

CHAPTER 4 - APPLICATION PROCEDURES

ARTICLE 40 - BASIC PROVISIONS

40.010 - PURPOSE

The purpose of this Chapter is to establish standards and criteria for issuing all types of land use permits.

40.020 - TYPES OF APPLICATIONS

The following is a list of the application procedures, each of which is a separate Article in this Chapter: (Land divisions are covered under Chapter 5)

- A. Administrative Permit;
- B. Temporary Use Permit;
- C. Variance;
- D. Conditional Use Permit;
- E. Change of Zone Designation;
- F. Quasi-judicial Amendments to the Grant County Comprehensive Plan;
- G. Legislative Amendments to the Grant County Comprehensive Plan, Land Development Code, or Plan and/or Zone Map.

40.030 - GENERAL PROCEDURES

- A. The Planning Director shall develop forms to be used for all applications set out in this Chapter.
- B. The burden of proof is on the applicant to complete the forms and to substantiate the information presented on the application forms.
- C. The Planning Director may reject applications which are not complete.

- D. When a development proposal involves several different applications for development of land, the applications may be processed concurrently as a package using the highest level of review procedure required by the different applications. The decision on the development proposal shall address each application.
- E. The Planning Director may require separation of applications where:
 - 1. The cumulative package is too complex for a single hearing; or
 - 2. Consolidation of the applications is not administratively feasible.

40.040 - APPLICATION REQUIREMENTS

A complete application will have some of the following information either answered on the application or as an attachment to the application as determined by the person conducting the pre-application conference:

- A. Proof of ownership;
- B. A completed application form which includes the signature(s) of land owner and applicant;
- C. A complete legal description of the parcel including tax lot number and the acreage;
- D. A Power of Attorney;
- E. A Statement of Understanding which is signed and notarized;
- F. All required fees;
- G. Proof of access and a copy of all easements affecting the property;
- H. A lot history to prove the parcel is a separate, legal parcel;
- I. A plot plan drawn to scale.
- J. A site plan showing characteristics of site.
- K. A copy of the assessors map showing the subject parcel and the adjacent tax lots;

- L. A copy of the Flood Hazard Map or Flood Insurance Rate Map with elevations, showing the property proposed for development, the location of the 100 year flood, and the floodway;
- M. Indicate where the Airport Overlay is;
- N. A map of the soils on the property, including soil numbers;
- O. State Highway Access Permit;
- P. Copy of a long term access permit or agreement with a federal agency such as the Forest Service or the Bureau of Land Management;
- Q. A letter or other approval from the appropriate federal and state agency(s) if the property is located within a scenic easement;
- R. A drainage plan showing existing drainage, creeks, streams, and ditches, and future culverts, drainage, creeks, streams, and ditches;
- S. An elevation map showing six to eight relative elevations or contours of the site before grading for the erosion control plan (a United States Geologic Survey contour map may be substituted if approved in the pre-application conference);
- T. A statement from the County Watermaster identifying what acreage has irrigation and water rights, and how many acres are covered under each right;
- U. Copies of all existing and proposed site evaluations and/or septic system approvals;
- V. A copy of any existing surveys of the property;
- W. A copy of an aerial photo of the property;
- X. All information required for a dwelling on resource land;
- Y. All documentation to substantiate an exception;
- Z. A summary that describes the proposed project;
- AA. Documentation of a domestic water source or authorization to develop a domestic water source for a dwelling.

AB. Any other information determined as necessary or helpful for the type of application.

ARTICLE 41 –

[RESERVED FOR FUTURE EXPANSION]

ARTICLE 42 -

[RESERVED FOR FUTURE EXPANSION]

ARTICLE 43 - ADMINISTRATIVE PERMIT

43.010 - PURPOSE

The purpose of the Administrative Permit is to provide a review of uses that are generally a benefit to the community but may cause an impact on surrounding property and to allow the imposition of conditions to mitigate potential impacts.

43.020 - REVIEW PROCEDURE

An application for an Administrative Permit shall be processed under Article 22 - Administrative Review Procedure, subject to the notice and appeal requirements of Articles 32 and 33.

43.030 - REVIEW CRITERIA

- A. The following conditions must be met when considering an application for an Administrative Permit:
1. The authorization of the permit shall not be detrimental to the character of the adjoining land uses and will not infringe upon the continued uses of the adjacent land;
 2. The proposed use is consistent with the intent and purpose of the Zone in which the property is located and will not exceed the physical capabilities of the land to support the proposal;
 3. The authorization of the permit will not have a significant detrimental impact on the neighborhood;
 4. The proposed use is authorized by an Administrative Permit in the Zone in which the property is located.
- B. The Director may condition an Administrative Permit to mitigate impacts to adjoining properties or to ensure compliance with County Ordinances, Codes, or laws of the State of Oregon. The Director may impose conditions regarding:
1. Access to public roads;
 2. Fire safety;

3. Buffering;
4. Sewage disposal;
5. Water supply;
6. Lighting and electrical service;
7. Other factors necessitated by site conditions.

43.040 - PROCESSING

- A. A request for an Administrative Permit shall be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a site plan drawn to show all relevant characteristics of the site.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. If the request meets the purpose and criteria for an Administrative Permit, the Planning Director may approve the request setting forth the reasons and conclusions in written form as a final action meeting the requirements of Sections 22.040(A) and 22.050(A).

- F. The approval of a Type II Administrative Permit may be appealed to the Planning Commission within 12 days under the procedures in Article 33.
- G. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder may proceed with development.

43.050 - PERFORMANCE AGREEMENT

The Planning Director may require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this code or conditions of the approval if the conditions set by the Planning Director are not completed prior to the issuance of an Administrative Permit.

43.060 - TIME LIMIT

- A. An approved Administrative Permit is valid for two years from the date of issue. During that time period substantial development must have occurred. If substantial development has not begun, the Administrative Permit shall be null and void.
- B. A one year extension of the Administrative Permit may be granted by the Planning Director if the following are met:
 - 1. The person holding the Administrative Permit must make a written request for the extension explaining why development and/or construction has not begun prior to the expiration of the Administrative Permit;
 - 2. The Planning Director shall determine that the reasons the person holding the Administrative Permit was not able to begin development and/or construction are valid and that they were beyond the control of the person;
 - 3. Additional one year extensions may be authorized where the applicable criteria for the original decision have not changed;
 - 4. Approval of the extension is not considered a land use decision and is not subject to an appeal as such.
- C. If an Administrative Permit is approved for a residential development in the Multiple Use Range, Exclusive Farm Use or Primary Forest Zones outside of an Urban Growth Boundary, the permit shall be valid for four years.

- D. An extension of an Administrative Permit issued under 43.060 (C) shall be valid for two years, and shall be evaluated under the criteria in 43.060(B).

43.070 - REVOCATION

Any permit granted pursuant to Section 43.020 shall be subject to denial or revocation by the Planning Director, Planning Commission or Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained.

- A. In order to consider revocation of an Administrative Permit the Planning Director, Planning Commission or Hearings Officer shall hold a public hearing in order for the permit holder to show cause why the permit should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the permit holder.
- B. If the Planning Director, Planning Commission or Hearings Officer finds that the conditions of permit approval have not been complied with or are not being maintained, the Planning Director, Planning Commission or Hearings Officer may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the permit shall become effective immediately after the time specified.
- C. All Administrative Permits shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the permit.

ARTICLE 44 - TEMPORARY USE PERMIT

44.010 - PURPOSE

The purpose of the Temporary Use Permit is to provide for the establishment of certain uses on a short term basis; it is not intended to be used to facilitate deviations from the density standards of the Land Development Code.

44.020 - REVIEW PROCEDURE

- A. An application for a Temporary Use Permit for a mass gathering or a roadside stand shall be subject to the Type I Review Procedure set out in Section 22.030.
- B. An application for a Temporary Use Permit for a medical hardship or the temporary storage of an unoccupied manufactured dwelling shall be subject to the Type II Review Procedure set out in Section 22.040.

44.030 - PERMITTED TEMPORARY USES

- A. Medical Hardship. The Director, consistent with historic County policy, is authorized to issue permits for the placement of a second dwelling on a single tract of land when necessary to allow for the care of a dependent:
 - 1. In the context of this rule "dependent" shall be liberally interpreted to consist of an individual(s) who require the assistance and care of the family. A "dependent" need not be actually related to the care-providing family if it is demonstrated that no other relationship is available to provide the needed care;
 - 2. A person(s) shall be considered "dependent" when due to a health condition or physical incapacity the individual(s) require the care or presence of the family members;
 - 3. The type of dwelling placed on the property as a second dwelling for the duration of the medical hardship shall be limited to a manufactured dwelling; or recreational vehicle, when in the judgment of the Director, the unit will be reasonably safe for occupancy;
 - 4. The dwelling shall be connected to the same subsurface sewage disposal system used by the existing dwelling, if that system is adequate to accommodate the additional dwelling. The sewage disposal system must meet Department of

Environmental Quality standards and requirements including inspection and certification;

5. The application shall be reviewed against the criteria and standards set out in Section 44.040.

B. Temporary or mass gatherings may be allowed subject to the following:

1. The mass gathering shall be limited to four days for each gathering and shall further be limited to four gatherings per calendar year;
2. A sign-off from the following departments shall be required prior to issuing the permit for the mass gathering:
 - a. The Grant County Sheriffs Department; and
 - b. The Grant County Health Department; and
 - c. The Oregon Department of Environmental Quality; and
 - d. The appropriate agency for fire control.

C. The temporary storage of an unoccupied manufactured dwelling for a period of time exceeding 180 days is subject to the following criteria:

1. The manufactured dwelling shall be in habitable condition and not altered, enlarged, dismantled, or wrecked, and shall be maintained as such;
2. The manufactured dwelling shall be secured from easy entry, may be supported on blocks, but shall remain unconnected to any utility or service;
3. The manufactured dwelling shall not be placed on any area of the lot or parcel so that it encroaches on any required setback area; or where it blocks any access road or driveway; and shall be placed, to the greatest extent possible, where it is screened from the view of adjacent properties;
4. The manufactured dwelling shall be maintained so as to remain free of weeds, trash, and other debris, and shall not present a fire hazard;

5. The Planning Director may extend the time limit for the storage of an unoccupied manufactured dwelling and may set additional conditions as appropriate;
 6. Approval of the extension is not considered a land use decision and is not subject to an appeal as such.
- D. A roadside stand for the sale of food, beverages, produce not grown on the property, or other goods or services may be allowed subject to the following conditions:
1. The stand may not be located on a public right-of-way without a letter as part of the application indicating the approval of the responsible public agency;
 2. A roadside stand shall be limited to 10 days unless the Planning Director establishes a different time limit on the duration of the roadside stand;
 3. The applicant shall provide off-street parking consistent with Article 75;
 4. Approval by the Health Department will be required for all food and or beverage sales at a roadside stand.

44.040 - REVIEW CRITERIA & STANDARDS

The following review criteria and standards shall be reviewed for a Temporary Use Permit for a medical hardship dwelling only:

- A. The Director shall require documentation showing that the individual(s) occupying the second dwelling will, in fact, be dependent due to a health condition or physical incapacity on the resident's immediate family as set out in Section 44.030(A)(1):
1. A statement shall be submitted to the Director by the applicant, signed by a medical doctor that the dependent person or persons has a health or physical problem which makes it difficult or inadvisable for that individual or individuals to maintain a separate or distant residence;
 2. The statement shall be submitted on forms prescribed by the Director and shall include an opinion that if the dependent were not enabled to reside in a second dwelling in close proximity to the property resident's family, the dependent person or persons would have to be institutionalized, placed in a nursing or rest home, be provided care in their home by a nurse or live-in companion, or comparable solution;

3. In the case of a religious objection to medical treatment, a physician will only have to certify that the dependent has been examined and does possess a health condition or physical incapacity which might require care. The applicant shall submit, in addition, two notarized statements from officials of the religious organization that the need for care is as described above.
- B. Care of the dependent must be principally provided by the resident's family, who must be capable of providing the care or the need for the placement of the second dwelling is negated:
1. The resident may employ or arrange for the services of others from time to time or during periods of absence;
 2. It must be demonstrated to the Director, however, that the family members will be principally responsible for services to the dependent.
- C. Any additional dwelling permitted pursuant to a Temporary Use Permit shall be temporary, and not more than one dwelling on the property shall be permanent:
1. The applicant shall sign a notarized statement that the second dwelling shall be removed from the property upon termination of the need or allowed period of time;
 2. The applicant shall also sign a consent for an annual review of the use by the Director, including an inspection of the property, if necessary.
- D. The Director may limit the distance a second dwelling may be located from the primary residence.

44.050 - PROCESSING

- A. A request for a Temporary Use Permit may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, as applicable, and shall be accompanied by a plot plan drawn to the requirements of Section 41.050.
- B. A pre-application conference may be required.

- C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. The Director shall deny any application for a medical hardship where it is not demonstrated that the individual will be dependent on the resident's immediate family. Additions to the existing home and/or inclusion of family members within the housekeeping unit are permitted and encouraged by the Grant County Land Development Code.
- F. Final actions which are approved subject to a Type I Review Procedure do not involve the exercise of judgment and are not considered a land use decision which can be appealed.
- G. Final actions which are approved subject to a Type II Review Procedure are subject to appeal within 10 days under the provisions of Article 33.
- H. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder may proceed with development.

44.060 - ANNUAL REVIEW

- A. All Temporary Use Permits shall be reviewed as a Type I Review Procedure on an annual basis unless an expiration date has been attached to the permit or an earlier review date was set.
 - 1. The time period shall begin on the date of issue;

2. The application for a renewal of a medical hardship must include a doctor's statement that meets the criteria set out in Section 44.040(A).
- B. The Director shall limit the time of the permit to the duration of the health condition, or may limit the time of the permit to a specific period. If conditions continue to justify a second dwelling, the Director may extend the permit.

44.070 - PERFORMANCE AGREEMENT

The Planning Director may require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the approval as applicable.

44.080 - REVOCATION

Any permit granted pursuant to Section 44.020 shall be subject to revocation by the Planning Director, Planning Commission or Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained or if the conditions necessitating the medical hardship dwelling no longer exist;

- A. In order to consider revocation of a Temporary Use Permit the Planning Director, Planning Commission or Hearings Officer shall hold a public hearing in order for the permit holder to show cause why the permit should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the permit holder.
- B. If the Planning Director, Planning Commission or Hearings Officer finds that the conditions of permit approval have not been complied with or are not being maintained, the Planning Director, Planning Commission or Hearings Officer may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the permit shall become effective immediately after the time specified. In addition, the following may be imposed:
1. Give the occupants of the medical hardship dwelling 30 days to vacate the unit;
 2. Order the medical hardship dwelling be removed from the property within 45 days of the date of notice.

- C. All Temporary Use Permits shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the permit.

- D. Continued operation of the temporary use or of the existence of the medical hardship dwelling on the property after the expiration of these periods shall constitute a violation of the Grant County Development Code.

ARTICLE 45 - VARIANCES

45.010 - PURPOSE

The purpose of a Variance is to permit justifiable departures from the requirements of this Code where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this Code may result from the strict application of certain provisions. This section shall not be used to allow a use that is not permitted by this Code for the Zone in which the land is located. The Planning Director may authorize Variances from the requirements of this Code where it can be shown that, because of special and unusual circumstances related to a specific piece of property, the literal interpretation of this Code would cause an undue or particular hardship.

45.020 - REVIEW PROCEDURE

Applications for a Variance shall be reviewed according to the Type II Review Procedure set out in Section 22, except as follows:

- A. An application for a Variance may be referred at the discretion of the Planning Director, to the Planning Commission or Hearings Officer for review under the appropriate Review Procedure, Article 23 or 24;
- B. An application for a Variance when in conjunction with an Administrative Permit or a Conditional Use Permit application shall be reviewed according to the appropriate review procedure for the land use and development request;
- C. An application for a Variance when in conjunction with a land partition or subdivision, property line adjustment, replat, or a planned unit development shall be reviewed according to the appropriate review procedure for the land division and the development request.

45.030 - REVIEW CRITERIA

The Planning Director may grant the requested Variance if substantial compliance with all of the following standards is found:

- A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same Zone or vicinity, the conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control;

- B. The Variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same Zone or vicinity;
- C. The authorization of the Variance shall not be materially detrimental to the purposes of this Code, be injurious to property in the Zone or vicinity in which the property is located, or be otherwise detrimental to the objective of any County development pattern or policy;
- D. The Variance requested is the minimum variance from the provisions and standards of this Code which will alleviate the hardship provided the hardship is not self-imposed;
- E. Economic hardship may be argued provided such hardship is not self-imposed, it arises out of the physical features of the land, it is not sought in connection to allowing a use not allowed in the Zone, and it would not confer a right not granted to other property owners in the neighborhood.

45.040 - PROCESSING

- A. A request for a Variance shall be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a plot plan.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated. A portion of the fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State

Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

- E. In granting a Variance, the Planning Director or Hearings Officer may attach conditions which are found necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Code.
- F. The Planning Director or Hearings Officer shall reduce the decision to writing in the form of a final action, and shall specifically and fully set forth the Variance granted and the conditions designated.
- G. A final action granting a Variance may be appealed to the County Court within 10 days consistent with the provisions of Article 33.

45.050 - PERFORMANCE AGREEMENT

The Planning Commission may require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the Review Body if the conditions set by the Review Body are not completed prior to the issuance of a Variance Permit.

ARTICLE 46 - CONDITIONAL USE PERMIT

46.010 - PURPOSE

The purpose of the Conditional Use Permit is to provide a method to allow uses within a basic zone designation, which may impact a neighborhood but which may be suitable for certain locations or may be designed or operated in a particular manner by placing conditions on the use to mitigate the impacts of the use to an acceptable level.

46.020 - REVIEW PROCEDURE

- A. An application for a Conditional Use Permit shall be processed using a Type II Review Procedure as set out in Section 22.040.
- B. An application for a Conditional Use Permit may be referred by the Planning Director for a hearing before the Planning Commission or Hearings Officer under Article 23 or 24.
- C. An application for a Conditional Use Permit in conjunction with a Planned Unit Development, which is processed using the Planning Commission Review Procedure as set out in Article 24, shall be processed using that procedure.
- D. Any use or structure which was lawfully established prior to the adoption of this Code, and which is permitted as a Conditional Use within that Zone, shall be treated as an authorized use, and shall be allowed to alter or improve the use subject to a Type I Review Procedure as set out in Section 22.030, when the application will not involve an expansion.
- E. If a Conditional Use or structure is destroyed, it may be reconstructed or resumed within one year of the event of destruction subject to a Type I Review Procedure as set out in Section 22.030.
- F. Expansion of a Conditional Use shall require a Type II Review prior to authorizing the expansion.

46.030 - REVIEW CRITERIA

The criteria for a Conditional Use shall be:

- A. The use complies with the Goals and Policies for Grant County; and

- B. The use is in conformance with all other required standards and criteria of this Code; and
- C. The location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area, including future urbanization within designated Urban Growth Areas; and
- D. The use does not materially alter the stability of the overall land use pattern of the area; and
- E. The area utilized for the Conditional Use shall be limited to the size necessary for the proposed use.

46.040 - PROCESSING

- A. A request for a Conditional Use Permit may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a site plan.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated. A portion of the fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

- E. The Planning Commission shall review all applications for a Conditional Use Permit and shall recommend conditions necessary to mitigate the impacts of the proposed use on the surrounding properties.
- F. In taking action on a Conditional Use application, the Planning Commission or Hearings Officer may either approve or deny the application and shall reduce the decision to writing in the form of a final action.
- G. In approving a Conditional Use request or the modification of a Conditional Use, the Planning Commission or Hearings Officer may impose, in addition to those standards and requirements expressly specified by this Code, additional conditions which are considered necessary to protect the best interest of the surrounding area of the County as a whole. These conditions may include, but are not limited to, the following:
 - 1. Increasing the required lot size or yard dimensions;
 - 2. Limiting the height of buildings;
 - 3. Controlling the location and number of vehicle access points;
 - 4. Increasing the street width;
 - 5. Limiting the number, size, location, and lighting of signs;
 - 6. Requiring fencing, buffering, diking, or other facilities to protect adjacent or nearby property;
 - 7. Designating sites for open space;
 - 8. Setting a time limit for which the Conditional Use if approved;
 - 9. Site reclamation upon discontinuance of a use;
 - 10. Requiring easements.
 - 11. Requiring development setbacks to preserve planned street rights-of-way.
- H. A final action granting a Conditional Use Permit may be appealed within 10 days, consistent with the provisions of Article 33;

- I. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder may proceed with development.

46.050 - TIME LIMIT

- A. A Conditional Use Permit shall be void after two years if substantial development of the project and the property has not taken place.
- B. The permit holder may make a request for a one year time extension for an approved and final Conditional Use Permit for which substantial development has not begun:
 1. The extension shall be reviewed as a Type II Review Procedure using the same notice requirements as for the original application as set out in Section 22.040;
 2. The fee for a time extension shall be the same as for the original Conditional Use application;
 3. The request for a time extension shall be based on the following criteria:
 - a. The application for a time extension shall be accompanied by a site plan of the development which may be reviewed by the Planning Commission if it deems such a review necessary;
 - b. The conditions in the neighborhood have not significantly changed since the permit was granted;
 - c. The reasons the permit holder was not able to meet the substantial development requirement. A discussion of why the circumstances were beyond the control of the permit holder;
 - d. The permit holder demonstrates the ability to commence the use within the time extension granted.
- C. A Conditional Use Permit is considered void if the use is discontinued for a period of 1 year.

46.060 - PERFORMANCE AGREEMENT

The Planning Commission may require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the Planning Commission if the approval conditions are not met according to the Conditional Use Permit.

46.070 - REVOCATION

Any permit granted pursuant to Section 46.020 shall be subject to denial or revocation by the Planning Commission or Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained.

- A. In order to consider revocation of a Conditional Use Permit the Planning Commission or Hearings Officer shall hold a public hearing in order for the permit holder to show cause why the permit should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the permit holder.
- B. If the Planning Commission or Hearings Officer finds that the conditions of permit approval have not been complied with or are not being maintained, the Planning Commission or Hearings Officer may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the permit shall become effective immediately after the time specified.
- C. All Conditional Use Permits shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the permit.

ARTICLE 47 - CHANGE OF ZONE DESIGNATION (QUASI-JUDICIAL)

47.010 - PURPOSE

The purpose of the Quasi-Judicial Change of Zone designation is to provide for revisions to the land use Zone designation in response to individual land owner requests.

47.020 - REVIEW PROCEDURE

- A. An application for a Change of Zone designation shall be reviewed according to the Planning Commission Review Procedure set out in Article 24 and the County Court Review Procedure set out in Article 25. Public hearings may be scheduled jointly or separately at the discretion of the County Court.

- B. An application for a Change of Zone designation in conjunction with a change of Comprehensive Plan designation may be processed at the same time as the change of Comprehensive Plan designation if requested in writing by the applicant and approved by the Planning Director.

47.030 - REVIEW CRITERIA

- A. A request for a Change of Zone designation may only be approved if it meets all applicable review criteria.

- B. A request for a Change of Zone designation shall be reviewed against the following criteria:
 - 1. The proposed Change of Zone designation is in conformance with the Comprehensive Plan, and the Goals and Policies, and does not afford special privileges to an individual property owner not available to the general public or special privileges outside the overall public interest for the change;
 - 2. The property affected by the Change of Zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with the proposed zoning;
 - 3. Demonstrate the carrying capacity of the land to support the uses permitted in the proposed Zone, adequate access and any other physical characteristics (determined applicable in the pre-application conference);

4. The property affected by the proposed Change of Zone designation will have available adequate public facilities and services to support the projected intensity of uses in the proposed Zone;
 5. The proposed Change of Zone designation will not have a significant adverse effect on the appropriate use and development of adjacent properties;
 6. Demonstrate the property's suitability for the uses allowed in the proposed Zone, and that the request is consistent with the purpose of the proposed Zone;
 7. The proposed change is supported by specific studies or other factual information.
- C. A plan or land use regulation amendment significantly affects a transportation facility if it:
1. Changes the functional classification of an existing or planned transportation facility.
 2. Changes standards implementing a functional classification system.
 3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility.
 4. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan (TSP).
- D. Amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
1. Limiting allowed land uses to be consistent with the planned function of the transportation facility.
 2. Amending the TSP to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule.
 3. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

47.040 - PROCESSING

- A. A request for a Zone Change may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and may be accompanied by a plot plan.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated. A portion of the fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the County Court.
- F. The County Court shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion.
- G. The County Court's decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C).
- H. The final action of the County Court may be appealed to LUBA within 21 days under the provisions of Article 33.

ARTICLE 48 - COMPREHENSIVE PLAN MAP AMENDMENT (QUASI-JUDICIAL)

48.010 - PURPOSE

The purpose of the quasi-judicial change of Comprehensive Plan designation and the corresponding implementing Zone designation is to provide for revisions to the Comprehensive Plan Map in response to individual land owner requests and changing public needs for the allocation and development of land in Grant County.

48.020 - REVIEW PROCEDURE

Amendments to the Comprehensive Plan Map shall be reviewed according to the Planning Commission Review Procedure set out in Article 24 and the County Court Review Procedure set out in Article 25. Public hearings may be scheduled jointly or separately at the discretion of the County Court.

48.030 - REVIEW CRITERIA

- A. A request for a change of Plan designation may only be approved if it meets all applicable review criteria.
- B. A request for a change of Plan designation shall be reviewed against the following criteria:
 - 1. The proposed change of Plan designation is in conformance with the Comprehensive Plan, the Goals and Policies and any applicable Statewide Planning Goals;
 - 2. Demonstrate consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land;
 - 3. Demonstrate the compatibility with resource uses on surrounding lands;
 - 4. Demonstrate consistency with current or projected development patterns, or a demonstration why different use should be introduced into the area;
 - 5. The property affected by the change of Plan designation is adequate in size and shape to facilitate any uses allowed in conjunction with the proposed Plan designation;

6. Demonstrate the carrying capacity of the land to support the uses permitted in the proposed Plan and underlying Zone, adequate access and any other physical characteristics determined applicable in the pre-application conference;
 7. The property affected by the proposed change of Plan designation will have available adequate public facilities and services to support the projected intensity of uses in the proposed Plan designation and underlying Zone;
 8. The proposed change of Plan designation will not have a significant adverse effect on the appropriate use and development of adjacent properties;
 9. Demonstrate the property's suitability for the uses allowed in the proposed Plan designation, and that the request is consistent with the purpose of the proposed Plan designation and the underlying Zone;
 10. The proposed change is supported by specific studies or other factual information.
- C. When the proposal is to change a Plan designation from a resource designation to a non-resource designation the following criteria must be addressed in addition to the criteria above:
1. For an exception to Goal 3 - Agricultural Land, the following must be shown:
 - a. The soils are predominately other than Class I-IV; and
 - b. The land is unsuitable for farm use considering soil fertility, grazing, climate, irrigation, land use patterns, technology, and accepted farm practices; and
 - c. The land is not necessary to permit farm practices on adjacent or nearby lands.
 2. For an exception to Goal 4 - Forest Land, the following must be shown:
 - a. The soils have a Composite Internal Rate of Return (CIRR) of less than 3.50; and
 - b. The land is not needed for watershed, wildlife and fisheries protection, and recreation; and

- c. There are no extreme physical conditions that require maintenance of vegetative cover; and
 - d. This land is not a part of a larger forest use.
- D. A plan or land use regulation amendment significantly affects a transportation facility if it:
 - 1. Changes the functional classification of an existing or planned transportation facility.
 - 2. Changes standards implementing a functional classification system.
 - 3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility.
 - 4. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
- E. Amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - 1. Limiting allowed land uses to be consistent with the planned function of the transportation facility.
 - 2. Amending the TSP to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule.
 - 3. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

48.040 – PROCESSING

- A. A request for a Plan Amendment may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary

information under Section 40.040 and the pre-application conference, and may be accompanied by a plot plan drawn to the requirements of Section 41.050.

- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated. A portion of the fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the County Court.
- F. The County Court shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion.
- G. The County Court's decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C).
- H. The final action of the County Court may be appealed to LUBA within 21 days under the provisions of Article 33.

ARTICLE 49 - LEGISLATIVE AMENDMENT TO THE GRANT COUNTY COMPREHENSIVE PLAN, LAND DEVELOPMENT CODE OR PLAN AND/OR ZONE MAP

49.010 - PURPOSE

The purpose of legislative amendments to the Grant County Comprehensive Plan, Land Development Code, or Plan and/or Zone Map is to provide for changes based on periodic assessments of the development patterns and land use allocations or public need, and in order to carry out the Oregon Statewide Planning Goals or state statutes. Amendments to the Comprehensive Plan shall be based on new information; or an overall public need for the change; or may be made as a result of periodic studies or reviews. Amendments to the Land Development Code may be made in response to new ORSs, new OARs, to amendments to the Comprehensive Plan, or to provide for the continued efficient administration of this Code.

49.020 - REVIEW PROCEDURE

Amendments to the Comprehensive Plan, Land Development Code, or Plan and/or Zone Map shall be reviewed according to the Planning Commission Review Procedure set out in Article 24 and the County Court Review Procedure set out in Article 25. Public hearings may be scheduled jointly or separately at the discretion of the County Court.

49.030 - REVIEW CRITERIA

- A. A request for a change of Plan and/or Zone designation may only be approved if it meets all applicable review criteria.
- B. A request for a change of Plan and/or Zone designation shall be reviewed against the following criteria:
 - 1. The proposed change of Plan and/or Zone designation is in conformance with the Comprehensive Plan, the Goals and Policies and any applicable Statewide Planning Goals;
 - 2. Demonstrate consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land;
 - 3. Demonstrate the compatibility with resource uses on surrounding lands;

4. Demonstrate consistency with current or projected development patterns, or a demonstration why a different use should be introduced into the area;
 5. The property affected by the change of Plan designation is adequate in size and shape to facilitate any uses allowed in conjunction with the proposed Plan and/or Zone designation;
 6. Demonstrate the carrying capacity of the land to support the uses permitted in the proposed Plan and underlying Zone, adequate access and any other physical characteristics determined applicable in the pre-application conference;
 7. The property effected by the proposed change of Plan and/or Zone designation will have available adequate public facilities and services to support the projected intensity of uses in the proposed Plan designation and underlying Zone;
 8. The proposed change of Plan and/or Zone designation will not have a significant adverse effect on the appropriate use and development of adjacent properties;
 9. Demonstrate the property's suitability for the uses allowed in the proposed Plan and/or Zone designation, and that the request is consistent with the purpose of the proposed Plan designation and the underlying Zone;
 10. The proposed change is supported by specific studies or other factual information.
- C. When the proposal is to change a Plan designation from a resource designation to a non-resource designation the following criteria must be addressed in addition to the criteria above:
1. For an exception to Goal 3 - Agricultural Land, the following must be shown:
 - a. The soils are predominately other than Class I-IV; and
 - b. The land is unsuitable for farm use considering soil fertility, grazing, climate, irrigation, land use patterns, technology, and accepted farm practices; and
 - c. The land is not necessary to permit farm practices on adjacent or nearby lands.
 2. For an exception to Goal 4 - Forest Land, the following must be shown:

- a. The soils have a Composite Internal Rate of Return (CIRR) of less than 3.50; and
- b. The land is not needed for watershed, wildlife and fisheries protection, and recreation; and
- c. There are no extreme physical conditions that require maintenance of vegetative cover; and
- d. This land is not a part of a larger forest use.

49.040 - PROCESSING

A. Amendments to the Comprehensive Plan and Plan and/or Zone Map, and the text of this Code may be initiated as follows:

- 1. By Resolution of the County Court referring a proposed amendment to the Planning Commission for its consideration, report, and recommendation;
- 2. By proposal of the Planning Commission;
- 3. By citizen petition filed with the Planning Director upon forms prescribed by the Commission; or
- 4. By proposal of the Planning Director or County Legal Counsel.

B. If an amendment to the Comprehensive Plan is initiated by a property owner(s) or an authorized agent, the following shall apply:

- 1. A request for a Plan and/or Zone Map Amendment may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and may be accompanied by a site plan drawn to the requirements of 41.050;
- 2. A pre-application conference is required.
- 3. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application

conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be terminated. A portion of the fee may be retained to cover the cost of reviewing the application.

4. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- C. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the County Court.
 - D. The County Court shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion.
 - E. The County Court's decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C).
 - F. The final action of the Court may be appealed to LUBA within 21 days under the provisions of Article 33.