ARTICLE 1. INTRODUCTORY PROVISIONS AND DEFINITIONS

SECTION 1.010 TITLE

This Planning Document shall be known as the Gilliam County Zoning and Land Development Ordinance. This Ordinance was adopted in 1947 and amended in 1987 and 2000. This document was codified in 2005, and amended on November 2, 2011 and May 3, 2017.
SECTION 1.020 PURPOSE

The Amendments set forth by this Document are those Amendments to the County’s Zoning and Land Development Ordinance of 1977 identified by Gilliam County as being necessary to meet the requirements of ORS Chapter 197.640 as part of the County’s Periodic Review conducted in 1986 and 1987. The Amendments set forth hereinafter are those Amendments deemed necessary to maintain compliance with Statewide Planning Goals and State Statutes, and to maintain coordination with applicable State Agency plans and programs.

In 2008 Gilliam County undertook another Post Acknowledge Plan Amendment (PAPA) to update its comprehensive plan and development code to address changes to the Statewide Planning Goals and Administrative Rules.

In 2011 Gilliam County adopted Ordinance No. 2011-04 to amend the Comprehensive Plan and Zoning and Land Development Ordinance, which also included a zone change from Exclusive Farm Use to Limited Industrial.

In 2017 Gilliam County adopted Ordinance No. 2017-02, adopting legislative amendments to update the Gilliam County Zoning and Land Development Ordinance related to the time, place, and manner of the production, processing, wholesaling, and retailing of recreational and medical marijuana, pursuant to the Oregon House Bill 3400, and declaring an emergency.
SECTION 1.030 DEFINITIONS

As used in this ordinance, the following words and phrases shall mean:

A. **Accepted Farming Practice.** A mode of operation that is common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches to obtain a profit in money and customarily utilized in conjunction with farm use.

B. **Access.** A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

C. **Access Classification.** A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government’s adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

D. **Access Connection.** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

E. **Access Management.** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

F. **Accessway.** A walkway that provides pedestrian and bicycle passage either between roads or from a road to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

G. **Accessory Use or Accessory Structure.** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

H. **Administrative Land Use Decision.** A land use decision made by the Planning Director using limited discretion based upon and limited to specific Ordinance criteria, and that does not require a scheduled public hearing before the Planning Commission or Board of Commissioners as required by this Ordinance, State Statutes or Oregon Administrative Rules.

I. **Agricultural Land.** (A) Lands classified by the National Resource Conservation Service (NRCS) as predominately Class I-VI soils. (B) Lands in other soil classes which are suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required, and accepted farming practices. Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in other capability classes other than I-VI that is adjacent to or intermingled with lands...
in capability classes I-VI within a farm unit shall be identified as agricultural lands even though this land may not be cropped or grazed.

J. Aggregate Resources. Means naturally occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, pumice, cinders, and other naturally occurring solid materials commonly used in construction and road building.

K. Automobile Wrecking Yard. Premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

L. Apartment. A building or portion thereof, designed for occupancy by three or more families living independently of each other.

M. Base Flood Elevation. The crest elevation, in relation to mean sea level or an assumed elevation tied to a benchmark, expected to be reached by a 100-year flood.

N. Bed and Breakfast Inn. An accessory use carried on within a building designed for and occupied as a single family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 30 consecutive days, for the use of travelers or transients for a fee. Provision of a morning meal is customary.

O. Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

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

Q. Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

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

S. 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. (These are further defined in the Gilliam County Transportation System Plan.)

T. Cannabinoid. Refers to any of the chemical compounds that are the active constituents of marijuana.

U. Conflicting Use. Means a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by mining at a significant mineral or aggregate resource site, as specified in OAR 660-023-0180(4)(b) and OAR 660-023-0180(5).
V. **Church.** An institution that has nonprofit status as a church established with the Internal Revenue Service. A nonresidential building or buildings intended for religious worship and activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

W. **Clear-Vision Area.** A triangular area on a lot at the intersection of two roads, a road and a driveway, or a road and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in this Ordinance. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. The vision clearance area contains no plantings, walls exceeding three and one-half (3 1/2) feet in height measured from the road surface, or sight-obscuring fences, in order to provide adequate visibility for vehicles entering the intersection.

X. **Commercial Activities in Conjunction with Farm Use.** The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

1. Storage, distribution and sale of feed, fertilizer, seed chemicals, and other products used for commercial agriculture.

2. Farm product receiving plants, including processing, packaging and reshipment facilities.

3. Livestock feed or sales yards.

4. Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.

5. Farm equipment storage and repair facilities.


7. Veterinarian clinic.

8. Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.

9. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

10. Wineries for production from fruits, a portion of which are grown on the property, including retail sales.

11. Other such uses which may be construed as similar to the uses listed above.
12. A commercial activity, as described in ORS 215.283(2)(a), carried on in conjunction with a marijuana crop is not a permitted use.

Y. **Commercial Agricultural Enterprise.** Farm operations that will contribute in a substantial way to the area’s existing agricultural economy and help maintain agricultural processors and established farm products. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

Z. **Commercial Amusement Establishment.** An intensively developed or largely open space recreation facility that charges admission or participation fees.

AA. **Commercial Residential Use.** A building, portion of a building or group of buildings designed or used for human occupancy or lodging for which a fee is charge, such as a hotel, motel, tourist court or labor camp, but excluding quarters intended for permanent or semi-permanent occupancy such as a duplex or apartment. A trailer park is not included in this definition.

AB. **Comprehensive Plan.** A plan for the guidance of growth and improvements of the county including modifications or refinements which may be made from time to time.

AC. **Corner Clearance.** The distance from a public or private road intersection to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

AD. **Cross Access.** A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

AE. **Day Care Facility.** A facility that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care includes the following subcategories:

1. **Adult day care:** A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. A structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours.

2. **Child care center:** Any facility licensed by the state that provides child care outside the provider’s home either as a for-profit or non-profit operation.

3. **Mini-Day Care Center:** Means a day care facility for the care of 12 or fewer children in a facility other than the family dwelling of the person(s) providing the care.

4. **Day Care Center:** Provides for care of 13 or more children. If located in a private family residence, the portion where the children have access must be separate from the family living quarters, or that portion where the children have access must be exclusively used for their care during the hours that the child day care is operating.
AF. **Day Care Home.** A business involving the care of 10 or fewer children located in the family dwelling of the provider. The home shall meet Oregon State day care licensing requirements.

AG. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of commercial equipment or materials.

AH. **Development Permit (Zoning Permit).** Means a permit approved by the decision maker and issued by the Director granting authority to the permittee to initiate some or all aspects of mining of aggregate at the site specified in the permit. The term does not include a text amendment to the Comprehensive Plan whereby the Plan is amended to include the site in any category described Article. See Zoning Permit.

AI. **Duplex.** A detached building containing two dwelling units and designed for occupancy by two families.

AJ. **Easement.** A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

AK. **Existing Aggregate Use.** Means a significant aggregate site that is lawfully operating, or is included in the aggregate inventory in the Comprehensive Plan, on September 1, 1996

AL. **Expansion Area.** Means a geographic area containing aggregate resource contiguous to an existing site and in which geographic area mining approval is being sought under this Article.

AM. **Family.** An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

AN. **Farm Use.** The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or 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 or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.

“Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife
Commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

“Farm use” does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees, as defined in subsection (3) of this section or land described in ORS 321.267(1)(e) or 321.415(5). Discretionary uses that include marijuana shall comply with the respective standards contained in this Ordinance.

1. “Current employment” of land for farm use includes:

   a. Farmland, the operation or use of which is subject to any farm-related government program;

   b. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

   c. Land planted in orchards or other perennials, other than land specified in subparagraph (d) of this paragraph, prior to maturity;

   d. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

   e. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

   f. Except for land under a single-family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by Ors 215.213(1)(y) and 215.283(1)(v);

   g. Water impoundments lying in or adjacent to and in common ownership with farm use land;

   h. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner or land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

   i. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

   j. Any land described under ORS 321.267(1)(e) or 321.415(5); and
k. Land used for the primary purpose of obtaining a profit in money by breeding, training, kenneling or training of greyhounds for racing.

AO. FIRM (Flood Insurance Rate Map). An official map distributed by the Federal Emergency Management Agency (FEMA) that depicts areas that are subject to inundation from a 100-Year (Base) flood. Jefferson County’s Flood Hazard Ordinance is based on this map.

AP. Flag Lot. A lot or parcel that has the bulk of its area set back some distance from a road, and that is connected to the road via a thin strip of land (the flagpole).

AQ. Flood Hazard Area. The relatively flat area or lowland adjoining the channel of a river, stream, or other watercourse, lake or reservoir which has been or may be covered by a base flood. Also referred to as the 100-year Flood plain. Such an area is subject to a one percent (1%) or greater chance of flooding in any given year.

AR. 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.

AS. Frontage. All property fronting on one side of a road right-of-way, waterway, railroad or other feature.

AT. Frontage Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (See also Service Roads.)

AU. Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

AV. Grade (Ground Level), Finished. The average elevation of the finished ground elevation at the centers of all walls of a building.

AW. Grade (slope), Natural. The grade or elevation of the ground surface that exists or existed prior to man-made alterations such as grading, grubbing, filling, or excavation.

AX. Hazardous Waste Facility. Any site for the treatment, storage, recycling or disposal of hazardous and other waste that has a permit issued under ORS Chapter 466 by the Oregon Department of Environmental Quality and/or the Oregon Environmental Quality Commission, together with all equipment, facilities, buildings and structures necessary for its operation.

AY. Height of Building. The vertical distance from the average grade to the highest point of the roof.

AZ. Home Occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building on the resident’s property in compliance with ORS 215.448 and applicable County zoning provisions.
BA. **Joint Access** (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.

BB. **Land Use Decision.** A final decision or determination that concerns the adoption, amendment or application of: (1) the statewide planning Goals; (2) a Comprehensive Plan provision; (3) an existing or new land use regulation; or (4) a decision of the Planning Commission made under ORS 433.763.

BC. **Legislative Decision.** Any action which involves the making of laws of general applicability, such as an amendment to the text of the Zoning Ordinance, or that affects a large area or multiple properties under different ownership, such as an amendment to the boundaries of an overlay zone.

BD. **Livestock Feeding Yard.** An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.

BE. **Livestock Sales Yard.** An enclosure or structure designed or used for the purposes of sale or transfer by auction, consignment, or other means.

BF. **Lot.** A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

BG. **Lot, Corner.** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

BH. **Lot, Flag.** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.

BI. **Lot, Reversed Corner.** A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

BJ. **Lot, Through (or Double Frontage Lot).** A lot that fronts upon two parallel streets, or that fronts upon two streets that do not intersect at the boundaries of the lots.

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

BL. **Lot Depth.** The average distance measured from the front lot line to the rear lot line.

BM. **Lot Frontage.** That portion of a lot extending along a street right-of-way.

BN. **Map.** A final diagram, drawing or other writing concerning a minor land partition.

BO. **Manufactured Dwellings**
1. “Residential trailer,” a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy before January 1, 1962.

2. “Mobile home,” a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon Mobile Home Law in effect at the time of construction.

3. “Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

BP. Manufactured (Mobile) Home Park. A parcel (or contiguous parcels) of land under the same ownership where two (2) or more manufactured homes are located within 500 feet of one another, the primary purpose of which is to rent space or keep charge or fee paid to 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.

BQ. Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

BR. Marijuana Business. The term and its derivations means an enterprise authorized by state law involving medical or recreational marijuana production, medical or recreational marijuana processing, recreational marijuana wholesaling, medical marijuana dispensing, or retailing of recreational marijuana.

BS. Mining. Means the extraction and processing of aggregate resources, in the manner provided under paragraph (1) below.

The term includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of materials are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

The term does not include:
1. Excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel that is being excavated;
2. Excavation or grading operations, reasonably necessary for farming;

3. Non-surface effects of underground mining;

4. Removal of rock, gravel, sand, silt or similar substances removed from the beds or banks of any waters of this state pursuant to a permit issued under ORS 196.800 to 196.900; or

5. Excavations or reprocessing of aggregate material, or grading operations, within the highway right of way reasonably necessary for the construction, reconstruction or maintenance of a highway as defined in ORS 801.305.

BT. Mining Area. Means the geographic area containing an identified significant aggregate site within which some or all aspects of mining is permitted. The mining area may consist of one or more properties or portions of properties, and may include two or more contiguous properties under different ownership. The mining area does not include undisturbed buffer areas or areas on a property where mining is not authorized.

BU. Natural Hazard Areas. An area that is subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ground water, flash flooding, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

BV. Neighborhood Activity Center. An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, and employment areas.

BW. New Construction. Any structure for which the “start of construction” commenced on or after the effective date of this ordinance.

BX. Nonconforming Access Features. Features of the property access that existed prior to the date of ordinance adoption which do not conform with the requirements of this ordinance.

BY. Nonconforming Structure Or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

BZ. Parcel. Includes a unit of land created:

1. By partitioning land as defined in ORS 92.010;

2. In compliance with all applicable planning, zoning or partitioning ordinances or regulations;

3. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.
Does not include a unit of land created solely to establish a separate tax account.

CA. Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this paragraph, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

CB. Partition Land. 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 Land” 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 Land” does not include an adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable Zoning Ordinance. “Partition Land” 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.

CC. Pedestrian Facilities (also Walkway). A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.


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

CF. Planning Commission. The Planning Commission of the county.

CG. Plat. A final subdivision plat, replat or partition plat, including a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a partition or subdivision.

CH. Primary or Principal Use. The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.
CI. **Private Road.** A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

CJ. **Processing.** Includes, but is not limited to crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit area.

CL. **Property Line Adjustment.** The relocation or elimination of a common property line between abutting properties, where no new lots or parcels are created. Also referred to as a lot line adjustment.

CL. **Public Road.** A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

CM. **Public or Semi-Public Use.** A use owned or operated by a public, governmental or nonprofit organization for the benefit of the public generally. This does not include landfill sites, garbage dumps or utility facilities.

CN. **Quasi-judicial Decision.** An action based on an individual land use application involving the administration of land use regulations to a single tract or a small number of contiguous parcels, or a proposed change such as an amendment to the Zoning Map involving a single tract or a small number of contiguous parcels. A quasi-judicial decision: (1) applies pre-existing criteria to concrete facts; (2) is bound to result in a decision; and (3) is directed at a closely circumscribed factual situation or a relatively small number of persons.

CO. **Reasonable Access.** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of Gilliam County.

CP. **Reasonably Direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

CQ. **Recreational Vehicle.** A vacation trailer or other unit with or without motive power which is designed for human occupancy and is to be used temporarily for recreational, seasonal or emergency purposes, including camping trailers, motor homes, park trailers, travel trailers and truck campers, as defined in OAR 918-650-0005, and “Park Model” manufactured homes.

CR. **Recreational Vehicle Park.** A place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose the renting of space and related facilities for a charge or fee, or the provision of space for free in connection with securing the patronage of a person. “Recreational vehicle park” does not mean an area designated only for picnicking or overnight camping, or a manufactured dwelling park or mobile home park.

CS. **Replat.** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to
increase or decrease the number of lots in the subdivision. A property line adjustment between two lots in a recorded plat and the partition of an existing lot are not replats.

CT. **Residential Facility.** A residential care, residential training, or residential treatment facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

CU. **Residential Home.** As set forth by ORS 443.580(3) means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

CV. **Residential Use.** A structure or use designed or used for occupancy as a human dwelling or lodging place such as a single-family dwelling; duplex; apartment; boarding, lodging, or rooming house; trailer house or trailer home park; or labor camp.

CW. **Right-Of-Way.** Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.

CX. **Roadway.** The portion of a street right-of-way developed for vehicular traffic.

CY. **Safe and Convenient.** Bicycle and pedestrian routes that:

1. Are reasonably free from hazards, and
2. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.

CZ. **School.** Public and private schools at the primary, elementary, junior high, or high school (K-12) level that provide state mandated basic education, and institutions of higher learning. Also secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree.

DA. **Setback:** A distance, measured horizontally from, and running parallel to, a property line, rim, water body or other feature.

DB. **Sidewalk.** A pedestrian walkway with permanent surfacing.

DC. **Significant Change in Trip Generation.** A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding:
1. **Local**: 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or

2. **State**: exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

**DD. Surface Mine Permit.** For the purposes of Exclusive Farm Use and Range Land zones, a permit is required to mine more than 1,000 cubic yards of material or to excavate preparatory to surface mining a surface area of more than one acre. For all other zones, a permit is required to surface mine more than 5,000 cubic yards of mineral or more than one acre of land within a period of 12 consecutive calendar months.

**DE. Start of Construction.** Means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footing or any work beyond the preparation, such as clearing, grading and filling; does not include excavation for a basement footing, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For manufactured homes not within manufactured (mobile) home parks, “start of construction” means the affixing of the mobile home to its permanent site.

**DF. Street.** The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms road, highway, lane, place, avenue, alley or other similar designation. All curbing must conform to the right-of-way lanes.

1. **Alley**: A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

2. **Arterial**: A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

3. **Collector**: A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for access to abutting properties.

4. **Cul-De-Sac** (dead-end street): A short street having one end open to traffic and being terminated by a vehicle turnaround.

5. **Half Street**: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portions of the street could be provided in another subdivision.

6. **Marginal Access Street**: A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

7. **Minor Street**: Intended primarily for access to abutting properties.
8. **Stub-Out** (Stub Street): A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**DG. Structure.** A building or other major improvement that is built, installed or constructed. Among other things, structures include buildings, retaining walls, decks, communication towers, and bridges, but do not include minor improvements such as fences, swimming pools, utility poles, flagpoles, irrigation system components and similar items that are not customarily regulated through zoning ordinances.

**DH. Subdivide Land.** To divide an area or tract of land into four or more lots 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.

**DI. Subdivision.** Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

**DJ. Trailer House.** Any vehicle or similar device originally designed or presently constructed to be used as a human dwelling or lodging place and to be movable from place to place over streets.

**DK. Trailer Park.** A plot of ground upon which one or more trailer houses occupied for dwelling or sleeping purposes is located, regardless of whether a charge is made for such accommodation.

**DL. Traveler’s Accommodation.** Any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.

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

**DN. Utility Facility.** Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or by-products, including power transmission lines, pipelines, power substations, water towers, reservoirs and similar facilities.

**DO. Utility Facility Service Lines.** These are utility lines and accessory facilities or structures that end at the point where the utility serviced is received by the customer and that are located on one or more of the following:

1. A public right-of-way;
2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

**DP. Walkway.** A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.
DQ. **Wetland.** Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and other similar areas.

DR. **Yard.** An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

DS. **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

DT. **Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a rear yard.

DU. **Yard, Side.** A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

DV. **Yard, Street Side.** A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

DW. **Zoning Permit.** See Development Permit.

*Any term not defined here – dictionary use qualified.*