

ARTICLE 3.4 GRANDFATHER PROVISIONS

SECTION 3.4.100. Use and Alteration of Buildings, Structures or Land Existing Prior to the Enactment of this Ordinance. The lawful use of any building, structure or land at the time of the enactment or amendment of this Ordinance may at the discretion of the owner be continued.

Alteration or change of any use or structure which increases the floor square footage or intensity of use, shall comply with Table 3.4 and the property development standards of the applicable zone, except that the alteration of any such use shall be permitted outright when necessary to comply with any lawful requirement for alteration of the use. With the exception of grandfathered uses in resource zones, conditions shall not be placed upon the continuation or alteration of a grandfathered use when necessary to comply with state or local health or safety requirements or to maintain existing structures associated with the use. (OR-98-01-002PL 5/4/98)

A change of ownership or occupancy shall be permitted. An alteration, replacement or change of a use or structure on land may be permitted subject to an Administrative Conditional Use, and findings which establish that: (1) Any adverse impacts of the proposed use will not be generally more intensive than the use that is or was “grandfathered” on the subject property; and (2) Review Standard #7.

Alterations such as re-roofing, installing porches or decks, attaching rain gutters, or improving existing components of a structure shall be permitted provided there is no increase in the floor square footage.

Once a grandfathered use, structure or land is altered to become more in compliance with this Ordinance, said grandfathered use, structure, or land shall not thereafter be altered so as to become or revert into less compliance.

SECTION 3.4.200. Restoration or Replacement of Lawfully Created Uses. Restoration or replacement of any lawfully created use shall be permitted subject to the provisions of Table 3.4 and the property development standards of the applicable zone.

SECTION 3.4.300. Abandonment. Any lawfully created use not otherwise permitted in a zoning district may not be resumed after a period of exceeding 2 years of interruption or abandonment unless the resumed use conforms with the requirements of the Ordinance applicable at the time of the proposed resumption. (OR-98-01-002PL 5/4/98)

SECTION 3.4.400. Process for Determining a Grandfathered Use. When a grandfathered use is not known to exist and must be established, an application

may be submitted. The Planning Director shall determine the validity of a Grandfathered use, based on documentation submitted by the applicant. Said review shall be conducted in accordance with Article 5.7, and any appeals shall be conducted in accordance with Article 5.8. (OR-98-01-002PL 5/4/98)

For the purposes of a verification, an applicant must prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance was adopted and has continued uninterrupted until the date of application. (OR-98-01-002PL 5/4/98)

Revocation of any permits may be considered pursuant to Article 1.3.

TABLE 3.4

Use	Alteration	Replacement (within two years)
1. <u>Dwellings</u>		
a. EFU, Forest, Residential, CD, and Recreational Zones	Permitted Outright*	Permitted Outright*
b. Commercial/Industrial Zones	Permitted Outright*	With mobile home permitted outright* Conditional use with site-built dwelling
c. Minor Estuary-Shoreland Operations Zone	Administrative Conditional Use	Administrative Conditional Use
2. <u>Commercial</u> (in any zone not allowing Commercial uses)	Administrative Conditional Use	Administrative Conditional Use
3. <u>Industrial</u> (in any zone not allowing Industrial uses)	Administrative Conditional Use	Administrative Conditional Use
4. <u>Others</u>	Administrative Conditional Use	Administrative Conditional Use

*Except such would be an administrative conditional use when the structure is located within (i) the Coastal Shorelands Boundary, or (ii) a known hazard area.