



# AGENDA

**Thursday, June 7, 2012 - 10:00 AM**

**Board of County Commissioners Business Meeting**

Beginning Board Order No. 2012-42

**I. CALL TO ORDER**

- Roll Call
- Pledge of Allegiance
- Approval of Order of Agenda

**II. PRESENTATION** *(Following are items of interest to the citizens of the County)*

1. Proclaiming June 2012 as Royal Rosarians Month in Clackamas County (Rob Hungerford, Water Environment Services)

**III. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the hearing. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**IV. READING AND ADOPTION OF PREVIOUSLY HEARD ZDO ORDINANCE** *(No public testimony on this item)*

2. ZDO-234 - An Ordinance Amending Sections 202, 401, 406, 407, 834, 902 and 1204, of the Clackamas County Zoning and Development Ordinance, Previously Approve at the May 16, 2012 Public Hearing (Rhett Tatum, County Counsel)

**V. PUBLIC HEARINGS** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

3. Board Order No. \_\_\_\_\_ Amending the Clackamas County Local Contract Review Board Rules (David Anderson, County Counsel)
4. First Reading of Ordinance No. \_\_\_\_\_ Amending Certain Sections of the Ordinance of the Tri-City Service District Relating to Industrial Pretreatment (Chris Storey, County Counsel)

**VI. DISCUSSION ITEMS** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

**~NO DISCUSSION ITEMS SCHEDULED**

**VII. CONSENT AGENDA** *(The following Items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

**A. Health, Housing & Human Services**

- 5
1. Approval of an Agency Service Contract with Family Stepping Stones for Therapeutic Early Childhood and Development Program Services - CFY
  - 6 2. Board Order No. \_\_\_\_\_ Approving the Mental Health Director's Designees to Authorize a Custody Hold Under ORS 426.233 - BH

**B. Department of Transportation & Development**

- 7
1. Approval of an Amendment to the Intergovernmental Agreement with Metro to Provide Funds for Staff Time to Plan and Implement Organics Collection
  - 8 2. Approval of a Contract with K&E Excavating, Inc. for the Bear Creek, Barnards Road, Culvert Replacement Project - Fin

**C. Elected Officials**

- 9
1. Approval of Previous Business Meeting Minutes – BCC
  - 10 2. Approval to Apply for the 2012-2014 Victims of Crime Act, Competitive Project Grant for the Clackamas County District Attorney's Office

**VIII. COUNTY ADMINISTRATOR UPDATE**

**IX. COMMISSIONERS COMMUNICATION**

**NOTE:** Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.

<http://www.clackamas.us/bcc/business/>

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**Proclaiming June 2012 as  
Royal Rosarian Month in Clackamas County**

*Whereas, the Royal Rosarians were founded 100 years ago on June 17, 1912, by local business leaders with the purpose of supporting and promoting the Rose Festival, encouraging the cultivation of roses, and hosting out-of-town visitors to the greater Portland-metropolitan community; and*

*Whereas, the Royal Rosarians are the Official Greeters and Ambassadors of Goodwill for the Rose Festival, proclaiming the Rose to be the Queen of Flowers; and*

*Whereas, the Royal Rosarians are readily recognized in their distinctive white double-breasted suits and straw hats, a hallmark of pageantry throughout Oregon and the Rose Festival; and*

*Whereas, the Royal Rosarians serve as the Royal Guard for the mythical Realm of Rosaria, that place in everyone's heart that awakens as the storm clouds of winter yield to the golden rays of Spring when the lovely rosebud begins to blossom into its magnificent glory; and*

*Whereas, the Royal Rosarians are a completely voluntary organization composed of tireless men and women dedicated to extolling the beauty of the rose and performing over 22,000 hours of community service every year; and*

*Whereas, the Royal Rosarian Foundation supports programs that assist children-at-risk, provides music scholarships, and honors citizen heroes and heroines at the annual Newsmakers Banquet; and*

*Whereas, Clackamas County boast its own Royal Rosarian, County Employee Rob Hungerford who is the Prime Minister for the 2012 Rose Festival.*

*Now, therefore, the Clackamas County Board of Commissioners do hereby proclaimed June 2012 as Royal Rosarian Month in Clackamas County and encourage the citizens of Clackamas County to enjoy the many events the Rose Festival has to offer.*

**Dated** this 7<sup>th</sup> day of June, 2012.

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

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Chair

**ORDINANCE NO. ZDO-234**

**An Ordinance amending Sections 202, 401, 406, 407, 834, 902 and 1204,  
of the Clackamas County Zoning and Development Ordinance**

**WHEREAS**, on December 6, 2011, the Board of County Commissioners directed the Planning and Zoning Division staff to prepare draft language for consideration of amendments to the Zoning and Development Ordinance to include administrative provisions related to the three natural resource zoning districts: Exclusive Farm Use, Timber and Ag/Forest; and

**WHEREAS**, the Planning Director initiated an amendment to the natural resource zoning district provisions of the Zoning and Development Ordinance, in response to inconsistencies between those provisions and current state law; and

**WHEREAS**, an on-going process of amendments to the Zoning and Development Ordinance is necessary to clarify provisions and maintain consistency throughout the Ordinance and respond to changes in statutes and public input; and

**WHEREAS**, it is a policy of the Board of County Commissioners to provide excellent public service to citizens and the development community, streamline permitting processes, encourage sound land use and development and improve the Zoning and Development Ordinance as necessary; and

**WHEREAS**, the proposed amendments are consistent with the Clackamas County Comprehensive Plan, and state and federal law; and

**WHEREAS**, after a duly-noticed public hearing, the Clackamas County Planning Commission recommended approval of ZDO-234 on April 9, 2012; and

**WHEREAS**, the Board of County Commissioners held a public hearing on May 16, 2012, and directed staff make revisions to the proposed draft, which staff has done;

**WHEREAS**, the Board of County Commissioners believes immediate adoption of the proposed amendments is warranted; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Sections 202, 401, 406, 407, 834, 902 and 1204 of the Clackamas County Zoning and Development Ordinance are hereby amended as shown in Exhibit A hereto.

**Section 2:** This ordinance shall be effective immediately.

**ADOPTED** this 7th day of June, 2012

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**Ordinance ZDO-234**

**Zoning and Development Ordinance Amendments**

Text to be added is underlined. Text to be deleted is ~~struck through~~.

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**202      DEFINITIONS**

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**ACCESSORY BUILDING OR USE:** A subordinate building or use, the use of which is clearly incidental to that of the main building or use on the same lot.

**ACCESSWAY:** A public right-of-way, a portion of which is hard surfaced, for use by pedestrians and bicyclists providing a direct route where public roads require significant out of direction travel.

**ACCESS DRIVE:** A private way, with a travel surface generally no more than ~~twelve (12) feet~~ in width, created by deed or easement to provide vehicular ingress to, or egress from not more than two ~~(2)~~ lots or parcels.

**ACTIVE RECREATIONAL AREA:** An area such as a park, sports field, or golf course, where turf provides a playing surface that is dedicated to active play.

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

**ADULT BUSINESS:** A range of commercial activities characterized by live, closed circuit, or reproduced material which has an emphasis on nudity and/or specified sexual activity. Such businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, and adult paraphernalia shops, as defined below, and other establishments which feature any combination of activity or merchandise described below which collectively account for ~~twenty-five (25)~~ percent, or more, of the establishment's activity or merchandise. These definitions shall not be construed to allow uses or activities which are unlawful under State criminal laws.

"Adult bookstore" is an establishment having as ~~twenty-five (25)~~ percent or more of its merchandise for sale, rent, or viewing on the premises, such items as books, magazines, other publications, films, video tapes or video discs which are distinguished by their emphasis on specified sexual activities, as defined in this ordinance.

"Adult theater" is an establishment used for more than ~~twenty-five (25)~~ percent of showtime for presenting material (either live, closed circuit, or prerecorded) for

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observation by patrons therein which has as a dominant theme an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult arcade" is an establishment offering viewing booths or rooms for one or more persons in which ~~twenty-five (25)~~ percent, or more, of the material presented (either live, closed circuit, or reproduced) is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult cabaret" is an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually, or in groups, where the exhibition material presented is characterized by an emphasis on nudity and/or specified sexual activities, as defined in this ordinance.

"Adult paraphernalia shop" is an establishment having as ~~twenty-five (25)~~ percent or more of its merchandise objects which stimulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activities, as defined in this ordinance.

**AGRICULTURAL AIRSTRIP:** An area designated by the user solely for the purpose of providing for temporary or occasional landings and takeoffs by aircraft engaged in aerial application of chemicals, fertilizers, or other substances to agricultural or forest lands.

**AIRPORT, PERSONAL-USE:** An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only.

**AIRPORT, PRIVATE USE:** An airport restricted, except for aircraft emergencies, to use by the owner and his invited guests. The determination as to whether an airport is private or public-use is made by the Oregon Department of Aviation.

**AIRPORT, PUBLIC-USE:** An airport that is open to use by the flying public, with or without a request to use the airport.

**ALLEY:** Any public space or thoroughfare less than 16 feet but not less than 10 feet in width which has been dedicated or deeded to the public primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**ALTERATION, CULTURAL RESOURCE:** Any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

**ANTIQUES:** Goods that, by virtue of their age or unusual quality, are generally considered to be of historical and/or artistic interest, ordinarily such items are in good state of preservation or are restorable to their original conditions.

**ARCHITECTURAL FEATURES:** Features include, but are not limited to cornices, canopies, sunshades, gutters, chimneys, fireplaces, flues and eaves. Architectural features shall not include any portion of a structure built for the support, occupancy, shelter or enclosure of persons or property of any kind.

**ARCHITECTURAL FEATURES, CULTURAL RESOURCE:** The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color, texture of the building materials and type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

**AUTOMATIC IRRIGATION CONTROLLER:** An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

**BABYSITTER:** Any person who goes into the home of a child to give care during the temporary absence of the parent or legal guardian or custodian.

**BASEMENT:** A portion of a building which has less than one-half ( $1/2$ ) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground, but not an "underground structure" as defined in this ordinance.

**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST ESTABLISHMENT:** A use carried on in a structure designed for a single-family dwelling, except as provided under Section 832, which provides rooms for rent on a daily basis to the public and which includes a breakfast meal as part of the cost of the room. Bed and breakfast establishments do not include other similar uses, such as motels, health or limited care facilities, boarding houses, group quarters, hostels, or rescue missions. All bed and breakfast establishments require tourist facility licensing by the appropriate agency. Bed and breakfast residences and inns, as defined below, must also satisfy the State Health Division requirements. Three levels of bed and breakfast establishments are as follows:

"Bed and Breakfast Homestay" provides overnight accommodations plus breakfast in an owner-occupied dwelling that provides one or two~~1-2~~ guest rooms for occasional bed and breakfast guests, not exceeding five~~5~~ guests at one time. Primary use of the dwelling remains as a dwelling, not as a lodging establishment. All reservations are made in advance. Income derived from bed and breakfast activity does not generally represent a primary source of income. Bed and breakfast homestays are major home occupations, subject to Section 822.

"Bed and Breakfast Residence" provides overnight accommodations plus breakfast and occasional family-style meals for guests, in an operator- or owner-occupied dwelling that provides up to ~~five~~ rooms on an occasional or regular basis. Income derived from the bed and breakfast activity may represent a primary source of income. Bed and breakfast residences are subject to Section 832, and all requirements of the underlying district.

"Bed and Breakfast Inn" provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. Bed and breakfast inns are subject to Section 832 and all requirements of the underlying district.

**BICYCLE RACK:** An apparatus designed to support the central frame of a bicycle and allow locking of both wheels, without the removal of wheels.

**BIKEWAY:** A paved facility provided for use by cyclists. There are five types of bikeways.

**Shared Roadway:** A type of bikeway where motorists and cyclists occupy the same roadway area. Shared roadways are allowed on neighborhood streets and on rural roads and highways.

**Shoulder Bikeway:** A bikeway which accommodates cyclists on paved roadway shoulder.

**Bike Lane:** A section of roadway designated for exclusive bicycle use, at the same grade as the adjacent roadway.

**Bike Path:** A bike lane constructed entirely separate from the roadway.

**Cycle Track:** An exclusive "grade-separated" bike facility elevated above the street level using a low-profile curb and a distinctive pavement material.

**BLANKETING:** The visual blocking of one sign by another as seen by a motorist traveling a street or highway.

**BLOCK:** A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage, or a combination thereof.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING ENVELOPE:** The three dimensional space which is to be occupied by a building.



**BUILDING LINE:** A straight line that is parallel and adjacent to the front side of the main building and parallel to the front lot line.

**BUILDING OR STRUCTURE HEIGHT:** The term "height of building" shall be calculated by the methods identified in the State of Oregon Structural Specialty Code or the State of Oregon One and the Two Family Dwelling Specialty Code, as applicable.

**BULK PLANT:** Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. *The primary emphasis of uses at the bulk plant level is on hazardous substances.* Materials are stored in large permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.

**CARE:** The provision of room and board and other services as needed to assist in activities of daily living, such as assistance with bathing, grooming, eating, medication management, money management or recreation.

**COGENERATION FACILITY:** A facility that produces energy as a by-product of its normal industrial process and the energy produced can be used for industrial, commercial, heating or cooling purposes; and such facility is more than 50 percent owned by a person who is not a public utility, an electric utility holding company or an affiliated interest. *When this definition differs from that in ORS 758.500, the definition in ORS 758.500 shall prevail.*

**COMMERCIAL USE:** The use of land and/or structures for the conduct of retail, service, office, artisan, restaurant, lodging, daycare, entertainment, private recreational, professional, and similar uses.

**COMMON OWNERSHIP:** Land commonly owned to include open space lands dedicated in planned unit developments and lands dedicated for open space which are owned by homeowners associations.

**COMPOSTING:** The managed process of controlled biological decomposition of green feedstocks. *It does not include composting for the purposes of soil remediation.*

**COMPOSTING FACILITY:** A site or facility, excluding home composting areas as described in Section 202 and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments *beneficial to the composting process.* Vermiculture and vermicomposting are considered composting facilities. Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers. The area utilized for the sale of said accessory products shall not exceed 10% of the area used

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for composting, or two (2) acres, whichever is less subject to the provisions of Subsection 834.03 and 834.04.

**CONDITIONAL USE:** A use addressing a limited or specific need but generally secondary to a primary use and, due to a potential adverse effect upon primary uses or public services and facilities, is only allowed subject to review and the use standards of the district and Section 800 and the criteria of Section 1203.

**CONGREGATE HOUSING FACILITY:** A building that contains more than one dwelling unit and provides common facilities and services for residents who require or desire a more supportive living environment than typically afforded to residents in multifamily, three-family, two-family, or single-family dwellings. Regular on-premise supervision by a registered physician, registered nurse, or other health care provider may be included.

**CULTURAL RESOURCE:** Improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the county.

**CULTURAL RESOURCE INVENTORY:** The official list of designated cultural features, sites, districts subject to the provisions of Section 707, Cultural Resources.

**CULTURAL RESOURCES OBJECT:** A material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

**DAYCARE FACILITY:** A facility that provides regular daycare services to children under 13 years of age, including a day nursery, nursery school group, or similar unit operating under any name. A daycare facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or daycare provided by a "babysitter" or "family daycare provider" as defined in this Section. A daycare facility caring for seven or more children shall satisfy the certification requirements of the Children's Services Division.

**DEDICATION:** The designation of land by its owner for any general or public use.

**DESIGNATED SITE** (historic site, cultural resource site, landmark site): A parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated pursuant to this Ordinance.

**DESIGNATED STRUCTURE** (landmark, cultural resource, historic structure): Any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the county, the State of Oregon, or the nation and that has been designated pursuant to this ordinance.

**DIRECT ROUTE:** The shortest reasonable route between two points. A route is considered direct if it does not involve significant out of direction travel that could be

avoided. Out of direction travel is significant if it is more than 50 percent% longer than the straight line between two points.

**DISTINCTIVE URBAN FOREST:** Forested or woodland areas which are visually prominent or contain unique or rare tree and plant communities. These areas are usually found in association with other open space resources within the urban area.

**DRIP IRRIGATION:** Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour.

**DRIP LINE:** The outermost edge of a tree's canopy; when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.

**DROUGHT-TOLERANT PLANTS:** Plants that will survive in the typical or somewhat less than typical amount of rainfall in the Willamette Valley, and therefore require very little or no supplemental water once established.

**DWELLING:** A building, or portion thereof, which contains one or more dwelling units. A dwelling may be a residential trailer or a manufactured dwelling but not a recreational vehicle.

**DWELLING, ATTACHED SINGLE-FAMILY:** A building, or portion thereof, that contains only one dwelling unit; shares at least one wall, or portion thereof, with another attached single-family dwelling; and is located on a separate lot of record from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not an attached single-family dwelling.

**DWELLING, DETACHED SINGLE-FAMILY:** A building, or portion thereof, that contains only one dwelling unit and is detached from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not a detached single-family dwelling.

**DWELLING, MULTIFAMILY:** A building, or portion thereof, that contains four or more dwelling units.

**DWELLING, THREE-FAMILY:** A building, or portion thereof, that contains three dwelling units.

**DWELLING, TWO-FAMILY:** A building, or portion thereof, that contains two dwelling units, both of which are located on the same lot of record. If one of the two dwelling units is an accessory dwelling unit, the building, or portion thereof, is not a two-family dwelling.

**DWELLING UNIT:** A building, or portion thereof, with one or more rooms designed for residential occupancy by one family.

DWELLING UNIT, ACCESSORY: A dwelling unit located on the same lot of record as a primary dwelling. The primary dwelling may be an attached or detached single-family dwelling, as specified in the underlying zoning district provisions.

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

EDIBLE GARDEN: A garden that contains plants that produce food for human consumption.

ELECTRIC VEHICLE CHARGING STATION: A location where a vehicle can plug into an electrical source to re-charge its batteries.

FAMILY: Any individual or group of persons, regardless of relationship but not exceeding 15 persons, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAYCARE PROVIDER: A daycare provider who regularly provides daycare to ~~16 or fewer than 13 children, or as amended by ORS 657A.440, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of daycare to 13 or more than 16 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters~~ of the provider shall constitute the operation of a "daycare facility," ~~as defined in this section, and shall be subject to the requirements of this Ordinance for daycare facilities. A family daycare provider to seven or more children shall satisfy the certification requirements of the Children's Services Division.~~

FARM, COMMERCIAL: ~~A farm unit with all of the following characteristics:~~

- ~~A. The land is used for the primary purpose of obtaining a profit in money from activities described in Sections 401.04(A);~~
- ~~B. The net income derived from farm products is significant; and~~
- ~~C. Products from the farm unit contribute substantially to the agricultural economy, to agricultural processors and to farm markets.~~

FARM, NONCOMMERCIAL: ~~A parcel where all or part of the land is used for production of farm products for use or consumption by the owners or residents of the property, or which provides insignificant income.~~

FARM OPERATOR: ~~A person who resides on and actively manages a "farm unit".~~

FARM UNIT: ~~The contiguous and noncontiguous tracts within the county or a contiguous county held in common ownership and used by the farm operator for farm use as defined in 401.03(B).~~

**FARMERS' MARKET:** An organized seasonal outdoor market dedicated to the direct sales by growers of agricultural goods, including plants, produce, meats, and other animal products (e.g. eggs, cheese, honey).

~~**FARMWORKER:** Any person who, for an agreed remuneration or rate of pay, performs temporary or permanent labor for another in production of farm products or in the planting, cultivating or harvesting of seasonal agricultural crops or in reforestation of lands, including but not limited to, the planting, transplanting, tubing, pre-commercial thinning, and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.~~

~~**FARMWORKER HOUSING:** Housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.~~

**FEE-IN-LIEU OF LAND:** Payment made instead of a land donation to satisfy a particular development requirement, such as park lands or school sites.

**FINAL SUBDIVISION (plat):** The Plat of a plan, subdivision, dedication or any portions thereof, approved and prepared for filing for record with the County Clerk and containing those elements and requirements as set forth in this Ordinance and as required by State statute.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

**FLAG LOT:** A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

**FLEX SPACE:** A building constructed to accommodate a variety of commercial, office and/or light industrial uses, including: administration, direct and telephone sales, back-office operations, product assembly, component and inventory warehousing, shipping and related or similar activities.

**FLOOR AREA:** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of porches and exterior stairs, multiplied by the number of stories or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Floor area shall not include portions of buildings used for parking of vehicles, except the square footage of commercial uses in parking structures can be counted as part of the total floor area.

**FLOOR AREA RATIO (FAR):** A measurement of density expressed as the ratio of square footage of building floor area to the square footage of the net site area. The greater the ratio, the greater the density. For example, a building occupying one-fourth of the net site area has a FAR of .25: 1, or .25; adding a second floor to the same building increases the FAR to .50:1, or .5.

**FRATERNITY OR SORORITY HOUSE:** A building occupied by and maintained exclusively for students affiliated with a school or college.

**GRADE:** The line of the street or ground surface deviation from the horizontal.

**GREEN FEEDSTOCKS:** Are defined as including yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste and livestock manure. For the purpose of these provisions, "non-treated wood waste" excludes wood waste treated with paint, varnish or other chemicals or preservatives.

**GREEN ROOF:** A vegetated roof designed to treat storm runoff.

**GUEST HOUSE/STUDIO:** A guest house or studio is a separate accessory structure, or portion thereof, which is built to residential (R-3 occupancy) building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guests or employees on the premises. A "guest house" or "studio" shall be a temporary living area, and shall not be used for boarders or lodgers.

**HARDSCAPES:** In the practice of landscaping, refers to the inanimate, manmade, non-planted, outdoor areas where the soil is no longer exposed and that are surfaced with pervious or non-pervious durable materials such as masonry, wood, stone, paving, tile, or similar material to create patios, walkways, water fountains, benches, gazebos, etc.

**HAZARDOUS SUBSTANCE, MATERIAL OR WASTE:** Any hazardous substance, material or waste listed in the following federal regulations:

- A. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R 355, App. A and B);
- B. Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R 302, Table 302.4);
- C. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R Section 372.65);
- D. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P & U Categories) (40 C.F.R Section 261.33(e) and (f)); and
- E. DOT Hazardous Materials Table (49 C.F.R Part 172.101).

**HISTORIC AREA:** Any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical of the history of the County and which improvements constitute a distinct section of the County that has been designated a

cultural resource district pursuant to this ordinance.

**HOME COMPOSTING:** A composting area operated and controlled by the owner or person in control of a single family dwelling unit and used to dispose of vegetative waste, garden wastes, weeds, lawn cuttings, leaves and prunings generated from that property.

**HOME OCCUPATION:** An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling and/or an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

**HOMEOWNERS ASSOCIATION:** The grouping or uniting of persons residing within a defined area, such as a subdivision, into an incorporated entity for the prosecution of a common enterprise.

**HOSPITAL, ANIMAL:** A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

**HOTEL:** A building which is designed or used to offer short-term lodging for compensation, with or without meals, for six (6) or more people. A facility that is operated for the purpose of providing care beyond that of room and board is not a "hotel".

**HOUSEKEEPING UNIT:** A living arrangement within a dwelling unit in which a common kitchen facility, laundry facility, living and dining rooms, and other general living areas of the dwelling unit, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement.

**HYDROELECTRIC FACILITY:** Any facility relating to the production of electricity by waterpower, including, but not limited to the power generating plant, associated dams, diversions, penstocks, navigation locks, fish ladders, fish screens, reservoirs and detention areas, recreation facilities, interconnecting transmission lines, substations, access roads, offices or commercial and industrial structures proposed to be built in connection with the energy facility; and activities involved in their construction and operation.

**IMPROVEMENT:** Any building structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

**INDIRECT ILLUMINATION:** A nonelectric sign illuminated by an indirect or

separate light source.

**INDUSTRIAL USE:** The use of land and/or structures for the manufacturing or processing of primary, secondary, or recycled materials into a product; warehousing and associated trucking operations; wholesale trade; and related development.

**INSTITUTIONAL USE:** The use of land and/or structures for activities such as daycare and pre-school facilities, public and private schools, colleges, universities, art, music, trade and other educational and training facilities, convalescent care facilities, nursing homes, hospitals, places of worship, fraternal lodges, municipal and civic buildings, transit centers and park-and-ride facilities, parks, swimming pools and other recreational facilities open to the public or a membership group, senior and community centers, libraries, museums, cemeteries and mausoleums, utility facilities, and similar public and private uses.

**INVASIVE NON-NATIVE OR NOXIOUS VEGETATION:** Plant species that are listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System.

**KENNEL:** Any lot or premises on which four or more dogs, more than six months of age or with permanent canine teeth, are kept for purposes other than a veterinary clinic.

**KIOSK:** A small structure used as a newsstand, information booth, refreshment stand, bandstand, or display of goods, etc.

**LANDSCAPING:** Areas of land planted with groundcover, grasses, shrubs, annuals, perennials, or trees.

**LIMITED USE:** A use allowed in a district on a limited basis and subject to conditions specified therein which are generally more restrictive than the conditions placed on primary or accessory uses within the same district.

**LIVESTOCK:** One or more domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor. The term "livestock" includes miniature livestock, poultry, and farmed fish.

**LOT:** A unit of land created by a subdivision of land. For the purposes of this Ordinance, lot includes parcel and lot of record unless otherwise specified in the context of the specific provisions.

**LOT AREA:** The total horizontal area within the lot lines of a lot.

**LOT, CORNER:** A lot with street frontage on two streets intersecting at a corner of the lot. A lot within the radius curve of a single street is not a corner lot. A lot with access limited to, and frontage on, a state, County, public or private road and also with frontage on an intersecting private road or access drive is not a corner lot for the purpose of determining setbacks provided that the lot does not take access onto the



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

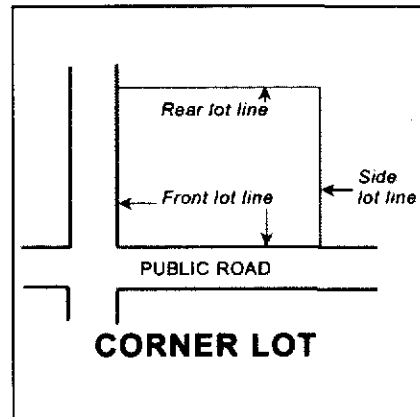
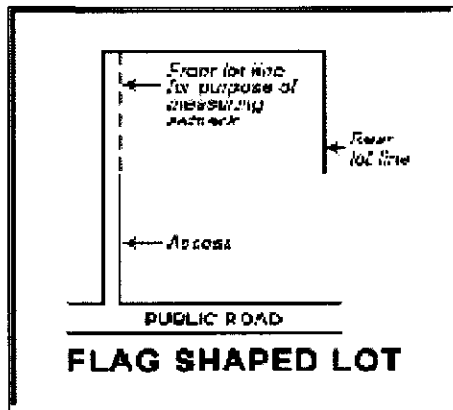
latter abutting private road or access drive. In such a case, the frontage on the latter private road or access drive shall be treated as a side lot line.

**LOT COVERAGE:** The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

**LOT DEPTH:** The "lot depth" is the mean horizontal distance between the front line and the rear lot line of a lot.

**LOT, DOUBLE FRONTAGE:** A lot with street frontage along two opposite boundaries. See also "LOT, REVERSE FRONTAGE" AND "LOT, THROUGH".

**LOT LINE, FRONT:** Any boundary line separating the lot from a County, public, state or private road, or access drive. Except as otherwise provided in Subsection 903.07 of this Ordinance, the front lot line of a flag lot, for the purpose of determining setbacks, shall be within the boundaries of the lot by a distance equal to the width of the narrow strip or easement providing access to the lot. The front lot line shall be parallel to the lot line extending from the road to the lot line opposite and most distant from the road. (See following illustration for flag shaped lot).



**LOT LINE, REAR:** Any boundary line opposite and most distant from the front lot line, and not intersecting a front lot line. In the case of a corner lot, the rear lot line shall be any one of the boundary lines opposite the front lot lines. Any other opposite boundary line shall be a side lot line (see illustration above for corner lot). In the case of a triangular-shaped lot, there shall be no rear lot line for setback purposes.

**LOT LINE, SIDE:** Any boundary line not a front or rear lot line.

**LOT OF RECORD:** A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract; except:

- A. Contiguous lots under the same ownership when initially zoned shall be combined when any of these lots, parcels or units of land did not satisfy the lot size requirements of the initial zoning district, excluding lots in a recorded plat.
- B. A unit of land created solely to establish a separate tax account, or for mortgage purposes, that does not conform to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed, tax account or contract creating it was signed by the parties to the deed or contract, unless it is sold under the foreclosure provisions of Chapter 88 of the Oregon Revised Statutes.

**LOT, REVERSE FRONTAGE:** A double-frontage lot for which the boundary along one of the streets is established as the rear lot line. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other feature which shall preclude access. See also "LOT, DOUBLE FRONTAGE" AND "LOT, REVERSE FRONTAGE".

**LOT, THROUGH:** Lots, other than corner lots, that abut on two or more streets. See also "LOT, DOUBLE FRONTAGE" AND "LOT, REVERSE FRONTAGE".

**LOT WIDTH:** The "lot width" is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

**LOT, ZONING:** A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

**LOW VOLUME IRRIGATION:** The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**MAJOR TRANSIT STREET:** Major transit streets, for the purpose of setting standards for orientation of development to transit, shall be those streets planned for High Capacity Transit and Primary Bus as shown on Comprehensive Plan Map V-6, and any other street that receives 20 minute or better service at the PM Peak traffic peak.

**MAP:** A final diagram, drawing or other writing concerning a major or minor partition.

**MANUFACTURED DWELLING:** A mobile home or manufactured home, but not a residential trailer or recreational vehicle.

**MANUFACTURED HOME:** A structure constructed on or after June 15, 1976, for a movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes, and constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

**MANUFACTURED HOME PARK:** Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent, lease or barter the use of such facilities. A manufactured home park does not include a lot or lots located within a subdivision.

**MASTER PLAN:** A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern.

**MILL SITE, ABANDONED OR DIMINISHED:** A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.

**MIXED USE:** A mix of uses located within a single building, such as retail on the first floor and residential or office uses on the upper floors.

**MOBILE HOME:** A structure constructed between January 1, 1962 and June 15, 1976, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**MOBILE VENDING UNIT:** A vehicle that is used in selling and dispensing goods or services to the customer. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

**MOTEL:** A building or series of buildings in which lodging only is offered for compensation and which may have more than five (5) sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

**MULTI-USE DEVELOPMENT:** A Multi-Use Development is a development which includes a number of distinct categories of uses, one or more of which is not allowed as a primary or accessory use in the underlying zoning district. Multi-Use Developments are allowed as conditional uses subject to the procedures and standards set forth in Section 1016 of this Ordinance.

**NATIVE PLANTS:** Any indigenous or resident species currently or historically found in the Willamette Valley.

**NATURAL AREA:** An area of land or water that has substantially retained its character and functions as an important habitat for plant and animal life.

**NONCONFORMING DEVELOPMENT:** An element of development, such as landscaping, parking, height, signage, or setbacks that was created in conformance with development regulations which, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable regulations.

**NONCONFORMING USE:** A use of any building, structure or land allowed by right when established or that obtained a required land use approval when established but, due to a change in the zone or zoning regulations, is now prohibited in the zone.

**NONFARM USE:** ~~A dwelling, or the creation of a lot for a dwelling, not provided in conjunction with a farm use in an agricultural district.~~

**NUDITY OR NUDE:** Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and, in the case of a female, exposing to view one or both breasts without a covering over the nipple that is at least three (3) inches in diameter and does not simulate the organ covered.

**NURSERY:** The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling goods purchased off the premises, except plant stock, or the establishment of a roadside stand.

**NURSING HOME:** A nursing, convalescent, or rest home facility licensed by the State under ORS chapters 441 and 442, or an assisting living facility licensed under ORS 443, which provides, for a period exceeding ~~twenty-four~~ (24) hours, the continuous services of licensed nursing personnel to care for chronically ill or infirm patients, exclusive of those patients related to the owner or facility administrator by blood or marriage. Such nursing, convalescent, or rest home must provide nursing services to those patients who, in the judgment of a physician, registered nurse, or facility administrator, require remedial, restorative, supportive, or preventive nursing

measures.

**OPEN SPACE:** Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreational uses or for scenic purposes. Open space shall be used as such in perpetuity.

**OVERBURDEN:** Earth that lies above a natural deposit of a mineral.

**OVERHEAD SPRINKLER IRRIGATION SYSTEMS:** Systems that deliver water for irrigation from spray heads, rotors or other above-ground emitters that send water through the air.

**OWNER:** Person or persons holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed the owner.

**PARCEL:** A unit of land created by a partition of land. For the purposes of this Ordinance, parcel includes lot and lot of record unless otherwise specified in the context of the specific provisions.

**PARKING STRUCTURE:** A structure having at least two levels which is designed and used for parking vehicles, or a structure having one level of covered parking area under an open space or recreational use. A one level surface parking area, garage or carport shall not be considered a "parking structure" for purposes of this Ordinance.

**PARTITION:** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

**PEDESTRIAN AMENITIES:** Outdoor improvements directly visible and accessible to pedestrians that promote and facilitate pedestrian use, including plazas, pocket parks, courtyards, awnings or other weather protection, kiosks or gazebos, water features, drinking fountains, sculpture, outside seating areas, landscape planters, trellises, and street furniture.

**PEDESTRIAN PATHWAY:** A hard-surfaced or permeable hard-surfaced pedestrian facility adjacent to a public roadway where there is no curb, but is protected from vehicular traffic or set back behind a planting strip.

**PEDESTRIAN-SCALE LIGHTING:** Street lights designed to illuminate sidewalks to provide security for nighttime use by pedestrians. Pedestrian scale lighting includes ornamental lighting with a 14- to 25-foot mounting height and which meets the Illumination Society guidelines for Commercial Collector roadways.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended, usually in series, from a rope, wire, or string, and designed to move in the wind.

**PERVIOUS:** Any surface or material that allows the passage of water through the material and into the underlying soil.

**PLANNING DIRECTOR:** The administrative official of Clackamas County, or authorized staff member, designated to administer the responsibilities of the Planning Division.

**PLAT:** The final map which is a diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

**POROUS PAVEMENT:** Surface to walk, drive or park on that may reduce stormwater runoff by allowing water to soak into the ground. Examples are permeable pavers, pervious concrete, porous asphalt, and gravel.

**PRELIMINARY PLAN:** A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of the major partition, short subdivision, subdivision or other development. For the purposes of this Ordinance, the terms "preliminary" and "tentative" as used in Chapter 92, Oregon Revised Statutes, shall be synonymous.

**PREMISES:** A lot, building, or portion of a lot or building, occupied by a use with its appurtenances.

**PRESERVATION, CULTURAL RESOURCES:** The identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

**PRIMARY BUILDING WALL:** Exterior building wall which contains a public entrance to the occupant's premises and faces either a street or a parking area.

**PRINCIPAL DWELLING, NATURAL RESOURCE:** ~~A dwelling provided in conjunction with a farm or forest use in an agricultural or forest district which is occupied by the owner or primary operator of the farm or forest use on the property.~~

**PRODUCE STAND:** A table, bench (or similar), cart, or structure, any of which may be covered, that is located or erected for the purpose of direct sales by growers of agricultural goods, including vegetables, fruits, flowers, bulbs, herbs, plants, honey, and similar products as determined by the Planning Director, but not including

processed foods such as jams or jellies, that are produced on the same site at which the produce stand is located.

**PROFESSIONAL-TYPE SERVICES:** A professional-type service shall include activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate and insurance sales.

**PUBLIC OWNERSHIP:** Land owned by federal, state regional or local government or governmental agency.

**PUBLIC UTILITY:** A utility regulated by the Public Utility Commission under ORS 757 or any other utility that provides electrical energy directly to consumers within the State of Oregon, including, but not limited to, municipalities, cooperatives and people's utility districts. When this definition differs from that in ORS 758.500, the definition in ORS 758.500 shall prevail.

**PUBLIC WATER SYSTEM:** A system for the provision to the public of piped water for human consumption, if such system has more than three service connections and is a facility licensed by the State of Oregon Health Division.

**RAINWATER COLLECTION SYSTEM:** A system of pipes, container (rain barrel, rainwater tank, pond, or rainwater reservoir), valves and associated apparatus for collecting and storing harvested rainwater runoff, typically from rooftops via rain gutters, but also from ground catchment systems.

**RECORDER'S PLAT SHEET:** A standard "recorder's plat sheet" shall be a good quality, white, cold-pressed, double-mounted drawing paper ~~eighteen (18)~~ inches by ~~twenty-four (24)~~ inches in size with the muslin extending three ~~(3)~~ inches at one end for binding purposes. No portion of the map or drafting shall be closer than one ~~(1)~~ inch of the edge of the board.

**RECREATIONAL VEHICLE:** A vehicle licensed by the Oregon State Department of Motor Vehicles, with or without motive power, which is designed, intended to be and/or used for temporary human occupancy for recreation, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode. These shall include but are not limited to park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers.

**RECYCLABLE DROP OFF SITE:** A convenient location not within a public right-of-way where mobile depots or drop boxes may be sited as a recyclable material collection point for nearby residents prior to delivery to a broker or user of such materials.

**RECYCLE/RECYCLING:** A process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. It shall also include the collection, transportation, or storage of products by other than the original user or consumer, giving rise to the product's being in the stream of

commerce for collection, disposal, recycling, reuse, resource recovery, or utilization.

**RECYCLING CENTER:** A facility that primarily purchases for recycling or reuse principal recyclable materials which have been source-separated by type, such as vegetative yard debris, paper, glass, and metal, by the person who last used the unseparated solid wastes, but not a salvage or junk yard. Principal recyclable materials are those items defined as such by the Oregon Department of Environmental Quality.

**RELATIVE:** A parent, child, brother, sister, grandparent or grandchild of a person or person's spouse.

**RESERVE STRIP:** A strip of land, usually one (±) foot in width, across the end of a street or alley which shall be under the ownership of the County to insure street extensions where needed.

**RESIDENTIAL HOME:** A dwelling operated as a single housekeeping unit for the purpose of providing food, shelter, personal services, care, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions or circumstances.

**RESIDENTIAL TRAILER:** A structure constructed prior to January 1, 1962, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and that was constructed in accordance with Federal Manufactured housing construction and safety standards and regulations in effect at the time of construction and is greater than 400 square feet and less than 700 square feet.

**RESOURCE RECOVERY FACILITY:** Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, but not a salvage or junk yard.

**RIGHT-OF-WAY:** A passageway conveyed for a specific purpose.

**ROAD:** A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a "road." The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road".

**ROAD, COUNTY:** A public way under County jurisdiction which has been accepted into the County road maintenance system by order of the Board of County Commissioners.

**ROAD, PRIVATE:** A private way created by deed or easement to provide vehicular ingress to, or egress from, three (≥) or more lots or parcels.



**ROAD, PUBLIC:** A public way dedicated or deeded for public use but not accepted into the County road maintenance system, intended primarily for vehicular circulation and access to abutting properties.

**ROADWAY:** That portion of a road or alley that has been improved for vehicular traffic.

**SALVAGE:** Separating, collecting or retrieving reusable solid waste for resale.

**SALVAGE, JUNK YARD:** A location on which solid wastes are separated, collected, and/or stored pending resale.

**SCHOOL, COMMERCIAL:** A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

**SCHOOL, PRIVATE:** Includes private kindergartens, nurseries, play schools, and church-related schools.

**SCREENING:** Sight-obscuring fence, or sight-obscuring planting.

**SERVICE STATION:** A commercial establishment with sales and services limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting and fender work are excluded. An electric vehicle charging station is not a service station.

**SHARED PARKING:** Parking spaces used jointly by two or more uses within the same development, or separate adjacent developments, which either have peak hours of operation that do not overlap, or typically provide services to many of the same patrons (i.e. restaurant in an office complex or hotel providing lodging for convention participants within the same development), provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for all parties jointly using them.

**SIDEWALK:** A concrete pedestrian facility adjacent to a curb along a public road or setback from the curb behind a planting strip.

**SIGHT-OBSCURING FENCE:** Any fence or wall which conceals or makes indistinct any object viewed through such fence or wall.

**SIGHT-OBSCURING PLANTING:** A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach a height of at least six (6) feet within ~~thirty~~(30) months after planting.