

Chapter 1.0 - 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 Scotts Mills Development Code (Code). This is a comprehensive land use and development code that governs all the land within the incorporated limits of Scotts Mills and Scotts Mills' 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's 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 zone." Land use zones are shown on the city's official zoning map. Chapter 2 identifies the land uses that are permitted within each zone, 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 conform to the Scotts Mills 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 nonconforming 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 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

1.2.8 Conflicting Ordinances

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 or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Code.

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 or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation By Successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most Restrictive Regulations Apply. Where 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 land use application and other procedure initiated under this Code shall be consistent with the adopted Comprehensive Plan of Scotts Mills 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 nonconforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.5 Pre-Existing Approvals

- A. Legality of Preexisting 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 4.5 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent Development Applications. All development approvals received by the City 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

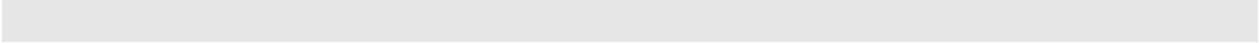
- A. Building Permit. A building permit shall not be issued until the City has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.
- B. Certificate of Occupancy Required. 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 Marion County Building Official 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, 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.

1.2.8 Conflicting Ordinances

City of Scotts Mills Ordinances No. 53 and No. 54 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.



Chapter 1.3 - Definitions

Sections:

1.3.1 Grammatical Interpretation.

1.3.2 Definitions

1.3.1 Grammatical Interpretation

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms in this code have their commonly accepted, dictionary meaning unless they are specifically defined in the following section or the context in which they are used clearly indicates to the contrary.

1.3.2 Definitions

The following words and phrases, when used in this Code, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning.

Access - The way or means by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to property. A private access is an access not in public ownership and is controlled by means of deed, dedications or easement.

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.

Accessory Structure - A detached, subordinate building the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

Accessory Use - A use incidental, appropriate and subordinate to the main use of the parcel, lot or structure.

Adjoining - Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See also Chapter 4.1, Section 4 (Type II Procedure).

Alley - A private or public way not more than 20 feet in width.

Alteration, Structural - Any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

Annexation - The incorporation of a land area into the City with a resulting change in the boundaries of the City.

Area of Special Flood Hazard - The land in the flood plain subject to a 1% or greater chance of flooding in any given year.

Base Flood - The flood having a 1% chance of being equaled or exceeded in any given year.

Basement - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, it shall be considered a story.

Bed and Breakfast - Provides accommodations 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.

Bike Lane - A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

Block - A parcel of land or group of lots bounded by 3 or more intersecting streets, railroad right-of-way, waterway, or combination thereof. See also Chapter 3.1, Section 2.J (Street Connectivity and Formation of Blocks Required).

Building Envelope - The three-dimensional space on a parcel which may be occupied by a building.

Building Official - An individual empowered by the City Council to administer and enforce the State Building Code [ORS 456.806 (1)].

Building Storm Drain - That part of the piping of a stormwater drainage system which begins at the connection to the building drain and conveys stormwater to an approved point of disposal.

Church - A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

Clear-Vision Area - A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the right-of-way lines. The 3rd side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

Clinic - A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

Common Area or Open Space - An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

Community Building - A publicly owned and operated facility used for meetings, recreation, or education.

Comprehensive Plan - The adopted long-range plan and policies for the growth of the City.

Conditional Use - A use which may be permitted by the City Council following a public hearing, upon findings by the Council that the approval criteria have been met or will be met upon satisfaction of conditions of approval. See Chapter 4.4.

Council - The City Council of Scotts Mills, Oregon.

Day Care Facility - An institution, establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Dedication - The designation of land by its owner for any public use as shown on a subdivision or partition plat, or deed.

Density - The number of dwellings, manufactured homes, or manufactured home spaces per gross acre.

Development - All improvements on a site, including buildings, 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.

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

Driveway - Areas that provide 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.

Driveway apron/approach - The edge of a driveway where it abuts a public way.

Duplex - A building with 2 attached housing units on one lot or parcel.

Dwelling - 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)

Dwelling, Multi-Family - A building containing 3 or more dwelling units on one lot or parcel, designed for occupancy by 3 or more families living independently of each other.

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

Employees - All person normally working on the premises during the largest shift. The estimated number of employees of a new business shall be determined by the City Council and the number of employees of an established business shall be determined from an examination of the payroll.

Encroachment - Any obstruction in the flood plain which affects flood flows.

Fence - An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick and plastic.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of land.

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

Flood Insurance Rate Map: [FIRM] The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the City.

Flood Insurance Study: [FIS] The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flood Plain - Lands within the City that are subject to a 1% or greater chance of flooding in any given year.

Flood Proofing - A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

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

Floodway Fringe - The area of a flood plain lying outside of the floodway, but subject to periodic inundation.

Floor Area: The gross horizontal area under a roof of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than 7 feet;

2. Basement, if the floor above is less than 6 feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces.

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

Group Care Home - A home or private institution maintained and operated for the care, boarding or training of one or more persons.

Holding Tank - A watertight receptacle designed to receive and store sewage to facilitate disposal at another location.

Home Occupation - A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling. The residential character of the property is maintained in a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not include the outside storage of equipment or materials. See Chapter 4.8, Section 2.

Junk Yard - The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

Kennel - Any lot or premises on which 4 or more dogs and/or cats over the age of 4 months are kept for sale, lease, boarding, or training.

Land Division - The process of dividing land to create parcels or lots.

Livestock - Domestic animals of types customarily raised or kept on farms.

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

Lot - A unit of land created by a subdivision of land (ORS 92.010(3)). See also, Chapter 4.3.

Lot area - The total surface area (measured horizontally) within the lot boundary lines. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Code.

Lot, Corner - A lot abutting on two intersecting streets, other than an alley.

Lot coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot Line Adjustment - The relocation of a common property line between two abutting properties which does not create any new lots or parcels. This Code also defines the consolidation of lots i.e., resulting in fewer lots, as a lot line adjustment.

Lowest Floor - The lowest floor of the lowest enclosed area, including basement. For purposes of Section 3.7.1, Flood Hazard only, 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.

Manufactured Home - A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Department 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. This does not include recreational vehicles or travel trailers.

Manufactured Home Park - As defined by ORS 446.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See also, Chapter 4.1, Section 3.

Mobile Home - See Manufactured Home.

Modular or Prefabricated Home - A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC).

New Construction - Structures for which construction was initiated on or after the effective date of this Code.

Nonconforming Structure or Use - A lawfully existing structure or use at the time this Code or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

On-Site Sewage Disposal System - Any existing or proposed on-site sewage disposal system including, but not limited to a standard subsurface, alternative, experimental or nonwater-carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land as to which the owner of the system has the legal right to install the system. This does not include systems that are designed to treat and dispose of Industrial Waste as defined in OAR Chapter 340, Division 45. This is also known as a 'Standard Subsurface System.'

Open Space - Land dedicated to the ownership within a development or to the public specifically for the purpose of providing places for recreational uses or for scenic purposes. Open space dedication shall guarantee the use for open space purposes in perpetuity.

Owner - The owner of record of real property as shown on the latest tax rolls or deed records of Marion County, and includes a person who furnishes evidence that they are purchasing a parcel of property under a written recorded or unrecorded land sale contract.

Parcel - A unit of land created by a partitioning of land (ORS 92.010(6)). See also, Chapter 4.3.

Parking vs. Storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Partition - To divide an area or tract of land into 2 or 3 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)). "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or
2. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Permit - Any form of written approval pertaining to the use of land rendered by the City.

Permitted Use - Any use allowed in a zoning district and subject to the restrictions applicable to that zone as provided in the Development Code.

Plat - The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition which is prepared as specified in ORS 92.080. All plats shall conform to Chapter 4.3 - Land Divisions.

Professional Office - An office occupied by an accountant, architect, artist, lawyer, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

Public Facilities and Services - Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

Quasi-Judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and involves a public hearing. See Chapter 4.1, Section 5.

(page last updated: October 2007)

Recreational Vehicle - A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for temporary human occupancy, and is designed for vacation or recreational purposes but not residential use. Recreational vehicles include travel trailers, pick-up campers, motor homes as defined in Oregon Revised Statutes, which definitions are adopted and by this reference incorporated herein (ORS 801.180, 801.350, 801.565). (Ordinance 2007, No. 84)

Reserve strip - A strip of land, usually one foot in width, deeded to the City, reserved across the end of a street or alley at the boundary of a subdivision or partition; or a strip of land deeded to the city between a dedicated street and adjacent property; in either case reserved or held by the City for future street extension or widening, or to prohibit access from property adjacent to a street.

Residential care homes and facilities - A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. See Chapter 2.1, Section 7.G.

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

Sanitary Drainage System - That part of the system of drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, service lateral at the curb or in the street or alley, or disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer.

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

Septic Tank - A watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility.

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.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of Section 3.6.2, the following definitions apply:

Alteration or Altered: Any change in the size, shape, method or illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or the triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only ½ the total area of all sign faces.

Canopy Sign: A sign hanging from a canopy or eave, at any angle relative to the adjacent wall, the lowest portion of which is at least 8 feet above the underlying grade.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

Site Design Review, Development Review - See Chapter 4.2.

Start of Construction - The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

Steep slopes - Slopes of greater than 25%.

Storm Drain, Private - A storm drain located on private property serving parking lot catch basins or more than one structure on the same premises, and not operated or maintained by the City.

Storm Drain, Public - Any storm drain in a public right-of-way or easement operated or maintained by the City.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meets the City standards in Chapter 3.4, Section 1. Excluded from this is a private way that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

- a. Arterial - A major traffic carrier through the City.
- b. Collector - Facilitates traffic flow between residential areas and arterials.
- c. Local - A means of direct access to lots and parcels.
- d. Cul-de-sac - A dead-end street with a turnaround at the end.

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.

Subdivide - To divide land into 4 or more lots within a calendar year when such land exists as a unit or contiguous units under a single ownership. (ORS 92.010(13)).

Substantial Improvement: The cost of any repair, reconstruction or improvement of a structure equal to or greater than 50% of its market value before such alteration occurred.

Tax Lot - A lot designation created by the County Assessor for the purpose of levying property taxes.

Tentative Plan - A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of the subdivision or partition. For the purposes of this Code, the terms “preliminary” and “tentative”, as used in Chapter 92, Oregon Revised Statutes, shall be synonymous.

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County.

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.

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). For more information, contact the Oregon Division of State Lands.

Wireless communication equipment - Includes cellular 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).

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. Class 1 Penalty. A violation of this Code shall constitute a Class 1 civil infraction which shall be processed accordingly.
- 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. Such complaints, stating fully the causes and basis thereof, shall be filed with the City. The City 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 which 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 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 shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 21 days after the effectiveness of any required notice. At the discretion of the City, such hearing may be:
 - 1. Part of a hearing on revocation of the underlying development approval; or
 - 2. Solely to determine whether a violation has occurred. The City Council shall hold this hearing and shall make written findings as to the violation within 21 days. Upon a finding of no violation, the City Council 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 City Council that the violation has been abated. The City Council decision is subject to review under Chapter 4.1, Section 5 - Type III (Public Hearing) Procedure.