



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/26/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Grant Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 09, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Hilary McNary, Grant  
Jon Jinings, DLCD Community Services Specialist  
Grant Young, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within 20-Working Days after the Final

Ordinance is signed by the public Official Designated by the jurisdiction

and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailedDATE  
STAMP

DEPT OF

JUL 22 2013

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Grant County**

Local file number:

Date of Adoption: **6/19/2013**Date Mailed: **7/19/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Update Land Development Code to reflect legislative changes, changes to airport combining zone to protect airport operations, other housekeeping on code.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 001-13 (19788) [17546]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact:	Phone: (    )    -	Extension:
Address:	Fax Number:    -	
City:	Zip:	E-mail Address:

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



006389

RECEIVED AND FILED

IN THE COUNTY COURT FOR THE  
STATE OF OREGON FOR GRANT COUNTY

JUN 19 2013

BRENDA PERCY, COUNTY CLERK

AN ORDINANCE PROVIDING FOR )  
AMENDMENTS TO THE GRANT COUNTY )  
LAND DEVELOPMENT CODE OF APRIL )  
1997, REVISED IN FEBURARY 1999, )  
MAY 2000, MARCH 2001, SEPTEMBER )  
2002, and JULY 2009, TO PROVIDE FOR )  
POST ADOPTION CORRECTIONS AND )  
CODIFICATION; DECLARING AN )  
EMERGENCY )

COUNTY ORDINANCE  
2013-02

WHEREAS Grant County adopted a Land Development Code in April 1997, adopted revisions in February 1999, May 2000, March 2001, September 2002 and July 2009 to provide regulations concerning zoning in the County; and

WHEREAS it is deemed necessary to amend the Grant County Land Development Code to address changes in Oregon Statutes; update the Airport Combining Zone; Codify changes from the John Day Urban Growth Management Agreement; correct editorial errors and clarify meaning; and

WHEREAS on the 16<sup>th</sup> day of May, 2013, the Grant County Planning Commission held a duly noticed public hearing to consider these proposed Amendments, and made recommendation to the County Court for their approval; and

WHEREAS the County Court of Grant County held a public hearing pursuant to ORS 215.060 on the Ordinance amendments on June 19, 2013 and considered all evidence presented including said Planning Commission Recommendation;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY OF GRANT, State of Oregon that the Grant County Land Development Code of April 1997, as revised in February 1999, May 2000, March 2001, September 2002 and July 2009 be amended as follows:

**11.030 - TERMS DEFINED**

74. COMMERCIAL TREE SPECIES. *Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715*
87. 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 368.016705, or any other provisions of law.
124. 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)~~220(1). 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).

245. 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. ~~The plot plan shall meet the requirements of Section 41.050.~~

290. SANITARY LAND FILL. Land used for the disposal of solid waste, in conformance with State Law ~~the requirements of OAR, Chapter 34, Division 61.~~

~~322.~~ SUBSTANTIVE RESPONSE. A response which includes any information that could be considered in rendering a decision.

\*\*Renumber remaining definitions

#### 22.030 - TYPE I REVIEW

A. A Type I Review shall be conducted without notice, except as may be required by a County-City Urban Growth Management Agreement.

#### 30.020 - APPLICATIONS

C. If additional documents or evidence is submitted in support of an application ~~before~~ or at the public hearing, any party shall be entitled to a continuance of the hearing. The hearing continuance shall not be subject to the 150 day time limitation for final local action per ORS 215.42~~7~~8.

D. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, ~~the~~ record shall remain open for at least seven days after the hearing. Such an extension ~~shall~~ not be subject to the limitations of the 150 day rule found in ORS 215.42~~7~~8.

#### 31.120 - ORDER OF PROCEDURE

K. Continuances. The Hearing Body may grant a continuance of the hearing whenever it concludes additional time is reasonably required to either evaluate evidence in the record or to obtain additional evidence. In addition, continuances shall be granted in the following circumstances:

1. If the applicant places additional documents or evidence in the record, any party to the hearing may request the hearing be continued in order to review the additional documents or evidence. The period of continuance shall not count against the 150 day limit for final action specified in ORS 215.42~~7~~8;
2. If a continuance has not otherwise been granted, any participant may request the record remain open for at least seven days after the hearing. The request must be made before the close of the evidentiary hearing and the period of continuance shall not count against the 150 day limit for final action specified in ORS 215.42~~7~~8.

**40.040 - APPLICATION REQUIREMENTS**

**AA. Documentation of a domestic water source or authorization to develop a domestic water source for a dwelling.**

**AB. For projects located within City of John Day Urban Growth Area, evidence of consistency with applicable City of John Day public facility plans.**

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

**43.030 - REVIEW CRITERIA [ADMINISTRATIVE PERMIT]**

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 or future urbanization within designated Urban Growth Areas;

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:

7. Development setbacks to preserve planned street rights-of-way;
87. Other factors necessitated by site conditions.

**46.030 - REVIEW CRITERIA**

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

**46.040 - PROCESSING**

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:

11. Requiring development setbacks to preserve planned street rights-of-way.

**50.040 - APPLICATION REQUIREMENTS [LAND DIVISIONS]**

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:

B. A completed application form which ~~form that~~ includes the signature(s) of the land owner and the applicant;

**R. For projects located within City of John Day Urban Growth Area, evidence of consistency with City of John Day public facility plans.**

**51.050 - REVIEW CRITERIA [SUBDIVISIONS]**

In addition to the requirements of Chapters 7 and 8, the following information will be reviewed in order to determine if the subdivision complies with County standards:

- A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;
- B. The proposed development conforms with the Official Street Map ~~and/or any potential street extensions,~~ and adopted public facility plans, and will not ~~prohibit~~ preclude the extension of streets ~~or~~ roads, or utilities in accordance with such maps or plans;
- H. The proposed development is compatible with the existing land use pattern and adopted public facility plans in the area; where development is proposed within an Urban Growth Area, the applicant must provide a redevelopment plan demonstrating future redevelopment is feasible and would be consistent with the applicable codes, development standards and public facility plans of the affected City. See also, Chapter 8 Public Facilities;

**52.050 - REVIEW CRITERIA [PARTITIONS]**

In addition to the requirements of Chapters 7 and 8, the following information will be reviewed in order to determine if the partition complies with County standards:

- A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;
- B. The proposed development conforms with the Official Street Map ~~and/or any potential street extensions,~~ and adopted public facility plans, and will not ~~prohibit~~ preclude the extension of streets ~~or~~ roads and utilities in accordance with such maps or plans;
- H. The proposed development is compatible with the existing land use pattern in the area; where development is proposed within an Urban Growth Area, the applicant must provide a redevelopment plan demonstrating future redevelopment is feasible and would be consistent with the applicable codes, development standards and public facility plans of the affected City. See also, Chapter 8 Public Facilities;

**53.050 - REVIEW CRITERIA [RE-PLATTING]**

In addition to the requirements of Chapters 7 and 8, as applicable, the following information will be reviewed in order to determine if the replat complies with County standards:

- B. The proposed development conforms with the Official Street Map and adopted public facility plans ~~and/or any potential street extensions~~ and will not ~~prohibit~~ preclude the extension of streets ~~or~~ roads, or utilities in accordance with such maps or plans;
- H. The proposed development is compatible with the existing land use pattern in the area; where development is proposed within an Urban Growth Area, the applicant must provide a redevelopment plan demonstrating future redevelopment is feasible and would be consistent with the applicable codes, development standards and public facility plans of the affected City. See also, Chapter 8 Public Facilities;

**54.050 - REVIEW CRITERIA [PROPERTY LINE ADJUSTMENT]**

- F. The property line adjustment will not conflict with the Official Street Map or public facilities plans adopted by the County and/or adjacent City, and will not preclude the extension of streets, roads or utilities in accordance with such maps or plans.

#### 55.050 - REVIEW CRITERIA [PLANNED UNIT DEVELOPMENT]

- B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads in the County and/or adjacent City;

#### 61.070 - PROPERTY DEVELOPMENT STANDARDS [SUBURBAN RESIDENTIAL (SR) ZONE]

3. Area subject to municipal standards if public facilities.

All permitted developments served by an approved community or municipal water and sewer system shall meet the lot area standards adopted by the affected City.

- a. Within the John Day Urban Growth Area, where the minimum lot size is one (1) acre, smaller lots may be approved as part of a Planned Unit Development.
- b. Where lots smaller than one (1) acre are permitted, the minimum lot size is 10,000 square feet and development shall comply with minimum standards of the City of John Day RG zone and the requirements of the City of John Day Development Code.

- B. Lot Size and Shape - See Article 71

3. Rear Yard. No less than 10 feet deep, except the minimum rear yard for structures greater than 28 feet in height within the John Day Urban Growth Area is 15 feet.

#### 64.055 - TEMPORARY USES

- A. One manufactured dwelling in conjunction with an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident as provided in ORS 215.283(2)(~~k~~).

#### 64.070 – DWELLINGS

- B. An additional dwelling may be located on the same lot or parcel as the dwelling of the farm operator, which will be occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator. The dwelling shall be reviewed against the following criteria:
2. The dwelling will be occupied by ~~a person or persons who~~ relatives who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and



D. A dwelling may be sited under the following provisions as a limited lot of record: (Type I Review)

1. The lot or parcel must have been lawfully created prior to January 1, 1985; and
2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after but may not have been purchased after January 1, 1985; and

For the purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business owned by any one or combination of these family members (215.705(6)).

#### 64.090 – PARCEL STANDARDS

B. A land division may be approved to create up to two new parcels smaller than the minimum size of the Exclusive Farm Use Zone, each to contain a dwelling not provided in conjunction with commercial farm use, if:

1. The nonfarm dwellings meet the criteria for approval in Section 64.070(C).
2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum parcel size for the EFU Zone; and
4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will comply with the minimum parcel size for the EFU Zone; and
5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

C. A land division may be approved to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use if:

1. The nonfarm dwellings meet the criteria for approval in Section 64.070(C).
2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size for the Exclusive Farm Use Zone, but equal to or larger than 40 acres; and
4. The parcels for the nonfarm dwellings are:
  - a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and
  - b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock.
5. The parcels for the nonfarm dwellings do not have established water rights for

irrigation; and

6. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
1. ~~The minimum parcel size for uses not in conjunction with a farm or forest use including non farm dwellings, shall be limited to the size reasonably necessary for the proposed use. The requirements for a non farm division of land are:~~
  1. ~~Parcels that do not meet the minimum size for the zone may be created for non farm dwelling(s) in accordance with ORS 215.263.~~

#### 65.040 - ADMINISTRATIVE PERMIT USES

- H. Commercial Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ~~ten~~ 10 acres from use as commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;

#### 65.070 – DWELLINGS

- C. The Lot-of-Record Test. A dwelling may be sited under a limited lot of record provision when the following criteria are met: (Type I Review)
  1. The lot or parcel must have been lawfully created prior to January 1, 1985; and
  2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after but shall not have been purchased after January 1, 1985; and
    - a. For the purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business owned by any one or combination of these family members (215.705 (6))
- D. The following definitions shall apply when reviewing a dwelling application under Sections 65.070(B) and (C):
  1. Cubic Foot per Acre per Year. The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resources Conservation Service (NRCS) soil survey information, USDA Forest Service Plant association guides, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and must be approved by the Oregon Department of Forestry.

2. Cubic Foot per Tract per Year. The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resources Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and must be approved by the Oregon Department of Forestry.

#### 66.070 – DWELLINGS

- B. An additional dwelling may be located on the same lot or parcel as the dwelling of the farm operator, which will be occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator. The dwelling shall be reviewed against the following criteria:
  2. The dwelling will be occupied by relatives ~~a person or persons~~ who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;
- D. A dwelling may be sited under the following provisions as a limited lot of record: (Type I Review)
  1. The lot or parcel must have been lawfully created prior to January 1, 1985; and
  2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after, but may not have been purchased after January 1, 1985; and

For the purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business owned by any one or combination of these family members (215.705(6)).

#### 66.090 – PARCEL STANDARDS

- B. A land division may be approved to create up to two new parcels smaller than the minimum size of the Multiple Use Range Zone, each to contain a dwelling not provided in conjunction with commercial farm use, if:

1. The nonfarm dwellings meet the criteria for approval in Section 66.070(C).
2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum parcel size for the MUR Zone; and
4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will comply with the minimum parcel size for the MUR Zone; and
5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering

the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

C. A land division may be approved to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use if:

1. The nonfarm dwellings meet the criteria for approval in Section 66.070(C).
2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size for the Multiple Use Range Zone, but equal to or larger than 40 acres; and
4. The parcels for the nonfarm dwellings are:
  - a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and
  - b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock.
5. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
6. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

~~The minimum parcel size for uses not in conjunction with a farm or forest use including non-farm dwellings, shall be limited to the size reasonably necessary for the proposed use. The requirements for a non-farm division of land are:~~

- ~~1. Parcels that do not meet the minimum size for the zone may be created for non-farm dwelling(s) in accordance with ORS 215.263.~~

## **ARTICLE 69.4 - AIRPORT COMBINING ZONE**

### **69.40510 - PURPOSE**

An Airport Combining Zone is applied to an area which is in the proximity of active air fields where aircraft operations occur on a regular basis. This Combining Zone signifies a measure of noise level (sound measured in decibels), dust, engine exhaust, and visual impact, surrounding the airport. In order to prevent the creation of hazards, special airport zoning regulations controlling and limiting the use of land are established within the Airport Combining Zone. The provisions of this Section are not intended to abrogate any other Section of this Code and when it appears that there is a conflict, the most restrictive requirements shall apply.

### **69.410 – DEFINITIONS**

The following definitions are incorporated consistent with applicable State law and administrative rules.

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.

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.

Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

Airport Imaginary Surfaces. 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.

Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. 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, having visibility minimums at or below three-fourths statute mile; and
  4. 16,000 feet for a precision instrument runway.
2. 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 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 slope of 40 feet outward for each one foot upward, for precision instrument runways.



3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

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.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

FAA. The Federal Aviation Administration.

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 relate to airports. This may include, but is not limited to, the USDA APHIS-Wildlife Services.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

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.

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/or which no precision approach facilities are planned or indicated on an FAA approved airport layout plan or other FAA planning document.

Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

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.

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 Landing 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.

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 that 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.

Public Assembly Facility. For the purposes of Article 69.4, 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.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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.

Significant. As it related 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.

Structure. 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.

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.

Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

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.

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 the ordinance.

#### 69.415 Imaginary Surface and Noise Impact Boundary Definition

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, as delineated by the Ogilvie Field Airport Master Plan, are hereby made part of the Official Grant County Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay zone.

#### 69.420 Notice of Land Use and Permit Applications within Overlay Zone Are

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use applications or limited land use applications.

A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway.

B. Except as provided under Subsection 69.420(D), notice of land use and limited land use application shall be provided within the following timelines.

1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.

2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.

C. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.

D. Notices required under Paragraphs A-C of this section need not be provided to the airport sponsor or the Department of Aviation where the property that is the subject of the land use or limited land use application is more than 35 feet lower in elevation at the site of the structural development than any runway surface at Ogilvie Field; or, that meets all of the following criteria:

1. Would only allow structures not exceeding 35 feet in height;
2. Involved property located entirely outside the approach surface;
3. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
4. Does not involve wetland mitigation, enhancement, restoration or creation.

#### 69.425 Height Limitations on Allowed Uses in Underlying Zones

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

B. For areas within airport imaginary surfaces, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the maximum allowable structure height is 35 feet, except as approved with a Conditional Use Permit and pursuant to this Chapter.

C. Where a structure height exceeding 35 feet is proposed, it may be approved only where it is supported in writing by the airport sponsor, and not opposed by the Department of Aviation or the FAA, unless the at-grade elevation of the structure's footprint is such that the proposed maximum structure height is lower than the elevation of any runway surface at Ogilvie Field. Applications for increased height on any other property within this overlay zone shall follow the procedures set forth in Article 46 Conditional Use Permits and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

#### 69.430 Procedures

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.

B. A site plan drawn to scale including the location and elevation of the building site, all existing and proposed structures, measured in feet above mean sea level. If protected airspace may be penetrated; or upon recommendation of the Airport Sponsor, the Planning Director shall require that elevations be certified by a surveyor or engineer licensed in the State of Oregon.

C. If a Conditional Use Permit or Variance is requested for increased structure height, letters of support from the airport sponsor, the Department of Aviation and the FAA must be submitted unless the at-grade elevation of the structure's footprint is such that the proposed maximum structure height is lower than the elevation of any runway surface at Ogilvie Field.

#### 69.435 Land Use Compatibility Requirements

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

B. Outdoor Lighting. No new or expanded outdoor lighting shall project directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel and only as approved by the airport sponsor. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare. No glare producing material, including, but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radio telephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.



F. Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collision is not likely to result.

G. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Area. The land uses allowed in the underlying zone are allowed within the AC overlay, subject to the following standards and limitations:

1. No structure shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Agricultural and farming practices normal and accepted for the area are not considered a conflict; however, deliberate attempts to attract birds with agricultural and/or farming practices shall be prohibited.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are not practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation (ODA).
6. Public assembly facilities are prohibited in the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of the approval. Structures are not permitted within the RPZ. For purposes of this document, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre, frequency of use; level of activity at the airport, and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and residential structures should be located outside approach surfaces unless no practicable alternatives exist.
9. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this document regarding water impoundments.
10. Water impoundments are prohibited within 5,000 feet from the edge or end of a runway; however, Agricultural Irrigation Structures, including, but not limited to: impoundments in rivers or streams; conveyance structures such as ditches and

canals; and, the ponding of water caused by irrigation practices on crops in fields and runoff from irrigated fields, shall be exempt from this prohibition.

11. Wetland mitigation required for projects located within an approach surface, the airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and the wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runway and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runway and approach surfaces.

69.440 Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries

Any user or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

A. Except as provided under subsection (B) of this section, and as set forth in "Agricultural Irrigation Structures" above, no new or expanded water impoundments of one-quarter acre in size or larger are permitted.

1. Within an approach surface and within 5,000 feet from the end of a runway; or
2. On land owned by the airport sponsor that is necessary for airport operations.

B. Storm water management basins established by an airport identified under ORS 836.610(1) are allowed.

69.445 Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surfaces and Airport Direct and Secondary Impact Boundaries

A. Notwithstanding the requirements of Subsection 69.440, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Subsection 69.440 shall be allowed upon demonstration of compliance with the requirements of this Section.

B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under 69.440 are recognized as lawfully existing uses.

C. To help avoid increasing safety hazard to air navigation near public use airport, the establishment of wetland mitigation banks in the vicinity of such airports, but outside approach surfaces and areas regulated under 69.440 is encouraged.

D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under 69.440 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstrations that:

1. It is not practicable to provide off-site mitigation; or
2. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

E. Wetland mitigation permitted under subsection D of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movement of birds across runways or approach surfaces.

F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under 69.440, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and
2. The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish and Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

#### 69.450 Nonconforming Uses

A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.

B. Notwithstanding subsection A of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of the overlay zone.

#### 69.455 Avigation Easement Required

Within this overlay zone, property owners who apply for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1,000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor

and shall be signed and recorded in the deed records of the County. The aviation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

#### ~~69.420 APPLICATION OF COMBINING ZONE~~

- ~~A. In any Zone where an Airport Combining Zone is combined with a primary Zone and any conflict in regulations or procedure occurs between the Zone and the Combining Zone, the most restrictive shall govern.~~
- ~~B. The boundaries of the Combining Zone shall be described as the area within 1000 feet of the Airport property boundary, and designated on the official Zoning Maps for Grant County. Height and land use limitations shall be imposed within the Combining Zone. Height and other standards shall be consistent with the requirements of the Federal Aviation Administration, the Oregon State Department of Transportation, the Grant County Airport Master Plan.~~

#### ~~69.430 USE RESTRICTIONS~~

~~The following use restrictions shall apply within the areas designated as Airport Combining Zone on the Official Zoning Map:~~

- ~~A. Runway Protection Zone (RPZ). No use other than those listed under Section 69.440 is permitted;~~
- ~~B. Airport Approach Zone is the RPZ outside the airport boundary. Any use listed in the primary Zone, subject to the requirements of this Article, may be permitted;~~
- ~~C. Airport Safety Approach Zone is the RPZ inside the Airport boundary. Any use listed in the primary Zone, except for places of public assembly accommodating more than 100 persons, may be permitted within the approach zone, subject to the regulations of this Article. A declaration of record shall be made on the permit recognizing the preexistence of the airport;~~
- ~~D. No use may be made of land within the Airport Combining Zone that will result in interference with communications and/or visibility between airport and aircraft. No illumination of signs or material of a reflective nature used on exterior construction shall be installed which would result in glare or confusion with aeronautical lighting that may impair visibility from aircraft.~~
- ~~E. As a condition of approval for any use proposed within an Airport Combining Zone, the County shall require execution by the property owner, an Aviation and Hazard easement which shall be recorded on the deed records of Grant County by the County Clerk without fee.~~

#### ~~69.440 PERMITTED USES~~

~~The following uses are permitted unless the use would penetrate the elevations of the approach and transitional zones. The uses shall be reviewed using an Administrative Review Procedure under Article 22, and to the property development standards under Section 69.480:~~

- ~~A. Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead; (Type I, no Site Plan Review)~~
- ~~B. Landscape nursery, cemetery, or recreation areas which do not include buildings or structures; (Type I, no Site Plan Review)~~

- ~~C. — Roadways, parking areas, and storage yards while allowed shall not be located so that the lighting will make it difficult for pilots to distinguish between landing lights and other lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach; (Type II with Site Plan Review)~~
- ~~D. — Pipeline; (Type I, no Site Plan Review)~~
- ~~E. — Underground utility wire; (Type I, no Site Plan Review)~~
- ~~F. — Airports and heliports, subject to the approval of a master plan by the County Court, providing that FAA permits have been obtained, and lines, towers, structures or poles do not penetrate the air space of a clear zone approach or transitional surface of an airport. (Type II with Site Plan Review)~~

#### **69.450 — CONDITIONAL USES**

~~The uses listed as Conditional Uses within the primary Zone shall be subject to this Article in addition to the requirements of the primary Zone.~~

#### **69.460 — HEIGHT LIMITATIONS**

~~The allowable height of any building, structure, or tree within the Airport-Combining Zone shall conform to the following:~~

- ~~A. — The ground level elevation plus the height of any structure, building, use, or tree at its proposed location shall not penetrate any approach, transitional, horizontal, conical surface of an airport as indicated on the Grant County Airport Master Plan and/or other County document, unless specifically approved by the FAA and Grant County as part of a Conditional Use Permit review.~~

#### **69.470 — NEW DEVELOPMENT**

- ~~A. — All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized.~~
- ~~B. — They shall be located so that air traffic shall not constitute a nuisance to neighboring uses.~~
- ~~C. — The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright light, as required by the Oregon Department of Environmental Quality rules and regulations.~~

#### **69.480 — PROPERTY DEVELOPMENT STANDARDS**

~~The property development standards in the underlying Zone shall apply to all development in this Combining Zone. The standards contained in this Article shall be in addition to the standards of the underlying Zone.~~

#### **72.040 - SPECIAL SETBACK REQUIREMENTS**

- ~~A. Stream Setbacks. No structure, excluding fences, boat landings, docks, bridges, hydroelectric facilities, pumping, or water treatment facilities, shall be located closer than 100 feet to the banks of any Class 1 or Class 2 recognized water courses as defined by the Oregon State Department of Fish and Wildlife.~~

#### **81.050 - STREET CREATION OUTSIDE A LAND DIVISION**

- ~~A. The provision of right-of-way for creation of streets outside of a subdivision, partition, re-plat, or planned unit development, where streets are not shown on an adopted Transportation Plan shall be in conformance with the County Road Standards, except that~~



the Review Body may approve the creation of a street by deed without full compliance with platting regulations provided any of the following conditions exist:

5. The street is designated on an adopted public facility plan.

#### 81.080 - RELATION TO ADJOINING STREET SYSTEM

- A. Applicants for a subdivision, partition, re-plat, property line adjustment, planned unit development or Site Plan Review shall provide for the continuation of the other principal streets existing in adjoining subdivisions or of their proper projection when the adjoining property is not subdivided. The streets shall be a width not less than the minimum requirements for streets set out in Sections 81.130(A) and 81.200(F).
- B. Where, in the opinion of the Review Body, topographic conditions make the continuation or conformity impractical with the existing, principal streets, an exception may be made.
- C. Where an ~~adopted~~ adopted public facility plan, neighborhood plan, area plan, or rural community plan is in place, the subdivision, partition, re-plat, property line adjustment, or planned unit development shall conform to the adopted plan.
- D. Where the plat submitted covers only a part of the developer's tract, a drawing of the prospective future street system on the part submitted shall ~~be considered in light of its conformity~~ provide for the future development of to the a street system of that will serve the entire tract at build-out under applicable zoning.
- I.. Loop road systems are to be provided where possible in order to provide more than one route for traffic in the case of an emergency. Cul-de-sac roads are to be kept as short as practical to facilitate better emergency access.

#### 81.120 - STREETS ABUTTING A LAND DIVISION

- C. Except as otherwise required for streets developed within an Urban Growth Area, aAt County discretion, street improvements shall be constructed to an equivalent dollar amount of the half-width rural standard. Design standards for streets developed within an Urban Growth Area shall conform to the applicable street standards of the abutting City. Design standards for rural roads shall be in conformance with this Code, the Roadway and Traffic Management Plan for Grant County Standards and Specifications for Design and Construction of County Roads, relevant City street standards, the AASHTO standards, and any technical manuals used by the Road Department in road development and as provided in Section 81.130(A).

TITLE. This ordinance shall be known as the GRANT COUNTY LAND DEVELOPMENT CODE CORRECTION AND CODIFICATION ORDINANCE OF MAY 2013.

BB  
June  
Swim.

ENACTMENT, EMERGENCY DECLARED: Whereas this ordinance and the provisions herein are deemed necessary to facilitate land use actions in accordance therewith, therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect on and from the date of approval by the County Court.

006410

APPROVED and adopted the 19<sup>th</sup> day of June 2013

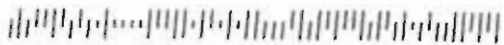
COUNTY COURT

Scott W. Myers  
Judge Scott W. Myers

Boyd Britton  
Commissioner Boyd Britton

Chris B. Labhart  
Commissioner Chris B. Labhart

Attest: \_\_\_\_\_  
Mary R. Ferrioli, Court Secretary



DEPT OF

JUL 22 2013

LAND CONSERVATION  
AND DEVELOPMENT

DLCD – plan amendment specialist  
635 Capitol St NE, Ste 150  
Salem, OR 97301-2540