. Mail a copy of the final order to the applicant and any representative;

7. Mail a notice of decision to all parties participating in the review or hearing processes and have a copy of the decision available for public inspection.
- D. The Planning Director may delegate the authority to review, process, and issue Administrative Permits, Temporary Use Permits, Variances, Conditional Use Permits, plan and zone changes, and to conduct Site Review. The Director may delegate other functions as deemed necessary.
- E. The Planning Director may refer any application to a higher level of review under the Administrative Review Procedure, or to the Planning Commission or the Hearings Officer for a public hearing when:
1. The comments received raise substantive issues based on the decision criteria for the application which are listed in the notice; or
  2. At the discretion of the Director.
- F. The Planning Director shall be responsible for the administration and enforcement of this Code.

#### **12.100 - VIOLATIONS**

- A. Violation Unlawful. It shall be unlawful for any person to construct, erect, maintain, alter or use a building or structure or the subdivision of, partition of, or use of land in any manner other than those prescribed by this Code.
- B. Penalty for Violation. Violation of any provision of this Ordinance or of any amendment to this Ordinance is punishable upon conviction by a Court of Competent Jurisdiction, by a fine of not more than \$250.00 for each day of violation where the offense is a continuing offense.
- C. Abatement and Other Legal Remedies Available.
1. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this Ordinance, the building, structure, or land thus in violation shall constitute a nuisance and the County may utilize all legal remedies available to it for enforcing this Ordinance, and as an alternative to other remedies that are legally available for enforcing this Ordinance, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
  2. In addition, the County may seek reimbursement of administrative and legal costs for each enforcement action, including staff reports, legal notices, legal fees, and other costs from the person or persons found to be in violation, as outlined in Item

B above. Further, the County may enact liens or other encumbrances against the subject property as a means of reimbursement.

## **ARTICLE 13 - NON-CONFORMING LOTS, USES & STRUCTURES**

### **13.010 - NON-CONFORMING LOTS OR PARCELS**

- A. The minimum area or width requirements shall not apply to a non-conforming authorized lot or parcel as defined in Section 11.030 of this Code. An authorized lot may be occupied by any use permitted in the applicable Zone subject to all other standards of this Code.
- B. No lot or parcel area, yard or other open space, existing on or after the effective date of this Code shall be reduced in area, dimension, or size below the minimum required by this Code.
- C. The general lot or parcel size or width requirements of this Code shall not apply when a portion of a tax lot under single ownership, in an area excepted from Statewide Planning Goals, is isolated from the remainder of the property by a public road.
- D. Lots or parcels which were legally created prior to January 1, 1985, and which do not meet the current minimum frontage, lot width or lot sizes required for the Zone, are deemed acceptable for development.

### **13.020 - NON-CONFORMING USES**

- A. If a non conforming use is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.
- B. If a non-conforming use is changed, it shall be changed to a use conforming to the regulations of the Zone in which it is located, and after change, it shall not be changed back again to any non-conforming use.
- C. If a non conforming use is interrupted or ceases to operate for a period of one year, it may not be resumed unless the resumed use is in compliance with the requirements of the Zone in which the lot or parcel is located.

### **13.030 - NON-CONFORMING STRUCTURES**

- A. Subject to the provisions of Sections 13.040 and 13.050, a lawful non-conforming structure may be altered or maintained.
- B. If a building or structure is non-conforming due to failure to comply with a yard or location requirements and that building or structure is proposed to be altered or enlarged, any alteration or enlargement may occur only to the extent that it conforms with all other requirements of this Code, and does not cause any further violation of the provision to which it is non-conforming.

- C. The provisions of this Code shall not apply to applications for uses or structures which are submitted prior to the date of adoption, except when the uses or structures do not commence within two years from the date of approval. A structure shall be considered commenced when all required permits have been acquired and construction begins.
- D. If a non conforming structure is removed from the property for a period of one year, the structure may not be replaced unless the replacement conforms to the requirements of the zone in which the lot or parcel is located.

**13.040 - DAMAGED OR DESTROYED USES & STRUCTURES**

- A. If a non-conforming structure, or a structure containing a non-conforming use is destroyed by fire or other casualty or natural disaster, the structure may be replaced or restored.
- B. Construction must begin within one calendar year of the date the use or structure was destroyed.
- C. The restoration or replacement shall be processed by issuing a Development Permit under the Type I Review Procedure, Section 22.030.
- D. If construction begins more than one year from the date the use or structure was destroyed, the use or structure must conform to all the requirements of this Code.

**13.050 - ALTERATION OF A NON-CONFORMING USE OR STRUCTURE**

Alteration as defined in Section 11.030, of a non-conforming use or structure may be allowed or restricted as follows:

- A. A change in ownership or occupancy of a lawfully established non-conforming use shall be permitted;
- B. Alteration of a non-conforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use as a Type I Review Procedure under Section 22.030;
- C. Alteration of a non-conforming use may be permitted to reasonably continue the use according to the Hearing or Review Body Procedures under Article 23;
- D. An alteration of a non-conforming use or structure which will cause adverse impact to the neighborhood is prohibited.

**13.060 - DETERMINATION OF A NON-CONFORMING USE**

- A. Any person may apply to the Planning Director for a determination of the existence and/or extent of a non-conforming use

- B. A request for a determination shall include:
  - 1. An application on forms provided by the Planning Department;
  - 2. The application shall clearly state the purpose of the request, and why the determination is requested;
  - 3. A statement of facts relating to the non-conforming status, including all documents, records, photographs, affidavits or other evidence supporting the statement;
  - 4. Be accompanied by a fee equivalent to a request for the alteration of a non-conforming use.
- C. The application shall be processed as a Type II application as set out in Section 22.040 and subject to the requirements of Article 32.
- D. The Planning Director may utilize the procedures above to make a determination on a claimed non-conforming use or structure as part of an application for another land use permit.

## **ARTICLE 14 - PERFORMANCE AGREEMENT**

### **14.010 - PURPOSE**

The purpose of performance agreements is to ensure that improvements or actions required by this Code are made, and that neither the County or other affected property owners will incur the costs.

### **14.020 – IMPROVEMENTS**

- A. The Review and/or Hearing Body may specify and require road improvements or repairs, infrastructure improvements or repairs, or other site improvements or repairs to be installed prior to final approval of any development. The Review and/or Hearing Body may require that applicants or developers enter into a performance agreement with the County for completion of required improvements or repairs.
- B. The Review and/or Hearing Body may specify the installation of site improvements as a condition of approval. The Review and/or Hearing Body may require that applicants or developers enter into a performance agreement with the County for completion of required improvements.

### **14.030 - PERFORMANCE AGREEMENT**

- A. The Planning Director may enter into an agreement, with security, allowing the applicant to install improvements or repairs over a period of time not to exceed two years from the time of filing a final plat, and may attach specific performance conditions to the agreement.
- B. The Planning Director may enter into an agreement, with security, allowing the applicant to install required improvements or perform an action required by this Code within a specific time period, and may attach specific performance conditions to the agreement.
- C. A bond or other security acceptable to the Planning Director, shall accompany any performance agreement. The bond or other security shall be one of the following:
  - 1. A bond or other security;
  - 2. Cash or a certified check;
  - 3. Time deposit certificate payable to Grant County;
  - 4. Savings account assignment to Grant County;
  - 5. An irrevocable letter of credit in favor of Grant County from a financial institution authorized to do business in the State of Oregon, in a form acceptable to Grant County.

- D. The amount of the guarantee to be set for each element of the agreement, (i.e. on site, adjacent off site, and off site for basic service), shall be calculated on the basis of a publicly awarded contract including the elements of a construction contract, engineering, and surveying cost, financing and administration charges and contingencies.
- E. The amount of the guarantee shall be calculated using a specific engineering plan. When an engineering plan is not available, the amount of the guarantee shall be based on reliable estimates from an established source of the product and/or service to be guaranteed which will be submitted by the developer and agreed to by the Planning Director and the County Engineer, as applicable.
- F. The Director of Public Works or the Planning Director may grant special time extensions to a performance agreement, and attach conditions to any special time extension. Such an extension shall not be considered a land use decision but shall require notice to affected property owners. The decision of the Planning Director or Public Works Director may be appealed to the County Court.
- G. The content of all performance agreements are subject to final review and "approval as to form" by the County's legal counsel or the District Attorney.

**14.040 - EXECUTION OF PERFORMANCE AGREEMENT**

- A. Assurance of full and faithful performance of an improvement agreement shall be for a sum calculated in Section 14.030(D) and (E).
- B. In the event the applicant or developer fails to carry out all provisions of the agreement, the County shall:
  - 1. Call on the surety company for full and faithful performance; or
  - 2. Use the deposit or letter of credit to complete the work.
- C. If the amount of the bond, deposit, or letter of credit is greater than the cost of completing the work, the County shall release the remainder to the rightful claimant.
- D. If the amount of the bond, deposit, or letter of credit is less than the cost of completing the work, the applicant shall be liable for the difference, and upon demand, shall pay any liability to the County.
- E. The bond or other security listed in Section 14.030(C) shall be payable or released to Grant County upon the County's certification of the applicant's failure to comply with the performance agreement.