

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT

ARTICLE 10.1 – ADMINISTRATION

SECTION 10.1.001 - SCOPE AND COMPLIANCE

- A. Proposed Uses - The provisions of this Code are applicable to all lots, buildings, and structures and uses of land to be created, established, constructed or altered subsequent to the adoption of this Code unless specifically exempted by this Section.
- B. Existing Uses - The provisions of this Code are not retroactive in their effect on a use of land lawfully established on the date of adoption of this Code, unless an alteration, expansion or modification to an existing use is proposed which requires a land use decision pursuant to this Code. All Variances, Conditional Use Permits, or other permits granted pursuant to the provisions of duly enacted Ordinances shall remain in effect and shall be subject to all the conditions and provisions governing such Variances, Conditional Use Permits or other permits, unless otherwise revoked, pursuant to applicable provisions contained herein.
- C. Compliance with Conditions – Conditions imposed upon any land use permit governed by this Code may be incorporated into a “Developer Agreement” which shall be binding on the property owner and the owner’s heirs and assigns as a continuing obligation running with the property which is the subject of such permit authorization. The Community Development Director/Planner is authorized to execute such agreements on behalf of the City.

SECTION 10.1.002 - CONSISTENCY WITH PLANS AND LAWS

- A. Actions initiated under this Code shall be consistent with the adopted La Grande Comprehensive Plan, the Joint Management Agreement between the City of La Grande and Union County, and with applicable City, County, State, and Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.
- B. Whenever reference is made to any portion of this Code, or of any other law or Ordinances, the reference shall apply to all amendments and additions now or hereafter made.
- C. If any provisions or portions of any provisions of this Code, or the application thereof to any property or person are held invalid, the remainder of the Code and the application of such provision to other persons or lands shall not be affected.
- D. The rights granted by any Variances, Conditional Use Permit, Temporary Use Permit, or Building Permit pursuant to any Ordinances repealed by this Code shall not be affected by such repeal, however, such permit or approval shall be contained or maintained in accordance with the provisions of this Code.
- E. Any use established or conducted, or any building or structure existing in violation of any duly enacted Ordinance upon the effective date of this Code, shall not be deemed to have acquired status of rights of a Non-Conforming classification by reason of the adoption of this Code or any provisions thereof. To the extent that such use, building or structure was in violation of such Ordinance, statute or law, or in violation of this Code, such shall be deemed a continuing violation.

- F. Consistency with Plans and Laws - Standards and conditions contained herein have been reviewed and deemed consistent with plan policies contained in the general Comprehensive Plan. Findings addressing plan policies are, therefore, not required for applications submitted under this Code which do not require plan change or Ordinance amendment.
- G. Except as provided under ORS 227.178, a City shall take final action on all Zone Change applications, Conditional Use Permit and Variances, including resolution of all Appeals to the City Council under ORS 227.180, within one hundred twenty (120) days from the date the completed application is submitted to the City. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred twenty (120) day time period will commence on the date the application is complete.

SECTION 10.1.003 - OFFICIAL ZONING MAPS

In the various zones defined in this Code and denoted on the Official Zoning Map (or maps) of the City of La Grande, the following provisions shall apply:

- A. Where boundaries are indicated as approximately following lot lines, rights-of-way of highways, streets, alleys, roads, canals, railroads, or contours and the like, such lines shall be construed to be such boundaries. When a zone boundary divides a parcel ten thousand (10,000) square feet or less in size, the entire parcel shall be deemed to be in the zone in which a majority of the parcel lies. When such a parcel is equally split between zones, the parcel shall be deemed to be in the zone of least intensity, as determined by the Community Development Director/Planner. Zoning of parcels over ten thousand (10,000) square feet in size shall be strictly construed based on the boundary depicted on the official Zoning Map.
- B. In the case of unsubdivided property where a zone boundary; divides a lot or parcel of land, the location of such boundary which is not indicated by dimension or legal description shall be determined by the Community Development Director/Planner.
- C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street, or alley shall have applied thereto the same zone as that of the property to which it reverts. Existing or functioning highway and road rights-of-way and areas used primarily for automobile and truck transportation shall be deemed to permit the continued use as such, as well as other uses supportive of the primary use.
- D. Railroad rights-of-way and areas used solely for the purpose of accommodating tracks, signals and other operative devices and the movement of rolling stock shall be deemed to be zoned to permit the continued use as such, as well as other uses supportive of the primary use.
- E. Easements or land areas used solely for electric power lines and poles, telephone lines and poles and gas transmission lines shall be deemed to be zoned to permit the continued use as such.
- F. Upon application, all contiguous lands under one ownership and used as of the effective date of the Code in conjunction with a higher use shall be zoned with the higher use. The application shall be reviewed by the Planning Commission as a zone correction per Article 8.6 of this Code.

SECTION 10.1.004 - FEES REQUIRED

Any application for a land use or development decision shall be accompanied by a fee when prescribed by this Code, the amount of which fee shall be adopted by Resolution of the City Council.

SECTION 10.1.005 - RULES OF INTERPRETATION

A. Effect of Provisions

1. Minimum Requirements - The regulations and standards set forth in this Code are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Code.
2. Effect Upon Private Agreements - It is not intended that these regulations are to interfere with or abrogate or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land than are imposed or required by other Ordinances, rules, or regulations, these regulations shall control. The City cannot enforce private agreements.

B. Language

1. Construction - When used in this Code, the words "must," "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive. The present tense includes the past and future tenses; the future tense includes the present. The singular number includes the plural, and the plural the singular.
2. Time of Day - Whenever a certain hour or time of day is specified in this Code, or any permit, condition of approval or notice issued or given as set forth in this Code, such hour shall be standard time or daylight savings time, whichever is in current use in the City.
3. Number of Days - Whenever a number of days is specified in this Code, or in any permit, condition of approval or notice issued or given as set forth in this Code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.
4. Rounding of Quantities - Whenever this Code requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.
5. Gender - Whenever this Code refers to the male sex, e.g. "he," "him," or "his," it shall be interpreted to include the female form of the pronoun.

- C. Procedure of Interpretation - If questions arise from persons or bodies charged with administering this Code concerning the content or application of the text of the Land Development Code, it is the duty of the City of La Grande Legal Counsel to ascertain all pertinent facts, and make a determination, within a reasonable time frame.