

## **CHAPTER 17.04 GENERAL PROVISIONS**

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Amended Ord. 909, May 20, 2009  
Amended Ord. 913, September 2, 2009  
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Amended Ord. 1010, October 20, 2017  
Amended Ord. 1029, May 1, 2019

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## CHAPTER 17.04

### GENERAL PROVISIONS

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**17.04.010 SHORT TITLE**

The provisions of Sections 17.04.010 through 17.26.060 shall be known as the “Stayton Land Use and Development Code.”

**17.04.020 PURPOSE OF LAND USE AND DEVELOPMENT CODE**

This code is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well being, and general welfare of the City of Stayton, including but not limited to fulfilling the following objectives:

1. Establishment of uniform interpretations, terms, and definitions, and authorities for the application of land use and development regulations.
2. Implement the policies of the City Comprehensive Plan, its urban growth boundary, and procedures for amendments to the same.
3. Establishment of application, review, hearings, decision-making, and appeal procedures for consideration of land use and development requests, and the establishment of application fees and penalties for noncompliance with regulations.

**17.04.030 ADMINISTRATION**

The City Administrator or other official(s) designated as the building and planning officials by the administrator shall have the power and duty to enforce the provisions of this code.

**17.04.040 INTERPRETATIONS**

1. In the interpretation and application of this code, all provisions shall be:
  - a. Considered as minimum requirements.
  - b. Liberally construed in favor of the governing body.
  - c. Deemed neither to limit nor to repeal any other powers granted under state statutes.
2. When, in the administration of the provisions of this code, there is substantial doubt regarding the intent or meaning of the code, the City Planner may request an interpretation of the provisions by the Planning Commission, which shall issue an interpretation of the question if the Commission has determined that such interpretation is within its power and is an administrative and not a legislative act. Any interpretation of the code shall be based on the following considerations:
  - a. The purpose and intent of the code as expressed within the particular section being questioned.
  - b. Guidance provided by the City's Comprehensive Plan and related materials.
  - c. The opinion of the City Attorney when requested by the Planning Commission.

**17.04.050 RESTRICTIVENESS**

The provisions of this code shall be liberally construed to affect the purpose of the ordinance. These provisions are declared to be the minimum requirements necessary to accomplish these purposes, and

where conditions herein imposed are less restrictive than comparative restrictions imposed by any other provision of this code, by provision of any other City of Stayton or State of Oregon ordinance, resolution, or regulations then the more restrictive shall govern.

**17.04.060 SEVERABILITY**

If any section, paragraph, subsection, clause, sentence, or provision of this code shall be adjusted by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the code, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the City to enact the remainder of this code notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence, or provision of this code be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subsection, clause, sentence, or provision as to any other premises or use.

**17.04.070 COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the Stayton Land Use and Development Code and other applicable regulations including all permits and licenses required.

**17.04.080 ABROGATION AND GREATER RESTRICTIONS**

The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions; however, where this code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**17.04.090 GRAMMATICAL INTERPRETATION**

Words used in the masculine include the feminine, and the 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 the American Heritage Dictionary of the English Language, Fourth Edition copyright 2000 shall be considered as providing accepted meanings. The North American Industrial Classification System, 2002 shall be used to determine the meaning and classification of a commercial or industrial land use that is not particularly defined in this Code.

**17.04.100 DEFINITIONS**

The following definitions shall be used for the purposes of this code.

**ABUTTING:** Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

**ACCESS CONNECTION:** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

**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.

**ACCESSORY BUILDING:** A building that is incidental and subordinate to the main building.  
(Amended Ord. 1010, October 20, 2017)

**ACCESSORY, MOBILE HOME:** Any structural addition to a manufactured or mobile home including awnings, carports, cabanas, porches, ramadas, storage buildings, and similar structures.

**ACCESSORY USE:** A subordinate or incidental use of a lot or building.

**AFFECTED AREA:** Unless otherwise specified, this shall include all property within 300 feet of the proposed project location.

**AGGRIEVED PERSON OR PARTY:** An owner of land whose property is directly or indirectly affected by the granting or denial of an application under this Title; a person whose land abuts land for which an application has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such application. Owners or persons are precluded from appeals of decisions unless they participates in the decision-maker's proceedings. (Ord. 898, August 20, 2007)

**ALLEY:** A public way or thoroughfare not more than 20 feet but not less than 10 feet in width which has been dedicated or deeded to the public for public use providing a secondary means of access to property, except in a downtown zone, where it may be the primary means of vehicular access. (Amended Ord. 902, May 7, 2008)

**ALTERATION, STRUCTURAL:** Any change or repair which should affect or materially change a supporting member of a building such as a bearing wall, column, beam, or girder.

**ANTENNA:** One or more rods, panels, discs, or similar devices, and their ancillary structures used for the transmission and/or reception of electromagnetic waves for radio, television, and similar uses, but not including antennas as part of wireless communication facilities.

**APARTMENT:** A dwelling unit within a multi-family development.

**APPEAL:** A request for a review of the decision authority's action on an application or interpretation of any provision of this code.

**APPLICANT:** The owner or record or contract purchaser.

**APPLICANT'S REPRESENTATIVE:** A person or persons with written legal authorization from the applicant to speak and act on behalf of the applicant.

**AREA OF SHALLOW FLOODING:** A designated AO or AH zone on the "Flood Insurance Rate Map" (FIRM). The base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. Designation on floodplain maps always includes the letters "A" or "V."

**ATTACHED RESIDENTIAL STRUCTURE:** A single family attached dwelling, multiple family dwelling, duplex or triplex. (Added Ord. 902, May 7, 2008)

**AUTOMOTIVE WRECKING YARD:** An establishment engaged in the business of purchasing or acquiring salvage vehicles for the purpose of: reselling the vehicle or its component parts; rebuilding or repairing the vehicle for the purpose of resale; selling the vehicle's basic materials; displaying or storing the vehicle or its parts; or acting as a scrap processor. (Added Ord. 913, September 2, 2009)

**AWNING:** Any stationary structure attached to a building, other than window awnings, for the purpose of providing shelter from the sun and rain and having a roof with supports.

**AWNING SIGN:** Any sign that is part of or attached to an awning or canopy. (Added Ord. 902, May 7, 2008)

**BALLOON:** Balloons include but are not limited to helium balloons, forced air filled balloons, or any other similar device.

**BASE FLOOD:** The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters "A" or "V."

**BASEMENT:** A space wholly or partly underground and having more than ½ of its height, measured from its floor to its ceiling, below the average adjoining finished grade. As used in Section 17.16.100 for floodplain management purposes, a basement is any area of a building having its floor below ground level on all sides. (Ord. 898, August 20, 2007)

**BED AND BREAKFAST:** An accessory use to a single-family dwelling in which no more than 5 sleeping rooms are provided for the use of travelers or transients on a daily or weekly period. Occupancy by any one visitor is not to exceed 29 consecutive days. Provision of a morning meal is customary by definition.

**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 2 tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

**BICYCLE FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

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

1. **TRAILS:** See trails definition.
2. **BIKE LANE:** A 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. **SHARED BIKEWAY:** The paved shoulder of a roadway that is 4 feet or wider; typically shared by bicyclists and pedestrians in rural areas.
4. **SHARED ROADWAY:** A travel lane that is shared by bicyclists and motor vehicles.

**BLOCK:** A parcel of land bounded by 3 or more streets.

**BUILDING:** A structure with a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, or property of any kind.

**BUILDING, COMMUNITY:** A building for civic, social, educational, cultural, and recreational activities of a neighborhood or community group or association and not operated primarily for gain.

**BUILDING FRONTAGE:** The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A gasoline service station may use the longer side of the canopy over the pumps as a substitute for building frontage when computing the allowable sign area.

**BUILDING HEIGHT:** The vertical distance measured between the average level of the finished ground surface adjacent to the building and the uppermost point of the building, excluding only those features which may exceed the district height limits.

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

**BUILDING OFFICIAL:** The person(s) empowered by the City Council to administer and enforce this code and building, plumbing, electrical, and other similar codes.

**BUILDING SITE:** A parcel of land occupied or to be occupied by a building or groups of buildings that complies with all the requirements of this title relating to building sites.

**CAMPGROUND:** Premises under one ownership where persons camp or live in any manner other than in a permanent building.

**CANOPY SIGN:** A sign hanging from a canopy or eaves at any angle relative to the adjacent wall, the lowest portion of which is at least eight feet above the underlying grade.

**CAR PORT:** A structure that is entirely open on 2 or more sides and is used for the parking of motor vehicles.

**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.

**CHANGE OF USE:** The conversion of a use from one use classification to another

**CITY ADMINISTRATOR:** That official of the City hired or appointed by the City Council to serve at the pleasure of the City Council as chief administrative officer of the City or his designee.

**CITY ATTORNEY:** A licensed attorney hired or appointed by the City Council to provide legal advice and assistance to the City Council, the Planning Commission, and City officials.

**CITY PLANNER:** A qualified planner hired or appointed by the City Administrator to provide land use planning and other related information to the Planning Commission and City Council.

**CODE:** As used herein, the "Stayton Land Use and Development Code." Distinguished from "Stayton Code," which is the entire City code including the "Land Use and Development Code."

**COLLOCATION:** Placement of a wireless communication facility antenna on an existing transmission tower, building, light or utility pole, or water tower where the antenna and all supports are located on the existing structure.

**COLOR RENDERING INDEX:** The measure of how a light changes perception of colors. Incandescent lamps have a CRI of 100, metal halide 70-75, mercury vapor 50, high pressure sodium 22 and low pressure sodium 44. (Added Ord. 909, May 20, 2009)

**COMMON OPEN SPACE:** An area, feature, or outdoor facility within a development designed and intended for the use or enjoyment of all occupants of the development or the general public.

**COMMON WALL CONSTRUCTION:** The use of zero lot line(s) where structures join one another.

**COMMUNITY SERVICE BUILDING:** A building of less than 250 square feet in gross floor area that is used as a pump station for sewer or water service, switching or other facilities for telecommunications or other utility purposes. (Added Ord. 902, May 7, 2008)

**COMPREHENSIVE PLAN:** The long-range plan, maps, and elements of the plan, adopted by the City Council, intended for guidance in the development of the community.

**CONCEALMENT TECHNOLOGY:** The use of both existing and future technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment.

**CONCRETE STONE:** Cored Portland cement and basalt aggregate building blocks locally manufactured between 1908 and 1925.

**CONFORMING:** In compliance with the applicable regulations of this code.

**CONSTRUCTION PLANS:** A collection of engineered design drawings that provide clear direction for construction of a project along with project-specific construction notes and specification references plus relevant standard details.

**CONTRACT ANNEXATION:** The addition of territory to the jurisdictional boundaries of the City that is subject to the terms and conditions of a contractual agreement between the property owner and the City relative to the nature of development to occur in the territory and the timing or sequence of annexation or annexation of portions of the property. (Added by Ord. 901, April 16, 2008)

**CONVENIENCE STORE:** A store of less than 1,500 square feet of gross floor area intended to serve the convenience of the traveling public with such items as, but not limited to: basic foods, periodicals, auto supplies or other small travel supplies.

**CORNICE:** The projecting moldings forming the top bank of a wall or other element.

**CROSS ACCESS:** A service drive providing vehicular access between 2 or more contiguous sites so the driver need not enter the public street system.

**CURB LINE:** The line indicating the edge of the vehicular roadway within the overall right-of-way.

**CUT-OFF FIXTURE:** An outside lighting fixture that is designed to minimize the amount of light which is not directed towards the ground. In order to be considered a cut-off fixture, a minimum of 90% of the total lamp lumens must be directed below 80° from vertical and no more than 2.5% of the total lamp lumens may be allowed above a horizontal line from the bottom of the fixture. A cut-off fixture may be either a pole-mounted or wall-mounted fixture.

**DAY CARE FACILITY:** Any facility other than a family child care center that provides day care to children. This term applies to the total day care operation. It includes the physical setting, equipment, staff, provider, program, and care of children. See ORS 657A for certification requirements.

**DE NOVO:** A new hearing where testimony and evidence is received on all aspects of the matter at hand.

**DECISION AUTHORITY:** A person or group of persons given authority by this code to review, make decisions upon, and establish conditions to those specific applications or interpretations identified within this code.



**DENSITY:** The number of dwelling units or mobile home spaces per gross acre.

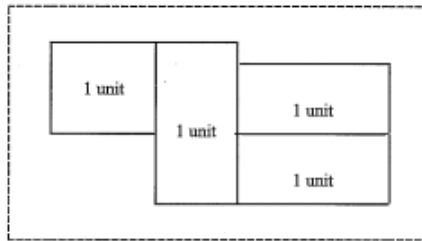
**DEVELOPMENT:** Human activity physically affecting land or resources, including, but not limited to: the division of parcels, construction, installation or change of structures, grading, landfill, or excavation of land; storage of equipment or materials; drilling or substantial site alteration due to dredging, or paving, and planned selective removal of trees and vegetation.

**DRIVE THROUGH FACILITIES:** Any business with facilities designed for serving customers at a drive-through window while they are in their vehicles.

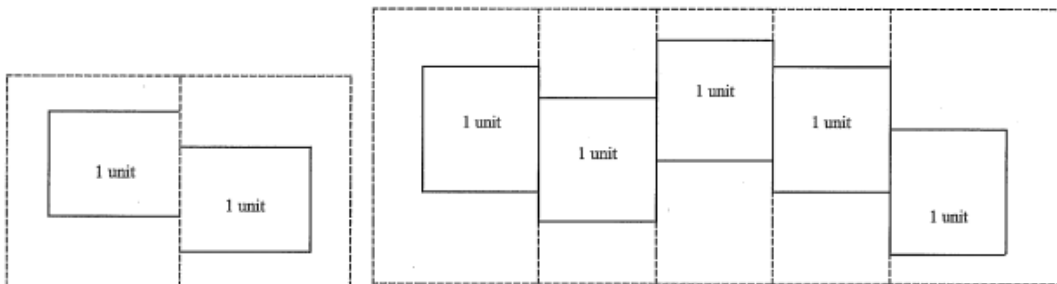
**DRIVEWAY:** A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

**DWELLING UNIT:** Any building, or any portion thereof, that contains 1 or more habitable rooms which are occupied or intended to be occupied by 1 family with facilities for living, sleeping, sanitation, cooking, and eating.

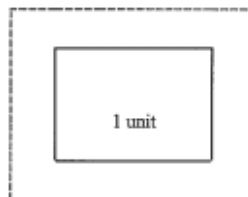
**DWELLING, MULTIPLE FAMILY:** A building, located on a single lot or portion thereof designed for occupancy by 4 or more families living independently of each other. (Amended Ord. 902, May 7, 2008)



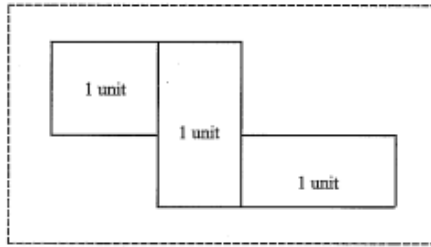
**DWELLING, SINGLE FAMILY ATTACHED:** A building containing two or more dwelling units, with each dwelling unit on a separate lot, but sharing common walls. (Added Ord. 902, May 7, 2008)



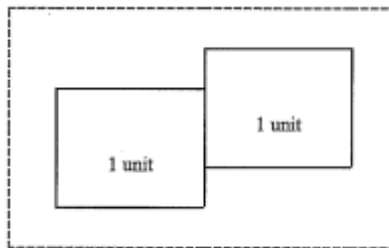
**DWELLING, SINGLE FAMILY DETACHED:** A detached building designed exclusively for occupancy by 1 family. (Amended Ord. 902, May 7, 2008)



**DWELLING, THREE-FAMILY (TRIPLEX):** A building designed exclusively for occupancy by 3 families living independently of each other with all dwelling units located on a single lot. (Added Ord. 902, May 7, 2008)



**DWELLING, TWO-FAMILY (DUPLEX):** A building designed exclusively for occupancy by 2 families living independently of each other with both dwelling units located on a single lot. (Amended Ord. 902, May 7, 2008)



**EASEMENT:** The grant of a right of use over, across, or through a parcel or strip of land for specific purposes. Does not include privately owned roadways serving buildings within a single lot.

**ELEVATED BUILDING:** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**EXPANDO:** A room or rooms that fold, collapse, or telescope into a mobile home during the transport and which can be expanded at the site to provide additional living space.

**FACADE:** Any exterior face of a building.

**FAMILY:** An individual or 2 or more persons related by blood, marriage, legal adoption, or legal guardianship, or a group of not more than 5 persons (excluding servants) not so related, living together in a dwelling unit as a housekeeping unit.

**FAMILY CHILD CARE CENTER:** Facilities that provide care and supervision for not more than 12 children in the operator's home. See ORS 657A for certification requirements.

**FARMING:** The use of land for raising and harvesting crops or for feeding, breeding, and managing livestock, or for dairying, or for any other agricultural or horticultural use, or for a combination thereof, excluding feedlots. It includes the disposal, by marketing or otherwise, of products raised on the premises. It further includes the construction and use of dwellings and other buildings customarily provided in conjunction with a farm use.

**FENCE:** An artificially constructed barrier of any material or combination of materials used to enclose, screen or separate areas.

**FINISH GROUND LEVEL:** The average elevation of the ground (excluding mounds or berms, etc., located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

**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.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters
2. 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 Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Emergency Management Administration (FEMA) that includes flood profiles, and the water surface elevation of the base flood.

**FLOODPLAIN:** Areas shown on the Flood Insurance Rate Map as areas of special flood hazard.

**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 1 foot.

**FLOOR AREA, GROSS:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks. (Added Ord. 902, May 7, 2008)

**FLOOR AREA RATIO:** The ratio of gross floor area within main buildings on a lot to the land area of the lot. (Added Ord. 902, May 7, 2008)

**FREE-STANDING SIGN:** A sign supported by one or more upright, pole, or brace placed in or upon the ground; or a sign supported by any structure primarily for the display and support of the sign. Monument signs are one type of free-standing signs.

**FRONTAGE:** The horizontal distance as measured in a straight line from the intersection of the side lot lines with the front lot lines.

**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.

**FUNCTIONAL AREA (INTERSECTION):** That area beyond the physical intersection of 2 roads that comprises decision and maneuver distance, plus any required vehicle storage length.

**FUNCTIONAL CLASSIFICATION:** A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**GARAGE, PRIVATE:** A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or conducted except as a home occupation.

**GENERAL AUTOMOTIVE REPAIR:** Establishments primarily engaged in providing (1) a wide range of mechanical and electrical repair and maintenance services or (2) engine repair and

replacement for automotive vehicles, such as passenger cars, and light duty trucks and vans, and all trailers. (Added Ord. 907, January 14, 2009)

**GROUP CARE HOME:** Any home or institution maintained and operated for the care, boarding, housing, or training of 6 or more physically, mentally, or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage, or legal adoption to such person.

**HABITABLE FLOOR:** Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

**HEAVY AUTOMOTIVE REPAIR:** Establishments primarily engaged in providing (1) a wide range of mechanical and electrical repair and maintenance services or (2) engine repair and replacement for large automotive vehicles, such as commercial trucks, farm equipment and motor vehicles other than passenger cars and light duty trucks and vans. (Added Ord. 907, January 14, 2009)

**HERITAGE TREE:** Any tree of exceptional value to the community based on its size (relative to species), history, location, or species, or any combination of these criteria.

**HISTORIC:** A structure or site, usually over 50 years old, which possesses historical or architectural significance according to the City inventory and/or based on the criteria for listing in the National Register of Historic Places.

**HOME OCCUPATION:** A commercial activity carried on by the resident of a dwelling as a secondary use. This definition may include such occupations or practices which shall be conveniently, unobtrusively, and inoffensively pursued exclusively within a dwelling and/or exclusively within an accessory building.

**HOSPITAL:** An institution in which patients or injured persons are provided overnight medical care and may also include out-patient clinics, administrative offices and medical offices. Unless otherwise specified, this means for humans only.

**HOTEL:** Any building containing guest rooms intended to be used, rented, or hired out for sleeping purposes by guests.

**HYDRIC SOILS:** Soils that are rated "poorly drained" or "very poorly drained" by the National Cooperative Soil Survey.

**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 a sign so that the beam of light falls upon the exterior surface of the sign. (Ord. 898, August 20, 2007)

**INTEGRATED BUSINESS CENTER:** A group of two or more businesses that are planned or designed as a center, whether or not the businesses or buildings are under common ownership. (Ord. 898, August 20, 2007) (Amended Ord. 913, September 2, 2009)

**INTERNAL ILLUMINATION:** A source of illumination from within a sign.

**JOINT ACCESS (OR SHARED ACCESS):** A driveway connecting 2 or more contiguous sites to the public street system.

**JUNKYARD:** a yard, field or other outside area used to store, dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture;
- B. Discarded, scrap and junked lumber; or
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap material. (Added Ord. 913, September 2, 2009)

**JURISDICTIONAL DELINEATION:** A delineation of the wetland boundaries that is approved by the Oregon Department of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. (See OAR 141-90-0005 et seq. for specifications for wetland delineation or determination reports). (Amended Ord. 920, May 3, 2010)

**KIOSK:** A structure with a ground area of less than 16 square feet, used to display advertising, notices, advertisements, etc. (Added Ord. 902, May 7, 2008)

**LAND AREA:** The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane, with the exception of a portion of the parcel within a recorded right-of-way or easement, subject to a servitude for a public street or scenic or preservation purpose.

**LIVE-WORK UNIT:** a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed. (Added Ord. 998, August 31, 2016)

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, 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. (Ord. 898, August 20, 2007)

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

**LOCAL WETLANDS INVENTORY (LWI):** Maps and report adopted by the City of Stayton entitled "City of Stayton Local Wetlands and Riparian Inventory" prepared by Fishman Environmental Services, dated July 1998. The LWI is a comprehensive survey of all wetlands over ½ acre in size within the urbanizing area.

**LOT:** A legally established parcel or tract of land which is occupied or is capable of being occupied by a building or group of buildings, including accessory structures, together with such yards or open spaces as are required by this code.

1. **LOT, BACK:** A lot that does not abut a street.
2. **LOT, CORNER:** A lot with 2 adjacent sides abutting streets, other than alleys, provided the angle of the intersecting streets do not exceed 135 degrees.
3. **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 within the same ownership or title.

4. **LOT, INTERIOR:** A lot other than a corner lot, back lot, or flag lot.

**LOT AREA:** The total area within a horizontal plane within the lines of a lot except in the case of a flag lot when the area shall exclude the pole portion of the lot.

**LOT AREA, MOBILE HOME PARK:** The total area reserved for exclusive use of the occupants of a mobile home space.

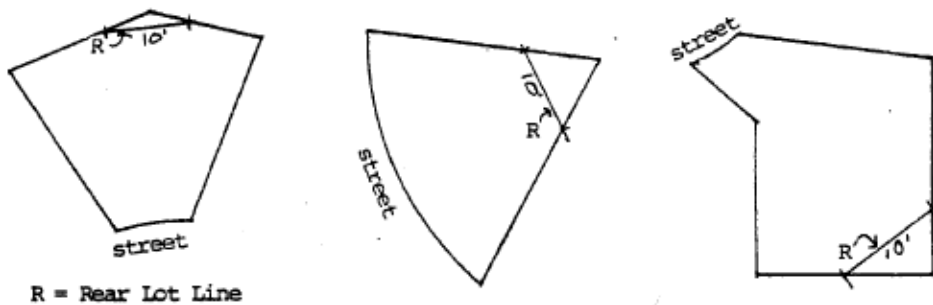
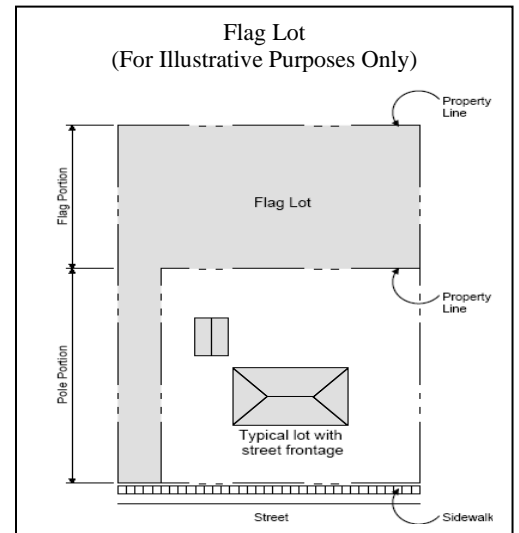
**LOT, DEPTH:** The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.

**LOT LINE:** The lines bounding a lot as defined below:

1. **FRONT:**

- a. On an interior lot, the line separating the lot from the street right-of-way.
- b. On a corner lot, the lines separating the lot from either street right-of-way.
- c. On a double frontage lot, the line separating the lot from the street right-of-way from which vehicular access is gained.
- d. On a flag lot, the nearest property line of the flag portion of the lot to the street right-of-way extended across the point where the pole connects with flag portion.
- e. On a back lot, the property line that is nearest to, and most parallel to the street right-of-way from which vehicular access is gained.

2. **REAR:** A lot line which is opposite and the most distant from the front lot line. On a corner lot, the line opposite the street from which vehicular access is gained. In the case of a triangular shaped lot or other lot without a lot line opposite the front line, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.



(Ord. 898, August 20, 2007)

3. **SIDE:** Any lot line which is not a front or rear lot line.

**LOT LINE ADJUSTMENT:** A realignment of a common boundary between 2 contiguous lots or parcels which does not involve the creation of a new lot or parcel.

**LOT OF RECORD:** A lot which is part of a subdivision or a lot or parcel described by metes and bounds which has been recorded in the office of the county recorder.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**LOT WIDTH, AVERAGE:** The lot area divided by the lot depth.

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

**MALL:** A center affording access to shops, businesses, and restaurants.

**MANUFACTURED HOME:** A single family dwelling, transportable in 2 or fewer sections, designed to be used for permanent occupancy as a dwelling with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

For flood plain management purposes only, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**MASTER PLANNED DEVELOPMENT:** The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, building, or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this code, and which normally includes commonly owned open space and/or facilities.

**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.

**MOBILE HOME:** A single family dwelling transportable in 1 section built on a permanent chassis and built prior to June 15, 1976 and is not a recreational vehicle as defined in ORS 801.

**MODIFICATION, MAJOR:** A modification to an approved land use application that meets 1 or more of the following criteria:

1. A change in the type and/or location of access-ways, drives or parking areas affecting off site traffic.
2. An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified.
3. A reduction of more than 10% of the area reserved for common open space or landscaping.
4. (Repealed Ord. 913, September 2, 2009)
5. (Repealed Ord. 913, September 2, 2009)
6. Increase in automobile parking spaces by more than 10%.
7. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard.

8. Changes that exceed 10 feet in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements. (Ord. 898, August 20, 2007)
9. Change to a condition of approval, or change similar to subsections 1 through 9 that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.

**MODIFICATION, MINOR:** A modification to an approved land use application that meets none of the criteria for a major modification.

**MODULAR HOME:** A factory-built, prefabricated home designed to meet dwelling code requirements and for transport in 1 or more sections for final assembly and permanent installation on a building site. Considered a single-family dwelling within this code.

**MONOPOLES:** Monopoles consist of a single pole, approximately 3 feet in diameter at the base, narrowing to roughly 1.5 feet at the top and may support any combination of whip, panel, or dish antennas.

**MONUMENT SIGN:** A free-standing sign not mounted on a pole or poles where the entire sign from peak to ground is constructed of solid material.

**MULTI-FACE SIGN:** A sign which has two or more sign faces contained in a single sign structure.

**MUNICIPAL FACILITY:** Any facility which is immediately or is eventually to be taken over by the City for maintenance and operation. Facilities include, but are not limited to, public utilities, streets, sidewalks, curbs, parking lots, driveways, public buildings, and properties.

**MUNTIN:** A strip of wood or metal separating and holding panes of glass in a window.

**MURAL:** An illustration (with or without words or numbers) which is painted or otherwise applied directly to an outside wall of a structure or by means of flat panels that do not project from the walls. (Amended Or. 985, September 16, 2015)

**NEIGHBORHOOD ACTIVITY CENTER:** An attractor or destination for residents of surrounding residential areas. Includes, but not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.

**NEW CONSTRUCTION:** Means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

**NON-CONFORMING ACCESS FEATURES:** Features of the property access that existed prior to the date of adoption of the current standards and do not conform with the requirements therein.

**NON-CONFORMING DEVELOPMENT:** Any lawful development that does not comply with the development standards of Chapter 17.20 and existed prior to February 1, 2007 or any future amendments to Title 17.

**NONCONFORMING SIGN:** Any lawfully existing sign that no longer complies with the height, area, and placement regulations or other provisions of Section 17.20.140.

**NON-CONFORMING STRUCTURE OR USE:** A lawfully existing structure or use that does not conform to the requirements of this title: (Ord. 898, August 20, 2007)

**NURSING HOME:** Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or by marriage. Convalescent



care may include but need not be limited to the procedures commonly employed in nursing and caring for the sick. A nursing home 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 the Oregon Revised Statutes.

**OFF-PREMISE SIGN:** Any sign that is located on a lot other than the lot on which the business or establishment is located, or the product or services being advertised are available.

**OFFICIAL ZONING MAP:** The map or maps upon which the zone locations in the City of Stayton are indicated in detail and with exactness so as to furnish the basis for property acquisition or building restrictions.

**OPEN STORAGE AREA:** An area on a lot where the main use stores or displays materials, equipment, finished product, or merchandise or provides long-term parking for vehicles in its fleet. (Amended Ord. 908, May 6, 2009)

**OREGON FRESHWATER WETLAND ASSESSMENT METHODOLOGY (OFWAM):** A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.

**ORS:** Oregon Revised Statutes

**OUTDOOR SERVICE AREA:** All the building support functions located outside of a building including, but not limited to: loading docks and bays, trash containers and compactors, storage sheds and containers, heating, ventilation, and air conditioning (HVAC) facilities, and disk antennas.

**OUTDOOR STORAGE YARD:** Where the main use of a lot is the storage of materials not in a building.

**OWNER:** The owner of record of real property as shown on the latest tax rolls or deed records of Marion County. For purposes of sign regulation in Section 17.20.140, “owner” also means the owner or lessee of the sign. If the owner or lessee of a sign cannot be determined, then “owner” shall mean owner of the land on which the sign is placed.

**PAD:** A minimum foundation treatment for a permanent mobile home installation, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines, extending the length and width of the mobile home unit or units.

**PARAPET:** A low guarding wall that projects above the roof line.

**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:** Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, and provided as part of a parking requirement for a subject property and/or an adjoining property.

**PARTITION:** The division of an area or tract of land into 2 or 3 parcels within a calendar year, which such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year but does not include:

1. Divisions of land resulting from lien foreclosures, divisions resulting from the foreclosure of a recorded contract for the sale of real property, or divisions of land resulting from the creation of cemetery lots;
2. A sale or grant of a parcel resulting from the recording of a subdivision or condominium plat;

3. A sale or grant by a person to a public agency or public body for state highway, county road, city street 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)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
4. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.
5. Partitioning does not include 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 requirement.

**PARTITION, MAJOR:** A partition which includes the creation of a road or street.

**PARTITION, MINOR:** (Repealed, Ord. 898, August 20, 2007)

**PEDESTRIAN CROSSING:** A pedestrian crossing is also known as a crosswalk. Oregon law defines a crosswalk as the prolongation of a curb, sidewalk or shoulder across an intersection, whether it is marked or not. Outside an intersection, a crosswalk is created with markings on the road.

**PEDESTRIAN FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

**PEDESTRIAN WAY:** A right-of-way for pedestrian traffic.

**PERMITTEE:** The person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

**PILLAR OR POST:** A vertical shaft or structure, with a minimum horizontal dimension of eight inches, used as a support for a roof, canopy or other architectural feature. (Added Ord. 913, September 2, 2009)

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

**PLANTER STRIP:** The area that lies behind the curb to the sidewalk and/or from the sidewalk to the property line.

**PLAT:** The final map, diagram, drawing, replat, and other writing containing the descriptions, location, specifications, dedications, provisions, and other information concerning a partition, subdivision or master planned development.

**PLAZA:** An area adjacent to a street or a public sidewalk, open and accessible to the public. (Added Ord. 902, May 7, 2008)

**PORCH:** An elevated walking surface at a building entry that is either covered or uncovered.

**PORTABLE SIGN:** Any sign 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 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 trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

**PERSON:** Any individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including trustees, receivers, assignees, or other similar representative thereof.

**PRIVATE ROAD:** Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

**PROJECTING SIGNS:** A sign the face of which is not parallel to the wall on which it is mounted and which projects more than 18 inches from the structure, the lowest portion of which is at least eight feet above the underlying grade.

**PUBLIC FACILITIES AND SERVICES:** Projects, activities, and facilities which are necessary for public health, safety, and welfare.

**PUBLIC ROAD:** A road under the jurisdiction of a public body that provides the means of access to an abutting property as well as servicing through traffic.

**QUALIFIED PUBLIC IMPROVEMENTS:** See Section 13.12.205.4.

**RAMADA:** A stationary structure having a roof extending over a mobile home, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from weather.

**REAL ESTATE SIGN:** A sign the purpose of which is to rent, lease, sell, etc., real property, building opportunities, or building space.

**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 section and any applicable plans and policies of the City of Stayton.

**RECREATIONAL PERSONAL PROPERTY:** Boats, boat trailers, snowmobiles, personal water craft, all-terrain vehicles (ATVs), and trailers designed primarily to carry ATVs or snowmobiles.

**RECREATIONAL VEHICLE:** A trailer or other vehicular or portable unit which is either self-propelled, towed, or carried by a motor vehicle and which is intended for temporary human occupancy. Recreational vehicles include travel trailers, motor homes, and campers. Recreational vehicles do not include utility trailers or canopies.

**REIMBURSEMENT FEE:** See Section 13.12.205.5.

**REMODEL:** To alter the structure of a wall or building.

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**RESERVE BLOCK:** A strip of land, usually 1 foot in width, across the end of a street or alley and terminating at the boundary of a subdivision, or strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

**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 6 to 15 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 GROUP 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 or training or a combination thereof for 5 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 home.

**RETAIL STORE:** A store providing the sale of goods or commodities directly to the consumer.

**RIGHT-OF-WAY:** The area between boundary lines of a street. (Amended Ord. 913, September 2, 2009)

**ROOF LINE:** Either the eaves of the roof or the top of the parapet at the exterior wall. A “mansard roof” is below the top of a parapet and, for the purposes of this chapter, is considered to be a wall.

**ROOF SIGN:** A sign or any portion of a sign displayed above the highest point of the roof, whether or not such sign is a wall sign.

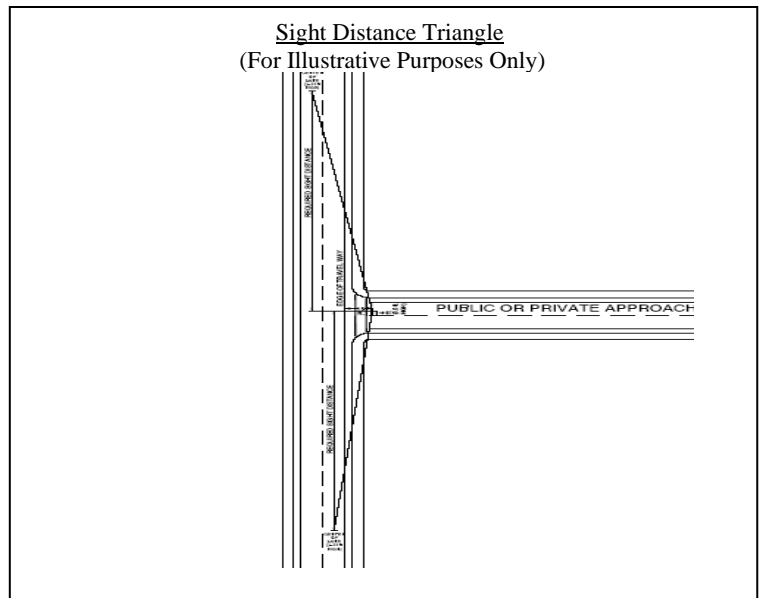
**ROTATING/REVOLVING SIGN:** A sign all or a portion of which moves in some manner.

**SELF-STORAGE FACILITY:** A business establishment that provides individual spaces for lease or rent to individuals for the storage of personal property.

**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.

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

**SIGHT DISTANCE TRIANGLE:** The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. The intersection and driveway sight distance is measured from an eye height of 3.5 feet above the controlled road at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road. For driveways along local access roads in urban and residential areas, the sight distance triangle is measured along the property lines of the street and along the driveway.



**SIGN:** Any writing, including letter, word, or numeral, pictorial representation, 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 which is attached to, painted on, or in any other manner represented on any building or structure or device; is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

**SIGN ALTERATION:** Any change in the size, shape, method of 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.

**SIGN AREA:** The entire area within the perimeter of the smallest parallelogram that encloses the outer limits of any writing, representation, emblem, figure, or character. Area shall be determined as follows:

1. 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.
2. 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.
3. Area of a sign having no perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram.

The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

**SIGN FACE:** The surface of a sign containing the message. Sign face shall be measured as defined as “sign area” above.

**SIGN HEIGHT:** Distance from the finished ground level to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

**SIGNS, NUMBER OF:** For the purpose of computing the number of signs, all writing included within a sign area shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. (Ord. 898, August 20, 2007)

**SIGN STRUCTURE:** Supports, uprights, braces, framework, and other structural components of a sign.

**SITE PLAN REVIEW:** A detailed examination of the physical characteristics of a proposed development or improvement to property, which special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses.

**SPACE, MOBILE HOME:** An area or lot reserved exclusively for the use of a mobile home occupant.

**STAFF:** Appropriate department heads and those other City employees they deem necessary.

**STANDARD SPECIFICATIONS:** The most recent version of the City of Stayton Standard Specifications, Design Standards and Drawings, which contains uniform design, materials, and workmanship standards under which all public works facilities shall be constructed in the city, and which have been adopted by the City Council.

**START OF CONSTRUCTION:** The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STAYTON CODE:** The complete, duly adopted and amended municipal code of the City of Stayton.

**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 topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story. (see "Basement")

**STORY, HALF:** A story under a gable, hip, or gambrel roof, the wall plates of which are on at least 2 opposite exterior walls and are not more than 2 feet above the floor of such story.

**STREET:** A public or private way that is created to provide ingress or egress for motor vehicles to 1 or more lots, parcels, areas, or tracts of land. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other such terms.

1. **PRINCIPAL ARTERIAL:** A street that carries the highest volume of traffic in the city and primarily provides access through the city or from the city to other cities. The principal arterial streets are identified in the Stayton Transportation System Plan.
2. **MINOR ARTERIAL:** A street that collects and distributes traffic from the principal arterials to streets of lower functional classifications providing for movement within specific areas of the city. Minor arterials service through traffic and provide direct access for commercial, industrial, office, and multi-family development but, generally not for single family residential properties. The minor arterial streets are identified in the Stayton Transportation System Plan.
3. **MAJOR COLLECTOR:** A street that provides for land access and circulation within and between residential neighborhoods and commercial and industrial areas. Collectors provide direct access to adjacent land uses but still service through traffic. The major collector streets are identified in the Stayton Transportation System Plan.
4. **MINOR COLLECTOR:** A street that is primarily within a residential area that is used to funnel traffic to major collectors. Minor collectors allow direct access for abutting properties. The minor collector streets are identified in the Stayton Transportation System Plan.
5. **CUL-DE-SAC:** A short, dead-end street with a circular vehicular turn-around at the dead-end.
6. **DEAD-END STREET:** A street with only one connection with another street.
7. **HALF-STREET:** A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be provided when adjacent property is subdivided.
8. **LOCAL STREET:** A street used exclusively for access to abutting properties. Also referred to as a minor street.

**STREET TREE:** A street tree is defined as a living, woody plant typically having a single trunk of at least 1.5 inches in diameter at a point 4 feet above mean ground level at the base of the trunk that is located in the public right-of-way.

**STRINGCOURSE:** Ornamental trim or brick work that separates the first story from the second story.

**STRUCTURE:** That which is built or constructed: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade, including a gas or liquid storage tank that is principally above ground.

**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.

**SUBDIVIDER:** Any person who undertakes the division of a parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

**SUBDIVISION:** To partition a parcel of land into 4 or more parcels for the purpose of transfer of ownership or building development, either immediate or future, when such a parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll of year preceding the partitioning, or has existed as a unit or contiguous units under a single ownership as shown on the tax roll for any year subsequent to the passage of this code.

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

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

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

This term does not however, include either:

1. Any project for improvement of structure to correct existing violations of state or local health, sanitary code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SYSTEM DEVELOPMENT CHARGE:** See Section 13.12.205.6

**TEMPORARY SIGN:** A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as a free-standing sign support.

**TOWNHOUSES:** A multiple family dwelling of at least 2 stories in which each dwelling unit has space on the ground floor.

**TRAIL:** A pathway designed to provide walking, bicycling, equestrian and other non-motorized recreational and transportation opportunities.

**TRAILHEAD:** A designated location where the trail user accesses a specific trail or the trail system. It may be the point where the trail begins or anywhere along the trail system where the public is invited to access it.

**TRANSPORTATION CAPITAL IMPROVEMENTS:** Facilities or assets used for transportation purposes.

**TRANSOM WINDOW:** An opening above a door or window filled with clear or opaque glass.

**UNIFORMITY RATIO:** The ratio of minimum illumination to average illumination. (Added Ord. 909, May 20, 2009)

**UNIT:** As used in Section 17.20.130.5, any structure intended to be used as dwelling unit within a mobile home park. (Added Ord. 944, March 3, 2012)

**UNOBSTRUCTED:** Not to block off and cut off from sight.

**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 and Linn County.

**USE:** The purpose for which land, submerged or submersible lands, the water surface, or a building is arranged, designed, or intended, or for which either land, water, or building is or may be occupied or maintained. As applied by this code, the term "land use" also includes building use and use of building.

**VARIANCE:** A grant of relief from the requirement of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**WALKWAY:** A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

**WALL SIGN:** A sign attached to, erected against, or painted on an exterior wall of a building or structure, with the exposed face of the sign on a plane approximately parallel to the face of the wall and not projecting more than 18 inches from the wall.

**WATER DEPENDENT:** A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**WETLAND:** An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas, but also include seasonally wet meadows, farmed wetlands and other areas that may not appear "wet" all the time. (City of Stayton Local Wetlands & Riparian Inventory, 1998).

**WETLAND PROTECTION AREA:** An area subject to the provisions of Section 17.20.180 that includes all wetlands determined to be locally significant.

**WETLAND RESOURCE MAP:** The locally adopted map used as the basis for the regulations of Section 17.20.180, which incorporates the DSL-approved LWI map and identifies locally significant wetlands.

**WIRELESS COMMUNICATION FACILITIES:** An unstaffed facility for the transmission and/or reception of wireless communication services or radio frequency signals, consisting of antenna, transmission cables, equipment shelters, ancillary structures, and a support structure to achieve the necessary elevation. The support structure includes but is not limited to a building or part thereof, water tower, light or utility pole, or monopoles.

**YARD:** An open space, on the same lot with a building that is unobstructed from the ground upward except as otherwise provided herein.



1. **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 thereto at the nearest wall of the main building.
2. **YARD, LANDSCAPED:** An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. Complementary features such as fountains, pools, screens, decorative lighting, sculpture, and outdoor furnishings, may be placed within said area.
3. **YARD, REAR:** A yard extending across the full width of the lot between the nearest wall of the main building and the rear lot line.
4. **YARD, SIDE:** A yard between the nearest wall of the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. (Ord. 898, August 20, 2007)

**17.04.110 VIOLATIONS AND PENALTIES**

1. Any person, firm, or corporation who violates any provision of this Title is punishable upon conviction by a fine as provided in subsection 2 of this section. Each day that the violation persists shall be deemed as a separate offense. (Ord. 898, August 20, 2007)
2. Violation of any portion of this code is punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each infraction.
3. The remedies provided hereunder are cumulative and not exclusive. In addition to the penalties provided above and those specifically set out in particular sections of this code, the City, by and through its authorized personnel, may pursue any remedy provided by law including the institution of injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate a code violation.