

**IN THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR CURRY COUNTY, OREGON**

**AN ORDINANCE ESTABLISHING ZONING REGULATIONS  
FOR CURRY COUNTY, OREGON**

**The Board of Commissioners, Curry County, Oregon, ordains as follows:**

***ARTICLE I. INTRODUCTORY PROVISIONS***

**Section 1.010. Title.**

This ordinance shall be known as the Curry County Zoning Ordinance of 1994.

**Section 1.020. Purposes.**

This ordinance is designed to provide and coordinate regulations in Curry County governing the development and use of lands and to implement the Curry County Comprehensive Plan. To these ends, it is the purpose of this ordinance to:

1. Insure that the development of property within the County is commensurate with the character and physical limitations of the land, and, in general to promote and protect the public health, safety, convenience and welfare;
2. Protect the economy of the County;
3. Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth;
4. Conserve farm and forest lands for the production of crops, livestock, and timber products;
5. Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live;
6. Conserve all forms of energy through sound economical use of land and land uses developed on the land;
7. Provide for the orderly and efficient transition from rural to urbanizable to urban land uses;
8. Guarantee the ultimate development and arrangement of efficient public services and facilities within the County;
9. Provide for and encourage a safe, convenient, and economic transportation system within the County;
10. Protect the quality of the air and water resources of the County;

11. Protect life and property in areas subject to floods, landslides, and other natural disasters and hazards;
12. Provide for the recreational needs of residents of the County and visitors to the County;
13. Conserve open space and protect historic, cultural, natural and scenic resources; and
14. Protect, maintain, where appropriate develop, and where appropriate restore the estuaries, coastal shorelands, coastal beach and dune area and the nearshore ocean and continental shelf of the County.

**Section 1.030. Definitions.**

The following words and phrases, unless the context otherwise requires, shall mean:

1. Access. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
2. Access classification. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government=s adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
3. Access connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
4. Access management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
5. Accessory structure or use. A use or structure incidental and subordinate to the main use of the property and located on the same parcel, tract or lot as the main use.
6. Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
7. Agricultural land. Lands suitable for agricultural use defined as follows:
  - a) Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV;
  - b) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation

- purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;
- c) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and
  - d) Land in capability classes other than I-IV that is adjacent to or intermingled with lands in capability classes I-IV within a farm unit, shall be considered as agricultural lands even though this land may not be cropped or grazed.
8. Airport. Any area of land or water, within the county which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use for airport buildings or other airport facilities or rights-of-way together with all airport buildings and facilities located thereon.
9. Alley. A street which affords only a secondary means of access to property.
10. Applicant. For purposes of this ordinance the applicant shall be as defined in Section 2.040 of this ordinance.
11. Arterial. Roads that link cities or large traffic generators. Travel speeds will be relatively high with minimum interference to through movement. An example is Highway 101.
12. Assessment of Water Quality and Quantity. For purposes of this ordinance an assessment of water for individual on-site water systems shall include the following:
- a) the number of wells located within the quarter section of land in which the subject property is located;
  - b) the quantity and flow rates of these wells (from Dept. Water Res. data or personal investigation);
  - c) the flow rates of any springs or creeks proposed as source(s) of domestic water;
  - d) the quality of water from any proposed source(s) by test for biological contamination;
  - e) the disposition of any water rights for any source(s) of water proposed for domestic use.
13. Average Slope. The average of percent slope between the highest and lowest points where development activity is to occur on the property resulting from the division of the increase in elevation in feet by the actual distance between the two points as measured in feet in flat plane on a map.
14. Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
15. Bicycle facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

16. *Bikeway.* Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designed for the exclusive use of bicycles or are shared with other transportation modes.
17. *Board.* Board of Curry County Commissioners.
18. *Bridge Crossing(s).* The portion of a bridge spanning a waterway but not including supporting structures or fill located in the waterway or adjacent wetlands.
19. *Bridge Crossing Support Structure(s).* Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.
20. *Building.* A structure built for the support, shelter, or enclosure of persons, animals or property of any kind.
21. *Campground.* An area in an undeveloped setting, which does not contain or provide intensively developed recreational uses or facilities, that is devoted to overnight temporary use for vacation or recreational purposes. It may be part of a larger park or park area. Sites within a campground may be occupied by tents, travel trailers, recreational vehicles, yurts or similar structures.
22. *Commercial Activity in Conjunction with Farm Use.* Retail or wholesale activities conducted on the property to dispose of farm products produced on the property.
23. *Commercial Agricultural Enterprise.* A commercial use that consists of farm operations that:
  - a) Contribute in a substantial way to the area's existing agricultural economy; and
  - b) Help maintain agricultural processors and established farm markets.
24. *Commission.* The Curry County Planning Commission.
25. *Community Center.* A building or small group of buildings which are established for public service, educational, recreational or fraternal activities within a rural community or rural exception area.
26. *Community Water System.* A public or private system of distribution pipes providing a continuous supply of potable water from a central source in quantities sufficient to meet needs for more than one but less than four (4) residential or other structures as approved by the County Sanitarian. A system serving four (4) or more residences or other structures shall be approved by the State Health Division.
27. *Community Sanitary Sewer System.* A public or private system of underground pipes to carry sewage to treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality or its designated agent.
28. *Condominium.* The land, all buildings, improvements, rights and appurtenances belonging thereto, which are submitted to the provisions of unit ownership.

29. Corner clearance. The distance from a public or private road intersection to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of pavement of the connection along the traveled way.
30. County. The County of Curry, State of Oregon.
31. Cross access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
32. Date of creation and existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
33. Director. The Planning Director of Curry County or the Planning Director's professional staff designee.
34. Development Activity. Any use or proposed use of land that requires disturbance of the vegetation or soils or which requires action of the Planning Division or Building Division to allow the construction or modification of structures or other improvements or to allow the division of the land.
35. Development Permit. Means a permit to construct an on-site sewage disposal system under state regulations, a building permit to construct a structure or a manufactured dwelling siting permit under the building code, or other permit of similar nature.
36. Dwelling, Multiple-family. A building or portion thereof, designed for occupancy by two or more families living independently of each other, including duplexes, and apartment buildings.
37. Dwelling, Single-family. A detached building of conventional construction containing one dwelling unit and designated for occupancy by only one family.
38. Easement. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
39. Engineer. A certified geotechnical engineer or a registered professional licensed by the State of Oregon with knowledge and experience relating to geology and geotechnical principles.
40. Estuary. A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.
41. Estuarine Enhancement. An action which results in a long term improvement of the existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

42. Exception Area. An area no longer subject to the requirements of Statewide Planning Goals 3 or 4 because the area is the subject of a site specific exception acknowledged pursuant to ORS 197.732 and OAR 660, Division 4.
43. Family. An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than five unrelated persons, excluding servants; or group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.
44. Farm Animals. Includes livestock, poultry, furbearing animals, honeybees, and worms.
45. Farm, Farm Land. Means any facility, including the land, buildings, watercourses and appurtenances thereto, used in the commercial production of crops, nursery stock, livestock, poultry, livestock products, poultry products or the propagation and raising of nursery stock.
46. Farming Practice. Means a mode of operation on a farm that:
- (a) is or may be used on a farm of a similar nature;
  - (b) is generally accepted, reasonable and prudent method for the operation of the farm to obtain a profit in money;
  - (c) is or may become a generally accepted, reasonable and prudent method in conjunction with farm use;
  - (d) complies with applicable laws; and
  - (e) is done in a reasonable and prudent manner.
47. Farming, Farm Use. Farm use is defined by ORS 215.203(2) on land zoned for farm use. On lands not zoned for resource use, the definition applies to farm use practices regardless of "profit" motivation.
48. Floor Area. The sum of the horizontal areas of the general floors of a building, measured from the exterior faces of the exterior walls, exclusive of private garages, carports, or courts.
49. Forest Land. Means land that is used for the growing and harvesting of forest tree species and shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.
50. Forest Practice. Means a mode of operation on forest land that:
- (a) is or may be used on forest land of a similar nature;
  - (b) is a generally accepted, reasonable and prudent method of complying with ORS 527.610 to 527.770 and the rules adopted pursuant thereto;
  - (c) is or may become a generally accepted, reasonable and prudent method in conjunction with forest land;
  - (d) complies with applicable laws;
  - (e) is done in a reasonable and prudent manner; and
  - (f) may include, but is not limited to, site preparation, timber harvest, slash

disposal, road construction and maintenance, tree planting, precommercial thinning, release, fertilization, animal damage control and insect and disease control.

51. Frontage Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.
52. Functional Area (intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
53. Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
54. Garage, Private. A detached accessory building or a portion of a dwelling, for the noncommercial parking, storage, or repair of equipment or vehicles belonging to the occupants of the premises.
55. Garage, Public. A building or portion thereof, other than a private garage, used for the parking, repair or storage of vehicles, where such vehicles are parked or stored for hire, sale, or commercial activities.
56. Geologic Hazard Area. Geologic Hazard Areas in Curry County are areas shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the Curry County Comprehensive Plan, including the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletin 90 Land-Use Geology of Western Curry County, Oregon, and the DOGAMI maps known variously as "Further Review Areas." Geologic Hazard Areas include, but are not limited to,
  - a) earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage, or soil distribution;
  - b) areas of recent earth movement shown by tension cracks, bowed trees and other indicators;
  - c) steep slope mass movement areas which are areas subject to localized debris slide, debris flow, rockfall, or rock slide;
  - d) other areas as may be identified by in the preparation of assessments and reports pursuant to the requirements of Section 3.252.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides

57. Geologist. A certified engineering geologist licensed by the State of Oregon as provided by ORS 672.505 to 672.705
58. Golf Course. An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course on land zoned AFD or EFU means a 9 or 18 hole regulation golf course consistent with the following:

- (a) A regulation 18 hole course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards and a par of 64 to 73 strokes.
  - (b) A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
  - (c) Non-regulation golf courses are not allowed uses within the AFD and EFU zones. Non-regulation golf course means a golf course or golf course-like development that does not meet the definition of golf course given above, including but not limited to executive golf courses, Par 3 golf courses, pitch and put golf courses, miniature golf courses and driving ranges.
  - (d) Uses accessory to a golf course in the AFD and EFU zones shall be limited by the following standards:
    - (A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage or repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public or housing.
    - (B) Accessory uses shall be limited in size and orientation on the site to serve the needs of the persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g. food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.
59. Grade. The average elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or; when the property line is more than five (5) feet from the building then the ground surface at a point five (5) feet from the building. The ground slope within five (5) feet of the building shall not exceed 2 (horz.) to 1 (vert.).
60. Guest House. A detached accessory structure containing a sleeping facility and bathroom but without kitchen equipment or provisions for such which is used in conjunction with an existing dwelling and does not exceed 500 square feet in size.
61. Hardship Dwelling. A manufactured dwelling or mobile home in conjunction with an existing dwelling as a temporary use for the term of a medical hardship suffered by the existing resident or a relative of the resident. The applicant shall provide verification from a medical doctor of the need for the hardship dwelling. The county shall review the permit authorizing such a dwelling every year and require an updated verification

from a medical doctor. When the hardship ends, the county shall require removal of the hardship dwelling.

62. Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitch or hip roof.
63. Hillside Road or Street. A road traversing lands composed predominantly of slopes greater than 25%. Predominantly means 50 percent or more of the total acreage of the parcel.
64. Home, Nursing. Any home or institution maintained or operated for the nursing and extended care of two or more nonrelated ill or infirm people not requiring hospital care or hospital facilities.
65. Home Occupation. A secondary use of a dwelling, enclosure, or building accessory to a dwelling (but not accessory to a resource use), which constitutes an occupation carried on solely by a member or members of the family residing in the dwelling.
66. Hospital. A facility which provides medical, obstetrical, or surgical care to the general public on a continuous basis and includes sleeping and eating facilities for persons receiving such care.
67. Hotel. A building in which lodging for compensation is provided to guests and in which no provisions are made for cooking in the lodging rooms although meals may be provided.
68. Impervious Surface. Any material which reduces and prevents absorption of storm water into previously undeveloped land.
69. Irrigated. Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is irrigated if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider.
70. Joint Access (or shared access). A driveway connecting two or more contiguous sites to the public street system.
71.  kennel. An open space or building in which four or more dogs, cats, rabbits, or similar animals are kept for board, propagation or sale for other than agricultural purposes.
72. Local Road. A public road that is not a city street, state Highway or federal road. A road connecting the local uses with the collector system. Property access is the main priority ; through-traffic is not encouraged. All county roads not classified as arterials or collectors are the county's local roads.
73. Lot. A unit of land that is created by a subdivision of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, which typically has frontage upon a public or private, street and complies with the dimensional standards of this ordinance unless preexisting on the date the ordinance was adopted.

74. Lot Area/Size. The total horizontal area within the lot lines of a lot exclusive of public and private roads, and easements of access to other property. The lot size shall also be considered to be the density to which dwellings may be constructed on a single parcel of land.
75. Lot, Corner. A lot abutting on two or more intersecting streets neither of which is an alley provided that the internal angle at the intersection of the two streets is less than one hundred thirty-five (135) degrees.
76. Lot, Depth. The average horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
77. Lot, flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private driveway right-of-way.
78. Lot, through (or double frontage lot). A lot that fronts upon two parallel streets or fronts upon two streets that do not intersect at the boundaries of the lots.
79. Lot frontage. That portion of a lot extending along a road right-of-way.
80. Lot, interior. A lot other than a corner lot.
81. Lot Line. The property line bounding a lot.
82. Lot Line, front. In the case of an interior lot, the lines separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
83. Lot Line, rear. A lot line which is opposite and most distant from the front lot line.
84. Lot Line, side. Any lot line not a front or rear lot line.
85. Lot Width. The average horizontal distance between the side lot lines.
86. Maintenance of Existing Structure or Facility. Includes all acts or functions necessary to keep a structure or facility existing at the time of the adoption of this ordinance in a continuous state of repair, but does not include expansion of the structure or facility to a larger size or more intensive usage that may significantly increase visitation and that may affect adjacent land use.
87. Major Collector. A road providing service to land uses that generate trips such as consolidated schools, shipping points, parks, mining and agricultural areas. This type of road links minor collectors with streets of higher classification. Examples of major collectors are Elk River Road, Squaw Valley Road and Carpenterville Road (a state facility).
88. Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is to be used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and

regulations in effect at the time of construction. The removal of wheels or placement upon a foundation does not alter this definition.

89. Minor Collector. A road providing service to small communities. This type of road links locally important land uses that generate trips with rural destinations. Examples of minor collectors are Floras Lake Road, Nesika Road, North Bank Pistol River Road.
90. Minor Navigational Improvement(s). Alterations necessary to provide water access to existing or permitted uses in conservation management units including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.
91. Mitigation. The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, species diversity, unique features and water quality; and for riparian vegetation shall mean taking one or more of the following actions listed in order of priority:
- a) Avoiding the impact altogether by not taking 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 placing or providing comparable substitute resources or environments.
92. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
93. Mobile/Manufactured Home Park. A unit of land upon which four or more mobile or manufactured homes less than 500 feet apart occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.
94. Motel/Lodge. A building or group of buildings on the same unit of land containing guest units with separate entrances directly to the exterior and consisting of individual sleeping quarters, detached or in connected rows, for rental to travelers. Guest units may include kitchen facilities or meals may be provided.
95. Neighborhood Activity Center. An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.

96. Net Loss. A permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.
97. Nonconforming Access Features. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.
98. Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
99. Off-Street Parking. Parking spaces or a parking lot(s) provided in accordance with Section 4.020 of this ordinance, but not located on any public street or road.
100. Parcel. A unit of land that is created:
- a) by a partitioning of land as defined in ORS 92.010;
  - b) in compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
  - c) by deed or sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations in effect at the time the parcel was created.
  - d) whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, which typically has frontage upon a public or private, street and complies with the dimensional standards of this ordinance unless preexisting on the date the ordinance was adopted.
101. Parking Space. A rectangle not less than 18 feet long and 9 feet wide which is available for the operable passenger vehicles of residents, customers, patrons, or employees of the premises. At the decision makers discretion a percentage of the required number of spaces may be of a lesser size to accommodate compact vehicles. However, disabled person parking space shall also be provided in accordance with ORS 447.233.
102. Pedestrian Facilities (also walkway). A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.
103. Person. A natural person, firm, partnership, association or corporation.
104. Planned Unit Development. A single development in which a combination of uses compatible with the comprehensive plan in terms of land use and density of development is permissible subject to the procedural requirements of the zoning and subdivision ordinances. Planned Unit Developments include condominiums, planned communities, and any other development which includes common ownership of structures or land.
105. Plat. An exact and detailed map of the partition or subdivision of land.
106. Private Driveway. A roadway which traverses and serves one lot.

107. Private Road. A roadway owned by a private party(s) that provides the principal means of access to an abutting property.
108. Property Owner. The owner of record for a property as established in the official records of the Curry County Assessor's Office.
109. Public Road. A road over which the public has the right to use, that is a matter of public record.
110. Reasonable Access. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the county.
111. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
112. Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.
113. Recreation, High Intensity. Recreation which uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource; i.e., campgrounds, golf course, and marinas.
114. Recreation, Low Intensity. Recreation which does not require developed facilities and which can be accommodated without change to the area of resource; e.g., boating, hunting, hiking, wildlife photography, and beach or shore activities.
115. Recreation Vehicle. See trailer.
116. Recreational Vehicle Park/Rural. A commercially developed area devoted to overnight temporary use for vacation or recreational purposes and located outside of an urban growth boundary but within an area for which a Goal 2 exception to Goals 3 and/or 4 has been approved. Sites within a recreation vehicle park/rural may be occupied by tents, travel trailers or recreational vehicles.
117. Recreational Vehicle Park/Urban. A commercially developed area devoted to overnight temporary use for vacation or recreational purposes and located within an urban growth boundary. Sites within a recreational vehicle park/urban may be occupied by tents, travel trailers, or recreational vehicles.
118. Restore. Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For purposes of Goal 16 estuarine restoration this term means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work begins.

119. Restoration, Active. Involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.
120. Restoration, Passive. Is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.
121. Right-of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose related to a transportation improvement.
122. Riparian Area. The area adjacent to a river, lake, or stream, consisting of the area of transition from aquatic ecosystem to a terrestrial ecosystem.
123. Road. See Street.
124. Roadside Stand. A temporary structure designed for the purpose of retail sale of farm commodities grown on the premises.
125. Rural Use. Uses which are outside of urban growth boundaries including non-urban agriculture, forestry, or open space or sparse settlement, small farms or acreage homesites with no or hardly any public services.
126. Safe and Convenient. Bicycle and pedestrian routes that are:
- i) Reasonably free from hazards, and
  - ii) Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicycles.
127. Setback. The distance from the right of way or easement boundary of a public or private road or other easement or from a lot line, to any point of a building.
128. Sign. A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid or other type of advertising. This includes the surface face upon which the representation is displayed.
129. Significant Change in Trip Generation. A change in the use of property, including land, structures or facilities, or an expansion of the size of structures or facilities causing an increase in the trip generation of the property exceeding: (1) local facilities; 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State of Oregon facilities; 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.
130. Stable. A use of land where not more than one horse per one-half acre of total property area is kept for commercial or noncommercial use which may include associated structures.

131. Stub-out (stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.
132. 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 manmade irrigation and drainage channels.
133. Street. The entire width between the boundary lines of the driveable surface which provides for public or private use for the purpose of vehicular and pedestrian traffic and including, but not limited to, "roads", "highways", "lanes", "places", "avenues", and "alleys".
134. Structure. That which is built or constructed. An edifice or building or any kind of any piece or work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having location on the ground and which is governed by the Uniform Building Code.
135. Structural Alteration. Any change to the supporting members of a structure including foundation, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof.
136. Substantial enlargements or improvements. An increase in the existing square footage or increase in assessed valuation of the structure.
137. Tax Lot. A unit of land created by the County Assessor for taxation purposes.
138. Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by the comprehensive plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include (1) alterations necessary for federally authorized navigation projects (e.g. access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures necessary for research and educational observation.
139. Top of Bank. Shall have the same meaning as Bankfull stage@ defined in OAR 141-085-0010 (2). Meaning the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two year-recurrence interval flood elevation may be used to approximate the bankfull stage.
140. Tourist Facility. Hotels, motels, lodges, trailer parks, restaurants, public parks, and accessory uses.
141. Tract. One or more contiguous lots or parcels under the same ownership whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, which typically has frontage upon a public or private, street and complies with the dimensional standards of this

ordinance unless preexisting on the date the ordinance was adopted. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

142. Trailer, Camping or Recreational Vehicle. A vacation trailer or self-propelled vehicle which is qualified to be licensed as a recreation vehicle by the State of Oregon. The removal of wheels does not alter this definition.
143. Trailer or Camping Vehicle Park. A lot upon which two or more occupied trailer or camping vehicles are sited or parked.
144. Urban Use. Uses which are high intensity residential, commercial or industrial uses located inside urban growth boundaries, or outside urban growth boundaries where an exception to Goal 14 has been justified.
145. Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
146. Utility. Any individual, firm, partnership, corporation, association, cooperative or municipality which constructs, maintains, operates or manages a network of poles, ducts, conduits, wires, cables, pipes, or mains connecting interrelated facilities and equipment for the purpose of providing water, sewer, gas, electricity, steam, telephone, cable television, data transfer, or other energy or communications service to the general public within a general or designated service territory.
147. Utility Facility Necessary for Public Service. A facility or structure for the generation and distribution of a public service including but not limited to electrical power, communications, natural gas, water, sewage, fire and police protection, and road maintenance which provides for a public need; this use does not include a facility or structure for the generation of power for public sale.
148. Vision Clearance. A visually cleared, triangular area at a street or highway intersection of a corner lot, or the alley-street intersection of a corner lot, the space being defined by a line across the corner between the point on the street right of way line or street-alley right of way line measured from the corner or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining said point measured along the tangent. In all zones the distance along the street right-of-way shall be twenty (20) feet for a street intersection.
149. Walkway. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.
150. Water Area. The area between the banks of a lake, pond, river, perennial or intermittent stream, excluding man-made ponds.
151. Water-dependent. A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. It includes uses that are in conjunction with and incidental to a water-dependent use. Examples of uses that are in conjunction with and incidental to water-dependent uses include a restaurant on the second floor of an existing seafood processing plant or a retail sales room as a part

of a seafood processing plant. Generally, to be in conjunction with and incidental to a water dependent use, a non water-dependent use may be constructed at the same time or after the water-dependent use of the site is established and be carried out together with the water dependent use. Incidental means that the size of the non water-dependent use is small in relation to the water-dependent operation and that it does not interfere with conduct of the water-dependent use.

152. Water-related. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses of facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.
153. Yard. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
154. Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of any building.
155. Yard, rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line, from the rear lot line to the nearest point of any building.
156. Yard, side. An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of any building.

**Section 1.040. Compliance with Ordinance Provisions.**

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.