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## Chapter 150 DEFINITIONS

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### **150.01 Purpose.**

The purpose of this chapter is to define words used in this Ordinance.

### **150.02 Construction.**

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance:

1. Tense: Words used in the present tense shall include the future tense.
2. Number: Words used in the singular shall include the plural and words used in the plural shall include the singular.
3. Shall and May: The word “shall” is mandatory. The word “may” is permissive.
4. Gender: The masculine shall include the feminine and neuter.
5. Headings: In the event there is any conflict or inconsistency between the headings of an Article, Chapter, Section or paragraph of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of the context.
6. The word “County” shall mean Baker County, Oregon. The words “Board of Commissioners” and “Board” shall mean the Baker County Board of Commissioners. The words “Planning Commission” and “Commission” shall mean the Baker County Planning Commission, duly appointed by the Baker County Board of Commissioners.

The words “Planning Director”, “Community Development Director” and “Director” shall mean the Baker County Planning Director or Baker County Community Development Director.

### **150.03 Definitions.**

As used in this Ordinance the following words and phrases shall mean:

Abandonment (of wireless telecommunication facility): Wireless telecommunication facilities will be considered abandoned when there has not been a carrier licensed or recognized by the Federal Communications Commission operating on the facility for a period of one year (365 consecutive days).

Abutting: Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Abutting Properties: Properties directly across any private, public, or county road provided the functional classification of the road is below that of a “collector.”

Accepted Farming Practice: A mode of operation common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

Access: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Access Easement: An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across

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intervening property under separate ownership from the parcel being provided access.

**Accessory Space:** Any building space not constructed to residential standards under the State of Oregon One and Two Family Dwelling Code and/or the State of Oregon Structural Specialty Code that is used for the home occupation, including, but not limited to, an attached garage, detached garage or pole building. Accessory space does not include manufactured dwellings, residential trailers or recreational vehicles.

**Accessory use or accessory structure:** A use of land, building or other structure that is incidental, appropriate, and subordinate to the main use of such land, building, or other structure and is located on the same lot or parcel as the main use.

**Adjustment of a Property Line:** The relocation or elimination of a common property line between abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. [Ref. ORS 92.010 (8, 12)]

**Adverse Impact:** Negative affect of a development that can be measured (e.g., noise, air, pollution, vibration, traffic, dust, etc.).

**Affected persons:** Includes those owners of record of real property located within a minimum distance of 250 feet from the requested land use action.

**Agent:** Individual or party given written authorization to act on behalf of a landowner(s).

**Aggregate mining:** The removal, in any calendar year of sand, gravel, or broken stone beyond 1,000 cubic yards or affects more than one-acre of land.

**Aggregate processing:** Includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland Cement concrete located within the operating permit area.

**Agricultural building:** A structure which is incidental, appurtenant or subordinate to the main use of the property and which has a relatively low investment, including, but not limited to, haysheds, loafing barns or animal shelters.

**Agricultural land:** Land classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-VI soils and other lands which are suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land

**Agricultural use:** See Farm use.

**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.

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**Alley:** A street or right-of-way which affords only a secondary means of access to property.

**Amendment:** Changes to approved subdivisions, partitions, and property line adjustments.

a. **Minor Amendment:** a change which:

1. Does not increase the number of lots or parcels created by the subdivision or partition;
2. Does not enlarge the boundaries of subdivided or partitioned area;
3. Does not change the general location or amount of land devoted to a specific land use; or
4. Includes only minor revisions of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.

b. **Major Amendment:** any change which is not a minor amendment.

**Antenna:** A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips.

**Apartment house or multiple family dwelling:** Any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in said building, and shall include flats and

apartments. Apartment shall mean a dwelling unit.

**Area of special flood hazard:** The land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on FEMA Flood Insurance Rate Maps always includes the letters A or V.

**Arterial:** See Road or street, Arterial.

**Automobile and Trailer Sales Area:** An open area other than a street used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor, incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

**Automobile Wrecking Yard or Junkyard:** Any establishment or place of doing business that is maintained, operated or used for storage, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped, or ruined motor vehicles, or motor vehicle parts, iron, steel, or other old or scrap ferrous or non-ferrous material, metal or non-metal material; and the term includes automobile graveyards and scrap metal processing facilities.

**Base flood:** The flood having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood".

**Basement:** A story partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.

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**Bicycle:** A vehicle having two tandem wheels, a minimum of 14" (35 cm) in diameter, propelled solely by human power, upon which any person or persons may ride. A three-wheeled adult tricycle is also considered a bicycle.

**Bikeway:** A bikeway is created when a road has the appropriate design treatment for bicyclists, based on motor vehicle traffic volumes and speeds. The following facilities are considered bikeways: shared roadway, shoulder bikeway, bike lane or bicycle boulevard. Another type of bikeway facility is separated from the roadway and is called a multi-use path.

**Block:** An area of land whose boundaries are defined by public or private streets, excluding alleys.

**Boarding house:** A dwelling unit which provides an individual, or any number of persons related or bearing a generic character of a family unit living together where meals or lodging may also be provided for more than four additional persons, excluding servants.

**Building:** A structure built for the support, shelter or enclosure of persons, animals, goods, chattel, or property of any kind.

**Building setback line:** A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line or from the center of the road or street right-of-way where applicable.

**Building sites:** One or more lots or parcels of land grouped together to be used for construction of a residence or other structure as permitted in the zone in which the property is located.

**Camp, tourist or trailer park:** See Campground or RV/Recreational Vehicle Park.

**Campground:** An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A camping site within a campground may be occupied by a tent, travel trailer, yurt or recreational vehicle. Campgrounds authorized by this rule on land zoned for farm and/or forest uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. See also RV/Recreational Vehicle Park.

**Capacity:** The maximum rate of flow at which persons or vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions, usually expressed as vehicles per hour or persons per hour.

**City Road or Street:** See Road or street, City Street.

**Co-location:** The use of a single support structure by more than one wireless telecommunications provider.

**Collector roads:** See Road or street, Collector roads.

**Commercial:** The holding of goods, chattel or other commodities of any kind for sale, rent or lease or for storage for a fee on a regular basis by any method or the offering or making available on a regular basis services for a fee or for sale or any combination of the foregoing.

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**Commercial agricultural enterprise:** Farm operations that contribute in a substantial way to the area's existing agricultural economy, and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.

**Commercial dwelling:** A dwelling designed or intended to serve or accommodate one or more transient or traveling persons such as hotels, motels, vacation lodges and others of a similar nature.

**Commercial stand of timber:** A parcel predominantly stocked and capable of producing 20 cubic feet per acre per year or greater, or as designated by the Oregon Department of Forestry.

**Commercial tree species:** Trees recognized under rules adopted under ORS 527.715 for commercial production.

**Computation of Time:** The time within which an act is to be done is computed by excluding the first day and including the last day, unless the last day falls upon any legal holiday, Saturday or Sunday, in which case the last day is also excluded, and the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.

**Conditional Use:** A use which requires a Conditional Use Permit (CUP).

**Contiguous:** Lots, parcels or lots and parcels that have a common boundary more than a common corner. Contiguous includes, but is not limited to, lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous does not

include lots, parcels, or lots and parcels in Baker County separated by Interstate 84 or the Pacific Rail Corridor.

**Corner Radius:** The radius of a street corner, as measured around the curb or edge of pavement.

**County road:** See Road or street, County road.

**Crosswalk:** Portion of a roadway designated for pedestrian crossing, marked or unmarked. Unmarked crosswalks are the natural extension of the shoulder, curb line or sidewalk.

**Date of creation and existence:** When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

**Decision Making Body:** The body that presides either over an initial Type III hearing or an appeal of a Type II or Type III decision. Depending on the type of hearing, the Decision Making Body may be the Planning Commission, Hearings Officer or Board of Commissioners.

**Declarant:** The person who causes a subdivision or partition plat to be prepared. The declarant is the fee owner of the land subdivided or partitioned.

**Declaration:** The instrument describing why the subdivision or partition plat was created.

**Dedication:** A conveyance of right-of-way to the county.

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**Development:** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

**Disposal site:** Land used for the disposal or handling of solid waste, including but not limited to dumps, sanitary landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning services, salvage sites, incinerators for solid waste delivered by the public, or by a solid waste collection service, and composting plants; the term does not include a facility subject to the water pollution permit requirement of ORS 468.740 or a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar materials, unless the site is used by the public, either directly or through a solid waste collection service.

**Distribution use:** Land used to serve industry in the storage, transfer and distribution of goods and materials between manufacturer and consumer.

**Driveway:** Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas.

**Duplex:** See Dwelling, two family.

**Dwelling:** Any building or portion thereof which is not a lodging house or hotel, which contains one or more dwelling

units intended or designed to be built, used, rented, leased, let or hired out or sold to be occupied or which can be occupied for living purposes.

**Dwelling, Lawfully Established:** A structure intended for human occupancy having intact exterior walls and roof structure, a heating system, interior wiring for interior lights, and indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system, which for replacement purposes,

(1) If established prior to final acknowledgment of the County's Comprehensive Land Use Plan on April 24, 1986;

a. The dwelling was established prior to February 1, 1974; or

b. The dwelling received documented zoning approval from the County; or

c. Where no documented evidence of zoning approval from the County is provided, the County provides notice and a public hearing in accordance with Section 1106 of this Ordinance, and based upon testimony submitted in the hearing the Planning Commission determines that:

i) The County has no record or documentation that indicates the dwelling was lawfully established, and

ii) Use of the dwelling has not created conflicts with farming or forest practices on adjacent or nearby lands zoned for farm or forest use.

(2) If established after final acknowledgement of the County's Comprehensive Land Use Plan on April 24, 1986, the dwelling received documented zoning approval.

(3) The date of establishment for purposes of 1) and 2) above, shall be determined by the date the dwelling

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received documented zoning approval or where no documented zoning approval is provided, the earliest date indicated by County Assessor's records that the dwelling existed, or as otherwise determined by the County Assessor.

(4) Is not a travel trailer or recreational vehicle as defined in this Ordinance.

Dwelling, single family: A detached building containing one dwelling unit.

Dwelling, two family (Duplex): A detached building containing two dwelling units designed for occupancy by two families.

Dwelling, multi-family/apartment house: A building containing three or more dwelling units.

Dwelling, Farm: Any dwelling customarily provided in conjunction with farm use, to house the primary farm operator and their family. Placement of farm dwellings shall be in conformance with ORS 215.283(1)(e) and (f).

Dwelling, Accessory: A dwelling located on the same lot or parcel as the dwelling of the farm operator, and occupied by an employee whose assistance in the management and operation of the farm use is or will be required by the farm operator.

Dwelling, Secondary: A dwelling located on the same lot or parcel as the dwelling of a farm operator, and occupied by a relative, which means grandparent, parent, child, brother or sister of the farm operator, and whose assistance in the management and operation of the farm is or will be required by the farm operator.

Dwelling, Non-Farm: Any dwelling not provided in conjunction with farm use,

or any dwelling located on a non-farm parcel or lot. Placement of non-farm dwellings shall be in conformance with ORS 215.284(2).

Dwelling unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. A dwelling unit must have intact exterior walls and roof structure; indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; interior wiring for interior lights; and a heating system.

Easement: A grant of the right to use a parcel or a portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

Employee (for home occupations): Any on-site person, whether they work full-time or part-time in the home occupation business, including, but not limited to, the operator, partners, assistants, and any other persons or family members participating in the operation of the business.

Employee (for agriculture): Any onsite person, whether they work full-time or part-time, who will be principally engaged in the farm use of the land, including, but not limited to planting, harvesting, marketing or caring for livestock.

Equipment (Utility) Shelter: A structure that houses power lines, cable, connectors and other equipment ancillary to the transmission and reception of telecommunications.

Essential Public Communication Services: Police, fire and other emergency communications networks.

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## Existing Wireless Telecommunication

Facility: A wireless telecommunications tower, or other supporting structure, antenna and equipment structures that received land use approval prior to date of adoption.

Exploration: All activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals.

External impacts: Uses which create smoke, odor, vibration, noise, dust or other conditions which would have an impact on adjacent uses.

Family: An individual or two or more persons related by blood or marriage, or domestic partners, or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

Farm operator: A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. A farm operator plays the predominant role in the management and farm use of the farm.

Farm parcel: see Parcel, farm.

Farm use: the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination

thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.

Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3) or land described in ORS 321.267 (3) or 321.824 (3).

Farming practices (accepted): A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Feeding station: An area, public or private, the primary use of which is to feed big game.

Feeding station (Emergency): Feeding stations limited to those not in use beyond two feeding seasons. No permanent structures are allowed at emergency feeding stations.

Feedlot or confined feeding or holding operation: The concentrated or confined

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feeding or holding of animals or poultry where the surface has been prepared with concrete, rock or vitreous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.

Fence, sight obscuring: A fence or planting arranged in such a way as to effectively prevent vision of objects which are screened by it.

Flag Lot: A lot or parcel which has access to a road, street, or easement, by means of a narrow strip of lot or easement.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland (or tidal) water and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard area: See Area of special flood hazard.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe: The area between the floodway and the boundary of the base flood which can be diked without

increasing upstream flood levels by more than one foot in height.

Forest land: Land composed of existing and potential forest lands which are suitable for commercial forest uses including the production of trees and the processing of forest products; other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; and other forested lands in urban and agricultural areas which provide urban buffers, windbreaks, wildlife and fisheries habitat, scenic corridors and recreational use.

Forest operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6).

Front Building Line: The property line separating a lot or parcel from a public road or street other than an alley; in the case of a corner lot or parcel, either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance; or in the case of a reverse lot or parcel (i.e., one abutting two such public roads or streets other than a corner lot or parcel), either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance.

Frontage: The dimension of a property line abutting a public or private street.

Frontage Street or Road: A minor street which parallels an arterial street in order to provide access to abutting properties

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and minimize direct access onto the arterial.

Future Development Area: High priority areas for development at some future time if a needs Exception can be justified at that time.

Gas: All natural gas and all other fluid hydrocarbons not defined as oil in this section, including condensation originally in the gaseous phase in the reservoir.

Geothermal resources: The natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substance.

Golf course: An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. For the purposes of this ordinance, a golf course means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

- a. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
- b. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable

distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

- c. A Non-regulation golf course is a golf course or golf course-like development that does not meet the definition of golf course in this Ordinance, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.

Golf course accessory use: A facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.

Grade (ground level): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Gravel operation: The crushing, sorting, screening and asphaltic compounding normally associated with such operation

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whether for immediate removal or stockpiling. The term does not include the storing or stockpiling of asphaltic compounds or compounded materials or any wastes or residue thereof on a continuing basis.

**Gravel site:** The use of the land for the purpose of recovery of water-deposited, non-metallic materials.

**Grazing:** The use of land for pasture of horses, cattle, sheep, goats, or other domestic animals.

**Height of building:** The vertical distance from the grade to highest point of the building or structure.

**High-value farmland:** Land in a tract composed predominantly of soils that are:

- a. Irrigated and classified prime, unique, Class I or Class II; or
- b. Not irrigated and classified prime, unique, Class I or Class II.
- c. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. Specified perennials include perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

**Soil classes, soil ratings or other soil designations used in or made pursuant to this definition** are those of the Natural Resources Conservation Service in its most recent publication for that class,

rating or designation before November 4, 1993. The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement of agreement from the Natural Resources Conservation Service that the soil class, soil rating or other soil designation should be adjusted based on new information; or submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

**Historic property:** Real property that is currently listed in the National Register of Historic Places.

**Home Occupation:** An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling and/or an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than 6 times in a calendar year or operate in excess of 24 total days in a calendar year.

**Hotel:** Any building containing six or more guest rooms intended or designed to be

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used or which are used, rented, or hired out to be occupied for sleeping purposes.

**Hunting and fishing preserve:** Area wherein the hunting of privately owned game birds and angling for privately owned game fish is permitted by state law.

**Incidental Use:** The use of no more than 25% of the floor area of a structure or 500 square feet, whichever is less.

**Industrial:** The making of commodities by manufacturing, assembling, fabricating, generating or compounding by manual labor or machinery; the term includes physical or chemical processes or combinations thereof.

**Irrigated:** Watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is irrigated if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider.

**Junkyard:** See Wrecking yard.

**Kennel:** Any lot or building maintained for the purpose of boarding, breeding or raising six or more dogs or cats over the age of eight months for personal use, for a fee or for sale.

**Land development:** The subdividing or partitioning of land for any purpose into parcels, or the creation of units or parcels for the purpose of sale and includes the creation of a condominium, a planned unit development, or a division of a similar nature. The term also includes the intent for disposition of any land whether contiguous or not, including any land divided, lots, parcels, units, or interests that are offered as part

of a common promotional plan advertising a disposition where the land development is offered for disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as a part of a common promotional plan.

**Land use decision:** A land use decision includes a final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

- The Statewide Planning goals;
- A comprehensive plan provision;
- A land use regulation;
- A new land use regulation.

A land use decision does not include a decision of a local government:

- that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
- that approves or denies a building permit issued under clear and objective land use standards;
- that is a limited land use decision;
- that determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
- that is an expedited land use decision as described in ORS 197.360;
- to authorize an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period;

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-and does not include a decision by a school district to close a school.

Land use plan or comprehensive land use plan: Maps and the interpretations thereof, and written goals and policies related to land use, transportation, parks, housing, urbanization, etc., which have been adopted as elements of the County Land Use Plan.

Land use regulations: Means any county zoning ordinance, land division ordinance or similar general ordinance establishing standards for implementing a comprehensive land use plan.

Level of Service: For transportation, a qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. At intersections, level of service is measured in terms of average delay and correlated to grades from LOS A which indicated little delay, to LOS F which indicates significant delay.

Light industry: Uses related to manufacturing, compounding, assembling, fabricating, repairing, packaging or treatment industries with limited external impacts.

Livestock sales yard: An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment or other means.

Loading space: An off-street space within a building or on the same lot with a building for temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to the street.

Local access road: See Road or street, Local access road.

Local road: See Road or street, Local road.

Lodging house or rooming house: Any building or portion thereof containing not more than 5 guest rooms which are used by not more than 5 guests where rent is paid in money, goods, labor or otherwise. Board may or may not be included.

Lot: A unit of land that is created by a subdivision of land, and is intended as a unit for disposition, transfer of ownership or interest or for development.

Lot area: The total horizontal area within the lot lines of a lot. Land dedicated for roads within lot lines shall be included in total acreage.

Lot, corner: A lot abutting on two intersecting streets other than an alley.

Lot, interior: A lot other than a corner lot.

Lot, reverse corner: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Lot, through: A lot having frontage on two parallel or approximately parallel streets other than alleys.

Lot width: The average horizontal distance between the side lot lines ordinarily measured parallel to the front lines.

Lot line: The boundary which describes the extent of a particular parcel of land as described in the leasing document or deed. The term "Lot Line" shall be

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interchangeable with the terms “Lease Line” or “Property Line”.

**Lot line, front:** The property line separating a lot or parcel from a public road or street other than an alley; in the case of a corner lot or parcel, either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance; or in the case of a reverse lot or parcel (i.e., one abutting two such public roads or streets other than a corner lot or parcel), either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance.

**Lot line, rear:** The lot line which is opposite and most distant from the front lot line. In the case of an irregular triangular or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

**Lot line, side:** A property line that is not the front or rear property line.

**Lot line adjustment:** See Property line adjustment.

**Lot of record:** A lot which has been recorded in the County Clerk’s office and meets ORS 215.705 lot-of-record requirements.

**Lowest floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation

of the applicable non-elevation design requirements of this ordinance.

**Major amendment:** see Amendment.

**Major partition:** see Partition.

**Manufactured or mobile home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

**Manufactured or mobile home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale which are defined as nonfarm dwellings.

**Map:** A final diagram, a drawing representing a subdivision or partition.

**Mine:** Mine includes all mineral bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral substance is obtained.

**Mineral:** Soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state (ORS 517-750 (7)).

**Mineral Processing:** Includes, but is not limited to, crushing, washing, milling and screening of minerals, as well as the

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batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit area (ORS 517-750 (10)).

**Mining:** the activity of extracting a mineral or rock from the earth.

**Mining site:** The use of land for the purpose of extracting organic or inorganic ores or minerals from the earth including gravel or quarrying substances or materials.

**Mining, Surface:** all or part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off site borrow pits (except those constructed for use as access roads) (ORS 517-750(14)(a)).

**Minor Amendment:** See Amendment.

**Minor arterial:** See Road or street, Minor arterial.

**Minor Partition:** See Partition.

**Mitigation:** To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., Improvements to a street may be required to mitigate for transportation impacts resulting from development).

**Mobile home:** See Manufactured or mobile home.

**Mobile home park:** See Manufactured or mobile home park or subdivision.

**Motel:** A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows with or without cooking facilities, for rental to transients.

**Motor home, camper or travel trailer:** A building or vehicle, originally designed or presently constructed, to be used as temporary dwelling or lodging place and to be readily movable from place to place over streets.

**Motor Sports Events:** Drag racing, snowmobile drag racing, stock car and other circle track racing, sand drag and other off-road racing, motorcycle racing, go-cart racing and radio controlled car racing and accessory facilities.

**Motor Vehicle and trailer sales area:** An open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers and where no repair work is done except minor, incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

**Multi-Use Path:** A path physically separated from motor vehicle traffic by an open space or barrier and either within a roadway right-of-way or within an independent right-of-way, used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.

**Multi-use road:** See Road or street, Multi-use road.

**Natural area:** Land and water that has substantially retained its natural character and land and water that,

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although altered in character, is important as habitat for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features or for the appreciation of its natural features.

**Natural hazard area:** An area that is subject to natural events that are known to result in death or to endanger the works of man, such as stream flooding, ground water, flash-flooding, erosions and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

**Negotiation:** Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition including, but not limited to, advertising, solicitation, and promotion of the sale of such land.

**Non-conforming structure or use:** A lawful, existing structure or use at the time this Ordinance or any Amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Non-farm dwelling:** see Dwelling, non-farm.

**Non-farm parcels or lots:** see Parcel, non-farm.

**Oil:** Crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

**Open space:** Consists of lands used for agricultural or forest uses and any land area that would, if preserved and continued in its present use, conserve and enhance natural or scenic resources;

protect air or streams or water supply; promote conservation of soils, wetlands, beaches or marshes; conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property; enhance the value to the public of abutting or neighboring forests, wildlife preserves, nature reservations or other open space; enhance recreation opportunities; preserve historic, geological and archeological sites; promote orderly urban development; and minimize farm and non-farm conflicts.

**Operator (mining):** Any individual, public or private corporation, political subdivision, agency, board, or department of this state, any municipality, partnership, association, firm, trust, estate of any other legal entity whatsoever that is engaged in surface mining operations.

**Operator (home occupations):** the Operator is the person who conducts the home occupation, has majority ownership interest in the business, lives full-time in a dwelling on the subject property and is responsible for strategic decisions and day-to-day operations of the business.

**Overburden:** The soil, rock and similar materials that lie above natural deposits of minerals.

**Owner:** The party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, owner shall mean the contract vendee and except where land is being transferred through some other land sales instrument owner shall be the purchaser that holds security interest.

For the purposes of Chapters 410 and 420 (Lot of Record Criteria) "owner"

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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 entity owned by any one or combination of these family members.

**Parcel:** A unit of land created by a legal and recorded partition of land, or created by deed or land sales contract if there were no applicable planning, zoning or partitioning ordinances or regulations.

- a. Includes a unit of land created:
  - i. by partitioning land as defined in ORS 92.010; and
  - ii. in compliance with all applicable planning, zoning and partitioning ordinances, or regulations.
- b. Does not include a unit of land created solely to establish a separate tax account.
- c. A lot of a duly recorded subdivision or parcel of a lawfully recorded partition, as defined in ORS 92.010(3) and (5), shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further legally divided, as provided by law.

**Parcel, farm:** the current employment of land for the primary purpose of farm use as defined under ORS 215.203(2)(a) and (b), and zoned agricultural land under OAR 660 Division 33.

**Parcel, non-farm:** A substandard parcel or lot which can qualify for a nonfarm dwelling under ORS 215.284(2) or (3).

**Parcel Size:** The total horizontal area within the boundary lines of a parcel, including

streets, roads or access easements to other property, where the underlying fee within the right of way area occupied by the street, road or access easement remains with the parcel.

**Parking lot:** Any area used for standing and maneuvering of three or more vehicles or requiring three or more parking spaces.

**Parking space:** A clear offstreet area, for the temporary parking or storage of one automobile, having an all-weather surface width not less than 8.5 feet, length not less than 22 feet, and being not less than 8.5 feet in height when within a building or structure.

**Partition:** An act of dividing an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Also includes an area or tract of land partitioned.

**Partition, Major:** A partition which includes the creation of a road or street without which there would not be vehicular access to the lots created.

**Partition, Minor:** A partition that does not include the creation of a road or street.

**Partition, Series:** A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year and composed of a series of minor partitions, a series of major partitions, or a combination of both.

**Partitioner:** Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or for another.

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Partition land: To divide land into two or three parcels of land within a calendar year, but not including:

- a. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- b. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with applicable zoning ordinances and state law; or
- c. The division of land resulting from the recording of a subdivision or condominium plat; or
- d. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- e. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the

property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Pavement Markings: Painted or applied lines or legends placed on a roadway surface for regulating, guiding, or warning traffic.

Pedestrian: A person on foot, in a wheelchair, or walking a bicycle.

Pedestrian Facility: A facility provided for the benefit of pedestrian travel, including walkways, crosswalks, signs, signals, illumination, and benches.

Performance standards: Guidelines which are provided in order to avoid the creation of nuisance or unsanitary conditions within developed areas and to enhance inter-industry compatibility.

Permanent-type construction: Structures or ground facilities constructed with the intent of providing service over the length of the lease agreement, with use of materials and methods of construction which under normal conditions of use will maintain their appearance and functionality. Trailers, mobile offices and other similar temporary structures are not considered as permanent-type construction.

Person: An individual, a domestic or foreign corporation, a partnership, an association, a joint stock company, a trust, a firm, a social or fraternal organization, an estate, receiver, syndicate, branch of government or any other group or combination acting as a unit.

Personal use airport: A landing strip that is restricted, except for aircraft emergencies, only to: (a) use by the owner and, (b) on an infrequent basis to

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the owner's invited guests, and (c) commercial activities in connection with agricultural operations only. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airport.

**Planned unit development:** A land area designated as a unified combination of land uses; generally with a mixture of residential, single and multi-family types, open space or recreation areas for the direct use and benefit of all the lot owners within the development and sometimes shopping or community facilities. A planned development includes a planned unit, a homes association, and common property.

**Plat:** A map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

**Plat, Final:** A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

**Plat, Partition:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a partition.

**Plat, Preliminary:** The preliminary map, drawing or chart indicating the proposed layout of a partition or subdivision.

**Plat, Subdivision:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

**Replat:** The act of platting the lots, parcels and easements in a recorded subdivision

or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.

**Principal arterial:** See Road or street, Principal arterial.

**Private road:** See Road or street, Private road.

**Property line:** See Lot Line.

**Property line adjustment:** The relocation of a common property line between two adjacent properties, where an additional unit of land is not created. Also known as a lot line adjustment.

**Public Use Road:** See Road, Public Use.

**Public sewer:** Any sewage disposal or treatment facility which serves three or more dwelling units.

**Public use:** A structure or use intended or used for public purpose by a city, a school district, the County, the State or by any other public agency or public utility. This does not include landfill sites, garbage dumps or utility facilities.

**Public use airport:** An airport that is open to the flying public, considering performance and weight of the aircraft being used. May or may not be attended or have services available.

**Public water supply:** Any domestic water supply system which provides water to three or more dwelling units or commercial or industrial operations which have 10 or more patrons or employees per day for more than 60 days per year.

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**Quarry site:** The use of land for the purpose of recovering rock, stone, slate or the like. See Mining Site.

**Rangeland, designated:** Unirrigated agricultural land, and land so interspersed with rangeland that the interspersed land could not be used for another purpose without adversely affecting the rangeland activities. The predominant use of this type of land is for livestock grazing.

**Recreation Camps or Resorts:** An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

**Recreation park:** See, Campground or RV/Recreational Vehicle Park.

**Recreational vehicle/RV:** A vacation trailer or other unit with or without motive power, designed for human occupancy, which has a floor space of less than 500 square feet.

**Recreational vehicle/RV park:** An area used primarily for siting recreational vehicles/trailers for overnight/ temporary camping purposes. A recreational vehicle park is more developed than a campground, with electrical hookups, and cleared/paved areas for placement of the recreational vehicles.

**Relative:** For the purposes of the provisions of Article 4, Chapter 410 only, "relative" means: spouse, child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, first cousin or domestic partner.

**Repair:** The act of restoring by replacing a part or all of a structure or building to a sound state.

**Replat:** See Plat.

**Reserve strip:** A strip of land adjacent to a street or road which limits or controls access to the street or road.

**Residence:** A place wherein the occupant dwells permanently or for the predominant portion of time.

**Residential facility:** A facility licensed by or under the authority of the Department of Human Resources which provides residential care along or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**Residential home:** A home licensed by or under the authority of the Department of Human Resources which provides residential care along or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential home.

**Right-of-Way:** An area that allows for the passage of people, vehicles and/or utilities. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all

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streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public body, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.

**Riparian zone or area:** An area within which vegetation grows adjacent to naturally occurring streams, lakes, ponds, bogs and marshes without which the vegetation would not exist.

**Road or street:** A public or private way that is created to provide ingress and egress for a person to one or more lots, parcels, areas or tracts of land excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of land for forestry, mining, or agricultural purposes without a residential facility.

- a. **Arterial:** Carries high volumes of traffic on a continuous network with no stub routes, but provides very little direct land access.
- i. **Minor arterial:** Provides mobility between smaller cities and towns and other statewide traffic generators, such as resorts, that are not served by principal arterials.
- ii. **Principal arterial:** Provides statewide and interstate mobility, including the Interstate System and other rural freeways that serve long distance high-volume corridors.
- b. **City street:** A public way, right of way, or traveled way in whole or in part that is subject to the control of an incorporated city or town.
- c. **Collector roads:** Provides both mobility and land access, gathers trips from

localized areas and feeds them onto the arterial network.

- d. **County road:** A public way, right of way, or traveled way which in whole or in part is subject to the control of the County and has been designated by the County as a part of the County road system for maintenance or repair.
- e. **Local access road:** A road that is not a county road, state highway or federal road that is regulated by ORS 368.031, meaning the road is subject to the exercise of jurisdiction by a county governing body in the same manner as a county road, except (1) A county and its officers, employees or agents are not liable for failure to improve the local access road or keep it in repair. (2) A county governing body shall spend county moneys on the local access road only if it determines that the work is an emergency or if: (a) The county road official recommends the expenditure; (b) The public use of the road justifies the expenditure proposed; and (c) The county governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.
- f. **Local road:** Low volume roadways that provide direct land access but are not designed to serve through traffic needs.
- g. **Multi-use road:** A road that services vehicle, bicycle and pedestrian traffic.
- h. **Private road:** A private way, right of way, or traveled way in whole or in part that is subject to the control of one or more private persons. A private street or road shall provide access only to abutting parcels, lots or tracts.
- i. **Public Use Road:** A public way, right of way, or traveled way in whole or in part

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that is subject to the jurisdiction of a public body but that is not a part of the County road system for maintenance or repair.

- j. State highway: A public way, right of way, or traveled way in whole or in part that is subject to the control of the State of Oregon.

Roadway: The improved portion of an easement or right-of-way, excluding curbs, sidewalks, and ditches. Road, roadway, and street will be considered interchangeable terms.

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) 1,000 feet for utility runways.
- (B) 1,700 feet for other than utility runways having non-precision instrument approaches.
- (C) 2,500 feet for precision instrument runways.

Sale or sell: Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Seasonal farm worker housing: Housing limited to occupancy by seasonal farm-workers and their immediate families

which is occupied no more than nine months a year.

Semi-public use: A structure or use intended or used for semi-public purpose by a church, lodge, club, or any other non-profit organization.

Series partition: See Partition, Series.

Setback: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

Shared Driveway: When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shared Roadway: A type of bikeway where bicyclists and motor vehicles share a travel lane.

Shoulder: The portion of a roadway that is contiguous to the travel lanes providing for pedestrians, bicyclists, emergency use by vehicles and for lateral support of base and surface courses.

Shoulder Bikeway: A type of bikeway where bicyclists travel on a paved shoulder.

Shy Distance: The distance between the edge of a travelway and a fixed object.

Sidewalk: A walkway separated from the roadway with a curb, constructed of a durable, hard and smooth surface, designed for preferential or exclusive use by pedestrians.

Sight Distance: The distance a person can see along an unobstructed line of sight.

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**Sign:** An outdoor sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or any other illustrative device that is used, designed, or intended for advertising purposes or to inform or to attract the attention of the public. The term includes the sign's supporting structure, display surface, and all other component parts of the sign. When dimensions of a sign are specified, the term includes panels and frames; the term includes both sides of the sign as to specified dimensions or areas. The term shall not include a sign that is reasonably necessary or required by any branch or agency of government pursuant to any public law or regulation.

**State highway:** See Road or street, State highway.

**Start of construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Story:** That portion of building between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

**Street Connectivity:** The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

**Street Stub:** A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

**Structural alteration:** Any change to the supporting members of a structure, including foundation, bearing walls, or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

**Structural height:** Maximum height of structures and accessory attachments or utilities.

**Structure:** Something constructed or built and having fixed base on, or fixed connection to, the ground or another structure.

**Subdivide land:** To divide an area or tract of land into four or more lots or parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

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**Subdivision:** The act of subdividing land or an area or a tract of land subdivided.

**Substantial construction:** The completion of a structure's supporting foundation, excluding all minor improvements such as access roads, developed water sources, sewage disposal systems and electrical utilities.

**Substantial improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which:

1. Equals or exceeds 25% of the market value, as determined by the Baker County Assessor's office, of the structure before the improvement or repair is started, or
2. Equals or exceeds 25% of the market value, as determined by the Baker County Assessor's office, of the structure before the damage occurred, if the structure has been damaged and is being restored for the purposes of this definition substantial improvement is considered to commence when the first alternation of any wall, ceiling, floor, or other structural part of the building commences. Whether or not that alternation affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure living conditions, or

Any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Substantial Modification:** The addition of 650 square feet of interior livable space,

the effect of which is to require that access to the structure be improved to meet the requirements of Chapter 340 and the Transportation System Plan.

**Support Structure:** A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.

**Temporary Housing:** A removable structure that is necessary and accessory to a permitted use for temporary housing, and is removed after the end of the use. Located on the same lot or parcel as the commercial or industrial use.

**Tenant:** Individuals and organizations which have either leased or purchased property which is subject to regulation or control.

**Tract:** One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**Traffic Calming Devices:** Physical devices within the roadway designed to manage traffic speeds or which disperse traffic such as speed bumps/humps and traffic circles.

**Trailer home or travel trailer:** A structure or vehicle containing some or all of the provisions of a dwelling unit that is constructed for non-self-propelled movement on the public highways and contains less than 500 square feet.

**Travel trailer, pickup camper or motor home (RV) park:** A plot of ground upon which one or more trailer coaches or motor homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

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**Tree Farm:** Timber stand improvements according to standards of the Agricultural Stabilization and Conservative Service (ASCS) performed for the twin objectives of fuel reduction to minimize the threat of wildfire and growth promotion of commercial species. These objectives are achieved by disposal of dead and down forest fuels, pruning and thinning. Reforestation as a tree farming practice may be regulated by the Oregon Forest Practices Act.

**Undivided interest:** A share, membership or undivided co-ownership which includes rights of access and use of property. Undivided interests are controlled by ORS 92.305 to 92.495.

**Unit Owner/Ownership:** The person owning a unit in any real estate tenancy relationship recognized under the laws of this state.

**Use:** The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. The term shall include accessory uses subordinate to the main use.

**Utility facility:** Any major facility or structure, as distinguished from local distribution utility facilities, owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste or by-products and including power transmission lines, major trunk pipelines, power substations, dams, wind and water towers, railroad tracks, sewage lagoons, sanitary landfills, and similar facilities.

Local distribution utility facilities are local sewer, water, gas, telephone and power distribution lines and are permitted as outright uses in any zone. Towers 200' or higher must be reviewed as Conditional Use.

**V/C Ratio:** The ratio of demand flow rate (volume) to capacity for a traffic facility.

**Vehicle:** Any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, detached trailer or a truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for this use through the home occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.

**Vehicle Trip:** A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.

**Vision clearance area:** A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection. The vision clearance area shall contain

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no plantings, walls, structures or temporary or permanent obstruction exceeding two-and-one-half feet in height measured from the top of the curb or grade level at the street or road outside edge.

**Volume:** The number of persons or vehicles passing a point on a lane, roadway, or other trafficway during some time interval, often taken to be one hour, expressed in vehicles.

**Walkway:** A transportation facility built for use by pedestrians, including persons in wheelchairs. Walkways include sidewalks, paths, and paved shoulders.

**Watchman's Quarters:** Housing that is necessary and accessory to a permitted use, for housing personnel required to live onsite for security reasons. Located on the same lot or parcel as the commercial or industrial use.

**Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adopted to life in saturated soil conditions.

**Wide Outside Lane:** A wider than normal curbside travel lane that is provided for ease of bicycle operation where there is insufficient room for a bike lane or shoulder or shoulder bikeway.

**Wildlife Management Area:** Any land, under any ownership, whose use or access is intentionally controlled in any way for the principle purpose of managing wildlife.

**Wind Power definitions:**

a. **Commercial Wind Power Generation:** An activity carried out using one or more wind turbine generators operated as a single commercial wind power generation facility that has a combined generating capacity greater than 10 MW.

b. **Commercial Wind Power Generation Facility:** Commercial Wind Power Generation that consists of one or more wind turbines or other such devices and their related or supporting facilities that produce electric power from wind and are: (a) Connected to a common switching station, or (b) Constructed, maintained, or operated as a contiguous group of devices.

c. **Community Wind Power Generation:** An activity carried out using one or more wind turbine generators operated as a single commercial wind power generation facility that has a combined generating capacity less than 10 MW.

d. **Personal Wind Power Generation:** An activity carried out using one or more wind turbine generators operated as a single commercial wind power generation facility that has a combined generating capacity less than 100 KW.

e. **Wind Power Generation Facility:** An unmanned facility consisting of, but not limited to, other structures or such devices and their related or supporting facilities, such as a switching station, an equipment shelter, a cabinet or other enclosed structure.

f. **Wind Power Generation Tower:** A freestanding support structure, designed and constructed to support wind power generation equipment.

g. **Wind Shadow:** an area of still air created behind a wind turbine. It is typically a cone whose length across the land is 7-

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10 times the diameter of the wind turbine rotor. No wind turbines may be erected in this area of still air, because they would not have enough wind to operate.

- h. Wind Tower Height: The distance from the finished grade at the wind generation tower base to the highest point of the tower, including the base pad, mounting structures and blades, but not including lighting rods.

Wireless Telecommunication Facility: An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Freestanding point-to-point microwave dishes, high power television and FM transmission facilities and AM facilities are not wireless telecommunication facilities.

Wireless Telecommunication Tower: A freestanding support structure, including monopole and lattice tower, designed and constructed primarily to support antennas and transmitting and receiving equipment. Wireless telecommunication towers include:

- a. Lattice tower. A tower characterized by an open framework of lateral cross members which stabilize the tower; and
- b. Monopole. A single upright pole, engineered to be self-supporting, that does not require guy wires or lateral cross supports.

Wireless Telecommunication Tower Height: The distance from the finished grade at the antenna tower base to the highest point of the tower, including the base

pad, mounting structures and panel antennas, but not including lightning rods and whip antennas.

Wrecking yard or junkyard: Legally established motor vehicle graveyards where the parts of eight or more auto bodies are kept; scrap-metal processing facilities; any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling old or scrap or ruined motor vehicles or their parts, or copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped, or ruined motor vehicles, or motor vehicle parts, iron, steel, or other old or scrap ferrous or non-ferrous material, metal or non-metal material.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

- a. Yard, front: An open space between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building. Any yard meeting this definition and abutting on a street or road other than an alley shall be considered a front yard.
- b. Yard, rear: An open space between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.
- c. Yard, side: An open space between the front and rear yards measured horizontally at right angles from the side lot lines to the nearest point of the building.