

§153.003 DEFINITIONS

As used in this Ordinance, the masculine includes the feminine and the singular includes the plural. Unless the context of the Ordinance otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this Ordinance.

Abutting: adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall be considered as abutting if the common property line between the two parcels measures a minimum of eight (8) feet in a single direction.

Access: a legally and physically defined area available and practical for ingress and egress to a parcel or lot. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.

Access Easement, or Access Way: the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use, and the right to cross between public and private property, as required by this Ordinance.

Access Management: the control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties.

Accessory Dwelling Unit (ADU): a subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same lot or parcel as the primary dwelling unit and which is incidental to the main use of the property. In no case shall the accessory dwelling unit exceed in area, extent or purpose, the principal lawful use of the main structure or land or the area established in the zone district.

Accessory building, structure, or use: a building, structure, or use which is necessary for the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use. A use which involves an increase in the number of dwelling units in a building, or on a lot, beyond that which is permitted outright in the district, or which constitutes, in effect, the conversion of a use to one not permitted in the district, shall not be considered an accessory use. Accessory Structures in a residential district include detached garages, sheds, workshops, greenhouses, and similar structures.

Adjacent: next to, touching or contiguous, including sites, structures and parcels which are directly across and on the opposite side of a public street right-of-way.

Adjoin: the same as "Abutting".

Administrative: a discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

Administrative Decision: a decision made by the Planning Director or designated staff with public notice and an opportunity for a public hearing. The appeal of an administrative decision is heard by the Planning Commission. See also 'Ministerial'.

Adult Business: any person, group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to all or portions of the premises to any persons younger than 18 years of age in which an adult use is conducted.

Adult Use: a use of whatever character, conducted on the premises of any business, where persons under 18 years of age are prohibited by law in ORS Chapter 167 and as amended.

Adult Business and Adult Uses: those businesses which are not legally open to minors under age 18 as defined by ORS Chapter 167.060 to 167.090 and as amended.

Adult Day Care: a community-based group program which has been designed to meet the needs of adults who have impairments. Adult day care programs must offer individual plans of care. Nonresidential programs are designed to provide health, social and related support services in a safe and protective setting. Adult day care services can be offered during any part of a day, but for less than 24 hours.

Adult Foster Home, as defined by OAR 411-5-400(2): a State-Certified dwelling operated in a family-type setting for senior citizens and/or disabled persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service.

Advertising structure: any notice or advertisement, pictorial or otherwise, and any structure or three dimensional form used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities, or for simply attracting visual attention to a business.

Adverse Impact: negative affect of development that can be measured (e.g. noise, air pollution, vibration, dust, etc).

Aesthetic(s): the perception of design elements or elements in the natural or created environment that are pleasing to the eye.

Affordable housing: housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30% of their income on housing expenses. For more information, refer to the Oregon Department of Housing and Community Services.

Aggregate Resources: sand, gravel, rock, stone, loam and dirt.

Agriculture: the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce, provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the operation of a feedlot or other commercial feeding of animals. This definition is not intended to comply with Oregon State Laws relating to Farm Uses.

Airport Approach Safety Zone: a surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; 1500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non-precision instrument approach; 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a non-precision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Airport Approach Safety Zone extends for a horizontal distance for 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

Airport Hazard: any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

Airport Imaginary Surfaces: those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

Alley: a public right of way through a block which affords access to abutting property at the rear or sides thereof. Normally used as secondary access, but primary access may be approved by the Planning Commission after consideration of public safety or improved traffic circulation.

Altered: “Structurally Altered.”

Alteration: the addition to, removal of or from, or physical modification or repair of any exterior part or portion of a site or structure governed by this Title. Sign changes shall be considered a form of alteration.

Alterations: any change in size, shape, method of illumination, position, location, construction or supporting structure.

Ambient: something that surrounds, as in the level of light, dust or noise.

Amusement, Commercial: any amusement enterprise, in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee or charge; this term includes, but is not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.

Ancillary Unit: a detached accessory building, or an accessory unit attached to the main structure that is designed, constructed and used to provide long term accommodations. An ancillary unit may contain a kitchen facility, laundry or bathroom and may be rented.

An Ancillary Unit is a small building no bigger than 800 sq ft or 50% of the floor area of the dwelling (whichever is the lesser) and must be dependent on the main dwelling.

Ancillary Units are not to be self-contained and must share at least one facility (laundry, bathroom or kitchen) with the main dwelling.

The Ancillary Units needs to be a close distance to the dwelling (typically where a garage would be located, a short walk away) and appear as part of the dwelling rather than a separate building.

An Ancillary Unit must rely on the main dwelling for services, access and parking facilities. An approximate guide would be a maximum of 30-45 feet away, but applications are assessed on a case by case basis.

Ancillary Units are also known as: granny flats, studios, ancillary apartments, sleep out etc.

Animal Hospital: a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. See also Section 26(2)

Antenna: a specific exterior transmitting or receiving device used to capture, transmit, or receive radio frequency signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. This includes, but is not limited to, Omni-directional ("Whip") antennas, directional ("panel") antennas, parabolic ("dish") antennas.

Antenna Array: two or more antennas.

Antenna Support Structure: a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is above the base of such structure. Such support structures shall include, but are not limited to the following:

Lattice tower: a vertical support structure consisting of a network of crossed metal braces, forming a tower with three, four, or more sides.

Guyed tower: a monopole or lattice tower that is tied to the ground or to the surface by diagonal cables.

Monopole: a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

Antique Shop: an establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have value and significance as a result of age, design, or sentiment.

Apartment: a dwelling unit in a multiple-family building.

Apartment Unit: three or more contiguous dwelling units, under common ownership, each unit being occupied by not more than one family.

Apartment Accessory Uses: permitted uses accessory to an apartment building shall include a recreation room, employees' washroom, manager's office, and laundry facilities for tenants only.

Appeal: request for review of a Planning Staff, Planning Commission, or City Council decision or any interpretation of any provision of this ordinance.

Appliance: large or small household goods including washers, dryers, refrigerators, freezers, ranges, TVs, toasters, electric irons, and the like.

Application: a formal request to the City for development, administered through a form to be filled out by an applicant, approved by the City Planner; such as an application for a Land Use Development Permit, a Zoning Clearance Permit.

Arcade: an arched or covered passageway; often along building fronts or between streets.

Area of Illumination: the area illuminated by lighting in certain areas of a site plan.

Area of Shallow Flooding: a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three 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 one percent or greater chance of flooding in any given year. Special Flood Hazard Area designation on maps always includes the letters A or V.

Architectural Significance: the term : that the building or structure: (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural-type specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the city; or, (4) contains elements of an architectural design, detail, materials or craftsmanship which represent a significant innovation.

Articulate/Articulation: the jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Assembly or Meeting Hall: a building used for social, organizational, ecumenical, business or educational purposes.

Assessor: the County Assessor of Tillamook County.

Attached: architecture joined to or by a wall, especially by sharing a wall with another building; not freestanding

Automobile: a motor vehicle such a passenger car, truck or trailer.

Automobile, Boat or Trailer Sales Lot: an open lot used for display, sale or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

Automobile-Oriented Use: automobiles and/or other motor vehicles are an integral part of the use. These uses include vehicle repair, sales, rental, storage, and service; and drive-up, drive-in, and drive-through facilities.

Automobile Repair, Major: the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop.

Automobile Repair, Minor: upholstering of, replacement of parts for, and motor service to passenger cars and trucks not exceeding one and one-half (1 ½ tons capacity, but not including any operation named under "Automobile Repair, Major", or any other similar operation thereto.

Automobile Service Station or Filling Station: a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary. See also Section 23.

Automobile Wrecking: the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Awning: a shade structure that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, and is supported by either posts or columns and/or by a permanent structure.

Balcony: a platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.

Barber and Beauty Shop: a facility, licensed by the state, where haircutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related serves are performed.

Base Course: a course of specified aggregate material of planned thickness placed upon the subgrades.

Base Flood: the flood having a one percent 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.

Base Flood Elevation: the crest elevation, in relation to mean sea level, expected to be reached by the base flood, also known as the regulatory flood elevation.

Basement: any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast: any establishment located in a structure designed for a single family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

- a. Has one (1) or more rooms for rent on a daily basis to the public; and
- b. Offers a breakfast meal as part of the cost of the room;
- c. Serves only one breakfast meal a day to guest, staff and owners, only.
- d. License requirements per OAR Chapter 333, Division 170.

Berm: an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Beveled Building Corner: a rounded or flat edge on a building usually at a street corner; may include an entrance, windows, pillars or other architectural details and ornamentation.

Bicycle Facilities: a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bicycle Path: a path that is physically separated from the roadway and designed exclusively for non-motorized traffic.

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

- a. Multi-use Path. A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. Bike Lane. A portion of the roadway (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Billboard: the same as “Advertising Structure.”

Blacksmith Shop: a shop for a worker of iron, forging iron, repairing the iron work on a wheel, barrel, or making and shaping plow shares or draft animal shoes and a horse shoer. See machine or welding shop.

Block: a parcel of land or group of lots bounded by intersecting streets.

Board: the Board of County Commissioners of Tillamook County, Oregon.

Boarding or Rooming House: a residential building, other than a hotel or motel, where lodging or meals are provided to three or more persons, and for which a fee is charged.

Boat Yard: a place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

Bollard: a post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative and may contain sidewalk or pathway lighting.

Boulevard: a street with broad open space areas; typically with planted medians.

Buffer: a combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Buildable Area (as it relates to the calculation of required landscaping): the area of a lot remaining after other zoning requirement, including, but not limited to setback, off street parking, and ingress/egress have been met.

Building: a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.

Building footprint: the outline of a building as measured with the shape of its foundation.

Building Height: the vertical distance from the average contact ground level of the building to the highest point of the building.

Building Inspector: the Building Inspector of the City of Tillamook, Oregon, as designated by the City Council.

Building Line: a line on the plat map indicating the limit beyond which buildings or structures may not be erected.

Building Lot: a lot occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as are required by this ordinance, and having the required frontage on a street.

Building, Main: a building within which is conducted the principal use permitted on the lot, as provided in this Ordinance.

Building Mass: the aggregate size of a building or the total height, width and depth of all its parts.

Building Pad: a vacant building site on a lot with other building sites.

Building Scale: the dimensional relationship of a building and its component parts to other buildings.

Bulletin Board: A sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events, conducted upon or products or services offered upon, the premises upon which the sign is located.

Bush or Shrub: a planting whose primary purpose is decorative and whose normal height will not be in excess of ten (10) feet.

Business: a commercial or industrial enterprise.

Business or Professional Office: an office of a professional providing a service to the public, including but not limited to medical or dental offices, architectural, engineering or surveying office; certified public accountant or tax preparer's office, realty or insurance office; business or computer consultant.

Business Frontage: the lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

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

Cabinet, carpentry and woodwork shop, custom: shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

Camping or Recreational Vehicle: vacation trailer, park trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is designed for human occupancy and is being used for temporary vacation/recreational or emergency purposes, as allowable by this ordinance, but not for residential purposes, and may be equipped with plumbing, sink, or toilet.

Capacity: maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Capacity Tower: a tower lower than a "Coverage Tower" with lower antennas and reduced power output, added to fill in the service ability not covered by a "Coverage Tower".

Cartoon: a caricature of an animate or inanimate object.

Cell Tower: please see Utility Facility, Wireless Communication Facility.

Cemetery: land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.

Certified Arborist: an arborist having been certified by the International Society of Arboriculture.

Change of Use as relates to a non-conforming use: visible or audible changes that would affect surrounding properties and neighbors, including, but not limited to traffic, parking, noise level, lighting, signing, smoke, dust, odor, vibration, soot, heat or glare. An application for such change of use may be granted administratively or by the Planning Commission in accordance with provisions of Section 27 of this Ordinance.

Church: a permanently located building commonly used for religious worship and religious training, fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded), and conforming to applicable legal requirements affecting design and construction. A church is considered a public facility.

City: the City of Tillamook City, State of Oregon.

City Council or Council: the City Council of the City of Tillamook City, Oregon.

City Engineer: the City Engineer of the City of Tillamook City, Oregon, as designated by the City Council.

City Manager: the duly appointed administrative officer of the City of Tillamook or a person designated by him/her to fulfill his/her obligations as set forth in this Ordinance.

City Planner: the duly appointed city planner of the City of Tillamook, or the City Planning Commission.

City Recorder: the City Recorder of the City of Tillamook City, Oregon.

Clear Vision Area: identified in this ordinance under Interpretations and Exceptions.

Clear Zone: an area that extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.

Clinic Medical, Dental or Optical: facility for examining, consulting with, and treating patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment.

Critical Clinic: a facility for extensive and continuous care and treatment, and closely monitored health care provided to critically ill patients

Emergency Clinic: a facility for the performance of acts or procedures under emergency conditions in the observation, immediate care and counsel of persons who are ill or injured or who have disabilities.

Urgent Care Clinic: a facility for the delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Urgent care centers are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department.

Walk-in Clinic: a facility, often associated with a hospital or medical school, that is devoted to the diagnosis and care of outpatients.

Club: an association of persons (whether or not incorporated, religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Co-location (collocation): the use of a personal wireless service utility facility or wireless communication facility by two or more wireless communications service providers for more than one type of communication technology and/or placement of two or more wireless service facilities on adjacent properties, or utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct by more than one Wireless communications service provider.

Commercial: any use of land or structure involving buying/selling of goods or services as the primary activity.

Commercial Enterprise: any use of land, structures or natural resources for profit, or non-profit making activities not residential, public facility, or industrial in character.

Commercial Retail: any commercial enterprise of, relating to, or engaged in the sale of commodities or goods in small quantities directly to the ultimate consumer.

Commercial Service: any commercial enterprise which provides a useful labor that does not produce or involve the sale of a tangible commodity or good.

Commission or Planning Commission or Planning and Zoning Commission: the Planning and Zoning Commission of the City of Tillamook City, Oregon.

Common Open Space: an open area within a development, designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

Community Building and Community Center: a facility whether owned or not by a governmental agency or a nonprofit community organization, for the purpose of public assembly, used for meetings, recreation or education.

Compatibility: aspects of buildings and other constructed features which, by material, shape, scale, and architectural detail, tend to support the ambient quality of the City of Tillamook. Compatibility may be achieved through building design, setbacks, screening, materials choices, building orientation, site design, or other design solutions.

Comprehensive Plan: the Tillamook City Comprehensive Plan is the official document adopted by the City which delineates the general long range policies on how the City's future development should occur. The Tillamook City Comprehensive Plan ~~which~~ interrelates all functional and natural systems and lands, including, but not limited to, sewer and water systems, transportation systems, education systems, and recreational management programs. The City Comprehensive Plan includes several parts among which are the following: an inventory, a policy element which includes the City's policies on future development, community plans, functional plans, a plan map, and implementing measures.

Comprehensive: all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan.

Conditional uses: are those uses which may be appropriate, desirable, convenient or necessary in the zone district in which they are allowed, but which by reason of their height or bulk, intensity of use or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed.

Condominium: a structure containing more than one dwelling unit, each of which is owned individually, exclusive of the land of the land upon which the structure is located.

Conflict of Interest: as described in ORS 244.135, when the prospect of personal gain prevents a member of some public body from carrying out the purposes of that body in a fair and objective fashion, Oregon Law requires that a Planning Commissioner not take part in a decision in which he or she may have such a conflict, reference ORS 244.135 regarding cities.

Conical Surface: an area that extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) an upward extending to a height of 350 feet above the airport elevation.

Consolidation: the act of aggregating two or more tax lots or tracts of land into one or more parcels.

Construction sign: a sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

Contiguous: lots, parcels, or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right of way or flagpole. Lots or parcels are not contiguous if their common boundary is an arterial or collector street.

Contract Annexation: a binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by City action into city jurisdiction.

Convenience Store: A small retail store that is open long hours and that typically sells staple groceries, snacks, and sometimes gasoline.

Conversion Plan: a binding plan which shows how a parcel can be ultimately divided into the maximum practical number of lots allowed by the zoning district; and shows how a proposed land division will be compatible with the allowable ultimate land division, and provides all of the graphic information required for a land subdivision or a partition, based on the ultimate number of lots allowable under the zoning district.

Cooking Facility: an arrangement within a residential unit which provides, but is not limited to, the following features: refrigeration capability; hot plate, electrical frying pan, toaster oven, crock pot, counter top burners, stove or microwave; and facilities for washing and cleaning.

Cottage Industry: an industry where the creation of products and services is home-based, rather than factory-based. These products and services created by cottage industry are often unique and distinctive given the fact that they are usually not mass-produced.

County: the County of Tillamook County, State of Oregon.

Country Club: a club organized and operated primarily for social indoor and outdoor recreation purposes, including incidental accessory uses and structures.

Court: an open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Coverage Tower: a wireless communication facility tower for initial deployment of a large area. "Coverage Towers" operate at high power levels and are tall.

Creek (see "Stream").

Criterion: a legal threshold against which an application is compared in order to determine its adequacy.

Critical Facility: include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. A critical facility is a facility for which even a slight chance of flooding might be too great.

Crop and Tree Farming: the use of land for horticultural uses.

Curb cut: a driveway opening where a curb is provided along a street.

Curvilinear: means represented by curved lines.

D.B.H. (Diameter at Breast Height): circumference of the tree's trunk(s) at four and a half feet above grade/ground level, and dividing by 3.14.

Day: unless otherwise specified by this ordinance or statute, all references to days: calendar days. References to days involving deadlines apply to normal department business hours. When a deadline falls on a holiday or weekend, it shall be presumed to be extended to the next working day of the department.

Day Care Center: an institution maintained under public or private auspices and licensed by the state, for which care is provided on a daily basis for three or more children under sixteen years of age. Note Day care centers providing care for more than six children result in an educational ("E" occupancy) status for the structure under the Uniform Building Code and the National Electrical Code. (See "Family Day Care Providers' Home").

Deciduous: a tree or shrub that sheds its leaves seasonally.

Dedication: the designation of land by its owner(s) for any public use as shown on a subdivision plat or deed. The term may also be used for dedication to a private homeowners association.

Demolish or Demolition: to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure.

Density: the number of dwelling units, expressed in a ratio to land area. Density is computed by dividing the number of dwelling units by total gross acreage of the site. (Example twenty dwelling units divided by five acres, equals a density of four units per acre.)

Developable: buildable land as identified by the City's Comprehensive Plan. This shall include both vacant land and land likely to be redeveloped.

Developer: a person or other legal entity who subdivides or partitions land, or constructs on more than one parcel of land.

Development: any manmade change to improved or unimproved tracts of land, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area.

Development permit: any permit or authorization issued by the city as a prerequisite for undertaking any development. It includes permits and authorizations customarily known as certificates of appropriateness, building permits, zoning or rezoning permits, variances,

conditional use permits, street plans, plat approvals, subdivision or planned unit development permits.

Development Schedule: a construction timeline schedule submitted by the applicant showing all major events. If the project is to be constructed in phases, a schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan. It shall indicate the approximate date when construction of a Planned Unit Development is expected to begin and end, or if developed in phases, the development schedule for each phase shall be keyed to a plan that indicates phasing boundaries. It coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of the primary structures in the Planned Unit Development.

Direct illumination: a source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Director: the City Manager or his designated representative.

District: a portion of the territory of the City of Tillamook City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

- a. That certain uses are required to be a specified distance from "any R District" as provided in this Ordinance, the term "an R District" shall include any R-7.5, R-5.0 and R-O District.
- b. The term "any C District" shall include any C-N, C-H C-C District.
- c. The term "any I District" shall include any I-L or I-G District.

Divide: to separate land into two or more parcels or lots for the purpose of transferring a substantial interest in land.

Division: the act or process of dividing land or a tract that has been divided.

Door: a movable structure used for opening and closing an entrance or for giving access to something.

Downslope: of or having 10% or greater slope from an adjoining property line to point of setback.

Double Frontage: a term used to describe a lot or parcel which has road access and frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three sides. Alley access is not considered "frontage" in this definition.

Drinking Establishment: an establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors. Synonymous with bar, lounge, or tavern.

Drip line: the area on the ground below every tree that would be affected if water were dripping off of the tree's leaves and branches on a calm day. From a plan view, the area on the ground covered by the tree canopy.

Driveway: a legally and physically defined area available and practical for motor vehicle ingress and egress to the building site from a road.

Drug Store or Pharmacy: facility for preparing, preserving, compounding, and dispensing drugs and medicines; and, may include the display and sale of other merchandise, such as cosmetics, notions, fountain service, and similar items.

Dry Cleaner or Laundry, Commercial: a plant for cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

Dry Cleaning or Laundry Shop, Small Custom: an establishment for custom cleaning only of individual garments, fabrics, rugs, draperies, or other similar items, and not a bulk or commercial type plant.

Durable, Dustless Surface: a permanently surfaced area of asphalt, concrete, brick, cobblestone, oil-matte, and/or chip-seal for the standing and maneuvering of vehicles in all zones maintained adequately for all weather uses.

Dwelling: a building, or portion thereof, designed or used for human occupancy as a residence for one or more persons, not including vehicles, travel trailers, or recreational/camping vehicles.

- a. Dwelling, Single Family: a building, on a separately platted lot, designed or used for residential purposes by not more than one family, although potentially including one ancillary dwelling unit. Each single-family dwelling must have separate utility services.
- b. Dwelling, Two-Family, or Duplex: a building designated and used for residential purposes with two (2) attached dwelling units on one lot or parcel by not more than two families and containing two dwelling units only.
- c. Dwelling, Triplex: a building designed and used for residential purposes with three (3) attached dwelling units on one lot or parcel.
- d. Attached Single-Family: two or more single-family dwellings on individual lots or parcels with common end walls. See "a", above.
- e. Dwelling, Multiple Family: a building containing two or more dwelling units, including units that are located one over the other.

- f. Dwelling, Seasonal: a dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.
- g. Dwelling, Townhouse: a single family dwelling unit, on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two separate one-hour fire resistive walls, or a single masonry common wall, having a two-hour fire resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services; however, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

Dwelling Unit: one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of the occupants maintaining the household.

Easement: a non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

Eating Establishment: synonymous with restaurant, but does not include drinking establishment.

Elevated Building: a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, sheer walls, post piers, pilings, or columns.

Elevation a building face, or scaled drawing of the same, from grade to roof ridgeline.

Emergency Medical Facility: a first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.

Emergency Water Storage Facility: a facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, or other reasonable means to store an emergency water supply on the premises.

Emergency Measures: unforeseen or sudden occurrences usually caused by civil unrest or natural disaster, esp. of a danger demanding immediate remedy or action.

Engine or Motor Repair Shop: a shop for the repair of engines or motors. Term includes electric or fuel power motors.

Equipment, Heavy: farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

Evergreen: a plant with foliage that persists and remains green year-round.

Ex Parte Contact: private meetings or discussions between a member of a reviewing body and a person or persons who have some interest in a case to be heard by that body. Oregon law doesn't forbid such contact but requires that decision makers disclose them publicly. ORS 227.180 is the pertinent statute for cities.

Family: an individual or two or more persons related by blood, marriage, adoption or legal guardianship using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, living together as one housekeeping unit, using one kitchen. The maximum occupancy allowed in special group homes that permitted outright by State Law in single or multifamily zones shall not exceed the number of persons allowed by State statute.

Family Day Care Center: a day care facility where care is provided in the home of the provider to fewer than 13 children, including children of the provider, regardless of full or part-time status.

Farm Use: the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof.

"Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

Feed Store, Retail (No Mill): facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items, and the sale of additional pet items, gardening supplies and farm equipment.

Fell: to remove or sever a tree or to use any procedure the natural result of which is to cause the death or other substantial destruction of the tree. Fell does not in any context include normal trimming or pruning.

Fence, Sight Obscuring: any fence which contains any sort of non-transparent paneling, lath, sheeting, planking, posts, fabric or organic material either dead or alive, etc., of any material which is not necessary for the support of the fence, shall be termed sight obscuring. This shall not include chain link or other similar fences which are maintained clear and clean of any material, either organic or inorganic.

Fill: the placement by man of sand, sediment, concrete, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Fill shall also include a properly engineered sanitary landfill.

Final Map: a map prepared in accordance with this Ordinance, which is designated to be filed with the Tillamook County Clerk and the State of Oregon.

Fish Habitat: those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration (According to Oregon Administrative Rule 660-23-090(1)).

Fish Use: an area inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

Flag Lot: a "panhandle" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access.

Flagpole: the thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.

Flood or Flooding: a general and temporary condition of partial complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or,
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map: an official map of a community issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e. mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.

Flood Insurance: the insurance coverage provided under the Federal Flood Insurance program.

Flood Insurance Rate Map (Firm): an official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain: the area adjoining a stream, river, or lake that is subject to regional flooding. A regional flood is standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

Floodplain 100Year: the land within the City subject to a one percent chance of flooding in any given year, including the floodway and floodway fringe.

Floodprone: areas likely to be flooded by virtue of their location adjoining a river, stream, or other water course or water body to the extent where the level of hazard exceeds acceptable designated floodplain, floodway, and approximate method floodplain, torrential flood hazard area identified by the Department of Geology and Mineral Industries, and other areas both

within or outside of FEMA mapped areas which are either known to be flood prone or where flood hazard conditions may be more extreme than indicated by FEMA and development would jeopardize life or property.

Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

Floor Area: the maximum horizontal area of living space, to include guest house and/or ancillary unit, not to include decks, balconies, porches, exterior stairways, garages, carports, and storage.

Floor Area Ratio (FAR): the gross floor area of all buildings or structures on a lot divided by the total lot area.

Fluorescent colors: extra bright and glowing type colors; includes "dayglow" orange, fluorescent green, etc.

Fluorescent lighting: light provided by fluorescent tubes. Fluorescent lighting is a type of electric discharge lamp consisting of a glass tube filled with a mixture of argon and mercury vapor. Fluorescent lamps are cooler and more efficient than incandescent lamps.

Food Cart/Food Trailer: a mobile kitchen and food service establishment that is vehicle-mounted or wheeled and is capable of being readily moved, set up on the street to facilitate the sale and marketing of prepared food to people from pedestrian traffic. Food carts and Food Trailers can be found selling food of just about any variety. Food carts and Food Trailers either allow the vendor to sit or stand inside and serve food through a window, or have all of the room inside the cart for storage and to house the cooking machinery, usually some type of grilling surface. The cart style is determined principally by the type of food served at the cart. Some food carts are towed by another vehicle or are part of a vehicle, while some alternatively are pushed by a human. Food Carts/Food Trailers include the following:

Conventional Unrestricted Units which are enclosed trucks, trailers, buses with open foods - mobile taquerias, barbecue trailers, snow-cone units, grilled chicken buses.



Conventional Restricted Units includes trucks, trailers, vans with packaged foods only prepared at an approved commissary.



Ice cream tricycles and push carts (Individually-packaged ice cream)



Unrestricted fixed location and park vendor units such as hot dog and other open-foods carts



Ice cream trucks and vans (Individually packaged frozen desserts)



Food Store, Retail Sale: an establishment where diversified foods and associated items are kept and displayed for retail sales. Synonymous with grocery store, supermarket, and convenience grocery.

Foster Family Home, as defined by OAR 412-22-010 (4): any State-certified home maintained by a person who has under his or her care any child unattended by parents or a guardian for the purpose of providing such child with care, food, and lodging. Such homes include foster, family, group, and shelter homes.

Foundation (permanent): primary support for a structure through which the imposed load is transmitted to the footing or earth.

Fraternal or Lodge Building: a building for a chartered private service organization, club, society, or order.

Frontage: that portion of a parcel of property or building which abuts a dedicated public street or highway.

Building Frontage: the single wall surface of a building facing a given direction.

Double Frontage: a parcel of property or building which abuts two (2) dedicated public streets or highways.

Fuel Alcohol Production: the distillation of fuel alcohol from agricultural products, byproducts, or waste.

Fuel break: an area maintained around buildings and structures for fire protection, which is cleared of dry brush and grass. The fuel break may contain ornamental shrubbery, specimen trees, lawn, or other plants used as ground cover, provided the plant material does not provide a means of rapidly transmitting fire from native growth to buildings and structures, or from development to surrounding rural lands.

Garage: an attached or accessory structure, designed primarily for storage of the family automobile(s). Also used for the storage of additional items, personal shop activities, but limited to non-habitable uses.

Garden Shop and Plant Sales, Display, or Greenhouse: a facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.

Government Facility: projects, activities, and facilities deemed to be necessary for the maintenance of city, county, state, or federal purposes consistent with Comprehensive Plan policies. Government facilities shall include federal, state, county or municipal offices or facilities. See also "Public Facility"

Government Offices: projects and activities deemed to be necessary for the maintenance of city, county, state, or federal purposes consistent with Comprehensive Plan policies, and shall include federal, state, county or municipal offices.

Grade: the average elevation of the existing ground at the centers of all walls of the existing building.

Grade (Natural): the elevation of the ground level in its natural state, before construction, filling, or excavation.

Grocery Store: See food store.

Gross Floor Area (GFA): the gross floor area of a building is the same (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior wall is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-

over spaces, except as defined above, are to be excluded from the area calculations. Any roofed-over areas with three or more sides and used for storage of materials or goods shall be included in the gross floor area.

Ground Cover: a plant material or non-plant material (e.g. mulch, bark chips, dust) that is used to cover bare ground.

Group Home: a licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five. The maximum occupancy allowed in group homes shall not exceed the number of persons allowed by State statute. ORS 443.400.

Guest House: living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house contains no kitchen or kitchen facilities. A guest house must conform to the dwelling density and standards of the zoning district.

Guest Suites: an accommodation with two or more contiguous rooms comprising a compartment, with or without doors between such rooms, that provides living, sleeping, sanitary, and storage facilities.

Habitable Floor: any floor which is or can be made suitable for living purposes. These areas may be walled and are suitable for use as a place of working, sleeping, cooking, recreation, or the like, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor does not include mechanical rooms, elevators and fireplaces.

Hammerhead turnaround: a "T" or "L" shaped dead-end street that allows for vehicles to turn around.

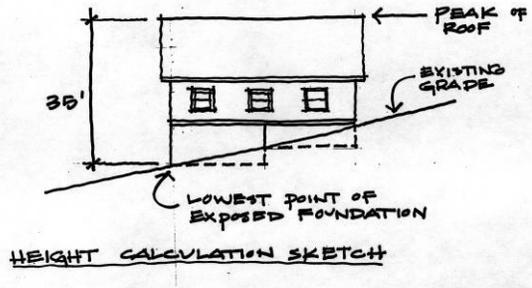
Handcraft, Ceramic Sculpture or Similar Art Work Studio or Facility: facility to create custom, artistic or decorative objects such as leather goods, jewelry, glass, ceramic or other oven-fired nonmetallic mineral products, woodwork or other carved, three-dimensional works of art, made by hand.

Hazardous Waste: discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410, OAR 34063100 to 135, and these rules. A hazardous material is a substance this same definition applies to except that it is not a waste.

Health Related Center or Spa: a facility which offers health related treatment, education, recreation, with equipment and facilities for exercising and improving physical fitness, not including long-term or emergency care.

Hedge: any combination of non-annual plantings intended to form an obstruction to ingress or egress, and/or vision, such plantings providing no physical or visual space between individual plantings and where branches or foliage of one planting physically contact adjacent plantings.

Height of Building: the height of all structures measured vertically from the natural grade at the lowest exposed portion of the foundation to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade.



Heritage Tree: all broadleaf trees (except poplar trees) equal or greater than two feet DBH (for multi-stem trees, if the sum of the areas of all stems four inches in diameter or larger at DBH is greater than 3 square feet, it is a heritage tree). All conifers equal or greater than three feet DBH. Also any documented historically significant trees or trees that are rare or of outstanding size and/or form for their species, as noted in the adopted Heritage Tree list.

Historic Rehabilitation: the act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Historical Significance: the term : that the site or structure (1) has character interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of an historic event with an effect upon society, (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social or historic heritage of the community.

Historic Resource: any building, structure, or site having historic or architectural significance as defined by OAR 660-023-0200(7).

Home Occupation: an accessory use, usually of a nonresidential nature, carried on in a dwelling unit except where otherwise allowed by this ordinance, and which:

- a. Is incidental to the primary occupancy of the home as a dwelling,
- b. Is for gainful employment involving the manufacture, provision or sale of goods and/or services,
- c. Does not take on an outward appearance or manifest any characteristics of a business or operation of a retail nature; and conforms to the standards specified for home occupations.

Home Schooling: homeschool, home education or home learning is the education of children at home, typically by parents but sometimes by tutors, an academic curriculum at home rather than in other formal settings of public or private school.

Horizontal Surface: a horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.

Hospital: any institution, place, building, or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period. A hospital is considered a Critical Care Facility and an Urgent Care Facility.

Hotel: an establishment that provides lodging as a temporary abiding place, containing guest rooms or units, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

Hydraulics: a study of the mechanical behavior of water in physical systems and processes. In floodplain management, hydraulics refers to determination of the lateral and vertical extent of a particular flood. Hydraulics also encompasses the flow characteristics around and through hydraulic structures such as bridges, culverts and weirs.

Hydrological Study/Hydrologic Analysis: an analysis used to estimate flood flow rates in a floodplain to develop a reasonable estimate of the future conditions of the 1 percent annual chance flood flow, relying on rainfall runoff simulations with altered land use conditions. Common methods are stream gage analysis, rainfall-runoff models, or a combination of the two. All of the currently accepted hydrology models for peak flow determination can be used to estimate future conditions by changing land cover/use parameters. All runoff models should be calibrated to past flood events before they are used for base flood determination. It is recommended that a conservative assumption be used that all of the areas in the watershed will be developed as planned. This information can be used in the hydrologic model's land use-to-land cover relationships to describe a build-out condition within the watershed. These flood studies are necessarily dependent on past precipitation and flow records, which do not provide information on flows generated under different climatic conditions.

Illustration: a line drawing or silhouette of a realistic object.

Incompatibility of land uses: an issue arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

Immediate Danger of Collapse of a Tree: that a tree may already be leaning, with the; surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage to the surroundings. Immediate Danger of Collapse does not include hazardous conditions that can be alleviated by pruning or treatment.

Impervious surface: development that does not allow for water infiltration (e.g. pavement, roofs, etc) and any material which reduces and prevents absorption of stormwater into previously undeveloped land.

Industrial: any use of land, structure, or natural resources involving the manufacturing, processing, or assembly of semi-finished or finished products.

Infill: the development of vacant bypassed lands located in an area that is mainly developed.

Intensity: the floor area ratio (FAR). Floor area ratios are used as a measure of the intensity of the site being developed. The ratio is generated by dividing the building area by the parcel area, being sure to use the same units

Junk Yard: a place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.

Kennel: a facility. 1. In which dogs are given training for which a fee is charged, or 2. Operated, not for profit, and intended to provide temporary care for lost, strayed, or abandoned animals; or 3. In which dogs, which are not licensed under ORS 609.100 (1), are kept, when such dogs are kept for farm use, breeding or sale; or 4. Which is a business conducted for the purpose of boarding and/or sale of dogs or cats.

Kindergarten: Public or private school or class for children usually from four to six years old.

Kitchen: any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

Laboratory, Manufacturing: operations involving the compounding of products such as perfumes and pharmaceuticals, and the development and assembly of instruments and similar items.

Laboratory, Scientific Testing Precision: facility which performs scientific tests or analysis or experimental studies.

Land Division: the process of dividing land to create parcels or lots. Please see Partition Land for further details. See also Partition.

- a. Expedited Land Division Process. a land division process with distinct procedures and requirements from the quasi-judicial process (see administrative).

Land Use: the main activity that occurs on a piece of land, or the structure in which the activity occurs.

Landscaping: not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete, or stonework areas, and artificial turf, mulch or carpeting, but excludes artificial plants, shrubs, bushes or flowers.

Landscape or Plant Nursery: facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

Lawn: grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Legislative Decision: matters involving the creation, revision, or large scale implementation of public policy, zone changes and comprehensive plan amendments which apply to entire districts. Legislative decisions are initially considered by the Planning Commission whose job it shall be to provide a recommendation to the City Council, with the final decision being made by the City Council.

Light Fabrication and Assembly Process: manufacturing which does not involve the generation outside the property of noise, odor, vibration, dust or hazard. The term includes, but is not limited to, the manufacture of electronic components, jewelry, clothing, trimming decorations and any similar item.

Light Industrial: any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance, or similar impacts. Vehicular access to and use of streets shall be no greater than that generated by a commercial enterprise.

Loading Space: an off-street space or berth on the same lot with a building 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.

Local Improvement District (LID): a small district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Local Utilities: the usual electric power, telephone, gas, water, sewer drainage lines, and those inline facilities such as gas regulating stations and water pumping stations.

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 enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 20 5B(1)b.

Lot: a unit or parcel of land used or capable of being used under the regulations of this Ordinance, lawfully created by a subdivision or ordinances in effect at the time of its creation.

Lot Area : the computed area contained within the lot boundary lines, measured in a horizontal plane; said area to be exclusive of street or alley right-of-way.

Lot, Corner: a lot, parcel, or portion thereof, situated at the intersection of two or more streets.

Lot Coverage: that percentage of the total lot area covered by structures as herein defined.

Lot Depth: the horizontal distance between the front and the rear lot lines. In the case of a corner lot, the depth shall be the length of its longest front lot line.

Lot, Flag: a lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Lot, Interior: a lot or parcel of land other than a corner lot.

Lot Line: the property line bounding a lot or parcel.

Lot Line, Front: the property line separating the lot or parcel from the road or street, other than an alley. In the case of a corner lot or parcel or a lot with double frontage, the shortest property line along a street or road which has been improved and for which addresses have already been assigned, other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

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

Lot Line, Side: any lot line not a front lot line or a rear lot line.

Lot of Record: a lot held in separate ownership as shown on the records of the County Assessor at the time of the passage of an Ordinance or regulation establishing the zoning district in which the lot is located.

Lot, Through: an interior lot having a frontage on two (2) streets and/or highways.

Lot Width: horizontal distances between the side lot lines or parcel lines measured within the lot or parcel boundaries or the main distance between the side lot lines within the buildable area. In the case of a corner lot, lot width : the main horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

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 enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Lumber Yard: facility for stocking and selling lumber and other materials needed for building. Term includes hardware and building materials and supplies.

Machine Shop: facility in which material is processed by machining, cutting, grinding, welding, or similar processing. Term includes blacksmith shop, electric motor repair, and gun shop.

Machinery Sales and Service: facility for repairing equipment and selling and/or servicing machinery.

Maintain: to cause or allow to continue in existence. When the context indicates, the word: to preserve and care for a structure, through improvement, alterations of site conditions or to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

Management Unit: a discrete geographic area, defined by physical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

Manufactured Dwelling:

- a. 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, is being used for residential purposes and was constructed before January 1, 1962.
- b. 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, is being used for residential purposes and was constructed between January 1, 1962 and June 16, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A Manufactured Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal

manufactured housing construction and safety standards regulations in effect at the time of construction.

Manufactured Dwelling Park: any place where four or more mobile 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 space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Manufactured Dwelling Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City of Tillamook.(added per Ord. 1121, effective 2/22/92)

Manufactured Home Accessory Building or Structure: any awning, portable, demountable, or permanent cabana, ramada, carport, porch skirting, or steps established for use of the occupant of the manufactured dwelling and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured dwelling for structural support.

Man: as used by this ordinance the word man refers generally to humans and is inclusive of both the masculine and feminine, unless the context otherwise requires.

Map: a final diagram, drawing or other writing concerning a major or minor partition.

- a. Comprehensive Plan Map: a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs.
- b. Flood Map: the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency
- c. Wetlands Map: the City map with graphic representations of the type, size and location of the wetlands in the City of Tillamook
- d. Zoning Map: the City map that depicts current zoning designations in the City of Tillamook.

Marquee: a permanent, roofed, non-enclosed structure projecting over an entrance to a building and not separately attached to the ground surface.

Massing or Building Mass: the height, width, and depth of a structure. Often used in comparison to the relative masses of the buildings around the subject structure, hence "massing."

Master Plan: a long range plan or long range site plan which provides for development of an applicant's property or properties or specified area of the City.

Medical Services: establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentist, nurses, and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers, Critical care facilities, Emergency Care facilities, Urgent Care facilities, and Walk-in facilities.

Ministerial Decision: decisions made by the Planning Director or designated staff where there is clear and objective criteria and the decision requires no use of discretion. These decisions are made without public notice or public hearing. See Administrative Decisions.

Microfacility: an attached wireless communication facility which consists of antennas equal to or less than four (4) feet in height, or six (6) feet in height for omni-directional antennas and with an area of not more than 580 square inches.

Mineral Resources: precious metals and other earth or natural materials other than aggregate resources.

Minifacility: an attached wireless communication facility which consists of antennas equal to or less than ten (10) feet in height, or a parabolic antenna up to one (1) meter in diameter and with an area of not more than fifty (50) square feet as viewed from any one point.

Mini-Warehouse/Storage Units: a structure or structures divided into units, used only for storage of goods by an individual or business on a rental basis.

Mitigation: to avoid, rectify, repair or compensate for negative impacts, which result from other actions and restoration of riparian areas, enhanced buffer treatment or similar measures.

- a. Off-Site Mitigation means mitigation undertaken in areas distant from or coterminous with a development site.
- b. On-Site Mitigation means mitigation undertaken within the lot or parcel affected by a development action.

Mitigation Plan: a detailed plan to compensate for identified adverse impacts on water resources, riparian setback areas, and wetlands that result from alteration, development, excavation or vegetation removal within the Wetland-Riparian overlay district. A Mitigation Plan must be prepared by qualified biologists (According OAR 660-23-090(1)).

Mobile Home/Modular Home: a structure or vehicle fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities, has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes.

Mobile Home Park: (As described in ORS 446.003) Any place where four or more such homes are located within 500 feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is:

- a. To rent or lease space for mobile homes for a charge or fee paid or
- b. To be paid for the rental, lease, or use of facilities for mobile homes; or
- c. To offer space free for location of mobile homes in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

Motel: a building or group of buildings used for transient residential purposes containing guest rooms and/or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers with lodging for motorists in rooms usually having direct access to an open parking area; including groups designated as auto cabins, motor courts, motor hotels and similar designations.

Mural: a large picture, painting or wallpaper pattern painted or affixed directly on an interior or exterior wall or ceiling. The size of the mural usually is limited to the size of the surface on which it is to be affixed.

Natural Hazard: natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

Negotiate: to confer with another or others in order to come to terms or reach an agreement.

Neighborhood: a geographical area lived in by neighbors and usually having distinguishing character.

Neighborhood identification: a sign located at the entry point to a single-family subdivision comprising not less than two (2) acres, or a sign identifying a multiple-family development.

Neighborhood-scale design: site and building design elements that are dimensionally related to housing and pedestrians, such as narrow streets with tree canopies, smaller parking areas, lower building heights and similar neighborhood characteristics. ~~These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.~~

Neon light: a form of illumination using inert gases in glass tubes. Includes "black light" and other neon lights.

Net Loss: a permanent loss of riparian functions provided by native riparian structure and vegetation that results from a development action despite mitigation measures having been taken.

Noise: a level of sound which disturbs, injures or endangers the health, safety or welfare of others, capable of being heard at or beyond the boundary of property from which the noise

originates, results in the disturbance of peace, and exceeds sound in volume made by any make and model of engine or machine that is not consistent with its new or stock, manufactured condition.

Noise Sensitive Areas: areas used as a church, day care center, hospital, nursing care center, school or place used for overnight accommodations of persons, including but not limited to, individual homes, individual apartments, trailers and nursing homes.

Nonconforming Lots or Parcels: lots or parcels legally created prior to the effective date of a land division or zoning regulation and not meeting the minimum lot area, width, or access requirements of those regulations.

Nonconforming Structure: a building, structure, or portion thereof, which lawfully existed prior to adoption of a zoning regulation with which the structure does not conform. Such structures may be nonconforming as to height, setback, lot coverage, or similar requirements of the zone.

Nonconforming Use: a use lawfully made prior to adoption of a zoning regulation with which the use does not conform.

No-Rise Analysis: Any project in a floodway reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM).

Nuisance: an intentional, negligent or reckless act or failure to act by a person which interferes with the use and/or enjoyment of the life or property of another person or which interferes with the rights of the public and for which the law will presume resulting damage.

Nursing Home or Convalescent Home: facility providing care, rehabilitation services, and minor treatment for more than five persons under the direction of a physician, licensed by the state. A nursing home may furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanitorium.

OAR: Oregon Administrative Rules. The official compilation of rules and regulations having the force of law in the state of Oregon. It is the regulatory and administrative corollary to Oregon Revised Statutes, and is published pursuant to ORS 183.360 (3).

Off-street Parking: all off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. "Off-street Parking" areas shall be a durable and dustless, surfaced and marked area.

On-street Parking: parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb.

Open Space: any portion of a building lot not covered by a building, and shall more specifically include parks, landscaped viewsheds, natural areas, former orchards or groves, outdoor parking areas, covered and partially enclosed patios, terraces, and courtyards provided such areas have at least one side open, and are available for public use and enjoyment in conjunction with commercial use of the premises.

Ornamental Tree: a tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

ORS: Oregon Revised Statutes – (State Law). The codified body of statutory law governing the U.S. state of Oregon, as enacted by the Oregon Legislative Assembly, and occasionally by citizen initiative. The statutes are subordinate to the Oregon Constitution.

Overburden: soil, rock, sand, and similar materials that lie above natural deposits of minerals.

Overlay Zone: a special zone that is applied “over” or in addition to a base zone, of which such properties are subject to the requirements of both the base zone and the overlay zone. Also known as a “combining” zone.

Owner/Landowner: a person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or purchasing a parcel of property under written contract.

Parcel: includes a unit of land created:

- a. by partitioning land as defined in ORS 92.010 in compliance with all applicable planning, zoning, and partitioning ordinances or regulations, or
- b. by deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

The term parcel does not include a unit of land created solely to establish a separate tax account.

Park or Playground: a recreation area or park owned or operated by a private entity, public agency, or school district, and available to the general public.

Parking Area, Public: an open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking Space: a durable and dustless, permanently surfaced and marked area in a range between seven and one-half (7 1/2) feet and nine (9) feet wide and fifteen (15) feet and twenty (20) feet long, exclusive of maneuvering and access area, permanently reserved for the

temporary storage of one (1) automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

- a. A parking space for a compact vehicle shall be of the dimensions seven and one-half feet by fifteen feet.
- b. A parking space for disabled parking shall be of the dimensions thirteen feet by nineteen feet.
- c. A parking space for Recreational Vehicles shall be of the dimensions twelve feet by thirty feet.

Parking Strip: the area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting; also known as Planter Strip or Tree Lawn.

Partition: either an act of partitioning land or an area or tract of land partitioned as defined in this section. A partition does not include the creation of a street.

Partition Land: to divide land into two or three parcels within a calendar year, but does not include a division of land that creates a road or results from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. Partitioning of a lot or parcel or a portion thereof into more than three parcels in a calendar year results in a subdivision.

Peddler: includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers.

Pedestrian Facilities: improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pedestrian Way or Pedestrian Pathway: a right-of-way for pedestrian traffic.

- a. Reasonably Direct Pathway: a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- b. Safe and Convenient Pathways : bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

Permittee: the person who is proposing to use or who is using the land pursuant to any permit required herein.

Person: a natural person, firm, partnership, association or corporation.

Pet Shop: facility for the display and sale of small animals, fish, and birds as pets, and accessories, but not involving commercial boarding or treating of any animal, fish, or bird.

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

Planned Unit Development: a development of primarily residential character which gives special attention to areas not built upon by varying the orientation of structures for energy and space conservation, and by allowing types of structures and uses which otherwise would not be considered under conventional zoning specifications.

Planning Commission: a commission appointed by the governing body of the City to be responsible for the administration of planning as provided by ORS 227.020.

Planned Community: a development, as provided for in the Tillamook Zoning Regulations, of residential, commercial, industrial, or a mixture of residential, commercial, industrial, and semi-public units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Planned unit developments should each be planned as an entity, grouping dwellings units, allowing an area for open space, mixing housing types, including mobile homes, land uses, and should be designed to preserve natural features.

Planter strip: a landscaped area for street trees and other plantings within the public right-of-way, usually between the street and sidewalk. See also Parking Strip or Tree Lawn.

Plat: a diagram, drawing, replat, or other writing concerning a partition or subdivision

- a. A "preliminary plat" is a plat submitted prior to actual application and is intended only for department review or discussion.
- b. A "Tentative plat" is a plat submitted as a part of an application for a partition or subdivision, also referred to as a Tentative Plan.
- c. A "final plat" is a plat which has been prepared for recordation after approval of the tentative plat.
- d. A "replat" is an alteration of a previously recorded plat. A property line adjustment is not a replat. A partition of an existing lot is not a replat.

Platted Lot: a lot whose legal boundaries have been established by a legally created plat which has been duly recorded in the office of the Tillamook County Clerk.

Plaza: a public square or extra wide sidewalk (e.g. as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activities.

Pocket Park: a small park, usually less than one-half acre.

Pollard: a tree cut back to the trunk to promote the growth of a dense head of foliage.

Porch, Covered,: a covered entrance to a building. This includes an enclosed patio.

Portable Accessory Structure: any portable, demountable or permanent structure, including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks, steps, ramps, piers and pilings, that is:

- a. Owned and used solely by a tenant of a manufactured dwelling or floating home; or
- b. Provided pursuant to a written rental agreement for the sole use of and maintenance by a tenant of a manufactured dwelling or floating home.

Poultry Farm: any premises used for the breeding, raising, or maintaining of poultry for sale of eggs or poultry.

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 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.

Preservation, Historic: the act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Primary revenue source: no less than seventy-five percent of gross total principal income derived from a business.

Public Facility: projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with Comprehensive Plan policies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal facilities, recreation facilities, public recreational uses, including ball fields (baseball, soccer, football, cricket, etc), golf course, club

house, driving range, putting greens, pro shop, swimming pools, tennis and basketball courts, walking paths and jogging/bike trails, public utilities, utility facilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated. (OAR 660-011) A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.

Public right-of-way: the area commonly shared by pedestrians and vehicles for right of passage. An easement for public travel or access including street, alley, walkway, driveway, trail or any other public way; also, the land within the boundaries of such easement.

Public Utility: any corporation, company, individual, association of individuals, governmental entity or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers or for the production, transmission, delivery or furnishing of communication, heat, light, sewer, water or power, directly or indirectly, to the public, and includes a structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar services.

Quasi-Judicial: an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this Code, and usually involves a public hearing.

Radio, Television, or Microwave Towers: structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.

Ramada: a stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

Real estate sign: a sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

Rear Lot: a lot which at its widest point (measured by a parallel to the City Street of access or a tangent to such street) lies with at least one-half its width behind another lot, i.e., a perpendicular to the City street of access which intersects the lot in question at its widest point will pass through another (front) lot for half or more than half of the width of the lot in question. (Refer to the accompanying diagram at the end of this Section for clarification).

Reclamation: the employment in a mining operation of procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.

Reclamation Plan: a written and graphic proposal for rehabilitation of the mined area, further defined as being one of the below: 1 . Natural Reclamation Plan A reclamation and/or

rehabilitation process in which the primary purpose is to restore the land to a natural appearing landscape consistent with surrounding terrain. Rehabilitation to an agricultural use is considered a natural reclamation plan. 2. Second Use Plan A reclamation and/or rehabilitation process that involves development of the land to a specific use.

Recreation Club or Area, Private: a building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the facilities as normally provided in a public park or playground.

Recreational Facility: facilities deemed to be necessary for the maintenance of recreational purposes consistent with Comprehensive Plan policies including public and private recreational uses, including ball fields (baseball, soccer, football, cricket, etc), golf course, club house, driving range, putting greens, pro shop, swimming pools, tennis and basketball courts, walking paths and jogging/bike trails. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated.

Recreational Vehicle: a vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See "Camping or Recreational Vehicle), and is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; or
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park or Campground: an area where facilities are provided to accommodate temporary recreational trailers, motor homes, campers, and/or tents and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Rectory: a place of residence for the pastor of a church.

Recycling Dropbox: an enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.

Residential: any use of land or structure of or relating to a place where people dwell.

Residential Care, Training, or Treatment Facility: any facility which provides care, training, or treatment for six (6) or more physically, mentally, emotionally, or behaviorally disabled

individuals as defined by ORS 443.400. Facilities that provide for five (5) or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

Residence Home for Aged: a facility for the care of six (6) or more persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis.

Residential Home: as provided by Oregon Revised Statutes, a residence licensed by the State for the care of five or fewer physically or mentally handicapped persons, including staff personnel, is permitted in residential or commercial zones (excluding resource lands) subject to the normal requirements for a residence. Residents and staff need not be related to each other or any other home resident. Handicapped means that a person suffers from a functional limitation in one or more major life activities.

Residential or Day Treatment Facility: a facility licensed by the State for the care of five or more related or unrelated persons who are physically or emotionally handicapped by functional limitations in one or more major life activities. Term includes shelter care facility.

Resource Land: any land that has been identified and designated on the Tillamook County Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land. This definition shall not be construed to exclude from protection under the provisions of city, state or county law other identified resources which have not been zoned, such as riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or scenic areas.

Resource Tree: all broadleaf trees (except alder and poplar trees) equal or greater than one foot DBH (for multi-stem trees, if the sum of the areas of all stems four inches in diameter or larger at DBH is greater than 113 square inches, it is a heritage tree). All conifers equal or greater than eighteen inches DBH are resource trees.

Restore: revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

- a. Active restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.
- b. Passive restoration is the use of natural processes, sequences and timing of which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Retail Sales: the sale or rental of commonly used goods and merchandise for person or household use. Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retirement Home: facility providing living quarters, either owned or rented, to persons 62 years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.

Right-of-way: the area between the boundary lines of a street.

Riparian Area: the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem (According to Oregon Administrative Rule (OAR) 660-23-090(1)).

Riparian Corridor: a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (According OAR 660-23-090(1)).

River (see "Stream").

Road Approach Permit: a formal agreement between the developer/land owner and either the state, county or city concerning the private use of public right-of-way and facilities for access to adjoining property. The terms "road approach permit" and "approach road permits" are interchangeable in the context of this title, and includes both driveways and intersecting roads.

Roadside Stand: a temporary structure designed or used for the display or sale of merchandise and/or produce, or agricultural products produced on the premises upon which such a stand is located.

Roadway: the portion of a street right-of-way developed for vehicular traffic.

Root zone: any area within the drip line of any tree and any area within 20 feet of any resource tree trunk, whichever is further from the tree trunk.

Row Houses: a series of individual houses having architectural unity and a common wall between each unit.

Scale: the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

School: any institution for learning, whether public or private, meeting State of Oregon accreditation standards.

School, Business: a business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, commercial artist, but not including commercial trades or crafts.

School, Commercial, Vocational, Trade or Craft: a business enterprise, not a public, private, or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.

School, Home: education in the children's home, taught for a period equivalent to that required of children attending public schools the courses of study usually taught in grades 1 through 12 in the public school by a parent, legal guardian, or private teacher.

School, (Public/Private): an educational institution, licensed or regulated by the state, which has a curriculum, including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence, or defective, delinquent, or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.

Screen: a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Second Hand Store, Used Furniture or Rummage Shop Facility or Pawnshop: facility for the sale of second hand or used items.

Secondary Use: a use which is supplementary or subordinate to an allowed principal use in that it functions to furnish direct aid or support to the use.

Senior Housing: housing designated and/or managed for persons over the age of 55.

Sensitive Fish and/or Wildlife Habitat: areas important to the survival of a species, or group of species, and habitats with a limited area.

Service Station: commercial facility which offers petroleum products and limited accessory sales of products for motor vehicle use, including limited vehicle repair service to the public.

Setback: the distance from a right-of-way of a public or private road, or from a lot line to any point of a building.

Sewage: water-carried wastes from a home, business operation or community.

Sewage Treatment Plant: facilities for the treatment and disposal of sewage.

Shade Tree: usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shadow Plan (Future Re-division Plan): a plan for future division of lots or parcels that exceed the maximum lot size standard of the underlying zone. Large lots (i.e., those that exceed the minimum lot size by more than 200 percent) shall be of such size, shape, and orientation as to

facilitate future re-division in accordance with the requirements of the underlying zone. The re-division plan shall identify:

- a. Potential future lot division(s) in conformance with all applicable city standards.
- b. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
- c. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owner(s), except as may be required through conditions of land division approval.

Shared driveway: when land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shelter Care Facility: a home licensed by the state to provide for short term emergency care for no more than nine children at any one time. See also halfway house or residential/day treatment facility.

Shopping Center: three (3) or more commercial retail or service establishments on a single unit of land.

Shrub: a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.

Sign: a presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising; any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising a property or the establishment or enterprise, including goods and services, upon which the signs are exhibited. This includes the board, metal, or surface upon which the sign is painted, included, or attached; or any material used to support the sign. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by the law or by federal, state, county or city authority.

- a. Blinking sign: a sign which shines with intermittent or momentary brief beams or flashes of light, flashing on and off.
- b. Building register sign: A sign which identifies four or more businesses contained within a single building structure or complex.
- c. Flashing sign: a sign with sequential light source giving off light suddenly or in transient bursts where the period of time of illumination is equal to the period of non-illumination, and is used solely to attract attention in a non-informative way.

- d. Flashing sign: A sign incorporating intermittent electrical impulses to a source of illumination, or revolving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination.
- e. Fluttering sign: a sign which moves, vibrates, in quick, irregular motions, with irregular spasms or trembling motions.
- f. Rotating sign: a sign which turns/revolves around as on an axis or center point.
- g. Wind sign or device: Any sign or device in the nature of a series of one, two or more banners, flags or other objects, fastened in such a manner as to move upon being subject to pressure by wind or breeze.

Sign, Area of: in determining whether a sign is within the area limitations of this title, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface shall be measured and divided by the number of faces; and provided further, that if the interior angle between the two planes of two faces exceeds one hundred thirty-five degrees, they shall be deemed a single face for the purposes hereof. Measurement shall be made at the extreme horizontal and vertical limit of a sign.

Sidewalk: a pedestrian walkway.

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

Site Design Review, Development Review, Plan Review: please see Section 22.

Site Plan: a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a special parcel of land.

Slope: gradient of a line describing its steepness, incline, or grade.

Slope Easement: an area adjoining a road which is affected by the road fill or cut, but is not within the road easement or right-of-way.

Solar Energy System: any device, structure, mechanism, or series of mechanisms which uses solar radiation as a source for heating, cooling, or electrical energy.

Solar Orientation: the layout and design of parcels and siting of a structure on building lots to take advantage of solar insolation for optimal utilization of the sun as an energy source.

Specimen Tree: a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

Speculation Support Structure: an antenna support structure designed for the purpose of providing location mounts for wireless communication facilities without a binding commitment

or option to lease a location upon the tower by a licensed service provider at the time of initial application.

Standards: standards are code requirements, such as rules governing the size or dimensions of a lot or parcel, or the placement of buildings or activities thereon.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. 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; or the placement of a manufactured home on a foundation. 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 foundation 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. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep slopes: slopes of greater than 25 percent.

Step-backwater analysis: an option used in a No-Rise Analysis/Certification to calculate BFE's if more than one (1) cross section is warranted to cover the extent of the property. Generally if the property parallels more than 500 feet of a flooding source, this option is used.

Storefront character: the character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g. awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm Water Facility: a detention and/or retention pond, swale, or other surface water feature that provides storage during high rainfall events.

Story: any area that can be reasonably considered habitable and has floor surface with clear standing head room (6 feet, 6 inches, minimum) regardless of their use.

Stream: a channel such as a river or creek that carries flowing surface water including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels (According OAR 660-23-090(1)).

Streams, Class I and II

1. Class I Stream Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the State of Oregon. Stream flows may be perennial or intermittent.

2. Class II Stream: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the State of Oregon. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

Streets (or Roads): the following definitions apply to roads (none of these definitions is intended to supersede ORS 368.001):

- a. Road: the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:
Ways described as streets, highways, throughways or alleys,
Road related structures that are in the right of way such as tunnels, culverts or similar structures: and structures that provide for continuity of the right of way such as bridges.
- b. Alley: a narrow street, with a sixteen (16) to twenty (20) foot right-of-way and the minimum of a twelve (12) foot travel lane, through a block primarily for vehicular access to the back or side of properties.
- c. Arterial: a road which carries traffic through and between major centers of activity in urban, suburban, and rural areas.
- d. Collector: a road which is used primarily as a connector from local roads to one or more arterials.
- e. County Road: a public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016.
- f. Cul-de-sac: a local or limited local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.
- g. Dead-end Street: a road or street with no outlet to other roads or streets.
- h. Frontage Road: a road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way, and which provides access to abutting properties.
- i. Public Road: a road over which the public has a right of use that is a matter of public record.
- j. Stubbed Road: a road having only one outlet, but which is intended to be extended or continued.
- k. Through Street: a road or street that connects to another road. Not all through streets are arterials.

Street frontage: the lineal dimension in feet of the property upon which a structure is built that fronts the street.

Street Furniture/Furnishings: benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street Line: a property line between a lot, tract or parcel of land and an adjacent street or private way.

Street Tree: a tree on land located within a dedicated right-of-way along either side of a street, avenue, or other way within a dedicated utility easement of the City.

Street Vendor: any person duly licensed upon a public sidewalk or other public way or place carrying, conveying or transporting merchandise which is offered for sale from a mobile type device or as a pedestrian.

Structure: anything, such as a building or other major improvement that is constructed, built, or installed; 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 which requires location on the ground or is attached such as a structural addition, to something having a location on the ground, including swimming and wading pools, and covered patios. This does not include outdoor areas such as paved areas, driveways or walks, and other minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks but shall exclude fences six feet in height or less and uncovered patios.

Structural, Alteration: any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

Studio, Broadcasting and/or Recording: facility for broadcasting live or prerecorded programs by radio and/or television and/or recording on records, tapes, video tapes or other suitable media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals.

Subdivide Land: to divide an area or tract of land into four or more lots (three with a road) within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision: either an act of subdividing land or an area or tract of land subdivided.

Subgrade: that portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.

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 percent of the market value of the structure before the damage occurred.

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

- a. Before the improvement, reconstruction or repair is started; or,
- b. If the structure has been damaged and is being repaired, reconstructed or improved before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

The term does not, however, include either:

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

Surface Mining: all or any part of the process of removal, by extraction of minerals from the surface of the earth. Removal of overburden or diversion of water necessary to expose the deposit of minerals is considered part of the process. Leveling, grading, filling, or removing earth materials in conjunction with farm use, or onsite construction projects are not considered surface mining.

Swale: a type of storm water facility. Usually a swale is a broad, shallow depression with plants that filter and process contaminants.

Swimming Pools, Private: a swimming pool, constructed for the exclusive use of the residents and guests of single-family, duplex, townhouse, or apartment dwellings.

Tax Lot: a parcel, lot or other unit of land as created by the County Assessor for the purpose of taxation. A tax lot may also be a lot or parcel when created at a property owner's request for the purpose of land division consistent with applicable planning and zoning regulations in effect at that time.

Telephone Exchange, Switching and Transmitting Equipment: non-attended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

Temporary: temporary: 27 days or less in any 12 month period, unless otherwise specified by a provision of this ordinance; ~~a land use that is not permanent and only allowed for this limited time period.~~

Temporary Field or Construction Office: temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

Temporary Mobile Home: a mobile home which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires 24 hour care or the person providing that care, according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

Tent: a fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

Tentative Plans: the preliminary proposal for a subdivision which includes the information specified in Section 22.

Top-of-bank: a clearly recognizable sharp break in the stream bank. It has the same meaning as "bankfull stage"; the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage (According OAR 660-23-090(1)).

Townhouse: a single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two (2) sides.

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

Top Course: a course of specified aggregate material of planned thickness placed immediately below the pavement or surface.

Transient: an individual who occupies a site for a period of twenty-seven days or less, counting portions of days as full days, and cannot demonstrate the intention and legal ability to construct a permanent dwelling upon that site.

Transitional Zones: an area that extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

Transportation Facilities and improvements: the physical improvements used to move people and goods from one place to another (e.g. streets, railroad tracks, sidewalks, pathways, bike lanes, airports, transit stations, bus stops, etc). Transportation improvements include the following:

- a. Normal operation, maintenance;
- b. Installation of improvements within the existing right-of-way;
- c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
- d. Landscaping as part of a transportation facility;
- e. Emergency Measures;
- f. Street or road construction as part of an approved subdivision or partition;
- g. Transportation projects that are not designated improvements in the Transportation System Plan; (Conditional Use Permit for Transportation System Facilities and Improvements) and
- h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition (Conditional Use Permit for Transportation System Facilities and Improvements).

Transportation Mode: the method of transportation (e.g. automobile, train, bus, walking, bicycling, etc.).

Travel Trailer: a "Recreational Vehicle"

Tree: any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one (1) tree if greater than six (6) inches DBH. Plants commonly planted as shrubs, including but not limited to English Laurel, Photinia, Arborvitae, Poison Oak, English Holly, and English Ivy shall not be considered a "tree". Trees specifically planted and maintained as a hedge shall additionally not be considered a "tree". Tree types are described further in Ordinance #1266. Different classifications of trees include the following:

- a. Dead Tree: A lifeless tree. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.
- b. Heritage Tree: A tree listed on the Official City of Tillamook Heritage Tree.
- c. Park Tree: A tree, shrub, bush or other woody vegetation located in a public park or other area owned by the City having an individual name, and all other areas owned by the City, or to which the public has free access as a park.

- d. Private Tree: A tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or City utility easement or public parks and grounds.
- e. Significant Tree: A tree having a trunk eighteen (18) caliper inches or larger in diameter.
- f. Street Tree: A tree, shrub, bush or other woody vegetation on land lying within a dedicated right-of-way along either side of a street, avenue, or other way within a dedicated utility easement of the City.

Tree Cut-out: the area between the street and a sidewalk in the public right-of-way, for street tree planting, as described further in Ordinance #1266; also known as Tree Well.

Tree Lawn: the area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting; also known as Parking Strip or Planter Strip.

Tree Removal: to cut down a tree, or remove 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes topping. "Removal" includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

Tree Topping: the severe cutting back of a tree's limbs to stubs three(3) inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping does not include the practice of "pollarding" when conducted in accordance with the standards established by the International Society of Arboriculture.

Tree Well: the area between the street and a sidewalk in the public right-of-way, for street tree planting, as described further in Ordinance #1266. Also known as Tree Cut-out.

Underlying Zone: the base zone district; the parent zone district.

Unhealthful Conditions: conditions and circumstances that are detrimental, not conducive to good health.

Urban Growth Area (UGA): land that is inside the City's Urban Growth Boundary but outside the City Limits. Land in the UGA is considered "urbanizable land".

Urban Growth Boundary: A site specific line imposed on the Official Comprehensive Plan and Zoning map of the City of Tillamook, which identifies and encompasses urban and urbanizable lands in or adjacent to each incorporated city in the County.

Urban Land: those lands which normally have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

- a. have concentrations of persons who generally reside and work in the area; and
- b. have supporting public facilities and services.

Urban Services Area: the area within the UGB that is served by urban services and facilities of the City.

Urbanized Land: land within the Urban Growth Boundary which is identified and:

- a. determined to be necessary and suitable for future urban land;
- b. can be served by public facilities; and
- c. is needed for the expansion of an urban land area.

Use: the purpose for which land, roadways or a structure is designed, arranged, or intended, or for which it is occupied or maintained, whether on a permanent or temporary basis.

Utility Facility: those necessary appurtenances including related rights-of-way for the transmission of electric power, gas, water, sewerage, telephone and other inline facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources.

Vacate plat/street: to abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance: a deviation from the requirements of this ordinance which may be granted according to the provisions of Section 32.

Vehicular Storage: a vehicular storage area and area for the storage of abandoned, impounded, dismantled, obsolete or wrecked vehicles.

Violation: an act of any person which is prohibited or prevented by the Tillamook Comprehensive Plan, Land Development Regulations or other federal, state, or county law, or the failure of any person to act as required by the Comprehensive Plan, Land Development Regulations or other federal, state or county law.

Visual Obstruction: any fence, hedge, tree, shrub, device, wall or structure, exceeding three (3) feet in height above the elevation of the top of the curb, which dangerously limits the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed or branches to a minimum height of at least six (6) feet. See also Section 26.

Vision Clearance Area: a triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the edge of the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, wall structures or temporary or permanent obstruction exceeding three (3) feet in height above the curb level (see Section 29 (5)).

Wall: an upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

Water area: the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream (According OAR 660-23-090(1)).

Wetlands: those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted to life in saturated soil conditions (This definition has been selected from OAR 660-23-090(1)). There are two types of wetlands:

- a. A "Significant Wetland" is a wetland that appears on the City of Tillamook Wetlands and Riparian Inventory Maps.
- b. A "Non-Significant Wetland" is a wetland that does not meet the Division of State Lands (DSL) definition of a Locally Significant Wetland. Non-Significant Wetlands are not regulated by the Section pertaining to wetlands in this Ordinance, but do require DSL notification under ORS 227.350 and 21.1.11.

A "Wetland" is also defined by the Federal Clean Water Act (Section 404) and OAR 141-85-010. Wetlands include land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities.

Wholesale, Storage, and Distributing: establishments or places of business primarily engaged in the wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

Width, of a Building: the shortest side of elevation dimension measured horizontally.

Wildlife: wild mammals, birds, reptiles, and amphibians.

Window: all the glass included with one casement.

Winery, Commercial: a facility for the preparation, processing, marketing, and distribution of wines; may include a tasting room and sales area.

Wireless communication facilities shall include cell towers, antennae, monopoles, "coverage" towers, and "capacity" towers, and related facilities, including microfacilities and minifacilities,

and equipment used for radio signal transmission and receiving. A Wireless communication facility is considered a "Utility Facility".

Woodlands, existing: existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

Yard: any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky, except for the projections as permitted in Section 26 (6) of this ordinance.

- a. Yard, Front: A yard between side lot lines, measured horizontally at right angles from the front lot line, to the nearest point of a building or other structure. (See also lot line, front.)
- b. Yard, Rear: A yard between side lot lines, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.
- c. Yard, Required: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
- d. Yard, Side: A yard between the front and rear yards, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

Zone: a section/district of the City in which certain land uses are permitted and other are prohibited by the Ordinance.

Zone Change: an action to change the type of zoning on one or more pieces of land. A "Zone Change" is considered to be a legislative action initiated by a Planning Commission decision.

Zoning Ordinance: a set of land-use regulations enacted by the City including districts within which the type, location, density, bulk, height, and lot coverage of land uses are restricted.