



Planning Department

201 S. Humbolt, Suite 170

Canyon City, OR 97820

(541) 575-1519 / gcplan@grantcounty-or.gov

February 13, 2025

Gina Leigh
51257 Highway 26
Mt Vernon, OR 97865

Gina:

Please find the approval for your application for a Replacement Dwelling on your property in Township 13 South, Range 28 East, Section 13 in the Exclusive Farm Use Zone.

Attached is a "Declaration Prohibiting Pursuit of Claim of Relief" for the property that must be recorded in accordance with the Grant County Land Development Code 64.060 (D). This document recognizes that you are placing a dwelling in a resource zone, and that no injury can be alleged from farm or forest practices in the area. Please sign this document, have it notarized and recorded with the deeds by the Grant County Clerk. After recording by the Clerk, the original signed document will need to be presented to the Planning Department.

Until the declaration is recorded with the Grant County Clerk, no land use compatibility statement can be signed and building permits for this dwelling will not be issued.

I have attached a copy of the Oregon Wildfire Risk Explorer – property owner report for your property. This is just for informational purposes, no action is required on your part.

If you have any questions, please do not hesitate to call our office.

Thank you,

Shannon Springer, Planning Director
Grant County Planning Department

xc: file copy



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February 13, 2025

ADMINISTRATIVE REVIEW – AR1-25-11

Applicant: Gina Leigh
51257 Highway 26
Mt Vernon, OR 97865

Property Owner: Same

Gina Leigh is the owner of property identified as tax lot 301, located at Township 13 South, Range 28 East, Section 13, WM in Grant County Oregon. This tract is zoned Exclusive Farm Use (EFU), and contains 2.16 acres. Application has been made to replace an existing dwelling.

The Planning Staff has reviewed your request, and found the following:

CRITERIA #1:

Section 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:

FINDING:

A completed, signed application was turned in with the following things attached or included: A copy of the recorded deed, showing proof of ownership and the legal description of the property, a signed statement of understanding, the required fee, proof of access, a plot map and documentation of the applicable features of the dwelling. The dwelling is located within the special flood hazard area.

CRITERIA #2:

Section 43.040 – Processing

- D. Within 5 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 wetlands located on it. ...

FINDING:

The wetlands maps were checked to determine if wetlands are present. There are no wetlands in the area of development. This criterion is satisfied.

CRITERIA #3:

Section 64.030 – Permitted Uses

The following uses and their accessory uses shall be permitted using a Type I Review Procedure as specified in Section 22.030, and to the standards set out in Section 64.095 when applicable:

N. Alteration, restoration, or replacement of a lawfully established dwelling subject to the following:

ORS 215.291 is being directly applied to replacement dwelling requests, due to provisions being effective January 1, 2024 and code language not yet updated.

ORS 215.291 Alteration, restoration or replacement of lawfully established dwelling; conditions; siting; deferral.

(1) A lawfully established dwelling may be altered, restored or replaced under ORS 215.213 (1)(q), 215.283 (1)(p) or 215.755 (1) if the county determines that the dwelling to be altered, restored or replaced:

(a) Has, or formerly had:

- (A) Intact exterior walls and roof structure;*
- (B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;*
- (C) Interior wiring for interior lights; and*
- (D) A heating system; and*

(b)

(A) Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:

- (i) Five years before the date of the application; or*
- (ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or*

(B) If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:

- (i) Five years before the date of the destruction or demolition; or*
- (ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.*

FINDING:

The dwelling to be replaced has existed on the property since 1973 and contains all of the above attributes. According to documents provided it contains intact exterior walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for lights and a heating system.

The dwelling is shown on the assessment records as a dwelling and has been assessed as a dwelling for the previous five years. These criteria are satisfied.

CRITERIA #4:

215.291 Alteration, restoration or replacement of lawfully established dwelling; conditions; siting; deferral.

(2) For replacement of a lawfully established dwelling under this section:

(a) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.

FINDING:

The request is to replace the dwelling in the same location as the existing dwelling. Removal or conversion of the existing dwelling to an approved non-residential use is required within three months of issuance of a Certificate of Occupancy for the new dwelling. This criterion can be met as a condition of approval.

CRITERIA #5:

215.291 Alteration, restoration or replacement of lawfully established dwelling; conditions; siting; deferral.

(2) For replacement of a lawfully established dwelling under this section:

(b) The replacement dwelling:

(A) May be sited on any part of the same lot or parcel.

(B) Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(C) Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(i) The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or

(ii) No statewide map of wildfire risk has been adopted.

FINDING:

The dwelling can be sited on any part of the same lot or parcel which complies with setback requirements. The dwelling is proposed to be sited in the same location as the existing dwelling. Any change in the proposed location must be approved by the Planning Department. The proposed location meets siting requirements.

The Oregon Wildfire Hazard Map has been adopted and released. The subject property is in a moderate hazard area and a WUI (Wildland Urban Interface). The new dwelling is not required to comply with construction provisions of section R327 of the Oregon Residential Specialty Code.

CRITERIA #6:

Section 64.060 – Review Criteria

Applications for an Administrative Permit or a Conditional Use Permit in an EFU or MUR Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030 as applicable:

- A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - 1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - 2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - 3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - 4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
 - 5. The use is or can be made compatible with existing uses and other allowable uses in the area.
- D. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 for the following uses:
 - 2. Alteration, restoration, or replacement of a lawfully established dwelling as provided in 64.030(N).

FINDING:

The properties surrounding the subject property are all zoned for agriculture use. Agricultural uses in the area are predominately hay production on property with water rights for irrigation and grazing. After review of the application materials, there is no indication that replacement of the existing dwelling will force a significant change in or increase the cost of surrounding farm or forest practices.

Farm or forest practices may occur on surrounding property. As a condition of approval, the applicant is required to record a signed and notarized "Acknowledgment of Farm and Forest Practices" statement with the Grant County Clerk.

These criteria have been met or can be met as conditions of approval.

CRITERIA #7:

13.030 - Non-Conforming Structures

- A. Subject to the provisions of Sections 13.040 and 13.050, a lawful non-conforming structure may be altered or maintained.
- B. If a building or structure is non-conforming due to failure to comply with a yard or location requirements and that building or structure is proposed to be altered or enlarged, any alteration or enlargement may occur only to the extent that it conforms with all other

requirements of this Code, and does not cause any further violation of the provision to which it is non-conforming.

FINDING:

The dwelling was sited in the current location prior to the Comprehensive Plan being acknowledged. The current dwelling does not meet the setback requirement on the south property boundary of 30 feet or the special stream setback requirement of 100 feet from a recognized watercourse. A dwelling can be replaced in the same location as long as it is no closer than the existing dwelling to the property boundary or river.

CRITERIA #8:

Section 72.020 – Structure Height and Setback Requirements

- A. The following minimum requirements shall be applied to all permitted, administrative, conditional, and accessory structures allowed except where more restrictive dimensions are specified elsewhere in this Code. All requirements are specified in feet:

EFU Zone Height: 35 Setbacks: Front – 30 Side – 30 Rear – 30

FINDING:

The plot map submitted with the application shows the dwelling will be located in the EFU Zone and will not meet the required setbacks for the Zone. The plot map shows the proposed dwelling will be located 84 feet from the East property boundary, 56 feet from the North property boundary which is the John Day River and 214 feet from the west property boundary. These setbacks are met. The south property boundary is 14 to 20 feet from the existing dwelling. Because the original dwelling was established before the Comprehensive Plan was acknowledged the same setbacks can be maintained, but not reduced without approval of a variance. The reduced set back is allowed under code Section 13.030 (B).

CRITERIA #9:

Section 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 recognized watercourse:
1. This setback shall be maintained, to the greatest extent feasible, in stabilized vegetation;
 2. Stream side vegetation that provides shading of the surface waters shall be retained;
 3. Existing stream side vegetation shall be maintained to the greatest extent possible during construction and development.

FINDING:

The proposed dwelling is to be sited in the same location as the existing dwelling which is 56 feet from the John Day River. Because the original dwelling was established before the Comprehensive Plan was acknowledged the same setbacks can be maintained, but not reduced without approval of a variance. The reduced set back is allowed under code Section 13.030 (B).

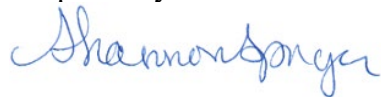
CONCLUSION:

The criteria and findings support the approval of this application for a replacement dwelling. Therefore, AR1-25-11 is APPROVED, subject to the following conditions:

- The applicant is required to record a signed and notarized “Acknowledgment of Farm and Forest Practices” statement with the Grant County Clerk.
- Any reduction in setbacks from the south property boundary or the John Day River will require approval of a variance.
- A flood development permit will be required before building permits can be submitted.
- Appropriate permits must be obtained for construction or connection to a septic system prior to a building code permits being issued.
- Proper building code permits must be obtained prior to construction.
- The existing dwelling must be removed or converted to an allowed non-residential use within three months of a certificate of occupancy being issued for the new dwelling.

Zoning Permit ZP-25-08 is attached. This permit is valid for four years from this date, and construction must begin within that time. Commencement of construction must begin no later than four years from the date of this approval. No extensions will be authorized.

Respectfully submitted this 13th day of February 2025.



Shannon Springer, Planning Director
Grant County Planning Department



Planning Department

Zoning Permit # ZP-25-08

NAME: Gina Leigh ADDRESS: 51257 Highway 26

CITY: Mt Vernon STATE: Oregon ZIP: 97865

This Permit is issued for: Replacement of Single Family Dwelling

On tax lot 301 located at T 13 S, R 28 E, Section 13, W.M. in Grant County, Oregon

It is zoned Exclusive Farm Use and contains 2.16 acres.

ADMINISTRATIVE REVIEW #: AR1-25-11

Specific conditions of this permit:

- ❖ Setbacks of 30 feet front, 30 feet sides and 30 feet rear must be maintained from structures to property lines. Maximum height 35 feet. *This approval will allow the setback from the south boundary to be 20 feet at the east end of the dwelling and 14 feet at the west end.*
- ❖ No structures shall be located closer than 100 feet to the banks of any defined water channel. Stream side vegetation that provides shading to the stream surface shall be maintained to the greatest extent possible. *This approval will allow the replacement dwelling to be 56 feet from the John Day River.*
- ❖ Adequate access and turn-around for fire-fighting vehicles shall be provided to within 50 feet of all habitable structures including Manufactured dwellings and other significant buildings, and shall terminate in an approved cul-de-sac, clear area, or other turnaround arrangement. Minimum surface width shall be 12 feet and all gates a minimum of 14 feet wide. Unsurfaced driveways shall not exceed a grade of 12%, and all culverts or crossing structures shall have a design load of a minimum of 50,000 pounds.
- ❖ Manufactured/Mobile Homes shall be a minimum of 14 feet wide and contain a minimum of 660 square feet. The manufactured/mobile home shall have been manufactured after June 15, 1976, and bear the Oregon Department of Commerce "Insignia of Compliance."

Permit holder agrees to abide by the requirements of the Grant County Comprehensive Plan and the Grant County Land Development Code as they apply to this permit. Acceptance of this permit implies acceptance of all the terms and conditions of the Land Development Code. This permit is valid for four years from this date.

Authorized by: Shannon Springer Planning Director February 13, 2025

I, LAURIE CATES, COUNTY
CLERK FOR GRANT COUNTY, OR
CERTIFY THAT THE INSTRUMENT
IDENTIFIED HEREIN WAS
RECORDED IN THE COUNTY
CLERK'S RECORDS.
LAURIE CATES, GRANT COUNTY
CLERK

DOC#: 20250296

PG: 2 \$88.50

2/19/2025 12:59 PM

After recording please return to:

Grant County Planning Department
201 S. Humbolt, Suite 170
Canyon City, OR 97820



.....**GRANT COUNTY – A POLITICAL SUBDIVISION OF THE STATE OF OREGON**.....

DECLARATION PROHIBITING PURSUIT OF CLAIM OF RELIEF – ORS 215.295

Acknowledgment of Farm and Forest Practices

PROPERTY OWNER:

Gina Leigh
51257 Highway 26
Mt Vernon, OR 97865

WHEREAS the Grant County governing body or its designate has required as a condition of approval of a single family dwelling under ORS 215.213, 215.283 or 215.284 or otherwise in a farm or forest zone that the landowner of the dwelling sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farm or forest practices for which no action or claim is allowed under ORS 30.936 or ORS 30.937; and

WHEREAS the owner has accepted such condition of approval for the replacement of a single family dwelling; now therefore;

THE UNDERSIGNED OWNER hereby waives any and all claims for relief or causes for action present and future, alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or ORS 30.937, and the undersigned declares that he/she is prohibited from pursuing any such claim and that this waiver and declaration is binding upon the undersigned successors in interest in the following described property, and such waiver and declaration shall run with the land forever:

Land in Grant County, Oregon, described as follows:

Township 13 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:

Section 13: A tract of land in the N1/2SW1/4, described as follows:

Beginning at a point 1076.8 feet West and 504.1 feet South of the Northeast corner of the SW1/4 of said Section 13;

Thence West, 500.0 feet;

Thence South, 594.0 feet, more or less, to a point on the Northerly right of way line of the re-located John Day Highway as said right of way is described in Deed recorded November 19, 1963, in Book 89 of deeds, page 566;

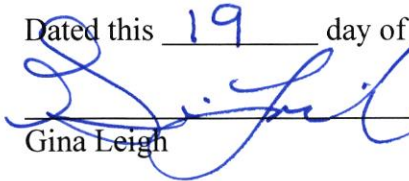
20250296

Thence Easterly, along the Northerly right of way line, 500 feet, more or less, to a point South of the point of beginning.

Thence North, to the point of beginning.

SAVE & EXCEPT that portion lying North of the centerline of the John Day River.


Dated this 19 day of Feb, 2025.

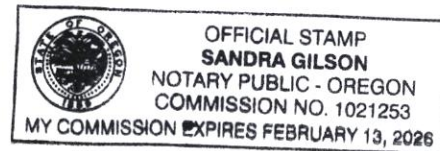

Gina Leigh

STATE OF _____)
County of _____):ss

The foregoing instrument was acknowledged before me on this 19th day of Feb 2025 by Gina Leigh.

Before me:


Notary Public for Oregon
My commission expires: 2/13/2026



flood development permit information

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation



GCPlan

12:52 (39
minutes ago)

to me, Shana, GCPlan

A flood development permit will be required for any development on the Leigh property identified as tax lot 301 located at 13S 28E section 13.

The attached application will be required with the application fee which is currently \$300. Our fees change each year on July 15th.

There are some sections of the attached application which may not apply to every flood development permit request, so please contact our office with questions.

There are currently some changes requested by FEMA related to the protection of endangered species. They are often referred to as the FEMA Biological Opinion or BiOp. There is significant uncertainty about what is and will be required and the information is continuously evolving. I don't want to convey a process which might change. Probably the best bet is to have anyone interested call and talk with me.

Shannon Springer

Planning Director

Grant County Planning Department

201 S. Humbolt, Suite 170

Canyon City, OR 97820

Phone 541-575-1519