

Chapter 1.0 — General Administration

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Chapter 1.1 — How to Use the Development Code

Welcome to the Echo Development Code. This is a comprehensive land use and development code that governs all the land within the incorporated limits of Echo and Echo's urban growth boundary. 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 and information on the legal construct of the code. It also explains the City authority to enforce the 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 Echo 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, and sensitive lands.

Chapter 4 - Chapter 4 provides the application requirements and review procedures for land use and development decisions, including, but not limited to, procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances. Chapter 4 Section 1 Applications and Procedures Table 4.1.200 provides a key for determining which land use permits and procedures are required and the decision-making body for a particular type of permit.

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that does not comply with the code). This code cannot provide standards to fit every potential development situation. The City's varied geography, and 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 title are severable. If any section, sentence, clause, or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this title.

1.2.200 Compliance and Scope.

- A. **Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded, and 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 this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard(s) 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, or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency with Plan and Laws.

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Echo as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

1.2.400 Use of a Development.

A development shall be used only for lawful uses. 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 otherwise prohibited by law.

1.2.500 Pre-Existing Approvals.

- A. Legality of Pre-existing Approvals.** Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent Development Applications.** All development proposals and applications received by the Planning Official after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.2.600 Building Permit and Certificate of Occupancy.

- A. Building Permit.** A building permit shall not be issued until the Planning Official has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Permits, or otherwise found that a development permit is not required.
- B. Certificate of Occupancy Required.** To ensure completion of a development or use in the manner approved, a development shall not be occupied, and a use shall not begin until the City Building Official or designee has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. Prior to Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action.

- A. Official Action.** All officials, departments, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to and require 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.
- 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.

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 in the City of Echo Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

1.3.200 Applicability

- A. Definitions.** The definitions in Chapter 1.3 apply to all actions and interpretations under the City of Echo Development Code. The meanings of some 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.
- B. When a Term is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's dictionary shall be considered a standard reference.
- C. Land Use Categories.** Chapter 3.1 defines the land use categories used in Chapter 2.
- D. Conflicting Definitions.** Where a term listed in Chapter 1.3 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

1.3.300 Definitions

The following definitions are organized alphabetically.

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

Access – A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

Access Control – Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.

Access easement - An easement recorded for the purpose 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.

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

Access Point - Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

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

Accessory dwelling – An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment.

Accessory use/Accessory structure – Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, and similar structures.

Addition – A structure added to the original structure at some time after completion of the original.

Adjacent - Abutting or located directly across a street right-of-way.

Administrative - A discretionary action or permit decision made without a public hearing but requiring public notification and an opportunity for appeal.

Adverse impact - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, 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 - As used in this Code, “agriculture” is the same as “farm use”. [See also, ORS 215.203(2)(a).]

Alley – A narrow street (usually 16’-20’ right-of-way), generally a thoroughfare through the middle of the block giving access to the rear of lots or buildings.

Alter/Alteration – A change in use or occupancy or physical change to a structure or stie. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of Echo before preparing project plans or commencing development. Alterations include, but are not limited to, changes in use or occupancy; changes to the exterior or interior of a building, changes in floor area of a building, changes to or the development of

structures; exterior improvements, landscaping, and changes in the topography of the site.

Alteration to a water course - Any physical change in the course, configuration, channel, or banks of a flowing or intermittent river, stream draw gully or wash, including, but not limited to, riprapping, brushing out, filling, excavating, aggregate mining, damming, bridging, construction or retaining walls or structures, fencing, diking, leveeing, and tree planting.

Applicant – A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

Area of shallow flooding - A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year, as identified by on the Flood Insurance Rate Map (FIRM).

Ambient - Something that surrounds, as in the level of light, dust, or noise.

Arterial - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high-capacity roadways.

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

Automobile dependent use - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash, auto and truck sales.

Automobile-oriented use – Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants, quick auto repair businesses.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) - The elevation to which floodwater is anticipated to rise during the base flood.

Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and breakfast inn - Provides accommodation (3 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use operates as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors.

Berm - A small rise or hill in a landscape that is intended to buffer or visually screen certain

developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Bicycle - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride and with two tandem wheels at least 4 inches in diameter. An adult tricycle is considered a bicycle.

Bicycle facilities - A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway - Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. **Multi-use Path.** A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. **Bike Lane.** A portion of the roadway (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. **Shoulder Bikeway.** The paved shoulder of a roadway that is shared with pedestrians in rural areas (typically 4 feet or wider).
- d. **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.
- e. **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Block - A parcel of land or group of lots bounded by intersecting streets.

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

Boulevard - A street with broad open space areas, typically with planted medians. See Public Works Standards.

Building envelope - The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

Building footprint - The outline of a building, as measured around its foundation.

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

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.

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

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

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

Childcare center, family childcare - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family childcare providers" provide care for not more than 12 children in a home. See ORS Chapter 329A for certification requirements.

Carport - A building (roofed structure) provided primarily for the parking or storage of motor vehicles, either being without walls and/or enclosed on not more than two sides by walls, structural screens, or doors.

Change in Use – Change in the primary types of use on a site.

City - The City of Echo, Oregon.

City Council - The City Council of Echo, Oregon.

Comprehensive Plan - The Comprehensive Plan of Echo, Oregon.

Condominium - A building or complex of buildings containing several individually owned apartments or houses.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Collector - Type of street that serves traffic within the commercial, industrial, and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors form part of the street grid system. See Public Works Standards.

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 homeowner's associations).

Conditional use - A use which requires a Conditional Use Permit.

Consensus - Agreement or consent among participants.

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

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

Corner clearance - The 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.

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

Cottage - A small house that may be used as an accessory dwelling or within a Cottage Cluster development.

County – Umatilla County.

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

Critical facility - Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Cross Access - A service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system between sites.

Curb cut - A driveway opening where a curb is provided along a street.

Deciduous - Tree or shrub that sheds its leaves seasonally.

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 homeowner's 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 does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Developable - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197A.015.

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

Development Review – The Type I, or non-discretionary or ministerial, review process that is utilized to confirm that single-family dwellings, buildings additions under a certain size, certain accessory structures, and other similar developments meet the required development standards that are applicable.

Discontinued/abandoned use - A use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

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

Drive lane/travel lane - An improved (e.g., paved) driving surface for one lane of vehicles.

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 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; 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. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

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

Driveway apron/approach - The edge of a driveway where it abuts a public way usually constructed of concrete. See Public Works Standards.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

Duplex - A building with two attached housing units on one lot or parcel.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses, and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family.

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Elevated building - Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally sensitive areas - See “sensitive lands”.

Established residential area – An area within the Residential District that was developed prior to the effective date of a land ordinance.

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

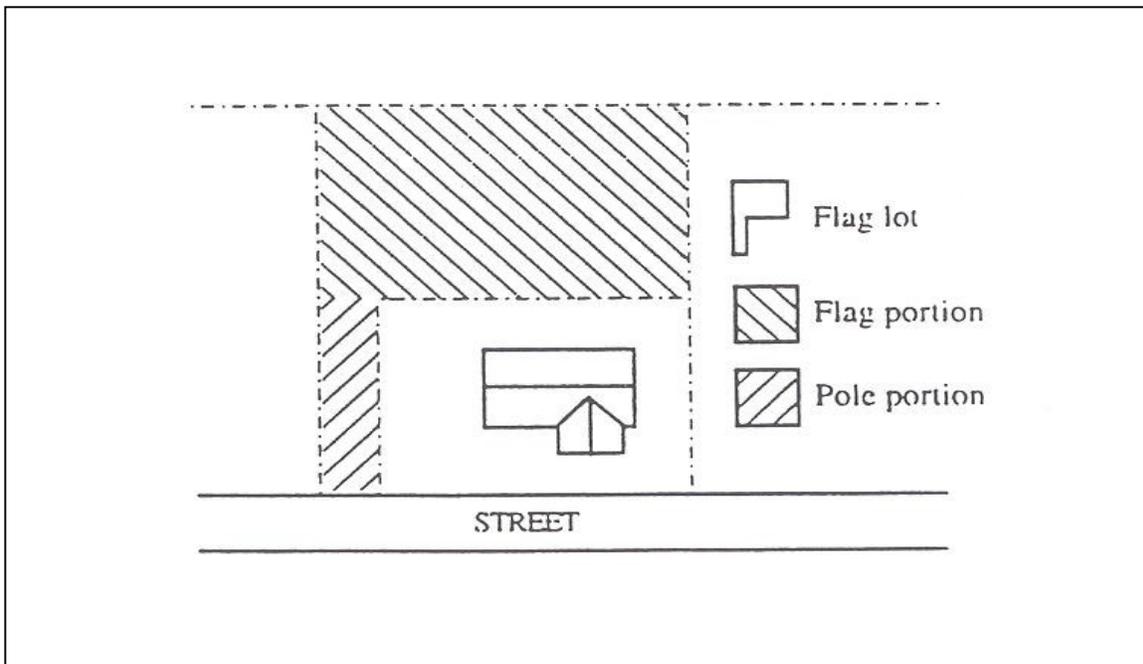
Family day care - See “childcare facilities”.

Fire apparatus lane - As defined by the Uniform Fire Code.

Fish use – Inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

Flag lot - A lot with two distinct parts:

- The flag, which is the only building site and is located behind another lot; and
- 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.



100-Year Floodplain - The 100-year flood elevation profiles and Flood Insurance Rate Map contained in FEMA’s Flood Insurance Study for Echo constitute the legal 100-year flood elevations for the Umatilla River for the purposes of this Development Code.

500-Year Floodplain - The land within the floodplain subject to the probability of being flooded in any given year of .20% but which runs an uncalculated higher risk of flooding due to debris blockage of the

mainstream channel during a flood.

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

Flood Insurance Rate Map - The official map on which the Federal Insurance Administration has delineated the areas of special Flood Hazards and the risk premium zones applicable to the community.

Flood Insurance Study - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain or flood prone area - Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator - The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "regulatory Floodway."

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 to provide access to abutting properties and minimize direct access onto the arterial.

Functional Classification - The classification given to streets (e.g., "local/collector/arterial") by the City's Transportation System Plan, by adopted County plans, and Oregon Department of Transportation.

Garage - A building enclosed on all four sides by walls, windows, structural screens, and doors, which is used for the parking and storage of vehicles as an accessory structure to a dwelling or groups of dwellings, either attached to the dwelling or as a separate building.

Grade - The average elevation of the finished ground elevation at the center of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground.

Group Living - Group Living is characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group Living is divided into two subcategories based on whether residents receive any personal care, training, and/or treatment:

Room and board facilities are group living establishments where no personal care, training, and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

Long-term care facilities are group living establishments where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

Hammerhead turnaround – A “T” shaped dead-end street that allows for vehicles to turn around in conformance with the Uniform Fire Code.

Hardscape – Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Home occupation, home occupation site – Small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.

Hotel/Motel - A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days.

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 which 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 generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

Impervious surface - Any material which reduces and prevents absorption of storm water into previously undeveloped land.

Industrial Service Uses - Industrial Service firms are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include welding shops; machine shops; tool repair; electric motor repair; sales, repair, salvage, or wrecking of heavy machinery, metal, building materials, autos, or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent than the primary use or other portion of the development.

Infill Development - Infill Development is building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. Another way of saying this would be new houses constructed on vacant, underused lots interspersed among older, existing properties in established neighborhoods.

Intersection - An at-grade connection of a public or private approach road to the highway.

Junk Yard - 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. Includes wrecking yards, automobile graveyards, and scrap metal processing facilities.

Jurisdictional delineation - A delineation of the wetland boundaries that is approved by the Oregon Division of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. [See OAR 141-90-005 et seq. for specifications for wetland delineation or determination reports.]

Lawn – Grass or similar materials maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Land division - The process of dividing land to create parcels.

Land use - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land Use Decision - A final decision or determination made by the City of Echo (or another agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the

interpretation or exercise of policy or legal judgment (ORS 197.015). Note: All decisions requiring Quasi-Judicial review by the City of Echo are Land Use Decisions. Decisions subject to administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.

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

Landing - A level part of a staircase, as at the end of a flight of stairs.

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. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection, and replacement of existing trees.

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

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).

Level of service (LOS) - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture – Light Manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods). See Section 2.4.110.

Livestock - Domestic animal types customarily raised or kept on farms.

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.

Lot - A lot is a single unit of land that is created by a subdivision of land.

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

Lot, Corner - Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

Lot coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area or other impermeable surfaces (such as paved or brick driveways and patios).

Lot Depth - The average distance measured from the front lot line to the rear lot line.

Lot Lines/Property Lines - The property lines along the edge of a lot or site.

- **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 for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.
- **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 opposite the front lot line.
- **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.

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

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created.

Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrances 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. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles can turn around and access parking spaces.

Manufactured dwelling - A manufactured dwelling can include the following residence types: a residential trailer, a mobile home, or a manufactured home.

Manufactured Dwelling and Mobile Home Park - Any place where four 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 one manufactured dwelling per lot. See ORS Chapter 446.

Manufactured Home - A manufactured home is a portable residence constructed after 1976. A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations and is intended for permanent occupancy.

Manufactured structure - A transportable structure conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations and is intended for permanent occupancy.

Mean sea level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a Development Review permit is such an action.

Mitigation – Taking one or more of the following actions listed in order of priority:

- a. Avoiding the impact altogether by not taking a certain development action or parts of that action.
- b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mixed-Use - The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site. See Section 2.

Mobile Home – A mobile home is a portable residence constructed between 1962 and 1976.

Multi-family housing - Housing that provides more than 3 dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.).

Multi-use pathway - Pathways for pedestrian and bicycle use.

Natural resources - Industrial materials and capacities (such as mineral deposits and waterpower) supplied by nature.

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

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower

building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

Neighborhood commercial - Small-scale commercial uses allowed within the neighborhood commercial district.

Net loss - A permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.

Non-conforming use - A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated.

Non-conforming development - A land use, structure, or property access that exists which would not be permitted by the regulations imposed by the code but was lawful at the time it was established.

Non-native invasive plants - See current Oregon State University Extension Service Bulletin.

Off-site mitigation - Habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.

Off-street parking - All off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

On-site mitigation - Habitat mitigation measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.

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.

Open space (common/private/active/passive) - Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation, or other open space uses.

Oregon Freshwater Wetland Assessment Methodology (OFWAM) - A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.

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

Oriented to a street - See Orientation.

Outdoor commercial use - A use supporting a commercial activity which 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.

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 signed by the owner of record.

Patio - A development consisting of a surfaced area adjoining or near the principal structure, intended for use as an outdoor living area. If roofed it must be open on at least one side.

Parcel - A parcel is a unit of land that is created by a partitioning of land.

Parks and Open Space - Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

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 or fire apparatus lanes.

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

Parking Versus Storage - Parking is leaving an operable motor vehicle for a temporary time, usually less than 24 hours. Storage is placing or leaving an operable or inoperable vehicle, usually for more than 24 hours, in a location for maintenance, repair, sale, rental, or future use.

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. Partitions must be mapped and referenced by the Umatilla County Assessor's Office.

Pathway/walkway/access way - As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for "accessways" in the Transportation Planning Rule. (OAR 660 Division 12).

Pedestrian amenity(ies) - Pedestrian areas and objects that serve as places for socializing and enjoyment of the City's downtown/main street. Examples include benches or public art or sculpture.

Pedestrian Facilities - A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planning Official - The person responsible for implementation of the Echo Development Code. This role could be filled by the City Administrator, other staff assigned responsibility for the planning function, or a contractor or consultant. Ultimately the City Administrator is responsible for assuring that the requirements of the Echo Development Code are carried out.

Planter strip, tree cutout - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat - A map of a land partition, replat, or subdivision, prepared as specified in ORS 92.080, and recorded with the Umatilla County Clerk.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket park - A small park, usually less than one-half acre.

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. All other similar elements are secondary in size or importance.

Public facilities - Public and private transportation facilities and utilities.

Public improvements - Development of public infrastructure, as required by the City, a special district, or road authority, as applicable.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing.

Reciprocal Access - A reciprocal access is an easement agreement whereby two or more parties have shared access to a lot or parcel. This access easement is marked on the legal plat of both lots or parcels.

Recreational Vehicle - A vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and/or administrative rules.

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, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Regulatory floodway - See "Floodway".

Residence - Same as "dwelling".

Religious Institutions and Places of Worship - Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Residential Use - Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered overnight accommodation.

Residential caretaker unit - A dwelling unit for caretakers living on-site in the General Industrial District.

The unit must be served by water and sanitary sewage and conform to other applicable building standards.

Residential Home - A residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).

Residential Facility - Defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

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

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Riparian area – The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Roadway -The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Road/Roadway Authority - The City or other agency (e. g., Oregon Department of Transportation, City of Echo, or Umatilla County) with jurisdiction over a road or street.

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

Rooftop garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Senior housing - Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

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

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side, and rear yards.

Shared driveway - When land uses on two or more lots or parcels share one driveway. An easement may be created for this purpose.

Shared parking - Required parking facilities for two or more uses, structures, or parcels of land may be

satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses).

Shopping street - A street or drive designed with the elements of a good pedestrian-oriented street: buildings with close orientation to the street, on street parking, wide sidewalks, street trees, pedestrian scale lighting.

Sign - An identification, description or device which directs attention to a product, place, activity, person, institution, or business and which is affixed to or represented upon a building structure or land. Each display surface of a sign structure shall be considered a separate sign.

Single-family attached housing (townhomes) - A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

Single-family detached house - A single family dwelling that does not share a wall with any other building.

Single-family detached zero lot line house - A single family detached house with one side yard setback equal to "0". Side yard setbacks are still applicable for the total distance between homes for fire and life safety reasons.

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 contiguous 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 in the City, except those specifically listed under Development Review. Site Design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3.

Special flood hazard area - See "Area of special flood hazard" for this definition.

Specific Area Plan - Describe in more detail the type of development planned for a specific area that is typically found in a comprehensive plan, zone map, or public facilities plan.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Start of construction - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep slopes - Slopes greater than 25 percent.

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.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Stream - A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street - A public or private way for travel by vehicles, bicycles and pedestrians, that meets City standards.

Street access - Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system.

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

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

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 cutout.

Structure - Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar

objects. Structure does not include paved areas or vegetative landscaping materials. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Subdivision - To divide land into four or more lots within a single calendar year.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface water management - A system designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

Swale - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

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

Tax Lot - A lot or parcel represented on the Assessor's Map and designated for the purposes of assessment and taxation.

Tentative Flood Hazard Area - An area along a minor water course including intermittent streams or gullies, that would likely be flooded or within which development might serve to worsen flooding of the watercourse.

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

Top of bank – The stage of elevation at which water overflows the natural banks or streams or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-layer recurrence interval floor elevation may be used to approximate the bank full stage or delineate the top of bank.

Topographical constraint - Where existing slopes prevent conformance with a Code standard.

Traffic Impact Analysis or Trip Generation Letter - A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

Transportation facilities and improvements – The physical improvements used to move people and goods from one place to another, e.g., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation Facilities and Improvements require a Conditional Use Permit (CU) under Section 4.4.500. Transportation improvements include the following:

- Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- Projects specifically identified in the City’s adopted Transportation System Plan as not requiring further land use review and approval.
- Landscaping as part of a transportation facility.
- Emergency measures necessary for the safety and protection of property.
- Construction of a street or road as part of an approved subdivision or partition as designated in the City’s adopted Transportation System Plan except for those that are in exclusive farm use zones.
- Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

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

Triplex - A building with three attached housing units on one lot or parcel.

Urban Growth Area - That land between the incorporated limits of the City and the Urban Growth Boundary.

Urban Growth Boundary - The Boundary designated in the City’s Comprehensive plan that identifies and separates urbanizable land from rural land.

Use (Land Use) - The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utilities - For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

Utilities (land use) - Utilities are infrastructure services which need to be in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at the site. Services may be public or privately provided. 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; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not

conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.

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. A plat may be vacated, returning the property to an undivided condition.

Vacation Rental - A furnished apartment, house, or condominium available on a short-term basis, less than 30 days, for occupancy without the owner present.

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

Vehicle Areas - All 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 Repair - Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

Vehicle Servicing - Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.

Violation - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Vision clearance area - Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

Walkway - A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, and Sidewalk.

Waste/Trash 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.

Waste-Related Use - 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, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

Warehouse, Freight Movement and Distribution - The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

Wetland - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for living in saturated soil conditions.

Window hood - An architectural detail placed above a window, used as an accent.

Wireless communication equipment - Includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Wrecking Yard - A wrecking yard, scrapyard or junkyard is the location of a business in dismantling where wrecked or decommissioned vehicles are brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

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

Zero lot line house - Single family courtyard home that is not subject to side yard setbacks on one side of a typical lot.

Chapter 1.4 — Enforcement

Sections:

- 1.4.100-- Provisions of this Code Declared to be Minimum Requirements
- 1.4.200-- Violation of Code Prohibited
- 1.4.300-- Penalty
- 1.4.400-- Complaints Regarding Violations
- 1.4.500-- Abatement of Violations
- 1.4.600-- Stop-Order Hearing

1.4.100 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 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.

1.4.200 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.

1.4.300 Penalty.

- A. **Civil Infraction.** A violation of this Code shall constitute a civil infraction punishable by a civil penalty in an amount not to exceed \$1,000. A violation of this code shall be considered a separate offense for each day the violation continues. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
- B. **Each Violation is a Separate Infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. **Abatement of Violation Required.** 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 and not in lieu of any remedies available to the City.
- D. **Responsible Party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.4.400 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 Planning Official.** Such complaints, stating fully the causes and basis thereof, shall be filed with the Planning Official. The Planning Official shall properly record such complaints, investigate, and act thereon as provided by this Code.

1.4.500 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.

1.4.600 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 Planning Official may 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 shall cease until it is authorized to continue.
- B. **Stop Order Hearing.** The Planning Official shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the Planning Official 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 Planning Official shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under a Type III (Public Hearing) Procedure.