

CHAPTER 1

GENERAL ORDINANCE PROVISIONS

Section 1.101	TITLE
Section 1.102	PURPOSE AND SCOPE
1.102.01	Purpose
1.102.02	Conformance Required
1.102.03	Violations
1.102.04	Interpretation
1.102.05	Savings Clause
1.102.06	Conflicting Ordinances
Section 1.103	ESTABLISHMENT OF ZONING DISTRICTS
1.103.01	Districts
1.103.02	Boundaries
Section 1.200	DEFINITIONS
1.200.01	Grammatical Interpretation
1.200.02	Definitions

1.101 TITLE

This Ordinance shall be known and may be referred to as the City of Willamina Zoning and Development Ordinance and shall be referred to herein as this ordinance.

1.102 PURPOSE AND SCOPE

1.102.01 Purpose

This Ordinance is enacted to:

- A. Implement the goals and policies of the City of Willamina Comprehensive Land Use Plan;
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community.

1.102.02 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Willamina shall conform to the requirements of this Ordinance. The provisions of this Ordinance apply to any person developing, or using land or structure, and to the person's successor(s) in interest.

1.102.03 Violations

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw City utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Ordinance, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than \$300.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

The City may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or enjoin, abate, remove, or nullify the unlawful transfer, location, construction, maintenance, repair, alteration, or use.

1.102.04 Interpretation

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

When a certain provision of this Ordinance conflicts with another provision of this Ordinance or is unclear, the correct interpretation of the Ordinance shall be determined by the City recorder, after consultation with city engineer and planner. The City recorder, after consultation with city engineer and planner may, at his/her discretion, request that the City Council resolve the conflict or uncertainty.

1.102.05 Savings Clause

Should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.102.06 Conflicting Ordinances

City of Willamina Ordinance 540, and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

1.103 ESTABLISHMENT OF ZONING DISTRICTS

1.103.01 Districts

For the purposes of this ordinance, the incorporated area of the City of Willamina, Oregon, is hereby divided into the following zoning districts:

<u>Plan Designation</u>	<u>Zoning District Name</u>	<u>Section</u>
LDR	Single-Family Residential (R-1)	2.101
MDR	Two-Family Residential (R-2)	2.102
MR	Multiple-Family Residential (R-3)	2.103
C	General Commercial (C-1)	2.104
RC	Commercial Residential (C-2)	2.105
I	Industrial (M-1)	2.108
P	Public Open Space District (P)	2.110
PAI	Public Assembly/Institutional (PAI)	2.111
	Restricted Development Overlay (R-D)	2.115
	Limited Use Overlay Zone (LUO)	2.116

1.103.02 Boundaries

- A. The zoning district boundaries are shown on the zoning map of the City of Willamina. This map is made a part of this Ordinance.

Any future changes to the zoning of land within the City of Willamina which are approved under the provisions of this Ordinance shall be appropriately depicted on the Willamina Zoning Map.

- B. The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Willamina Zoning Map, the Planning Commission shall rely on the Willamina Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; City boundaries; notations on the Willamina Zoning Map; or other planning criteria determined appropriate by the Planning Commission. Any decision of the Planning Commission regarding the location of a zoning district boundary may be appealed to the City Council pursuant to the general procedures outlined for appeal requests in Section 3.205 of this Ordinance.

1.200 DEFINITIONS

1.200.01 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, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings.

1.200.02 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

Access: The way or means by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to property.

Access Management: Measures regulating access to streets, roads and highways from public roads and private driveways.

Accessory Building (Structure): A detached, subordinate building or portion of a main 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 Residential Dwelling: A completely separate and subordinate dwelling unit, including facilities for cooking and sanitation, which may be allowed only in conjunction with a single family residence when located on the same lot or parcel as the residence.

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

Accessway: A walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school or park. They 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.

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

Administrative Review: A decision affecting land use within the City which is based on the application and/or enforcement of existing standards contained in this Ordinance.

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.

Appeal: A request for a review of the decision authority's action on an application or interpretation.

Applicant: The owner of record or contract purchaser.

Automobile, Recreational Vehicle or Trailer Sales Areas: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Service Station: A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

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, then it shall be considered a story.

Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by three or more travelers or transients for a charge or fee paid for the rental or use of the facilities.

Bicycle Facilities: Facilities which provide for the needs of bicyclists, including bikeways and parking.

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 bounded by three (3) or more streets, railroad rights-of-way, waterways or a combination thereof.

Boarding, Lodging, or Rooming House: A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. A trailer coach, with or without wheels, shall not be considered a building.

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

Building, Main: A building in which is conducted a principal or main use of the building site on which it is situated.

Building Official: An individual empowered by the City Council to administer and enforce building regulations.

Building Site: A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this title relating to building sites.

Cabana: A stationary structure which may be prefabricated or demountable, with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

Campground: A premises under one ownership where persons camp or live in any manner other than permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks.

Caretaker for property security: A privately and formally employed person who is either paid and/or compensated to protect property and assets.

Carport: A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

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

City: The City of Willamina, Oregon.

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 for a distance specified in this ordinance. The third 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.

Club: An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit.

Commercial Storage: See Warehouse.

Commission: The City Planning Commission of Willamina, Oregon.

Common 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 Comprehensive Plan of the City of Willamina, Oregon.

Conditional Use: A use addressing a limited or specific need but, generally, secondary to a primary use and, due to a potential adverse effect upon primary uses or public facilities and services, is only allowed subject to review a established in Article 3.

Condominium: Property submitting to the provisions of ORS 94.004 to 94.480, and, 94.991.

Conforming: In compliance with the regulations of the Code.

Council: The City Council of Willamina, Oregon.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Day Care Facility: An institution, establishment or place, not a part of a public school system, in which are commonly received three (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.

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

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Driveway: A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

Dwelling Multi-Family: A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.

Dwelling-Single-Family-Detached: A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling-Three Family (Triplex): A detached building containing three (3) dwelling units designed exclusively for occupancy by three families (3) living independently of each other.

Dwelling – Townhouse: A structure for residential use so designed that each dwelling unit is located upon a separate lot or parcel, unless developed within an approved planned unit development (PUD).

Dwelling-Two-Family (Duplex): A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit: A living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, and not for more than one family or a congregate residence for ten (10) or less persons as allowed by the Uniform Building Code.

Easement: A grant of right to use an area of land for a specific purpose.

Family: (1) Two (2) or more persons related by blood, marriage, legal adoption, or guardianship and living together; or, (2) Except as may be modified by the Fair Housing Law as it relates to handicapped persons, a group of not more than five (5) persons who need not be related [as in (1)] living together in a dwelling unit.

Farming: The use of land for purposes defined in ORS Chapter 215.

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.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

Floor Area: The sum of the gross horizontal areas of the several 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 seven feet;
2. Basement, if the floor above is less than six 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.

Garage, Private: A detached accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.

Garage, Public: A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

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

Guest House: A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Home Occupation: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling.

Homeowners Association: An incorporated non-profit organization operating under recorded land agreements through which:

1. each lot owner is automatically a member; and
2. each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

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.

Kenel: Any lot or premises on which four (4) or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training.

Land Division: Any partition or subdivision of a lot or parcel.

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 parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yard and other open spaces as herein required; such lots shall have frontage on a public street, and may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record.

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, exclusive of public and private roads and easements of access to

other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

Lot, Corner: A lot abutting on two intersecting streets, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

Lot Coverage: The portion of a lot covered or occupied by buildings or other structures.

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Flag: A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

Lot Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

Lot, Interior: A lot other than a corner lot.

Lot Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

Lot Line, Front: The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line.

Lot Line, Side: Any property line which is not a front or rear lot line.

Lot, Through: An interior lot having frontage on two streets.

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, of a building or structure.

Manufactured Home:

1. A residential trailer, 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 before January 1, 1962.
2. A 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.
3. A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Master Plan: A sketch or other presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions.

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of nonflammable or non explosive materials.

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).

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

Multiple Family: Three or more dwellings on one unit of land.

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

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

Nursery: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; and buying and selling the above plant stock at wholesale or retail.

Nursing Home: Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS.

Official Zoning Map: The map or maps upon which the zone locations in the City of Willamina are indicated.

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

Parking Area, Private: An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

Parking Area, Public: An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by persons patronizing a particular building or establishment.

Parking Space: An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. The following are not considered parking spaces for the purposes of OAR 660-12-045(5)(c): park and ride lots, handicapped parking, and parking for carpools and vanpools.

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. "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. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or
3. 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).

Pedestrian Circulation System: Pedestrian connection(s) between entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties.

Pedestrian Connection: A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels intended for redevelopment, pedestrian connections may also include right-of-way or easements for future pedestrian improvements.

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

Pedestrian Plaza: A small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand, or rest. They are usually paved with concrete, paving stones or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-200 square feet would be considered "small".

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways.

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Personal Wireless Service: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.

Personal Wireless Service Facility: Facilities for the provision of personal wireless services.

Place of Public Assembly: Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City's Comprehensive Plan.

Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance.

Planning Commission: The Planning Commission of Willamina, Oregon.

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.

Preschool: A facility providing education for children between the ages of 2 and 4 and provides education before the commencement of statutory education.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches and 500 feet for other than utility runways.

Professional Office: An office occupied by an accountant, architect, artist, attorney-at-law, 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 Review: A decision affecting land use within the City which requires the interruption and/or amendment of existing standards or maps contained in this Ordinance. Quasi-judicial decisions are heard by the Planning Commission. The decision of the Planning Commission is final except when the decision would necessitate an amendment to this ordinance. In those cases the Planning Commission decision is forwarded as a recommendation to the City Council for a final decision. Quasi-judicial review is required for Variances, Conditional Use Permits, Subdivisions, Planned Unit Developments, Comprehensive Plan and Zone Changes, and Urban Growth Boundary Amendments.

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

Recreational Vehicle: As defined in ORS 446.003(33), a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and as further defined by rule, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any area operated and maintained for the purposes of picnicking or providing space for overnight use by recreational vehicles.

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen 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.

Residential Care Home: A home 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 and training or a combination thereof of five or fewer 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.

Retail Trade: The process of selling to the consumer for direct consumption and not for resale.

Retaining Walls: A structure or barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site. Such walls are not considered structures for the purposes of compliance with setback requirements.

1. Retaining walls over four (4) feet in height require a building permit.
2. Any part of a retaining wall that goes above grade will be considered a fence.
3. Fences or retaining walls are to be measured from grade level.

Right-of-Way: The full length and width of a public street or way, planned or constructed.

School, Elementary, Junior High or High School: An institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial: A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

Semi-Public Use: A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

Service Station: Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure.

Sign: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business, and which may be illuminated directly or indirectly.

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant.

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.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

Street (road, highway): The entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

1. Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.
2. Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City.
3. Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.
4. Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around.

5. Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
6. Frontage Road, Marginal Access Road: A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
7. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic.

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 or in the exterior walls.

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.

Subdivision: All divisions of property which create four or more lots in a single calendar year.

Substantial Conformance: The comparison of the final plat or final development plan/building permit with the approved preliminary plat or plan to determine if the applicable standards are in compliance within 10 percent of the original approval.

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

Trailer (Travel or Vacation): See Recreational Vehicle.

Travel Trailer Parks: See Campground, or, Recreational Vehicle Park.

Unit: See Dwelling Unit.

Unstable Soil: Any soil type, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

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 Yamhill or Polk County.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Variance, Major: A variance request to change a quantifiable standard by more than twenty percent (20%).

Variance, Minor: A variance request to change a quantifiable standard by ten percent (10%) or less.

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

Warehouse: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building.

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building.