

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 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.

Airport – See Aircraft Landing Field.

Aircraft Landing Field – Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and open spaces.

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 (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.

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.

B

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 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.

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.

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.

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

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.

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 and may include maps, a text, or both.

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.

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.

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.

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 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.

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.

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

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.

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

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.

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

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.

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.

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.

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

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.

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

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.

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 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.

Front Yard – See Yard (Front).

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

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.

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.

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).

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.

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.

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

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.

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

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.

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

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 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.

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.

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.

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 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.

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.

Manufactured Home – See Mobile home.

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 (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.

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.

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

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.

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 equaled or exceeded in any given year.

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.

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.

Planning Commission – The Commission established under MCC 39.1600.

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

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.

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.

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.

R

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.

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.

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.

S

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) – 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).

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

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.

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.

Street – See road.

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.

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.

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

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.

W

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.

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.