

# Part 2: Definitions

## § 39.2000 DEFINITIONS.

As used in this Chapter, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:

### A

**Access Easement** – An easement granted for the purpose of ingress and egress which crosses a property or properties owned by others.

**Accessory Alternative Energy System** – A system accessory to a primary structure or use that converts energy into a usable form such as electricity or heat, and conveys that energy to uses allowed on the premises. An Accessory Alternative Energy System is a solar thermal, photovoltaic or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the property.

**Accessory Building** – A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

**Accessory Use** – A lawful use that is customarily subordinate and incidental to a primary use on a lot.

**Accessway** – A private road which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

**Adult Bookstore** – An establishment having, as a substantial or significant portion of its merchandise, such items as books, magazines, other publications, films, video tapes or video discs which are for sale, rent or viewing on premises and which are distinguished by their emphasis on matters depicting specific sexual activities.

**Agricultural Building** – Pursuant to ORS 455.315 and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- (a) Storage, maintenance or repair of farm or forest machinery and equipment;

- (b) The raising, harvesting and selling of crops or forest products;
- (c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (d) Dairying and the sale of dairy products; or
- (e) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce ~~and~~ or forest products.
- (f) Agricultural and forest practice buildings do not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

**Agricultural Land –**

- (a) Land of predominantly Class I, II, III and IV soils, as identified in the Soil Capability Classification System of the United States Soil Conservation Service.
- (b) Other land 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, and accepted farming practices; and,
- (c) Land in other soil classes which is necessary to permit farm practices to be undertaken on adjacent or nearby lands.

**Agricultural Support Service –** As used in the rural communities of Orient and Pleasant Home, a commercial or industrial use that provides products or services to farm operations in the rural area. Examples include farm equipment sales, service, and rental, feed store, farm chemical sales.

**Agriculture** – The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or furbearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

**Alley** – A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Alteration** – May be a change in construction, including a Structural Alteration, or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to change of occupancy from one trade or use to another or from one division of trade or use to another.

**Alteration [Flood Hazard Regulations]** – See definition in MCC 39.5005.

**Alteration (Structural)** – Includes, but is not limited to, any change in the external dimensions of a building; and any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders.

**Antenna** – The surface from which wireless radio signals are sent from and received by a wireless communications facility.

**Apartment** – Any building or portion thereof used for or containing three or more dwelling units.

**Applicant** – The record owner or owners of a unit, area or tract of land proposing land development activities covered by this Chapter and includes the authorized representative of the record owner or owners.

**Approval Authority** – The Planning Commission, Hearings Officer or Planning Director authorized to grant approvals as specified in this Chapter.

**Archeological Resource** – A district, site, building, structure or artifact which possesses material evidence of life and culture of the prehistoric and historic past.

**Area [EFU Zone]** – See definition in MCC 39.4210.

**Areas of Special Flood Hazard** – See definition in MCC 39.5005.

# B

**Base Flood** – ~~A flood of such magnitude as to have a one percent probability of being equaled or exceeded in any given year.~~ **The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.”** Designation on the FIRM maps always includes the letter A to identify a zone of specified risk. (Zone A is the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by approximate methods of analysis).

**Base Flood Level** – ~~The elevation of a Base Flood, referenced to the National Geodetic Vertical Datum of 1929 (NGVD).~~

**Basement** – Any area of the building having its floor sub grade (below ground level) on all sides.

**Below-Grade Crawl Space** – See definition in MCC 39.5005.

**Beneficial Continuation of Existing Uses [Regional Sanitary Landfills]** – See definition in MCC 39.7600.

**Board** – The Board of County Commissioners of Multnomah County, Oregon.

**Buffer** – See Setback.

**Building** – Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Frontage [Sign Regulations]** – See definition in MCC 39.6820.

**Building Height** –

- (a) The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5– foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

(b) The height of a stepped or terraced building is the maximum height of any segment of the building, or as amended by the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

**Building Line** – A horizontal line that coincides with the front side of the main building.

**Building Permit** – A permit required pursuant to MCC Chapter 29, certifying compliance with all applicable building regulations.

**Business Operator** – The person who registers for a Type A Home Occupation or obtains approval to conduct a Type B or Type C Home Occupation or a Home Based Business and holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the lot, and is responsible for strategic decisions and day-to-day operations of the business.

## C

**Camp** – See Campground.

**Campground** – An area improved with a campsite and/or used for an overnight temporary stay for vacation, recreational or emergency purposes that may be occupied by a tent, travel trailer or recreational vehicle or other similar piece of equipment, but not for residential purposes.

**Campground [EFU Zone]** – See definition in MCC 39.4210.

**Campsite** – An area improved for the purpose of locating a tent, travel trailer or recreational vehicle or other similar piece of equipment used for vacation, recreational or emergency purposes, but not for residential purposes. A campsite may include such improvements as

picnic benches, water, electrical & sewage hook-ups, grills, fire rings, etc. or as otherwise allowed in the base zone.

**Car Wash (Convenience)** – Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets, as an accessory use to an automobile service station.

**Car Wash (Full Service or Self-Service)** – Mechanical facilities for the washing, waxing and vacuuming of automobiles, light trucks and vans.

**Carrier** – A company that provides wireless services.

**Certified Engineering Geologist** – Any person who has obtained certification by the State of Oregon as an engineering geologist.

**Change of Use** – See definition in MCC 39.5915.

**Channelization** – The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. Channelization does not include continuous median turn lanes.

**Clinic** – A place in which out-patients are given health related treatment and in which one or more health related professionals practice.

**Co-applicant** – All persons and/or entities joining with an applicant in an application for a development permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a development permit.

**Co-location** – The use of a single mount and/or site by more than one licensed wireless communications carrier. Also, the use by one or more carriers of an existing structure as a telecommunications antenna mount, such as, but not limited to a water tank, fire station, electrical substation, utility pole, or tower etc.

**Commercial Agricultural Enterprise** – Farm operations that will:

- (a) Contribute in a substantial way to the area's existing agricultural economy; and

(b) 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 the method by which it is marketed shall be considered.

**Commercial Mobile Radio Services** – Any of several technologies using radio signals at various frequencies to send and receive voice, data, and video.

**Commercial Photovoltaic Solar Power Generation Facility** – An assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, and storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. A photovoltaic solar power generation facility does not include a net metering pursuant to ORS 757.300 and OAR chapter 860, division 39 or Feed-in-Tariff project pursuant to ORS 757.365 and OAR chapter 860, division 84.

**Commercial Tree Species** – Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

**Commercial Use** – As used in the rural communities of Orient and Pleasant Home, commercial use means the use of land primarily for the retail sale of products or services, including offices. It does not include warehouses, freight terminals, or wholesale distribution centers.

**Commission** – The Planning Commission established under this Chapter.

**Community Plan** – The Community Plan or Rural Area Plan of a specific area adopted as a component of the Comprehensive Plan.

**Community Service Review [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Comprehensive Plan** – The Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan (also referred to as “Plan”). Comprehensive Plan shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals adopted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the **Planning Director of Land Use Planning** and may include maps, a text, or both.

**Concealment Technology** – The use of technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment, or designed to resemble, or be placed within, an existing or proposed structure.

**Conflicting Use** – See definition in MCC 39.5415.

**Contiguous** – Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

**Cooking Facilities** – Facilities such as a range, stove, oven, hotplate, microwave, or similar facilities, but not including a facility designed primarily for room heating, such as a wood or pellet stove.

**Corner Lot** – See Lot (Corner).

**Cottage Industry** – A processing, assembling, packaging or storage industry, generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volumes and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line.

**County Road** – A public road that is maintained by the County and has been designated as a county road under ORS 368.016.

**Critical Facility** – See definition in MCC 39.5005.

**Cubic Foot Per Acre** – The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be



inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

**Cubic Foot Per Tract Per Year** – The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

**Cul-de-Sac** – A short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

**Customer** – Has its common meaning and includes a client as well as each person visiting the premises of a business for business reasons that is not an employee of the business.

**Cut** –

- (a) An excavation;
- (b) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
- (c) The material removed in excavation work.

## D

**Daily Care** – Daily care includes but is not limited to bathing, grooming, eating, medication management, walking and transportation. Daily care does not include financial management or the improvement or maintenance of property.

**Date of Creation and Existence** – As used in the EFU and CFU base zones and applicable only to certain standards for approval of a dwelling in those base zones, 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 of Record 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 of record or tract.

**Day Nursery** – A facility for the provision of care during a portion of a 24– hour day for five or more children not related to nor the wards of the attending adult. A Day Nursery with 12 or fewer children is distinguished from Family Day Care either by:

- (a) Location in a non-residential structure; or,
- (b) Provision of care by someone other than a resident of the home.

**Days** – Calendar days, not business days unless specifically provided otherwise.

**Design Flood Elevation** – a See definition in MCC 39.5005.

**Develop and Development [Willamette River Greenway]** – See definitions in MCC 39.5915.

**Development** – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or removal of vegetation. As the context allows or requires, the term “development” may be synonymous with the term “use” and the terms “use or development” and “use and development.”

**Development [Flood Hazard Regulations]** – a See definition in MCC 39.5005.

**Development Area** – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

**Development Permit** – Any permit required by this Chapter or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

**Director** – The Director of Multnomah County Department of Community Services or the Director's delegate.

**Disturbed Area** – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

**Drainage Area** – The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

**Drainageway** – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.

**Drive-In** – An establishment so developed with a driveway, drive-up or drive-through facility or parking area that services are supplied in whole or in part to a customer in a motor vehicle, or in the case of self-service food or drink, for consumption outside the building.

**Driveway** – See private driveway.

**Dust Sensitive Use** – See definition in MCC 39.5415.

**Dwelling Unit** – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Dwelling (Duplex or Two-Unit)** – A detached building designed for two dwelling units, whether in separate or single ownership.

**Dwelling (Single Family Detached)** – A detached building designed for one dwelling unit including Mobile Homes under the provisions as specified within the base zone.

**Dwelling (Multi-Plex Structure)** – See Multi-plex Dwelling Structure.

**Duplex Dwelling** – See Dwelling (Duplex or Two Unit).

## E

**Earth Movement** – Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.

**Educational Institution** – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

**Effective Radiated Power (ERP)** – The power input to the antenna, times the numerical power gain of the antenna relative to an isotropic radiator.

**Elementary School** – See School (Primary, Elementary or High).

**Elevated Building** – See definition in MCC 39.5005.

**Elevation Certificate** – See definition in MCC 39.5005.

**Emergency/Disaster** – A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

**Emergency/Disaster Response** – Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

**Employee** – Has its common meaning in addition to which each participant in the promotion of a business constitutes one employee, whether participating full or part time and whether a resident or non-resident of a dwelling unit on the lot authorized for a Type A, Type B or Type C Home Occupation or a Home Based Business use.

**Encroachment** – See definition in MCC 39.5005.

**Equine Facility** – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a building located on a farm and used by the farm owner or the public for: Stabling or training equines; or Riding lessons and training clinics.

**Equipment Cabinet [Wireless Communications Facilities]** – See definition in MCC 39.7715.

~~**Erosion** – The process of the gradual wearing away of land masses.~~

**Erosion** – The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.

**ESEE Analysis** – See definition in MCC 39.5415.

**Excavation** – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

**Existence** – To continue to be in being; to remain.

**Expansion** – Any change in the external dimensions of the building or structure and any change to the external footprint.

**Exterior Lighting** – Artificial outdoor illumination as well as artificial outdoor illuminating devices or fixtures, whether permanent or temporary, including, but not limited to, illumination and illuminating devices or fixtures emanating from or attached to: the exterior of buildings, including under canopies and overhangs; structures, such as poles, fences or decks; the interior or exterior of open-air structures or buildings, such as gazebos, pergolas, and breezeways; and the ground, a tree or other natural feature.

**Extraction Area** – See definition in MCC 39.5415.

## F

**Family** –

(a) Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):

1. An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or,
2. A group of not more than five (5) unrelated persons; or,
3. Residential Home – A residence for (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any other home resident. A residential home must be registered as an Adult Care Home with the Multnomah County Department of County Human Services pursuant to Chapter 23 of the Multnomah County Code.

(b) Each group described herein or portion thereof, shall be considered a separate family.

**Family Day Care** – A residence where 12 or fewer children are provided care during a portion of a 24– hour day by an adult residing within said residence. Minor children of the provider shall be included in the 12– child limit if also cared for in the home.

**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.

**Farm or Ranch Operation** – All lots or parcels of land owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

**Farm Use** – As defined in ORS 215.203 “farm use” means 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, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this definition. “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).

**Farm Use [Willamette River Greenway]** – See expanded definition in MCC 39.5915.

**Fast Food Service** – The retail sales in a building of convenience food or specialty menu items, and ordered and served at a counter or window whether for consumption on or off the premises, when the facility is designed primarily to serve customers arriving by automobile. Such food items include, but are not limited to, dairy products, donuts, fish and chips, fried chicken, hamburgers, hot dogs, ice cream, pizza, sandwiches, soft drinks or tacos.

**FCC** – Federal Communications Commission.

**FCC guidelines** – The Radiofrequency (RF) Performance Standards set forth by the FCC's OET Bulletin 65, Evaluating Compliance with FCC Guidelines for human Exposure to Radiofrequency Electromagnetic Fields, as referenced in A Local Government Official's

Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radiofrequency performance standards.

**Feed Lot** – Any pen, corral or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

~~**Fill** – The addition of any material to land other than a structure or landscaping.~~

**Fill** –

(a) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting therefrom.

(b) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.

(c) The material used to make a fill.

**Findings** – A written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the Approval Authority in support of a decision.

**Flag Lot** – A lot or parcel which includes a private driveway as part thereof.

**Floating Home Moorage** – The provision of facilities for two or more floating homes.

~~**Flood** – A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.~~ **Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters, and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source

**Flood Insurance Rate Map (FIRM)** – See definition in MCC 39.5005.

**Flood Insurance Study** – See definition in MCC 39.5005.

~~**Flood Level** – The surface elevation of flood waters.~~

**Flood Plain** – Those land areas which are susceptible to inundation by flood waters.

**Floodproofing Certificate** – See definition in MCC 39.5005.

**Floodway** – See definition in MCC 39.5005.

**Floor Area** – The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**Forested Area** – An area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry.

**Forest Land** – The designation of forest lands shall be according to the United States Forest Service Manual Field Instructions for Integrated Forest Survey and Timber Management Inventories Oregon, Washington and California, 1974 and shall include:

- (a) Land composed of existing forested land suitable for commercial forest uses;
- (b) Other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- (c) Land on which extreme conditions of climate, soil and topography require the maintenance of vegetative cover; and,
- (d) Other forested land in urban and agricultural areas which provides an urban buffer, wind break, wildlife and fisheries habitat, livestock habitat, scenic corridor or 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) (1996).

**Forest Practice Building** – See Agricultural Building.



**Forest Practices Setback** – A type of dimensional setback in the forest base zones that provides for separation between structures and property lines. This setback assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

**Front Lot Line** – See Lot Line (Front).

**Frontage** – That portion of a lot on one side of a street between two intersecting streets, accessways or other rights-of-way (crossing or terminating), measured along the line of the street, or, for a dead-end street or an accessway, all the property between an intersecting street or other right-of-way and the dead-end of the street or accessway.

**Frontage Street** – A minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

**Front Yard** – See Yard (Front).

**Functional Classification** – The various types of local streets, collectors, scenic routes, transit corridor streets, arterials, freeways, and transitways as defined and classified in the County comprehensive framework plan [Transportation System Plan](#) and its adopted classification map.

**Future street plan** -- A plan approved by the Hearings Officer or Planning Commission, as appropriate, for the continuation into nearby property of any street in an Urban Area Type 1 Land Division to facilitate the future division of the nearby land according to the provisions of this Chapter.

## G

**General Population** – See definition in MCC 39.7555.

**Geotechnical Engineer** – A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

**Geotechnical Report** – Any information required in addition to [GHP](#) Form-1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test-hole borings, laboratory tests or analysis of materials, or hydrologic studies.

**Goal 5 Process** – The planning process required by Oregon Administrative Rules Chapter 660, Division 16. The Goal 5 process involves identifying resource sites, determining their significance, identifying conflicting uses, analyzing the economic, social, environmental and energy (ESEE) consequences of conflicting uses, determining the level of protection given to a resource site, and implementing a program to protect significant sites.

**Grade (Adjacent Ground Elevation)** – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the 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, or as amended by the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

**Grading** – Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

**Gravel** – Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).

**Grazing** – The use of land for pasture of horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

**Ground Disturbing Activity** – See Land-disturbing Activities

**Group Care Facility** – A building or buildings on contiguous property used to house six or more handicapped or socially dependent persons. This definition includes the definitions of Residential Care Facility, Residential Training Facility, and Residential Treatment Facility contained in ORS 443.400(5), (7) and (9).

**Guyed Tower** – A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

## H

**Habitable Dwelling** – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) Was lawfully established.

**Half-Street** – A portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.

**Hand-Held Source** – Transmitters normally held in the hand of, or on the person of, the person operating the transmitters.

**HDP ~~HDP~~ GHP Form -1** – The form required for specified developments subject to the ~~Hillside Development and Erosion Control~~ **Geologic Hazards** Overlay. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

**Health Hardship** – A specific person’s need for daily supervision due to cognitive impairment and/or a specific person’s need for assistance with daily care as a result of age, physical impairment and/or poor health.

**Hearings Officer** – A person appointed to conduct public hearings and take action in action proceedings as specified by this Chapter.

**Height of Antenna Above Ground** – The vertical distance between the highest current point of the antenna and the ground directly below this point.

**High School** – See School (Primary, Elementary or High).

**High-Value Farm Land** – Land in a tract composed predominately 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; or
- (c) Willamette Valley Soils in Class III or IV including:
  - (1) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;
  - (2) Subclassification IIIw specifically, Cornelius;
  - (3) Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."

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 or report pursuant to ORS 215.710(5).

**Highway (State)** – Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary State highways.

**Historical Building** – Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, Buildings, and Properties Approved for Nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

**Historical Landmark** – Any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also Historical Building definition above.

**Historical Resources** – Those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past.

**Horticulture** – The cultivation of plants, garden crops, trees and/or nursery stock.

**Hotel** – Any building containing six or more rooms designed to be used, or which are used, by paying guests for sleeping purposes.

## I

**Impact Area** – See definition in MCC 39.5415.

**Indoor Production (Marijuana)** – See definition in MCC 39.8500.

**Industrial Use** – As used in the rural communities of Orient and Pleasant Home, industrial use means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.

**Intensification [Willamette River Greenway]** – See definition in MCC 39.5915.

**Intermittent Operation** – An operation where the radio transmitter does not normally continually operate for a period of 15 minutes or more at one time and generally, the transmitter operation is random in time.

**Interstate Highway** – Every state highway that is part of the National System of Interstate and Defense Highways established pursuant to Section 103(d), Title 23, United States Code.

## J

**Junk Yard** – The use of more than 200 square feet of the area of any lot, or the use of any portion of that half of any lot, but not exceeding a depth or width, as the case may be, of 100 feet which half adjoins any street, for the dismantling or wrecking of automobiles or other vehicles or machinery, or for the storage or keeping of the parts or equipment resulting from such dismantling or wrecking or for the storage or keeping of junk, including scrap metals or other scrap material.

## K

**Kennel** – Any lot or premises on which four or more dogs, more than six months of age, are kept.

# L

**Land-Disturbing Activities** – Any ~~act~~ activity which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, and soil storage.

**Land Division** – A subdivision or partition. For the purposes of this Chapter, land divisions are further classified as Category 1, **Category 2**, Category 3, and Category 4 Land Divisions, as provided in MCC 39.9030 through 39.9050.

**Land Feasibility Study** – A Site Evaluation Report as defined in OAR 340-71-150(1) which is the first step in obtaining a construction permit for an on-site sewage disposal system.

**Landscaping or Landscaped** – The improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

**Large Acreage Dwelling** – A type of single family detached dwelling in the CFU base zones with approval criteria that includes a requirement for single ownership of 160 contiguous forest zoned acres or single ownership of 200 forest zoned acres in Multnomah County or adjacent counties that are not contiguous. The complete description of approval standards are in the use sections of the base zones.

**Large Fill** – The addition of more than 5,000 cubic yards of material to a site; excepting fill material associated with a State or County owned and maintained road or bridge that is designated as a Rural Collector or a Rural Arterial on the Multnomah County Functional Classification of Trafficways map. The Trafficways map is part of the County Transportation System Plan.

**Large Winery** –

- (a) A farm operation that owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and
- (b) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in subsection A of this definition; and

- (c) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine from grapes in at least three of the five calendar years before the winery was established as a large winery.

**Lattice Tower** – A type of mount that is self-supporting with multiple legs and cross bracing of either structural steel or diagonal cables, or a combination thereof.

**Lawfully Established Dwelling** – A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a dwelling unit were obtained and all qualifying permitted work completed.

**Licensed Carrier** – A company authorized by the FCC to build and operate a commercial mobile radio services system.

**Loading Space** – An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

**Location [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Lot** – A unit of land created by a subdivision of land. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), unit of land (lawfully created by deed or land sale contract) or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

**Lot Area** – The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

**Lot (Corner)** – A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.

**Lot Coverage** – The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

**Lot Lines** – The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

**Lot Line (Front)** – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

**Lot Line (Rear)** – The line dividing one lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line (Side)** – Any lot line not a front or rear lot line.

**Lot of Record** – See Definition in Part 3 (Lot of Record).

**Lot Width** – The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Lowest Floor** – See definition in MCC 39.5005.

## M

**Maintenance** – An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included.

**Maintenance [Sign Regulations]** – See definition in MCC 39.6820.

**Maintenance [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Manufactured Home** – See Mobile home.

**Manufactured Home [Flood Hazard Regulations]** – See definition in MCC 39.5005.

**Marijuana Business** – See definition in MCC 39.8500.

**May** – May is permissive.



**METRO** – The Metropolitan Service District or its successor. (County or other authorized unit of government).

**Mining** – The excavation of sand, aggregate (gravel), clay, rock, or other similar surface or subsurface resources. Mining does not include:

- (a) Excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstructing or maintaining access roads,
- (b) Excavation or grading conducted in the process of farm or cemetery operations,
- (c) Excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance, or
- (d) Removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the county.

**Mitigate [Regional Sanitary Landfills]** – See definition in MCC 39.7600.

**Mobile Home** – A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code (the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations). Mobile homes include residential trailers and manufactured homes subject to the siting provisions as specified within the base zone:

- (a) Residential Trailer – A mobile home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD), in effect after June 15, 1976. This definition includes the State definitions of Residential Trailers and Mobile Homes stated in the Oregon Revised Statutes (ORS) 446;
- (b) Manufactured Home – A mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976;
- (c) For flood plain management purposes (~~Chapter 29~~ MCC 39.5000 – 39.5055) only, the term Manufactured Home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Model Aircraft** – A small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

**Modification [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Monopole [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Mortgage Lot** – An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU base zones.

**Motel** – Same as Hotel.

**Mount [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Mulch** – Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

**Multi-Plex Dwelling Structure** – A row house or town house apartment structure.

**Museum** – A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

## N

**New Construction** – See definition in MCC 39.5005.

**New Structure** – Any structure for which a building permit is required after July 15, 1982.

**Noise Sensitive Use** – See definition in MCC 39.5415.

**Nonconforming Use** – A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in

compliance with the use regulations of the base zone. A use approved under criteria that have been modified or are no longer in effect is considered nonconforming.

**Non-Forested Cleared Area** – An area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

**Nuisance, invasive non-native and native plants** – Nuisance and invasive non-native plants include those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. Native plants are those listed in the latest edition of the Metro Native Plant List.

**Nursing Home** – A building or part thereof in which:

- (a) Convalescent and/or chronic care is rendered in exchange for compensation to two or more patients requiring regular on-premise physician or nurse care. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick;
- (b) Persons who are acutely ill or are surgical or maternity cases are excluded;
- (c) Qualified personnel and a consulting physician are available at all times; and,
- (d) Isolation facilities are provided.

## O

**One-Hundred Year Flood Plain** – Any land area susceptible to inundation by a flood which has a one percent probability of being equalled or exceeded in any given year.

**Ordinary High Water Mark** – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

**Outdoor Production (Marijuana)** – See definition in MCC 39.8500.

# P

**Parcel** – A unit of land created by a partitioning of land. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably. The term, Parcel, also includes a unit of land (lawfully created by deed or land sale contract).

**Park-Model Recreational Vehicle** – A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis and that does not exceed 400 square feet when in the set-up mode and designed to provide recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances.

**Partition** – Either an act of partitioning land or an area or tract of partition land as defined in this Chapter.

**Partition Land** – To divide an area or tract of land into not more than 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. Partition land does not include:

- (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;
- (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 is not reduced below the minimum lot size established by the base zone of the property; or
- (c) A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies, in the case of a county road, with the ~~Street Standards Code and Rules~~ [Multnomah County Road Rules and Design and Construction Manual](#), or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state highway or county road 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

(d) The sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

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

**Pedestrian Path and Bikeway** – A right-of-way or easement for pedestrian, bicycle or other non-motorized traffic.

**Permitted Use** – A use permitted in a base zone without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Chapter.

**Person** – A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**Planning Commission** – The Commission established under MCC 39.1600.

**Planning Director** – The Director of the Land Use Planning Division or the Director's delegate.

**Planning Director Review [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Plat** – Includes a final subdivision plat or partition plat.

**Point on Property Line of Highest Radiation** – means for sites with more than one source, the point on the property line where the radiation is predicted to be maximum with all sources of NIER operating.

**Portable Sources** – Transmitters and associated antenna which are capable of being moved from one point to another and operated from a given location for a period of less than one month.

**Practicable, Practical** – As in No Practicable Alternative. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Premises** – A lot with or without buildings.

**Primary School** – See School (Primary, Elementary or High).

**Primary Use** – See Permitted Use.

**Principal Use** – The main use to which the premises is devoted and the primary purpose for which the premises exists.

**Private Driveway** – A private means of access to a public road or private road which is part of and provides access only to one lot or parcel.

**Private Road** – A private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

**Private Street** – See private road.

**Processing [Protected Aggregate and Mineral Sites]** – See definition in MCC 39.5415.

**Professional Office** – An office containing activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist or teacher, but not real estate or insurance sales.

**Property Line** – The division line between two units of land.

**Property Line Adjustment** – The relocation of a common property line between two abutting properties.

**Protected Site [Protected Aggregate and Mineral Sites]** – See definition in MCC 39.5415.

**Public Road** – A road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

**Public Street** – See public road.

## R

**Radiofrequency Engineer** – An engineer specializing in electrical or microwave engineering, licensed in Oregon, with a degree in engineering, and experience to perform and certify radiofrequency radiation measurements.

**Rear Lot Line** – See Lot Line (Rear).

**Rear Yard** – See Yard (Rear).

**Recordable form** – A form sufficient to create the parcel on the date the document was signed if the deed or land sales contract had been recorded with the office responsible for public records. Characteristics of recordable form include a complete description of the property, the consideration given, and verification of the transaction by a witness such as a Notary Public.

**Recreational Vehicle** – A vehicle as defined in ORS 446.003 and specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

- (a) Holding tank(s);
- (b) Liquid petroleum gas; or
- (c) A 110 to 240 volt electrical systems.

**Recreational Vehicle [Flood Hazard Regulations]** – See definition in MCC 39.5005.

**Regional Sanitary Landfill** – A general purpose landfill facility which, by itself or as a component of a network of such facilities, is designed and operated for the disposal of the region's solid waste and which METRO or its franchisee shall operate.

**Regularly Occupied** – Occupied by a given individual on an on-going regular basis and excluding occasional visitors, passersby, etc.

**Residential Care Facility** – See Group Care Facility.

**Residential Home** – See Family.

**Residential Trailer** – See Mobile Home.

**Residential Treatment Facility** – See Group Care Facility.

**Restaurant** – An establishment:

- (a) Where food or drink is prepared for consumption by the public;
- (b) Where the public obtains food or drink so prepared in form or quantity consumable then and there, whether or not it is consumed within the confines of the premises where prepared; or
- (c) That prepares food or drink in consumable form for service outside the premises where prepared; and
- (d) Is not a bed and breakfast facility or a seasonal temporary restaurant or single-event temporary restaurant as defined in ORS 624.010.

**Restoration** – To reconstruct a dwelling, building or structure after it has been damaged by fire, other casualty or natural disaster.

**Restrictive Covenant [Protected Aggregate and Mineral Sites]** – See definition in MCC 39.5415.

**Repair [Sign Regulations]** – See definition in MCC 39.6820.

**Replacement** – The construction of a new dwelling, building or structure to replace or substitute for the lawfully established dwelling, building or structure. The removal of over 75% of the standing walls and roof structure of an existing dwelling, building or structure qualifies the rebuilding as a replacement dwelling, building or structure.

**Right-of-Way** – Any way, street, alley or road dedicated to the use of the public.

**Road** – The entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys;



(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

**Row House** – A one-story apartment structure having three or more dwelling units.

**Rural Area** – The unincorporated area of Multnomah County located outside of the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

## S

**Sale or Sell** – For the purposes of Part 9 (Parcels, Lots, and Property Lines) of this Chapter, Sale or Sell includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

**Same Ownership** – Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this subsection, the seller of a property by sales contract shall be considered to not have possessory interest.

**School (Trade and Commercial)** – A building or land where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

**School (Primary, Elementary or High)** – ~~Including private or parochial, but not including nursery school, kindergarten or day nursery, except those operated in conjunction with a school.~~ A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or a private or parochial elementary or secondary school described in ORS 339.030 (1).

**School (Private School)** – A privately owned primary, elementary or high school. In the Exclusive Farm Use Zone, “private school” does not include a nursery school, kindergarten or day nursery except those operated in conjunction with a school.

**School (Public School)** – A publicly owned primary, elementary or high school. In the Exclusive Farm Use Zone, “public school” does not include a nursery school, kindergarten or day nursery except those operated in conjunction with a school.

**Service Station** – Any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

**Setback** – At times this term is used interchangeably with yard. However, setback (and Buffer) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other setback requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

**Shall** – Shall is mandatory.

**Sight-Obscuring Fence** – A fence consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

**Side Lot Line** – See Lot Line (Side).

**Sidewalk** – A pedestrian walkway with all weather surfacing.

**Side Yard** – See Yard (Side).

**Sign** – Materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, private roadway or another property. *For definitions related to signs see MCC 39.6820.*

**Significant Site [Protected Aggregate and Mineral Sites]** – See definition in MCC 39.5415.

**Single Family Detached Dwelling** – See Dwelling (Single Family Detached).

**Site [Sign Regulations]** – See definition in MCC 39.6820.

**Site [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Siting** – The method and form of placement of a use or development on a specific area of a subject property.

**Slope –**

- (a) Any ground whose surface makes an angle from the horizontal; or
- (b) The face of an embankment or cut section.

**Slope Hazard Map –** A series of maps maintained and updated from time to time by the Office of the Director, Department of Community Services.

**Small-Scale Low Impact Commercial or Industrial Use [Burlington Rural Center]** – As used in the rural community of Burlington, these terms have the following meanings:

- (a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.
- (b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space with a maximum footprint of 5,000 square feet.

**Small-Scale Low Impact Commercial or Industrial Use [Springdale Rural Center]** – As used in the rural community of Springdale, these terms have the following meanings:

- (a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.
- (b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 15,000 square feet of floor space with a maximum footprint of 7,500 square feet.

**Small-Scale Low Impact Commercial or Industrial Use [Orient Rural Center and Orient Commercial Industrial]** – As used in the rural community of Orient, these terms have the following meanings:

- (a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.
- (b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space.

Small-Scale Low Impact Commercial or Industrial Use [Pleasant Home Rural Center] – As used in the rural community of Pleasant Home, these terms have the following meanings:

(a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.

(b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space.

**Sole Source Emitter** – An individual piece of property containing one or more radio transmitters, only one of which is normally transmitting at a given instant in time.

**Source of Non-ionizing Electromagnetic Radiation** – Any source of electromagnetic radiation emanating emissions between 100 kHz and 300 GHz with an effective radiated power greater than 1 watt.

**Speculation (“Spec”) Tower** – A tower designed for the purpose of providing location mounts for wireless communications facilities without a binding commitment or option to lease a location upon the tower by a service provider at time of initial application.

**Spoil Material** – Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

**Start of Construction** – See definition in MCC 39.5005.

**State Building Code [Flood Hazard Regulations]** – See definition in MCC 39.5005.

**State Highway** – See Highway (State).

**Story** – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above an useable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story, or as amended by the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

**Stream** – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and hydraulic analyzes performed pursuant to a development proposal predict formation of a defined channel after development.

**Stream conservation area** ....would be inserted here if going to keep cross references

**Stream Protection** – Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

**Street** – See road.

**Street classifications** such as *Arterial, Collector, Minor Arterial, etc.*, shall have the meanings stated in the Multnomah County ~~Street Standards Ordinance~~ [Multnomah County Road Rules and Design and Construction Manual](#).

**Street Lighting** – The total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

**Structural Alteration** – See Alteration (Structural).

**Structure** – That which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Structure [Flood Hazard Regulations)** – See definition in MCC 39.5005.

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

**Subdivision** – Either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

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

**Subject Property [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Substantial Damage** – See definition in MCC 39.5005.

**Substantial Improvement** – See definition in MCC 39.5005.

**Suitable** – Adapted or adaptable to a use.

**Suitable for Farm Use** – Means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".

## T

**Temporary Dwelling** – A detached dwelling allowed to be placed on a lot or parcel for a limited amount of time in addition to the permanent, existing dwelling. A temporary dwelling shall be removed upon the expiration of the land use permit authorizing it.

**Tentative Plan** – Applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

**Timber Growing** – The growing of trees for the production of timber.

**Top of Bank** – The same as "bankfull stage" which means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

**Topographic Information** – Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten (10) feet.

**Tower [Wireless Communications Facilities]** – See definition in MCC 39.7715.

**Tract** – One or more contiguous Lots of Record **lots or parcels** in the same ownership. A tract shall not be considered to consist of less than the required ~~acreage~~ **area** because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only single point are not a tract.

**Trade School** – See School (Trade and Commercial).

**Transitional Area** – An area consisting of a lot, lots, or parts of lots, within any residential base zone, having side lot lines abutting a boundary of a commercial or industrial base zone, and extending not more than 100 feet from such boundary into the residential base zone.

**Transitional Use** – A use allowed in a transitional area which is intended to create a gradual change in uses from industrial and commercial areas to residential areas.

**Travel Trailer** – A non-motorized, towable recreational trailer which contains an Oregon Insignia of Compliance as a recreational vehicle. Motor homes, converted buses, van conversions, slide-in truck campers and folding camper trailers (“pop-up” campers) are not considered a travel trailer.

**Two-Unit Dwelling** – See Dwelling (Duplex or Two-Unit).

## U

**Unit of Land** – A unit of land created by a deed or land sales contract in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations.

**Urban Area** – The unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

**Utility Easement** – An easement for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

## V

**Vegetation** – All plant growth, especially trees, shrubs, grasses and mosses.

**Vegetative Protection** – Stabilization of erosive or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, producing long-term vegetative cover;
- (b) Short-term seeding, producing temporary vegetative cover;
- (c) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- (d) Netting with seeding if the final grade has not stabilized.

**Vehicular Source** – Transmitters located in vehicles which normally move about.

**Violation** – See definition and related definitions in MCC 39.1505.

**Vision Clearance Area** – Those areas near intersections of roadways and ingress and egress points where a clear field of vision is necessary for public safety. *See illustrations in MCC 39.6820.*

**Visually Subordinate [Wireless Communications Facilities]** – See definition in MCC 39.7715.

## W

**Water Body** – Areas permanently or temporarily flooded including rivers, streams, sloughs, aquifers, wetlands, creeks, lakes, ponds, reservoirs, coastal waters, and drainages (including intermittent streams and seeps).

**Water-Dependent Use** – See definition in MCC 34.5915.

**Watercourse** – A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

**Wetlands** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.



**Wireless Communications Facility (WCF)** – An unstaffed facility for the transmission or reception of radiofrequency (RF) signals, usually consisting of an equipment cabinet or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices.

## Y

**Yard** – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the base zone. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

**Yard (Front)** – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**Yard (Rear)** – A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

**Yard (Side)** – A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.