

# CHAPTER 1 — Introduction

## Chapters:

- 1.1 How to Use the Development Code
- 1.2 General Administration
- 1.3 Definitions
- 1.4 Use Categories
- 1.5 Enforcement

## Chapter 1.1 — How to Use the Development Code

Welcome to the City of Cottage Grove Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of City of Cottage Grove. The five chapters of the code are used together to review land use applications. They are organized as follows:

**Chapter 1.** In addition to this brief introduction, Chapter 1 provides definitions for selected terms, land use classifications and categories, and information on the legal construct of the code. It also explains the city authority to enforce its Development Code.

**Chapter 2.** Every parcel, lot, and tract of land within the city’s incorporated boundaries is also within a “land use district”. (Land use districts are shown on the city’s official Zoning Map.) Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or “land use districts” conform to the City of Cottage Grove Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

**Chapter 3.** The design standards contained in Chapter 3 apply throughout the city. They are used in preparing development plans and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

**Chapter 4.** Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, “ministerial” decision); Type II (discretionary, “administrative” decision); Type III (“quasi-judicial” decision with public hearing); and Type IV (“legislative” decisions).

**Chapter 5.** Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city’s varied geography and the complexities of land development require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

## Chapter 1.2 — General Administration

### Sections:

- 1.2.100 Severability**
- 1.2.200 Compliance and Scope**
- 1.2.300 Consistency with Plan and Laws**
- 1.2.400 Use of a Development**
- 1.2.500 Pre-Existing Approvals**
- 1.2.600 Building Permit and Certificate of Occupancy**
- 1.2.700 Official Action**

### **1.2.100 Severability**

The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

### **1.2.200 Compliance and Scope**

- A. Compliance with the provisions in the Development Code.** Land and structures may be used or developed only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most restrictive regulations apply.** Where the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- E. Transfer of development standards prohibited.** No lot area, yard, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.

### 1.2.300 Consistency with Plan and Laws

This Development Code is designed to implement the City of Cottage Grove Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

### 1.2.400 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5. 2), and is not prohibited by law.

### 1.2.500 Pre-Existing Approvals

- A. Legality of pre-existing approvals.** Developments and uses for which approvals were granted prior to the effective date of this Code may occur pursuant to such approvals; except that modifications to those approvals shall comply with Chapter 4.6. Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications.** All developments and uses for which a complete application was first submitted on or after *[effective date of Development Code]* shall conform to the provisions of this Code.

### 1.2.600 Building Permit and Certificate of Occupancy

- A. Building permit.** A building permit shall not be issued until the Community Development Director has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required.
- B. Certificate of Occupancy required.** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Community Development Director has issued a Certificate of Occupancy following completion of the work in conformance to the applicable approvals and permits.
- C. Prior to final completion.** Prior to the final completion of all work, the Community Development Director, at his or her discretion, may issue a Certificate of Occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

### 1.2.700 Official Action

- A. Official Action.** The Community Development Director and his or her designees are vested with authority to issue permits or grant approvals in conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Severability.** Any permit or approval issued or granted in conflict with the provisions of this

Code shall be void, unless it is modified to conform to the Code. The Community Development Director shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to the Code.

- C. Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, if the City can demonstrate by affidavit that such notice was given. Failure to post notice shall not invalidate any actions pursuant to this Code.

## Chapter 1.3 — Definitions

### Sections:

- 1.3.100 Purpose**
- 1.3.200 Applicability**
- 1.3.300 Definitions**

### **1.3.100 Purpose**

The purpose of Chapter 1.3 is to define terms that are used frequently in the City of Cottage Grove Development Code, to assist decision makers in interpreting and applying the Code. Some of the terms that are defined here may have different meanings in other communities.

### **1.3.200 Applicability**

- A. Definitions.** The definitions in Chapter 1.3 apply to all actions and interpretations under the City of Cottage Grove Development Code. The meanings given terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term used in this Code is already defined in another part of the City of Cottage Grove Code (e.g., the Uniform Building Code, etc.) the term is not redefined herein for purposes of that other code. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

- B. Land Use Categories.** Chapter 1.4 provides descriptions of the land use categories used in Chapter 2.

### **1.3.300 Definitions**

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (e.g., Transportation-Related, Environment-Related, etc.). See also, Chapter 1.4 for descriptions of the land use categories used in Chapter 2.

## A

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

**Access.** A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

**Access easement.** An easement recorded for the purposed of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

**Access management.** The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared access approaches, and 3) provision for future opportunities for mitigation by land dedication or easement.

**Access spacing/intersection spacing.** The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

**Access way.** A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (*i.e.*, with a public access easement). See also, Walkway.

**Accessible.** Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, approachable and useable by people with disabilities, in conformance with the Federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation. See Accessible Route.

**Accessible route.** A route that can be used by a disabled person using a wheelchair and that is also usable by people with other disabilities.

**Accessory.** Secondary or incidental to a primary use or structure.

**Accessory dwelling unit.** A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and always has a total floor area smaller than the house, attached house, or manufactured home. Accessory dwelling units are not allowed on lots with a duplex or an attached duplex.

**Accessory parking facility.** A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 1.4, Descriptions of Use Categories.

**Accessory structure.** A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include but are not limited to: garages, storage sheds, decks, arbors, gazebos, and other structures. See also Primary Structure.

**Accessory use.** A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also Primary Structure.

**Adjacent.** Abutting or located directly across a street, alley or railroad right-of-way.

**Administrative.** A discretionary action or permit decision made without a public hearing, but requiring public notification, opportunity to provide written comment, and opportunity for appeal. See Chapter 4.1.200 (Type II Review).

**Adult foster care.** A family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. “Provider” means any person operating an adult foster care home. See also, “Group Home/Facility.”

**Adverse impact or effect.** Negative effect that can be measured (e.g., air pollution, vibration, dust, property values, traffic, etc.).

**Affordable.** Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

**Agriculture.** See use category under Chapter 1.4, and ORS 215.203(2)(a).

**Airport related definitions.** See Chapter 2.6.200.

**Alley.** A public right-of-way that is not a street that provides secondary vehicular access to the rear or side of a lot or lots. An alley may serve as an individual lot’s primary access if otherwise allowed by this title.

**Alteration.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. (See also, Interior/Exterior Alteration.) Alteration does include the following:

- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

**Ambient.** Normal or background environmental condition, as in the level of light, dust or noise.

**Amendment.** A change in the wording, context, or substance of this Code, or a change in the land use boundaries or area district boundaries upon the Zoning Map. An interpretation of the meaning of a particular Code provision is not an amendment to this Code.

**Applicant.** A person who applies for a land use review or building permit. An applicant can be the owner of the property, someone who is representing the owner, such as a builder, developer, consultant, or architect, or anyone who has written consent from the owner to apply, such as an optional purchaser.

**Arborist.** A professional listed as a certified arborist by the International Society of Arboriculture or a registered consulting arborist by the American Society of Consulting Arborists.

**Arcade.** An arched or covered passageway; often along building fronts or between streets.

**Arterial.** The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties. Arterials are streets of considerable continuity which serve as traffic arteries for intercommunication among large areas. See standards under Section 3.4.1.

**Articulate/articulation.** The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

**As Built Plans.** Architectural and/or engineering plans that reflect what was actually built during a construction project and which include any modifications made during construction to the original approved plans. “As Built Plans” should include the location of any utilities uncovered during construction that were not previously identified.

**Assisted Living Facility.** A residential facility providing a program approach which provides or

coordinates a range of services, available on a 24 hour basis, for support of an individual’s independence in a residential setting and promotes resident self-direction and participation in decisions, including an Alzheimer care facility.

**Attached Duplex.** A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.

**Attached House (Townhome or Rowhouse).** A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a townhome, rowhouse, zero-lot line dwelling, or a common-wall house.

**Attached structure.** Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an “I” beam or similar connections are not considered attached.

**Automobile-dependent development.** Primary or accessory uses servicing motor vehicles, or patrons in motor vehicles, such as motor vehicle repair, gas station, car wash, auto and truck sales, drive-up windows, kiosks, and similar uses.

**Automobile-oriented development.** Development in which the site layout and design gives preference to automobiles as the primary mode of transportation.

**Automobile-oriented use.** Automobiles and/or other motor vehicles are an integral part of the use, such as drive-through restaurants and banks.

## B

**Bed and breakfast inn.** Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:

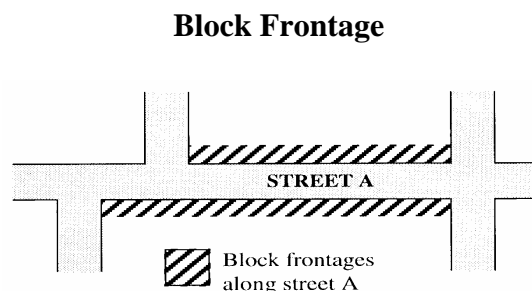
- (a) Has two or more rooms for rent on an overnight basis to the traveling public; and
- (b) Offers a breakfast meal as part of the cost of the room.

**Berm.** A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

**Bicycle facility or Bikeway.** There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.

**Block.** All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets or water features.

**Block frontage.** All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See Figure.



**Bollard.** A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards may contain sidewalk or pathway lighting.

**Boulevard.** A street with broad open space areas; typically with planted medians. See standards under Section 3.4.1.

**Building.** Any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words “building” and “structure” shall be synonymous.

**Building area.** The total area of a building, including all levels and floors, both above and below ground, as measured from the exterior faces of a building or structure. Gross building area does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

**Building coverage.** The area that is covered by roofed buildings, porches, and decks, stairways and entry bridges that are more than 30 inches above grade. Eaves are not included in building coverage.

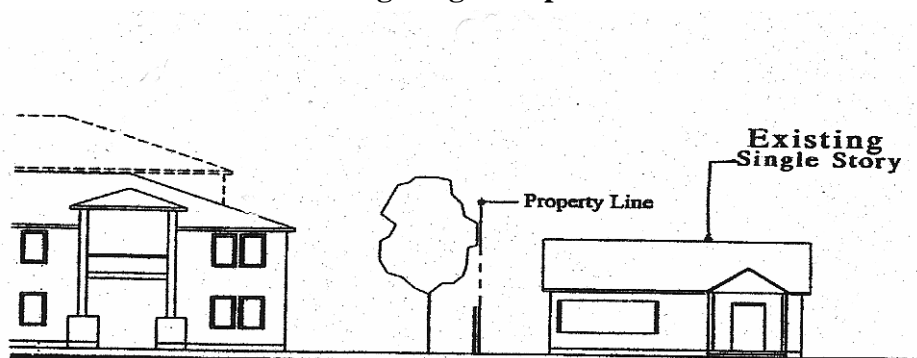
**Building footprint.** The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.

**Building height.** The vertical distance above the grade plane measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the midpoint of the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The grade plane is the average of the finished

ground level adjoining the building at all exterior walls.

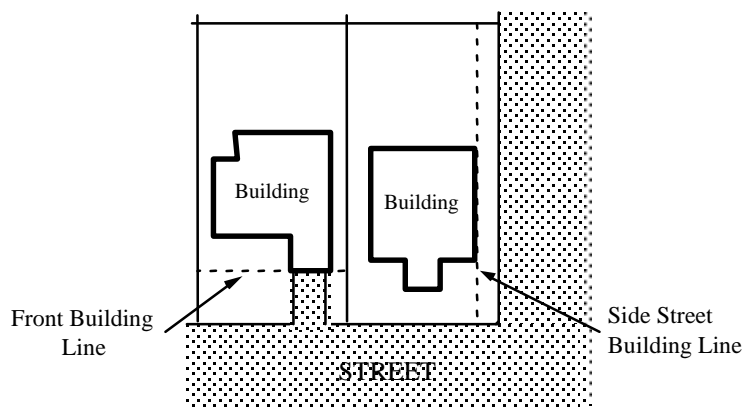
**Building height step-down.** A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use district must “step-down” in elevation where they abut a lower-intensity land use district.

### Building Height Step-down



**Building line.** A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See Figure.

### Building Lines



Example of a front building line and a side street building line.

**Building mass.** The aggregate size of a building, or the total height, width, and depth of all its parts.

**Building Official.** The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

**Building pad.** A vacant building site on a lot with other building sites.

**Building scale.** The dimensional relationship of a building and its component parts to other buildings.

**Build-to line.** A maximum front or street yard setback which is typically required along commercial street frontages to promote a storefront character and pedestrian-oriented design.

**Bus stop.** A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

## C

**Canopy.** A permanent roofed structure that may be free-standing or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure. See also, Tree Canopy, under Environment-Related definitions.

**Capacity.** Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

**Caretaker.** An employee hired by a commercial or industrial business or enterprise to live on-site to provide security.

**Centerline radius.** The radius of a centerline of a street right-of-way.

**Certified Engineering Geologist.** Any Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705 and registered in the state of Oregon.

**Certificate of Occupancy.** A certificate of occupancy or a certificate of inspection issued by the City at the completion of a building permit or change of occupancy.

**Change of Use.** Change in the primary type of use on a site.

**Child Care Center, Family Child Care.** Facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 12 children in a home. See ORS 657A for certification requirements.

**City.** The City of Cottage Grove, Oregon.

**Clear and objective.** Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

**Clearing.** Any activity that removes existing vegetation or strips surface material from any portion of the site.

**Collector, minor/major.** Type of street that serves traffic within commercial, industrial, and residential neighborhood areas. Connects local neighborhood or district streets to the arterial network. Part of the street grid system. See standards under Section 3.4.1.

**Commercial.** Land use involving buying/selling of goods or services as the primary activity.

**Common area.** Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by a homeowners' association).

**Common green.** A courtyard that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

**Community Development Director.** The director of the City of Cottage Grove Community Development Department, or official designee, which may include the positions of City Planner, Assistant Planner, Planning Technician or Office Administrator.

**Community Garden.** Small plots of land allocated to groups of people by some organization that holds title or lease to the land, sometimes for rent, sometimes simply as a grant of land, for use as a communal vegetable garden or green space. Individual plots within the garden may be tended by different people or the organization may tend the entire site.

**Comprehensive Plan.** The current adopted Comprehensive Plan of the City of Cottage Grove.

**Conditional Use.** A use that requires a Conditional Use Permit. See Chapter 4.4.

**Condominium.** Ownership of a single unit in a multi-unit structure that includes common areas and facilities.

**Congregate Care Facility.** Independent living facilities or developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities. Limited medical services (such as nursing and dental) may or may not be provided. Individuals may live in rooms with or without attached restrooms, but do not have private kitchen facilities in congregate care facilities.

**Conservation easement.** An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees or groves, floodplains, wildlife habitat, and similar resources.

**Corner Lot.** See Lot, Corner Lot.

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

**Cornice.** The projecting horizontal element that tops a wall or flat roof.

**Cottage.** A small house, generally containing not more than 1,200 square feet of floor area that may be used as an accessory dwelling.

**Cottage cluster.** A group of two or more cottages on one lot.

**Council.** The City Council of Cottage Grove, Oregon.

**Courtyard.** A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

**Crown cover.** The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

**Cul-de-sac.** A local street terminating in a turnabout.

**Curb cut.** A driveway opening delineated by a concrete apron along a street.

## D

**Days.** Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays.

**Dead-end street.** A street that connects to another street at only one end and does not have a City-approved turnaround on its other end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.

**Dedication.** The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

**Density(ies).** A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the *gross* parcel or lot area, which includes land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. Density is a measurement used generally for residential uses.

**Designated Sensitive Lands.** Natural resources areas and landforms protected under the provisions of Chapter 3.7.

**Develop.** To construct or alter a structure or to make a physical change to the land including excavations and fills.

**Development.** All improvements on a site, including: buildings; other structures; parking and loading areas; landscaping; paved or graveled areas; areas devoted to exterior display, storage, or activities; dredging, mining, grading and filling; and the partitioning or subdividing of land.

Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

**Development, New.** Development of a site that was previously unimproved or that has had previously existing buildings demolished; e.g., not a remodel of an existing building.

**Disabled Person.** For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

**Discontinued use.** A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 5.2, Non-Conforming Uses and Developments. A use is considered temporarily discontinued during the first six months after it ceases, after which it is considered permanently discontinued.

**Discretionary.** A permit action or decision that involves judgment or discretion.

**Disturbance area.** An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site, both existing and proposed. Vegetation planted for resource enhancement and agricultural and pasture land is not included.

**Drainage way.** An open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

**Drip-line.** Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

**Drive-through/Drive-up facility.** A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

**Driveway.** There are two types of driveways:

- 1) The area that provides vehicular access to a site from a street. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. This type of driveway begins at the street and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and

- 2) The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. Where required by Code for fire safety, a driveway must be used exclusively for circulation, with no abutting parking spaces.

**Driveway apron/approach.** That portion of the driveway within the public right-of-way; usually constructed of concrete.

**Drought-tolerant/drought-resistant plants or Xeriscaping.** As listed and described in the Sunset Western Garden Book for the area in which the development site is located (latest edition).

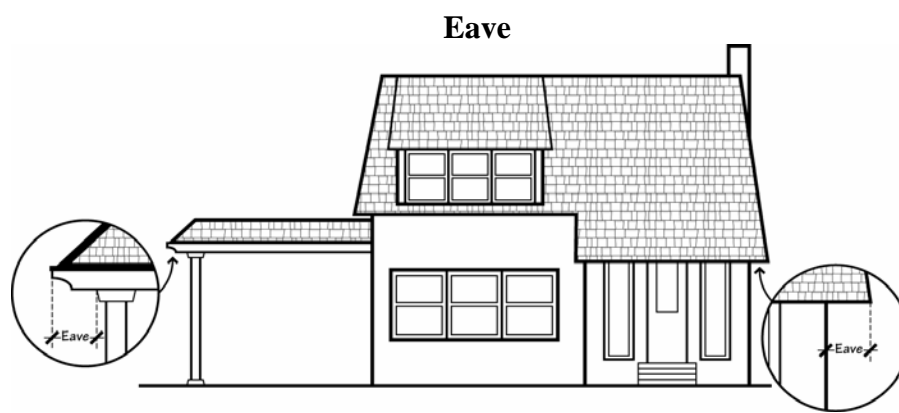
**Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

**Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.

## E

**Easement.** A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, or limit or restrict the use that a property owner may make of the property owner's own land, such as access, or to locate utilities.

**Eave.** Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure.



**Ecologically/Scientifically significant natural areas.** Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, archeological, or natural features.

**Elevation.** Scaled drawing of the outside wall of a building or structure, from grade to roof ridgeline, typically specifying materials, color, and dimensions.

**Emergency action.** An action that must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property.

**Erosion.** The wearing away of the earth's surface as a result of the movement of wind, water or ice.

**Evidence.** Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

**Excavating or filling.** 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 there from, whether permanent or temporary in nature. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

**Exterior Alteration.** An alteration that is on the outside of any building.

**Exterior display.** Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

**Exterior improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also Development.

**Exterior storage.** Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel;

building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments. See also, Exterior Display and Exterior Work Activities.

**Exterior work activities.** Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

## F

**Facade.** The front or street-facing elevation of a structure.

**Family day care.** See Child Care Center, Family Child Care.

**Final plat.** The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

**Fish and wildlife habitat areas.** Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

**Fire apparatus lane or fire lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically may not be used for parking or loading area

**Flag Lot.** See Lot.

**Flood hazard area.** Land that is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).

**Floodway.** The active flowing channel during a flood, as designated on flood maps for the City; the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor area.** The total floor area of a building, including all levels and floors both above and below ground with a clear ceiling height of at least 7 feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- Roof area;
- Roof top mechanical equipment; and

- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50% or more of their perimeter.

**Foot-candle.** A unit of illumination (light standards), equal to one lumen per square foot, or the amount of light from a source of one candela directly thrown on a square foot of surface at a distance of one foot.

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

**Frontage street or road.** A minor street that parallels an arterial street or highway in order to provide access to abutting properties and minimize direct access onto the arterial or highway.

**Functional classification.** The classification given to streets by the road authority (e.g., “local/collector/arterial”). See Transportation-Related definitions, and Section 3.4.1 for street standards.

**Future division plan or future development plan.** A document that shows lot, tract and right-of-way boundaries for all potential future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting City standards.

## G

**Garage.** A temporary or permanent covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

**Geological assessment.** An assessment prepared and stamped by a Certified Engineering Geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geological hazards.

**Geotechnical Engineer.** A Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice or geotechnical or soils engineering practices.

**Geotechnical Report.** A report prepared and stamped by a Certified Engineering Geologist or Geotechnical Engineer, evaluating the site conditions and mitigation measures necessary to reduce the risk associated with development in geologically hazardous areas.

**Grade.** 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 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended

by the State).

**Grade Plane.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

**Grading.** See Development-Related Definitions.

**Ground cover.** Living or processed plant material (e.g., mulch, bark chips) that is used to cover bare ground. See Chapter 3.2, Landscaping.

**Ground disturbance.** Any excavation of 50 cubic yards or more.

**Group Living Structure.** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses: residential facility/group care facility; residential home/group care home; congregate care facility.

## H

**Hardscape.** Non-vegetative landscape materials or installations, including pathways, decorative pavers, benches, drinking fountains, , playgrounds, plazas, and similar amenities.

**Hazardous Substances.** Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.

**Hillside area.** A property with slopes of 15% or more. Level 1 Hillside areas include any areas with slopes of 15-20%; Level 2 includes slopes of 20-25%; and Level 3 includes any area with slopes of greater than 25%.

**Historic context.** The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.

**Historic ensemble.** A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.

**Historic landmark.** A historic resource that has been designated under the procedures described in this chapter and is therefore subject to its rules and regulations. Historic Landmark designations may include neighborhoods, buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.

**Historic resource.** A structure or object that has historic significance. Historic Resources include:

- Historic Landmarks, including those that are listed in the National Register of Historic Places;
- Conservation Districts
- Historic Districts, including those listed in the National Register of Historic Places;
- Structures or objects that are identified as contributing to the historic significance of a Historic District ;
- Structures or objects that are included in the City’s Historic Resources Inventory; and
- Any building, structure, site, district and/or object that potentially can meet one or more of the criteria for designation as a historic landmark, or has been so designated.

**Historic resources inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources maintained by the City. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.

**Historic resource alteration.** Any physical change or modification of a historic landmark or its environs, with the exception of simple cleaning and maintenance. Alteration includes repair, replacement, addition and/or removal of material to or from a historic landmark. The following terms are included under the definition of alteration:

1. Historic Resource Relocation. The act of removing and relocating a historic landmark, including the removing or relocating of a non-historic resource within a designated historic district or site, or upon property directly adjacent to a historic landmark.
2. Historic Resource Demolition. The destruction, razing, defacing or dismantling of a historic landmark which causes partial or total ruin.
3. Historic Resource New Construction. The development of new additions and/or structures upon a historic landmark or its site, including any site, structure or object in a designated historic district or upon property directly adjacent to a designated landmark.

**Historic value.** A physical, aesthetic, scenic, educational, or other characteristic that is a reminder of important events or developments in the community’s past.

**Home occupation, home occupation site.** A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the provisions of Chapter 2.2 (Residential Districts) and Section 4.9.300 (Home Occupation Permits).

**Horticulture.** The cultivation of an orchard, garden or nursery on a small or large scale.

**Hospital.** Any building or institution devoted primarily to the rendering of diagnostic, treatment,

and nursing care, including associated support services (such as out-patient clinics, adult day care and nursing facilities, laboratories, medical offices, food service areas, gift shops, maintenance facilities, meeting areas, pharmacies, durable medical equipment dispensaries, and teaching facilities), for 2 or more non-related individuals where such are may be rendered over a period exceeding 24 hours. See Medical Centers, Chapter 1.4.

**Hotel/Motel.** A building, portion of a building, or group of buildings designed and used for occupancy of individuals lodged with or without meals for no more than 30 consecutive days. (See ORS 446.310.)

**House.** See Residential Structure Types.

**Household.** One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

**Human-scale design/development.** Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic. (See also, Pedestrian-Oriented Development under Development-Related definitions.)

## I

**Impervious surface.** Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., non-permeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

**Incidental and subordinate to.** Secondary to, and less apparent, than the primary use or other portion of the development.

**Identified natural features (e.g., wetlands or streams).** Natural features that are identified in the National Wetlands Inventory and/or other references used by the City or State as being significant and in need of protection.

**Infill.** The development of vacant, bypassed lands located in an area that is mainly developed.

## J

**Junk yard.** (1) Any property or establishment on which one or more persons are engaged in

breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which 2 or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

## K

**Kennel.** Any location where 3 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

## L

**Land division.** The process of dividing land to create parcels or lots. See Chapter 4.3.

**Landing (stairs).** A level part of a staircase, usually at the end of a flight of stairs. See also, Transportation-Related definitions for Airport Landing.

**Landmark.** See Historic Resource-Related definitions.

**Landscaping.** Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

**Landslide.** The downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.

**Land use.** The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. See also, Chapter 1.4. Use Categories.

**Land use approval.** A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

**Land use district.** As used in this code, a land use district is the same as a zoning district.

**Land Use Review.** An application for land use approval under Section 4.2.200.A, or the review of such application.

**Lane, mid-block.** A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.

**Level of service ("LOS").** A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or

unsignalized) or street segments (between signalized intersections).

**Legislative.** A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Chapter 4.1.500 (Type IV Review).

**Light manufacture.** See Chapter 1.4, Use Categories.

**Living area.** The habitable floor area of a residential structure conforming to applicable building codes; typically does not include garage area, and attic and basement areas with substandard ceiling height or substandard egress.

**Loading Area.** The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other Chapters. See also, Chapter 3.3, Parking and Loading.

**Local Improvement District ("LID").** A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

**Local Street.** A street used primarily for access to abutting properties.

**Longest street-facing wall.** The longest wall that faces a street. If two or more street-facing walls are of equal length, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of the Development Code. See also, Facade, and Chapter 2.3.150, Building Orientation in Commercial Districts.

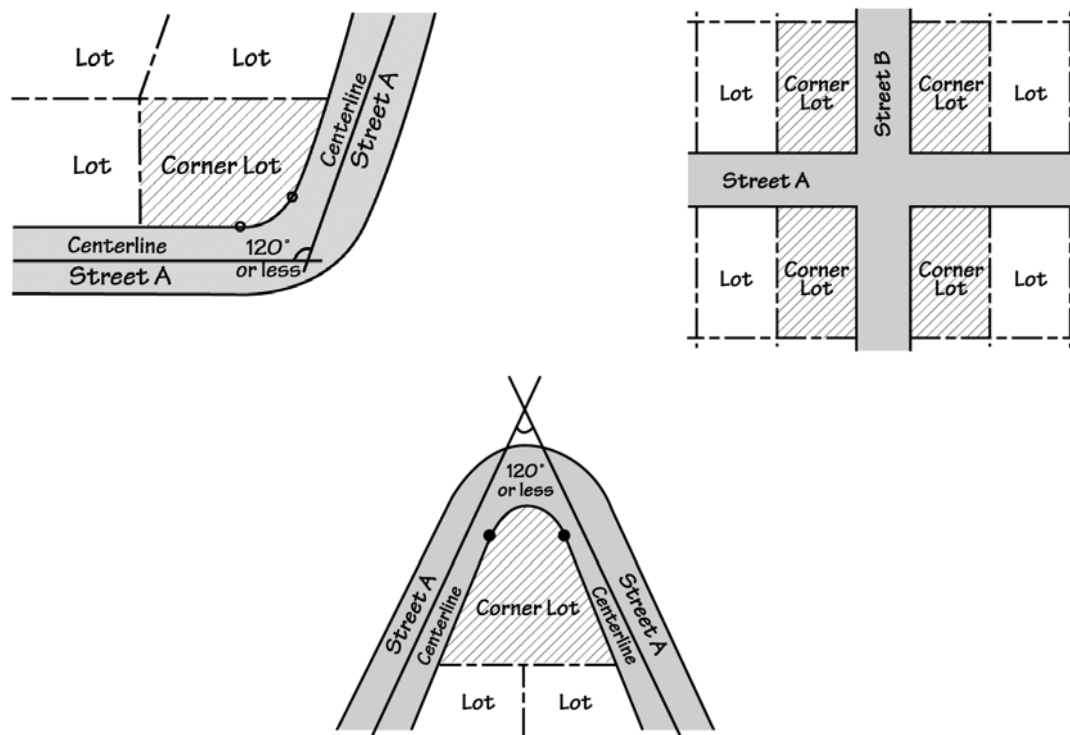
**Lot.** A lot is a legally defined piece of land other than a tract that is the result of a subdivision, partition, or by a deed that was signed before 1978. Unless the context suggests otherwise, the terms "lot," "parcel," and "lot of record" are synonymous. See also, Ownership, Parcel, Site.

1. **Corner lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.
2. **Flag lot.** A lot with two distinct parts (See Figure below):
  - a. The flag, which is the only building site, and is located behind another lot; and
  - b. The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.  
Note: The pole is not included in the dimension of the flag lot for purposes of minimum lot size.
3. **Through lot.** A lot that has frontage on two parallel or approximately parallel streets.

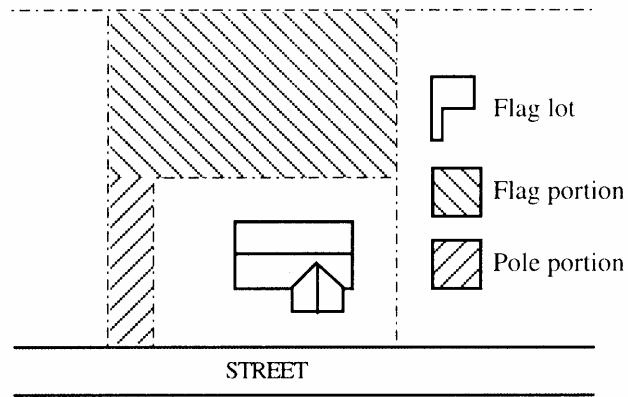
**Lot lines/property lines.** The property lines along the edge of a lot or site.

1. **Front lot line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figures below.
2. **Rear lot line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.
3. **Side lot line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.
4. **Side street lot line.** A lot line that is both a side lot line and a street lot line. See Figures below.
5. **Street lot line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are 2 (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures on following pages.

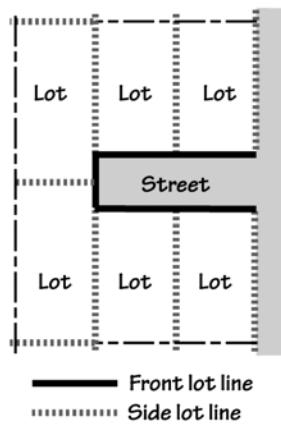
### Corner Lots



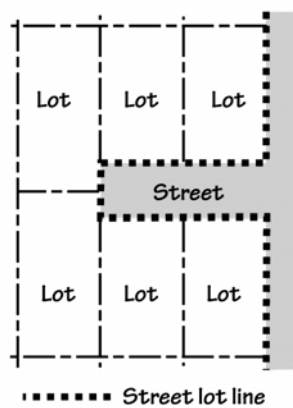
### Flag Lot



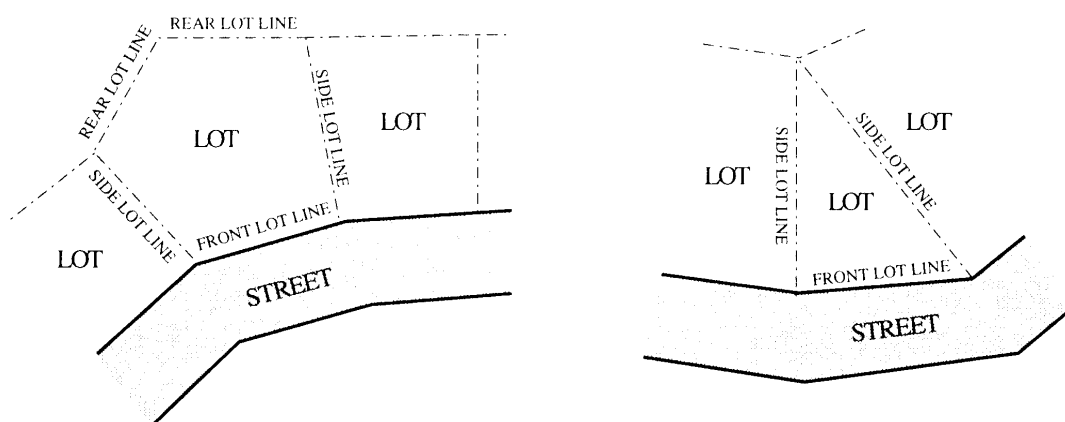
### Front and Side Lot Lines



### Street Lot Lines



### Lot Lines on Irregular Lots



**Lot, double-frontage.** See Lot, Through Lot.

**Lot area.** The total surface area (measured horizontally) within the boundary lines of a lot.

**Lot coverage.** The total area of a lot covered by building(s) or impervious surfaces, as allowed by the applicable land use district development standards.

**Lot depth.** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot line adjustment.** See Property Line Adjustment.

**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

**Main/Primary building entrance.** A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

**Major remodeling.** Projects where the floor area is being increased by 50% or more, or by more than 1,000 square feet; or where the cost of the remodeling is greater than 50% the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

**Manufactured dwelling.** The term “manufactured dwelling” replaces the term “mobile home” (ORS 446). Includes residential trailers constructed before January 1, 1962; and, mobile homes constructed between January 1, 1962 and June 15, 1976, which met Oregon construction standards then in effect; and manufactured homes constructed to federal standards.

**Manufactured dwelling park.** Any place where 4 or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot. See also, ORS Chapter 446.

**Manufactured Home.** A structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Subsection 5401 et seq.), as amended on August 22, 1981.

**Maneuvering area/aisle.** The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

**Mini park.** A small park, usually less than one-half acre typically accessed by foot or wheelchair, or bicycle. Also called “nodal parks.” See also, Pedestrian Amenities.

**Ministerial.** A routine administrative action or decision that involves no discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review).

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

**Mixed-use.** The combination on a site of multiple uses (e.g., office with residential, retail with industrial, or civic with retail or community service, etc.

**Mobile home park.** Two or more mobile homes that are located on a single site for 30 days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also Recreational Vehicle Park.

**Mobile home space.** The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

**Motor home.** See Recreational Vehicle, under Vehicle Types.

**Motor vehicle.** See Vehicle Types.

**Multi-dwelling development.** A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single-dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.

**Multi-dwelling structure.** A structure that contains 3 or more dwelling units that share common walls or floor/ceilings with 1 or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

**Multi-use pathway.** See Walkway and Bikeway.

## N

**Natural resource areas/natural resources.** See Environment-Related Definitions.

**Natural hazard.** Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, and areas prone to landslides, floodways and flood plains.

**Neighborhood.** A residential area usually having distinguishing character or geography.

**Neighborhood commercial.** See Use Categories, Commercial.

**Nonconforming development.** An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area. See Chapter 5.2.

**Nonconforming Use.** A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zoning classification of the subject property, this Code, or other applicable land use regulations, the use is now prohibited. See Chapter 5.2.

**Non-native invasive plants.** Plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

## O

**Off-street parking.** All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. See Chapter 3.3 for parking standards.

**On-street parking.** Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3 for parking standards.

**Open space (public/common/private/active/passive).** Land within a development that has been dedicated in common to the ownership within the development or to the public or privately held specifically for the purpose of providing places for recreation, conservation or other open space uses. See also, Common Area.

**Orientation.** To cause to face toward a particular point of reference (e.g., “A building oriented to the street”). See also, Pedestrian-Oriented Development.

**Outdoor commercial use.** A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

**Overlay zone/district.** Overlay zones impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations. See Chapter 2.6.

**Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

**Ownership.** An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way. See also, Lot and Site.

## P

**Parcel.** A legally defined area of land created through a partition. Unless the context suggests otherwise, the terms “lot,” “parcel,” and “lot of record” are synonymous. See also, Ownership, Site, Lot.

**Parking Area.** A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

**Parking lot perimeter.** The boundary of a parking lot area that usually contains a landscaped buffer area.

**Parking space.** A space designed to provide standing area for a motor vehicle. See Chapter 3.3 for parking space standards.

**Parking versus storage.** Parking is to leave a motor vehicle or trailer for a temporary time, no longer than 72 hours. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use more than 72 hours in the future. See also, Exterior Display.

**Partial Street.** See Transportation-Related Definitions.

**Partition.** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See ORS 92.010(8).)

**Pathway.** A walkway conforming to Chapter 3.2 that is not within a street right-of-way.

**Paved area.** An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas but are typically impervious.

**Pedestrian amenity(ies).** See Development-Related definitions. Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (e.g., benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under Section 3.4.1 are not “amenities” for the purpose of this Code.

**Pedestrian connection.** See Access way.

**Pedestrian-Oriented Development.** Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

**Performance agreement, guarantee or bond or Developer’s Agreement.** A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Section 4.3.180 and conditioned upon the faithful performance thereof.

**Planter strip.** A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk. See also, Tree Well.

**Plat.** Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State

law definitions of “partition plat” and “subdivision plat”. See also, Chapter 4.3, Land Divisions.

**Plaza.** An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians. See also, Pedestrian Amenities (Development-Related definitions).

**Practicable.** Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Preservation.** The maintenance and repair of existing historic materials, and the conscious retention of the property’s form as it has evolved over time. See the Secretary of the Interior’s Standards for Rehabilitation (36 CFR Part 67).

**Primary structure.** A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

**Primary use.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

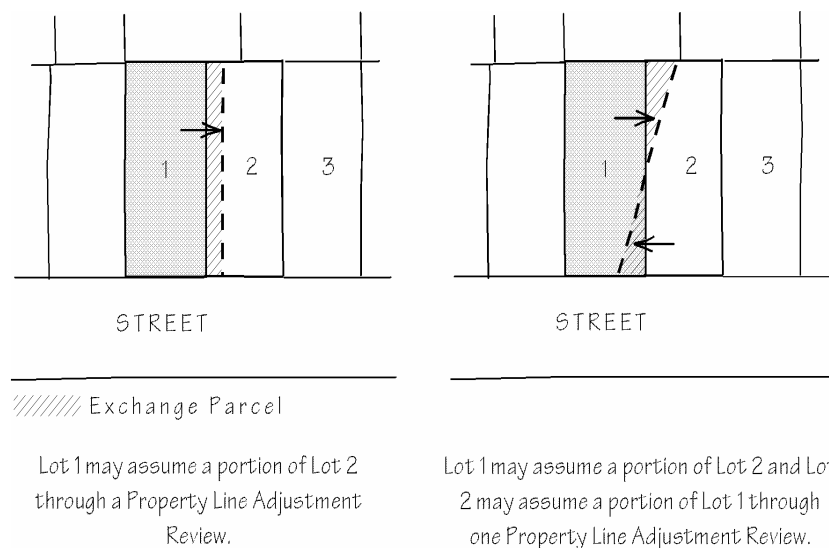
**Project.** An existing or proposed use or development.

**Project, major.** A project that requires Site Design Review (Sections 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).

**Project, minor.** A project that requires Land Use Review (Section 4.2.300), but does not require Site Design Review (Section 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review, or Master Planned Development review (Chapter 4.5).

**Property line adjustment.** The relocation of a single common property line between two abutting properties, in conformance with ORS 92.010(11). See Figure.

### Property Line Adjustment



**Property line: front, rear, interior side, street side.** See Lot Line.

**Public access easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

**Public improvements.** Development of public infrastructure, as required by the City, County, Special District, or Road Authority, as applicable. See Chapter 3.4.

## Q

**Quasi-judicial.** An action or decision that requires discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Chapter 4.1.400 (Type III Review).

## R

**Rail right-of-way.** A public or private right-of-way, for the purpose of allowing rail travel.

**Recreation camp.** (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446.)

**Recreational vehicle.** See Vehicle Types.

**Recreational vehicle park.** A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

**Rehabilitation.** The treatment used when there is a need to alter or add to a historic property to meet needs of continuing or changing use while retaining the property’s historical, cultural, and/or architectural values. See the Secretary of the Interior’s Standards for Rehabilitation (36 CFR Part 67).

**Renovation plan.** A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.

**Residence.** Same as Dwelling. See Residential Structure Types.

**Residential facility/group care facility.** A residence for 6 to 15 physically disabled or socially dependent persons, and for staff persons, which is licensed by or under the authority of Department of Human Resources under ORS 443.400 to 443.460. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Care, Treatment or Training Facility.

**Residential home/group care home.** A residence for five or fewer physically or mentally disabled persons, and for staff persons, as regulated by the Department of Human Resources under ORS 443.400 to 443.460. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Training or Treatment Home.

#### **Residential Structure Types.**

- Accessory Dwelling Unit.
- Attached Duplex.
- Cottage.
- Cottage cluster.
- Duplex.
- Dwelling Unit.
- Residential facility/group care facility.
- Residential home/group care home.
- Manufactured dwelling.
- Manufactured Home.
- Multi-dwelling development.
- Multi-dwelling structure.
- Residential Trailer.
- Senior housing.

- Single Family House.
- Single room occupancy housing (SRO).

**Residential Trailer.** A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.

**Restoration.** The process of returning a historic property to its appearance in a particular time in the property's history. The process requires the removal of evidence of other time periods and does not illustrate the evolution of the building over time. See the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

**Review Body.** The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Community Development Director, Planning Commission, and the City Council.

**Ridge line (building).** The top of a roof at its highest elevation.

**Right-of-way.** An area that allows for the passage of people and/or vehicles. Right-of-way includes passageways such as freeways, highways, pedestrian connections and thoroughfares, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.

**Riparian areas.** Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils that are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

**Road authority.** The City or other agency (e.g., Oregon Department of Transportation, Lane County, a special purpose district, or other agency) with jurisdiction over a road or street.

**Roadway.** The portion of a right-of-way that is improved for motor vehicle travel, regardless of the type of surface used. Roadway includes vehicle travel lanes and may include bicycle lanes, planting or median strips that divide vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

**Roof pitch.** The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

## S

**Senior housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.

**Sensitive lands.** Wetlands, significant trees, steep slopes, flood plains, Willamette River Greenway and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

**Setback/Setback yard.** The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from the nearest exterior point of a building to a specified property line.

**Shared driveway.** See Transportation-Related definitions. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

**Shared parking.** See Development-Related Definitions. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.3.

**Shopping street.** A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.

**Sidewalk.** A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.

**Sight distance.** The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety.

**Sign.** Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, Chapter, machine or merchandise display. See Chapter 3.9.

**Sign area.** The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, this perimeter does not include any structural elements lying outside and below the limits of the sign that do not form an integral part of the display.

**Single Family House.** A detached dwelling unit located on its own lot.

**Single room occupancy housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes

structures commonly called residential hotels and rooming houses.

**Site.** For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all the ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

**Site design review.** A discretionary review that applies to all developments except those specifically designated for Land Use Review. A development proposal is reviewed in light of the basic Chapter 2 land use district development standards and more detailed design standards and public improvement requirements in Chapter 3. See Chapter 4.2.

**Site frontage.** The part of a site that abuts a street. See also, Block Frontage.

**Slope.** An inclined earth surface, the inclination or which is expressed with a given rise in elevation over a given run in distance. A 15% slope, for example, refers to a 15 foot rise in elevation over a distance of 100 feet. Slopes are measured across a horizontal rise and run calculation within any horizontal 25 foot distance.

**Standards and criteria.** Both are code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used in interpreting a subjective criterion. (*Example.* Criterion: All developments subject to site design review shall comply with the Chapter 3 parking standards. Standard: Medical and dental office uses must provide one vehicle parking space for each  $x$  square feet of gross floor area. )

**Steep slopes.** Slopes of greater than 15%. See also, Hillside Area in Environmental-Related definitions.

**Storefront character.** The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

**Stormwater facility.** A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

**Stormwater management system.** A stormwater facility (e.g., conveyance, detention/retention,

treatment system or outfall.)

**Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water either intermittently or during most of the year. This includes:

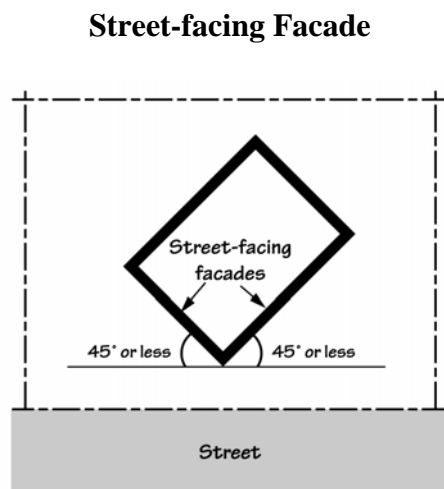
- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water levels of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

**Stream channel.** An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

**Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps. Includes the terms road, highway, lane, avenue or similar designation.

**Street connectivity.** Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

**Street-facing façade/wall.** All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure below.



**Street furniture/furnishings.** Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also, Pedestrian Amenities.

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

**Street tree.** A tree planted in a planter strip or tree well between the street and sidewalk.

**Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

**Structure height.** The height of a structure, and the cumulative height of a building with any appurtenant structures.

**Subdivision.** To divide land into four or more lots within a single calendar year. See also, Chapter 4.3, Land Divisions, and ORS 92.010(13).

**Surface water management.** *[This is a placeholder.]*

**Swale.** A type of stormwater facility. Usually a broad, shallow depression with plants that filter and process contaminants.

## T

**Tangent.** Meeting a curve or surface in a single point.

**Terrace.** A porch or promenade supported by columns, or a flat roof or other platform on a building.

**Through lot.** See Lot.

**Through Street.** A street that connects to other streets at both ends.

**Top of bank.** The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.

**Topographical constraint.** Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

**Tract.** A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner’s association or other entity for maintenance.

**Transit Street.** A street that is classified in the Transportation Element of the Comprehensive Plan as a bus route.

**Transportation mode.** The method of transportation (e.g., automobile, bus, walking, bicycling, train, etc.).

**Travel trailer.** A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. (See ORS 446.003(5), (24).)

**Travel trailer/recreational vehicle park/campground.** A lot or parcel on which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, capers, and/or similar vehicles or devices are permitted outright, with or without a charge or fee.

**Tree canopy.** The ground area that, when viewed from above the crown of one or more trees, is mostly covered by the tree(s). For deciduous trees, canopy area is based on the time of year when foliage is present.

**Tree well.** A planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial districts where on-street parking or pedestrian traffic makes the use of a planter strip impracticable.

**Turnaround.** A City-approved vehicle maneuvering area at the end of a street that connects to another street at only one end (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See Section 3.4.1 for related standards.

## U

**Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained. See also, Chapter 1.4, Use Categories.

**Utilities.** For the purposes of this Code, utilities are telephone, cable, natural gas, electric, water, sanitary sewer, stormwater, and telecommunication facilities. See also, Chapter 3.6.100, Wireless Telecommunication Facilities.

## V

**Vacate plat/street.** To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat typically returns the property to the adjoining owners and restores it to an undivided condition and ownership.

**Vacation home rental.** A commercial use of a single family or duplex dwelling unit where the unit is rented for periods of time of 28 or fewer consecutive days.

**Variance.** An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1.

**Vehicle areas.** All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

### Vehicle Types.

- **Motor vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all terrain vehicles, off-road vehicles, snow mobiles, and similar vehicles are not allowed on streets.
- **Passenger vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational vehicle.** A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
  1. Motor home. Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
  2. Accessory recreational vehicle. Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats.
- **Truck.** A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. See also, National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.
  1. Light Truck. Trucks and similar vehicles with single rear axles and single rear wheels.

2. **Medium Truck.** Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
  3. **Heavy Truck.** Trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet are considered industrial vehicles and are regulated as heavy trucks.

## V

**Vision Clearance Area.** Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. See standards in Chapter 3.1.200. A triangular area at the street corner of a corner lot, the alley-street intersection of a lot, or the alley-sidewalk intersection of a lot, the space being defined by a line across the corner the ends of which are the roadway lines, or sidewalk lines, an equal and specified distance from the corner of the triangle and containing no planting, walls, structures or temporary or permanent obstruction from 2 and 1 ½ feet in height above the curb level to 15 feet above the curb level.

## W

**Walkway.** A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, Sidewalk.

**Water bodies.** Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water bodies include rivers, streams, creeks, sloughs, drainage ways, lakes, and ponds.

**Waste collection areas.** Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

**Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

**Willamette River Greenway.** A protected corridor along the Coast Fork of the Willamette River. The State of Oregon established the Greenway in 1975, “to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands

along the Willamette River as the Willamette River Greenway.”

**Window.** A transparent or semi-transparent (not more than 50% opaque) glazing on a building facade. For the purpose of this Code, a window may be a display window (e.g., for merchandise, art, etc.) that is integral to a building design, but a window is not a display box mounted onto the exterior of a building.

**Wireless telecommunication facility.** A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, towers and ancillary facilities. Typical wireless telecommunication equipment includes cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving. For purposes of this code, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not ‘wireless telecommunication facilities’.

**Wrecking yard, motor vehicles and building materials.** Any premises used for the storage, dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.

## X

## Y

**Yard.** The area defined by setbacks (i.e., between the setback line and nearest property line).

## Z

**Zero-lot line house.** A single-family detached dwelling with one “0 foot” side yard setback.

## **Chapter 1.4 — Use Categories**

### **Sections:**

#### **Introduction to the Use Categories**

##### **1.4.010 Purpose**

#### **Residential Use Categories**

##### **1.4.100 Household Living**

##### **1.4.110 Group Living**

#### **Commercial Use Categories**

##### **1.4.200 Commercial Outdoor Recreation**

##### **1.4.210 Commercial Parking**

##### **1.4.220 Quick Vehicle Servicing**

##### **1.4.230 Major Event Entertainment**

##### **1.4.240 Educational Services, Commercial**

##### **1.4.250 Office**

##### **1.4.260 General Commercial Retail Sales and Service**

##### **1.4.265 Downtown Retail Sales and Services**

##### **1.4.270 Tourist Oriented Retail Sales and Services**

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#### **Industrial Use Categories**

##### **1.4.300 Light Industrial Service**

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##### **1.4.340 Warehouse, Freight Movement, and Distribution**

##### **1.4.350 Waste-Related**

##### **1.4.360 Wholesale Sales**

#### **Institutional Use Categories**

##### **1.4.400 Basic Utilities**

##### **1.4.410 Colleges**

##### **1.4.420 Community Service**

##### **1.4.430 Daycare**

##### **1.4.440 Medical Centers**

##### **1.4.450 Parks and Open Areas**

##### **1.4.460 Religious Institutions and Places of Worship**

##### **1.4.470 Schools**

**Other Use Categories**

- 1.4.500 Agriculture**
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**Enforcement**

- 1.5.100 Provisions of this Code Declared to be Minimum Requirements**
- 1.5.200 Violation of Code Prohibited**
- 1.5.300 Penalty**
- 1.5.400 Complaints Regarding Violations**
- 1.5.500 Inspection and Right of Entry**
- 1.5.600 Abatement of Violations**
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### **Introduction to the Use Categories**

**1.4.010 Purpose**

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

- A. Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The “Characteristics” subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.
- B. Interpretation.** When a use’s category is not clearly identifiable, the Community Development Director, through a Type II procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
- The description of the activity(ies) in relationship to the characteristics of each use category;
  - The relative amount of site or floor space and equipment devoted to the activity;
  - Relative amounts of sales from each activity;
  - The customer type for each activity;
  - The relative number of employees in each activity;
  - Hours of operation;
  - Building and site arrangement;
  - Vehicles used with the activity;
  - The relative number of vehicle trips generated by the activity;
  - Signs;
  - How the use advertises itself; and
  - Whether the activity would function independently of the other activities on the site.

- C. Developments with multiple primary uses.** When all primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- D. Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.
- E. Use of examples.** The “Examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

## Residential Use Categories

### 1.4.100 Household Living

- A. Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category.
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, gardens, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, day cares and bed and breakfast inns are accessory uses that are subject to additional regulations. Family day cares are accessory uses so long as they meet the definition in this code.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions.**
1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
  2. SROs that contain programs which include common dining are classified as Group Living.
  3. Lodging in recreational vehicles and/or motor homes for more than 14 days (2 calendar weeks) in any 6 months is a prohibited accessory use unless a Temporary Use Permit has been granted. (See Chapter 4.9.)
  4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

### 1.4.110 Group Living

**A. Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 1.3.300, Definitions).

**B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

**C. Examples.** Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; congregate care facilities; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

**D. Exceptions.**

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing.
2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

## Commercial Use Categories

### 1.4.200 Commercial Outdoor Recreation

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.
- D. Exceptions.**
1. Golf courses are classified as Parks and Open Space.
  2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

### 1.4.210 Commercial Parking

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.
- C. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. Exceptions.**
1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
  2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 1.3.300, Definitions.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

#### 1.4.220 Quick Vehicle Servicing

- A. Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility and the area where the service is performed (See Chapter 1. 300, Definitions). Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.
- B. Accessory Uses.** Accessory uses may include auto repair and tire sales.
- C. Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.
- D. Exceptions.**
1. Truck stops are classified as Industrial Service.
  2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

#### 1.4.230 Major Event Entertainment

- A. Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, maintenance facilities and caretaker housing.
- C. Examples.** Examples include sports arenas, racetracks (auto, horse, dog, etc.), BMX tracks, rodeos, auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.
- D. Exceptions.**
1. Exhibition and meeting areas with less than 10,000 square feet of total event area are classified as Retail Sales and Service.
  2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
  3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.
  4. School ballfields and sports facilities are classified as accessory to Schools when part of same development site. When developed separately, they are classified as Parks and Open Space.

#### 1.4.240 Educational Services, Commercial

- A. **Characteristics.** Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.
- B. **Accessory uses.** Accessory uses may include incidental retail (e.g., sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.
- C. **Examples.** Examples include tutoring centers, computer classes, after school math and reading centers, and arts and crafts classes.

#### 1.4.250 Office

- A. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- B. **Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

#### D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. Animal clinics and kennels that board overnight are considered Retail Sales and Service.

#### 1.4.260 General Commercial Retail Sales and Service

- A. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

**B. Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

**C. Examples.** Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting the following items, provided that yards and buildable areas shall not be used for the storage or display of used building materials or any scrap or salvage operation, storage or sale: consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles, in conjunction with an office.
2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

**D. Exceptions.**

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop that is classified as Industrial Service.
3. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.
4. Kennels that are limited to boarding, with no breeding are classified as Retail Sales and Service.

**1.4.265 Downtown Retail Sales and Services**

**A. Characteristics.** Downtown Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public within the Downtown Historic District.

They may also provide personal services or entertainment, or provide some types of product repair or services for consumer and business goods.

**B. Accessory uses.** Accessory uses may include offices, storage of goods for sale, manufacture or repackaging of goods for on-site sale, sidewalk displays and parking.

**C. Examples.** Examples include uses from the three subgroups listed below:

1. Indoor Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, videos, food sales, and sales or leasing of small consumer vehicles such as bicycles, motorcycles, ATVs, and other small recreational vehicles.
2. Personal service-oriented: Branch banks, except drive-ins; urgency medical care; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; mortuaries; veterinarians; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars, except drive-ins; pool halls; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, and Bed & Breakfast Inns.

**D. Exceptions.**

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.
3. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.
4. Kennels that are limited to boarding, with no breeding are classified as Retail Sales and Service.
5. Repair-oriented Services are classified as General Commercial Retail Sales and Services.

### 1.4.270 Tourist-Oriented Retail Sales and Services

- A. Characteristics.** Tourist-Oriented Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide some types of product repair or services for consumer and business goods.
- B. Accessory uses.** Accessory uses may include offices, storage of goods for sale, manufacture or repackaging of goods for on-site sale, and parking.
- C. Examples.** Examples include uses from the three subgroups listed below:
1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including antiques, imports and souvenirs, art, art supplies, gifts, novelty shops, candy, jewelry, sporting goods and recreational equipment; rental agencies for automobiles, bicycles, trucks, trailers, boats and motorcycles;
  2. Personal service-oriented: tourist information center; hair, tanning and personal care services; photographic studios; tax preparers, accountants, real estate, legal, financial services; urgency medical care;
  3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars, including drive-ins; movie theatres, legitimate theaters and studios; museums; recreation clubs; health clubs, gyms, membership clubs, and lodges; hotels and motels.

**D. Exceptions.**

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop that is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.
7. Kennels that are limited to boarding, with no breeding are classified as Retail Sales and Service.

### 1.4.275 Outdoor Retail Sales and Services

- A. Characteristics.** Outdoor Retail Sales and Service firms are involved in the sale, lease or rent of new or used products that are not principally contained within an enclosed space to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods that are typically shown or displayed outdoors.

- B. Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, service and product repair, and parking.
- C. Examples.** Examples include outdoor plant sales; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreation vehicles; recreational vehicle parks with an average length stay of less than 30 days; recycling drop-off; outdoor firing ranges.

**D. Exceptions.**

1. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks are classified as Industrial Service.
2. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
3. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

**1.4.280 Self-Service Storage**

- A. Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- B. Accessory uses.** Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent, and may offer space for RV trailer and boat storage. These uses are also called mini warehouses.
- D. Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

**1.4.285 Vehicle Repair**

- A. Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)

- B. Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.
- C. Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto or boat upholstery shop, auto detailing, and tire sales and mounting.
- D. Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

## Industrial Use Categories

### 1.4.300 Light Industrial Service

- A. Characteristics.** Light Industrial Service firms are engaged in the repair or servicing of light industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines.
- C. Examples.** Examples include small welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage of building materials; towing and vehicle storage; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; research and development laboratories; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories; carwashes.
- D. Exceptions.**
1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
  2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

### 1.4.310 Medium/Heavy Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of medium to heavy industrial, business or consumer machinery, equipment, products or by-products. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines.
- C. Examples.** Examples include salvage or wrecking of heavy machinery or metal; auto and truck salvage and wrecking; heavy truck servicing and repair; heavy machinery servicing and repair; tire retreading or recapping; fuel oil distributors; solid fuel yards; welding shops over 10,000 square feet in size.

**D. Exceptions.**

1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

**1.4.320 Light Manufacturing and Production**

**A. Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

**B. Accessory uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

**C. Examples.** Examples include processing of food and related products; catering establishments; and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; movie production facilities; ship and boat building; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of light machinery, equipment, instruments, including musical instruments, precision items, and other electrical items; production of artwork and toys; sign making; and the production of prefabricated structures, including mobile homes.

**D. Exceptions.**

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

**1.4.330 Medium/Heavy Manufacturing and Production**

**A. Characteristics.** Manufacturing and Production firms are involved in the medium to heavy manufacturing, processing, or fabrication of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or

consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

- B. Accessory uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.
- C. Examples.** Examples include manufacturing and assembling of chemicals such as alcohol, ammonia, acid, paint, cement, glue, etc.; automobile painting; bottling plants; lumber mills; pulp or paper mills; textile manufacturing or assembling; welding shop; crematory; blast furnace or coke ovens; fertilizer; food smoking or canning; metal fabrication; incineration of garbage, dead animals, etc.; breweries and distilleries; slaughter houses, and meat packing; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of heavy machinery, equipment, and vehicles; and the production of energy.

**D. Exceptions.**

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

**1.4.340 Warehouse, Freight Movement, and Distribution**

- A. Characteristics.** Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. Accessory uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, and repackaging of goods.
- C. Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

**D. Exceptions.**

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Mini-warehouses are classified as Self-Service Storage uses.

#### 1.4.350 Waste-Related

**A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

**B. Accessory Uses.** Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

**C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

#### **D. Exceptions.**

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
2. Sewer pipes that serve a development are considered a Basic Utility.

#### 1.4.360 Wholesale Sales

**A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

**B. Accessory uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

**C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

**D. Exceptions.**

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

## Institutional and Civic Use Categories

### 1.4.400 Basic Utilities

**A. Characteristics.** Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public utility facilities are Basic Utilities.

**B. Accessory uses.** Accessory uses may include parking; service buildings; and control, monitoring, data or transmission equipment..

**C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; bus stops or turnarounds; and emergency communication broadcast facilities.

**D. Exceptions.**

1. Services where people are generally present, other than bus stops or turnarounds, transit centers, and public safety facilities, are classified as Community Services or Offices.
2. Utility offices where employees or customers are generally present are classified as Offices.
3. Bus barns are classified as Warehouse and Freight Movement.
4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

### 1.4.410 Colleges

**A. Characteristics.** This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.

**B. Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

**C. Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, computer schools, higher education religious schools, and seminaries.

**D. Exceptions.** Business and trade schools are classified as Retail Sales and Service.

#### 1.4.420 Community Services

**A. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis, or provide a central location for service delivery. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

**B. Accessory uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; athletic facilities; assembly areas; radio communication equipment; and overnight detention facilities.

**C. Examples.** Examples include city hall, police stations, fire stations, libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, public utility offices and distribution centers, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

**D. Exceptions.**

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.
2. Parks are in Parks and Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

#### 1.4.430 Daycare

- A. Characteristics.** Daycare use includes day or evening care of two or more children outside of the children’s homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. Accessory Uses.** Accessory uses include: offices, play areas, and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a “family daycare” provider as defined by ORS 657A. 250 if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider’s home.

#### 1.4.440 Medical Centers

- A. Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses.** Accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. Examples.** Examples include hospitals and medical complexes that include hospitals and assisted living facilities.
- D. Exceptions.**
  - 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
  - 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
  - 3. Urgency medical care clinics are classified as Retail Sales and Service.

#### 1.4.450 Parks and Open Areas

- A. **Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping and active or passive outdoor recreation, playgrounds, historic or cultural sites, community gardens, or public squares. Lands tend to have few structures.
- B. **Accessory uses.** Accessory uses may include clubhouses, maintenance facilities, play structures, athletic facilities, restrooms, open picnic shelters, sign kiosks, concessions, caretaker’s quarters, boat launches, multi-use trails, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, historic sites, archeological sites, community baseball fields, and land used for grazing that is not part of a farm or ranch.

#### 1.4.460 Religious Institutions and Places of Worship

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, parking, caretaker’s housing, daycare, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are not considered a primary use.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in 1.4.480 Schools.

#### 1.4.470 Schools

- A. **Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level, which provide state mandated basic education.
- B. **Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**
  - 1. Preschools are classified as Daycare uses.

2. Business and trade schools are classified as Retail Sales and Service.

## Other Use Categories

### 1.4.500 Agriculture

- A. Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training.
- C. Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.
- D. Exceptions.**
1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.
  2. Livestock auctions are classified as Wholesale Sales.
  3. Plant nurseries that are oriented to retail sales are classified as Outdoor Retail Sales and Service.
  4. When kennels are limited to boarding, with no breeding, the City may determine the use category is Agriculture or Retail Sales and Service.

### 1.4.520 Wireless Telecommunication Facilities

- A. Characteristics.** Wireless Telecommunication Facilities includes all devices, equipment, machinery, structures or supporting elements designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, towers and ancillary facilities, including those that produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.
- B. Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. Examples.** Examples include broadcast towers, communication/cell towers, and point-to-point microwave towers.
- D. Exceptions.**
1. Amateur radio transmission facilities are not included in this category.

2. Radio and television studios are classified in the Office category.
3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

#### **1.4.530 Rail Lines and Utility Corridors**

**A. Characteristics.** This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

**B. Examples.** Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

**C. Exceptions.**

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
3. Railroad yards are classified in the Railroad Yards category.

## Chapter 1.5 — Enforcement

### Sections:

- 1.5.100 Provisions of this Code Declared to be Minimum Requirements**
- 1.5.200 Violation of Code Prohibited**
- 1.5.300 Revocations of Approvals**
- 1.5.400 Enforcement**
- 1.5.500 Penalty**
- 1.5.600 Complaints Regarding Violations**
- 1.5.700 Inspection and Right of Entry**
- 1.5.800 Abatement of Violations**
- 1.5.900 Stop-Order Hearing**

### **1.5.100 Provisions of this Code Declared to be Minimum Requirements**

- A. Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

### **1.5.200 Violation of Code Prohibited**

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

### **1.5.300 Revocations of Approvals**

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code whenever the permit or approval is granted in error on the basis of incorrect information supplied, or whenever the holder of the permit or approval violates the provisions of either this Code or the Cottage Grove Municipal Code.

### **1.5.400 Enforcement**

Upon request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

Enforcement of this Code shall be through the applicable procedures for abatement and civil infractions established in the Cottage Grove Municipal Code. The enforcement remedies available under this Code or the Municipal Code are not exclusive and do not preclude the City from using any other remedies available by law.

**1.5.500 Penalty**

- A. Class 1 penalty.** A violation of this Code shall constitute an unclassified misdemeanor. Convictions are punishable with a fine not to exceed \$500.00, or by imprisonment for a period not to exceed 30 days, or both per infraction.
- B. Each violation a separate infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction. Each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required.** Any use which is established, operated, erected, moved, altered, or maintained contrary to the regulations of this Code is unlawful and a public nuisance and may be abated as such. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to any other remedies available to the City. The City has the authority to abate a violation and charge the property owner for such abatement.
- D. Responsible party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, and/or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

**1.5.600 Complaints Regarding Violations**

- A. Filing written complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with City Manager.** Complaints, stating fully the causes and basis thereof, shall be filed with the City Manager. The City Manager shall record complaints, investigate and take action thereon as provided by this Code.

**1.5.700 Inspection and Right of Entry**

Whenever the Director or designee reasonably believes a violation of any provision of this Code has occurred, or whenever necessary to investigate an application for or revocation of any approval made under this Code, the Director or designee may enter on any site in a reasonable manner.

**1.5.800 Abatement of Violations**

Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

**1.5.900 Stop-Order Hearing**

- A. Stop order issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Community Development Director will order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval or being performed without required permits or approvals shall cease until it is authorized in writing by the city to continue.
- B. Appeal opportunity.** A person or organization that has been served a stop work order may appeal the decision by submitting a letter to the City Manager requesting a hearing with the City Council. The City Council shall hold this hearing within 60 days of the receipt of the letter, and make a determination as to the violation.
- C. Stop order hearing.** The City Manager may schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
  2. Solely to determine whether a violation has occurred.

The City Council shall hold this hearing and shall make a determination as to the violation. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the City Manager that the violation has been abated.