

Chapter 1 — Introduction

- 1.1 – How to Use the Development Code**
- 1.2 – General Administration**
- 1.3 – Definitions**
- 1.4 – Enforcement**

Chapter 1.1 — How to Use the Development Code

Welcome to the Stanfield Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Stanfield and Stanfield’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 Stanfield 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 (discretionary, administrative decision with public hearing); and Type IV (“legislative” decision by City Council).

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 complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

Chapter 6 - Chapter 6 contains map amendments that have been approved by administrative of legislative action. The District (zoning) map found within Chapter 6 is the official designated zoning map for the City of Stanfield.

Chapter 1.2 — General Administration

Sections:

- 1.2.1 -- Severability
- 1.2.2 -- Compliance and Scope
- 1.2.3 -- Consistency with Plan and Laws
- 1.2.4 -- Use of a Development
- 1.2.5 -- Pre-Existing Approvals
- 1.2.6 -- Building Permit and Certificate of Occupancy
- 1.2.7 -- Official Action

1.2.1 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 portion of this title.

1.2.2 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 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.

1.2.3 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 Stanfield 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.

1.2.4 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 otherwise prohibited by law.

1.2.5 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 City Manager 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.

1.2.6 Building Permit and Certificate of Occupancy.

- A. Building Permit.** A building permit shall not be issued until the City Manager has issued a development permit in accordance with the provisions of Chapter 5 - Administration of Land Use and Development Review, 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.

1.2.7 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

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 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. See Section 3.1.200.

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

Accessible - Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

Accessory dwelling – An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Section 2.1.200.B.

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. See Section 2.1.200.J.

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. See Section 4.1.400.

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. See Section 3.4.100.

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, rip-rapping, brushing out, filling, excavating, aggregate mining, damming, bridging, construction or retaining walls or structures, fencing, diking, leveeing, and tree planting.

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 the Federal Insurance Administration for major rivers or streams.

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. See Chapter 3, Access and Circulation.

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. See Section 2.2.180.E.

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. See Section 2.2.180.E.

Base Flood - See 100-year floodplain.

Bed and breakfast inn - Provides accommodations (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 is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

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 nay person or persons may ride and with to 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-foot 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-foot 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. See Section 3.1.200.J.

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 Section 3.4.100.F.

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.

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 Chapter 657A 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 three sides by walls, structural screens or doors.

City - The City of Stanfield, Oregon.

City Council - The City Council of Stanfield, Oregon.

Comprehensive Plan - The Comprehensive Plan of Stanfield, Oregon.

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 Section 3.4.100.F.

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 homeowners associations).

Conditional use - A use, which requires a Conditional Use Permit. See Chapter 4.4.

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. See Section 2.2.160.

Cottage - A small house that may be used as an accessory dwelling, in conformance with Section 2.1.200.B.

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

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 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 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 197.295(1).

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.

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. See Chapter 5.2.

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.

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 Figure 3.1.200.K.

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 unit - A "dwelling unit" is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons. (UBC 205)

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

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 platted prior to the effective date of a land ordinance. See Section 2.1.120.F

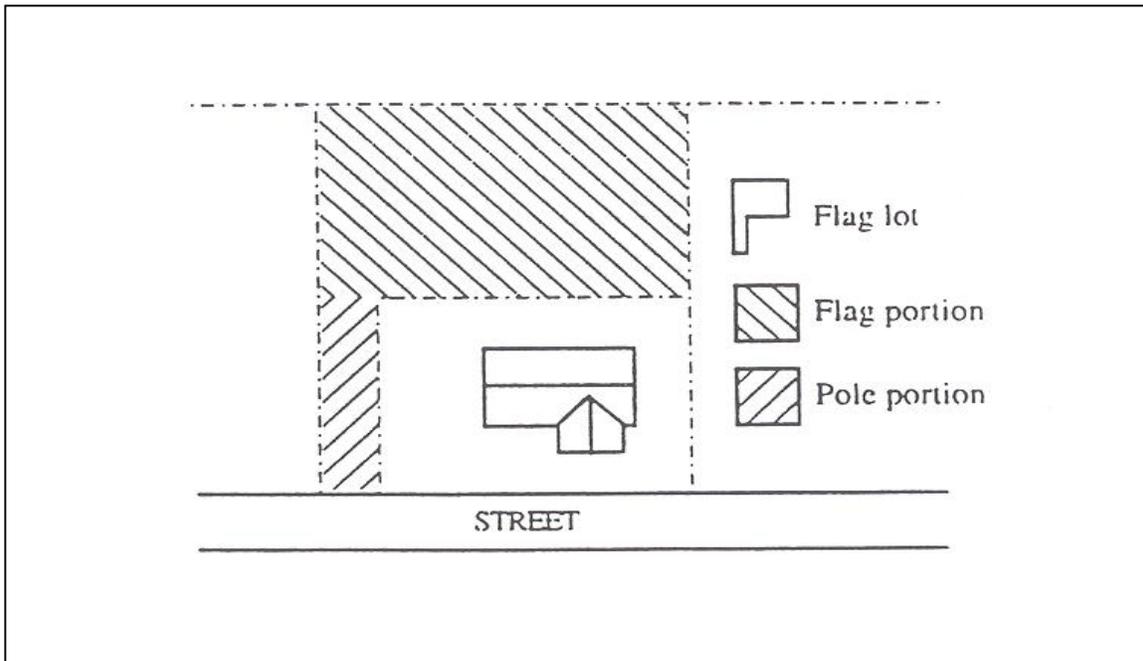
Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Family day care - See “child care 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 or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement. See Section 2.1.140.



Floor area ratio – Floor area ratio (FAR) is the relationship of building floor area to site area. It is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Section 2.2.130.

100-Year Floodplain - The 100-year flood elevation profiles and Flood Insurance Rate Map contained in FEMA’s Flood Insurance Study for Stanfield constitute the legal 100-year flood elevations for Stage Gulch and 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 main stream 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 or tidal 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 - The official report provided by the Federal Insurance Administration, that includes flood, provides the Flood Boundary Floodway map and the water surface elevation of the 100-year flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation of the 100 year flood.

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 in order 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. See also, Chapter 3.2 - Landscaping.

Hammerhead turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

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

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. See Section 4.9.200.

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 all 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.

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 - A dwelling that is proposed on land that is zoned for residential use where at least 75% of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home duplex and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.

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 or lots. See Chapter 4.3 for land division process.

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

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. Similar to an alley in design. See Section 2.1.140.A.

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 Section 4.1.600.

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 time 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.

Locally significant wetland - A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions.

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. See Section 3.4.100.

Local wetlands inventory (LWI) – Maps and report adopted by the City of Stanfield entitled [name of maps/report] and any subsequent revisions as approved by the Oregon Division of State Lands. The LWI is a comprehensive survey of all wetlands over ½ acre in size within the urban growth area.

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor's Office. See Chapter 4.3.

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.

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

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

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 are able to turn around and access parking spaces.

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

Manufactured home park – Four or more units located on one lot allowing manufactured homes. . See Section 2.1.700 for standards related to manufactured home parks.

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 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

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See Section 4.1.400.

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 building/development/horizontal/vertical - See Section 2.2.180.A.

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., multi-plexes, apartments, condominiums, etc.). See Section 2.1.200.F.

Multi-use pathway – Pathways for pedestrian and bicycle use. See Section 3.1.300.A.

Natural resource areas/natural resources - Same as Sensitive Lands, per Chapter 3.7.

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 residential/neighborhood commercial district. See Section 2.1.200.K.

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

Non-conforming – 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 use/non-conforming development – A land use, structure or property access to that exists which would not be permitted by the regulations imposed by the code, but was lawful at the time it was established. See Chapter 5.2.

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

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. See Chapter 3.3.

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 Division 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.

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

Parcel - A parcel is a unit of land that is created by a partitioning of land [ORS 92.010(6)]. A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor's Office. See Chapter 4.3.

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

Parking vs. 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. [See also, ORS 92.010(8)]. Partitions must be mapped and referenced by the Umatilla County Assessor's Office. See Chapter 4.3.

Pathway/walkway/access way - See Chapter 3.1, Section 3.A. 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 660-012-045).

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. See Section 2.2.170.

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).

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 subdivision, prepared as specified in ORS 92.080, and recorded with the Umatilla County Assessor's Office. All plats shall also conform to Chapter 4.3 - Land Divisions.

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. See Section 2.2.170.

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

Primary - The largest or most substantial element on the property, as in "primary": use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Property line: front, rear, interior side, street side - Legal borders of a lot or parcel of land. See Figure 2.1.130.

Public facilities – Public and private transportation facilities and utilities. See Chapter 3.4.

Public improvements - Development of public facilities. See Chapter 3.4.

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. See Section 4.1.500.

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 of the lots or parcels.

Recreational Vehicle - A vacation trailer or other vehicle or portable unit which is either self-propelled or towed or is carried by a mother vehicle, which is intended for human occupancy but is designed for vacation or recreational use not as a residence.

Residence - Same as “dwelling”.

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. See Section 2.3.160.B.

Residential care home/Residential care facility –Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Section 2.1.200.G.

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.

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 the age of 55. (Specific age restrictions vary.)

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 or tract (owned in common) 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) See Section 3.3.300.C.

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. See Section 2.2.140.C.

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.

Significant trees, significant vegetation – Trees and shrubs with a trunk diameter of 6 inches or greater, as measured 4 feet above the ground, and all plants within the drip line of such trees and shrubs. Other trees may be deemed significant, when designated by the City Council as “Heritage Trees.” See Section 3.2.200.B.

Single-family attached housing (townhomes) - Two or more single-family dwellings with common end-walls. See Section 2.1.110 and Section 2.1.200.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See Section 2.1.110.

Single-family detached zero lot line house - A single family detached house with one side yard setback equal to “0”. See Section 2.1.110 and Section 2.1.200.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

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, Development Review - See Chapter 4.2.

Specific Area Plan – Describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. See Chapter 2.5.

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

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/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meets the City standards in Section 3.4.100.

Street access — Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system. See Section 3.1.200.

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, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See Section 2.2.170.

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

Street tree - A tree planted in a planter strip or tree cutout.

Structure - A building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

Subdivision - To divide land into four or more lots within a single calendar year. (ORS 92.010(13)).

Substantial improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for the improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

Surface water management - [Definition to be developed in Chapter 3.5.]

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.

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.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

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 4.4.400.D. Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for the safety and protection of property.
- f. 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 located in exclusive farm use or forest zones.
- g. 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.

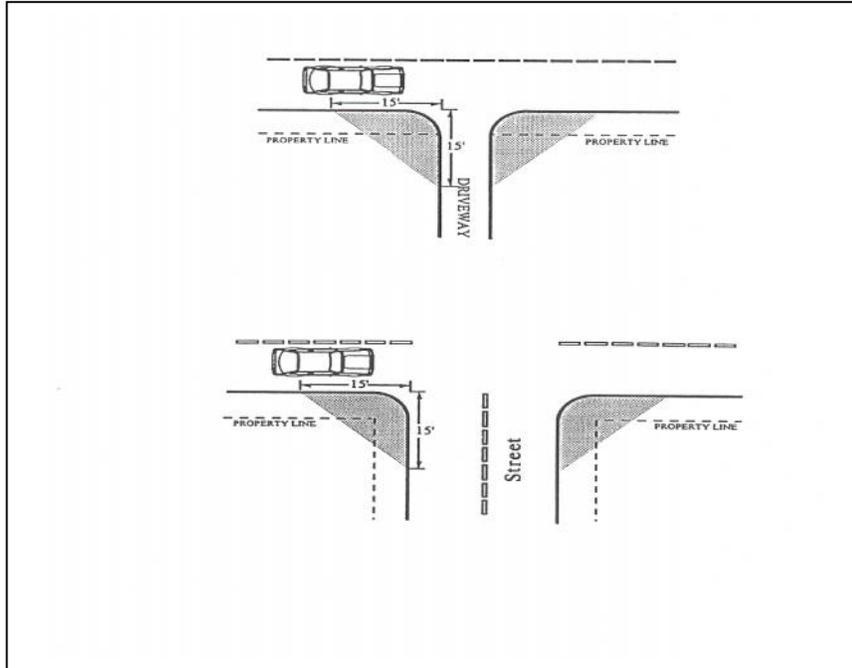
Urban Growth Area - That land between the incorporated limits of the City and the Urban Growth Boundary.

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

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.

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

Vision clearance area – The shaded area as shown on the following figure is the Vision Clearance Area. The Vision Clearance area includes Corner Clearance, which is the distance from an intersection of a public or private road to the nearest access connection, 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. The Vision Clearance area is regulated and further described in Section 3.1.200.N.



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 live in saturated soil conditions.

Wetland protection area – An area subject to the provisions of this chapter that includes all wetlands determined to be locally significant.

Wetland resource map – The locally adopted map used as the basis for this ordinance, which incorporates the DSL-approved LWI map and identifies locally significant wetlands.

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.

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. See Section 2.1.200.A.

Chapter 1.4 — Enforcement

Sections:

1.4.1 -- Provisions of this Code Declared to be Minimum Requirements

1.4.2 -- Violation of Code Prohibited

1.4.3 -- Penalty

1.4.4 -- Complaints Regarding Violations

1.4.5 -- Abatement of Violations

1.4.6 -- Stop-Order Hearing

1.4.1 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.

1.4.2 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.

1.4.3. 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 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.

1.4.4 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.** Such complaints, stating fully the causes and basis thereof, shall be filed with the City Manager or designee. The City Manager or designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.4.5 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.

1.4.6 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 City Manager or designee 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 City Manager 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 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 Manager 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 Section 4.1.500 - Type III (Public Hearing) Procedure.