

**AN ORDINANCE PROVIDING FOR THE  
ESTABLISHMENT OF ZONING & LAND USE REGULATIONS  
FOR UNION COUNTY**

**ARTICLE 1.00  
INTRODUCTORY PROVISIONS AND DEFINITIONS**

**1.01 TITLE**

This ordinance shall be known as the Zoning, Partition and Subdivision Ordinance - November 2, 1983, of Union County, Oregon.

**1.02 PURPOSE**

The purpose of this ordinance is to promote public health, safety and general welfare of the citizens of Union County, encourage appropriate and orderly growth and development, implements the Union County Land Use Plan, and requires that age, gender or physical disability shall not be an adverse consideration in making a land use decision.

**1.03 INTERPRETATION**

The interpretation and application of the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of the ordinance shall control. The Union County Board of Commissioners, maintain the authority to interpret all provisions in this ordinance. (ORS 197.829)

**1.04 COMPLIANCE WITH ORDINANCE PROVISIONS**

All persons shall locate, construct, repair, alter, replace, or use a building or other structure, or transfer land or establish a use only as this ordinance permits.

**1.05 CLASSIFICATION OF ZONES AND BOUNDARIES THEREOF**

For the purpose of this ordinance, the following zones are hereby established for the unincorporated area of Union County.

<b>ZONE CLASSIFICATION</b>	<b>ABBREVIATED DESIGNATION</b>
Exclusive Farm Use	A-1
Agriculture-Grazing	A-2
Agriculture Forest Use	A-3
Timber-Grazing Use	A-4
Rural Center	R-1
Rural Residential	R-2
Farm Residential	R-3
Forest Residential	R-4
Commercial	C-1
Commercial Interchange	C-2
Light Industrial	I-1

Heavy Industrial	I-2
La Grande/Union County Public Airport	PA
Surface Mining	SM
Airport Light Industrial Park	A I-1
Airport Overlay	AP
Flood Plain Overlay	FP
La Grande & Island City	UG-1
Urban Growth Area Overlay	
Elgin & North Powder	UG-2
Urban Growth Area Overlay	

## **1.06 ZONING MAP**

1. The location and boundaries of the zones designated in Section 1.05 are hereby established and shown as dot-dash lines on the maps entitled "Union County Plan and Zoning Maps - November 2, 1983" and subsequent amendments.
2. The Flood Plain Overlay Zone is identified on the Union County Zoning Maps and where base flood elevation data has been provided by the Federal Flood Insurance Administration through the report entitled "Flood Insurance Study for Union County, Oregon," dated November 1979. The Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps are adopted as supplements to the Union County Zoning Maps.
3. A signed copy of the "Union County Plan and Zoning Maps - November 2, 1983" and subsequent amendments shall be maintained on file in the office of the County Clerk and is hereby made a part of this ordinance.

## **1.07 LAND USE PLAN COMPLIANCE**

Zoning decisions shall be in compliance with applicable local, state and federal laws, and the Union County Land Use Plan and various sections and elements thereof, including, but not limited to the following:

1. Land Use Plan Classifications
2. Land Use Plan Policies
3. Transportation Plan and Updates
4. Urban Growth Area Joint Management Agreements

## **1.08 DEFINITIONS**

For the purpose of this Ordinance certain words, terms and phrases are defined as follows:

**ACCEPTED FARMING PRACTICE:** A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. As applied to composting operations on high-value farmland, “accepted farming practice” includes composting operations that either (1) compost only materials produced on the subject tract, or (2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract.

**ACCESSORY STRUCTURE:** A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use, and for which the owner files a restrictive covenant in the deed records of the county agreeing that the accessory structure will not be used as a residence or residential rental unit.

**AGENT:** Individual or party given written authorization to act on behalf of a landowner(s).

**AGRICULTURE:** See Farm Use.

**AGRICULTURAL BUILDING:** Any structure that is considered to be an “agricultural building” under the State Building Code (Section 326) that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner (1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and (2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or residential rental unit.

**AGRICULTURAL EXEMPT STRUCTURE:** Existing structures allowed exemption from the requirements for a building permit and inspections under the Oregon State Structural Specialty Code (ORS 455.315) or pre-existing structures.

**ANIMAL HUSBANDRY:** Includes the keeping, feeding, or breeding of livestock or poultry, dairying, bees, etc.

**ANIMAL SHELTER:** Any structure with a permanent covering designed for the part-time or full-time habitation of animals, excluding non-commercial operations of rabbits, fowl, bees and the like.

**APPROACH SURFACE - RUNWAY:** An imaginary surface which is an inclined plane, symmetrical above the runway, center line extended, beginning at the primary surface (see definition) at each end of the runway and extending for a distance of 5,000 feet for utility runways, 10,000 feet for non-precision instrument runways, and 50,000 feet for runways with an instrument landing system. The slope of the approach surface along the runway center line extended is 20:1 for utility runways, 34:1 for non-precision instrument runways and 50:1 for runways with an instrument landing system. The width of this surface at the runway end is the same as the primary surface (see definition), uniformly widening to 1,250 feet for a utility runway, 4,000 feet for a non-precision instrument runway and 16,000 feet for a runway with a precision instrument approach.

**AREA OF SPECIAL FLOOD HAZARD:** Means the land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**AUXILIARY:** As used in Section 5.03.2 and 3, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

**BASE FLOOD:** Means the flood having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes residence of the operator and be compliant with the requirements of ORS 333-170-0000(1). A bed and breakfast facility may be reviewed as either a home occupation in a farm zone or forest zone or as a room and board operation in an farm zone.

**BILLBOARD:** A sign which has a surface space upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

**BOARDING HOUSE:** A dwelling unit which provides an individual, or any number of persons related or bearing a generic character of a family unit living together where meals or lodging may also be provided for more than four additional persons, excluding servants.

**BUILDING SETBACK LINE:** A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line or road or street right-of-way line where applicable.

**BUILDING:** A structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

**CAMPGROUND:** An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Campgrounds authorized on land zoned for farm and/or forest uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period.

**CLASS I STREAMS & LAKES:** Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing or migration routes. Stream flows may be either perennial or intermittent during part of the year. See Zoning maps for Class I designation of County streams and lakes.

**CLEAR ZONE - RUNWAY:** That area defined as a surface at each end of the runway primary surface (see definition) extending 1,000 feet for utility runways, 1,700 feet for non-precision instrument runways, and 2,500 feet for instrument landing system runways. The width at the inner end is the same as the width of the primary surface, uniformly widening to widths of 450 feet at the outer end for utility runways, 1,010 feet at the outer end for non-precision instrument runways and 1,750 feet at the outer end for instrument landing system runways.

**COMMERCIAL ACTIVITY IN CONJUNCTION WITH FARM USE:** The processing, packaging, treatment and wholesale distribution, and storage of a product primarily derived from farm activities in the local agricultural community. Also, retail sales of products, supplies and services to the agricultural community that support the production and harvesting of agricultural products.

**COMMERCIAL STAND OF TIMBER:** A parcel predominantly stocked and capable of producing 20 cubic feet per acre per year or greater, or required by Oregon Department of Forestry to be restocked subsequent to harvest.

**COMMISSION OR PLANNING COMMISSION:** The Planning Commission of Union County, Oregon appointed by the Union County Board of Commissioners.

**COMMERCIAL TREE SPECIES:** Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.

COMMERCIAL POWER GENERATING FACILITY: A facility for the production of energy and its related or supporting facilities that:

1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow “Farm Use” and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;
2. Is intended to provide energy for sale; and
3. Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84; and.
4. Generate at least three megawatts or more of power.

CONTIGUOUS: Lots, parcels or lots and parcels that have a common boundary more than a common corner. Contiguous includes, but is not limited to, lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous does not include lots, parcels or lots and parcels separated by a four-lane highway.

COUNTY: The County Board of Commissioners, County Planning Commission or authorized designate of either body.

CUBIC FOOT PER ACRE: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

CUBIC FOOT PER TRACT PER YEAR: The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

DATE OF CREATION AND EXISTENCE: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

DEFENSIBLE SPACE – the area between a house and an oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and to provide an opportunity for firefighters to effectively defend the house.

DEVELOPMENT STANDARDS: Guidelines for the development of individual sites in a manner which will enhance the working efficiency and visual amenities of the total area, while providing latitude and flexibility for the individual developer.

DISTRIBUTION USE: Land used to serve industry in the storage, transfer and distribution of goods and materials between manufacturer and consumer.

DRY HYDRANT – an arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for firefighting purposes and that utilizes the drafting (suction) capability of fire department pumpers.

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility.

DWELLING, DUPLEX: A detached building containing two dwelling units.

DWELLING, MULTI-FAMILY: A building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit.

EASTERN OREGON: The portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

EXISTING STRUCTURE: Anything constructed, erected or air-inflated which requires location on the ground and has been assessed by the Union County Assessor for ad-valorem taxation purposes for the previous five years.

EXPLORATION: All activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals.

EXTERNAL IMPACTS: Uses which create smoke, odor, vibration, noise, dust or other conditions which would have an impact on adjacent uses.

EVENT, TEMPORARY: A temporary event is one that is held primarily on or is using Public Property that has an expected attendance of more than [50], but no more than [500] people, that will not continue for more than [72] hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a Ministerial review process and are not considered “outdoor mass gatherings” as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).

**FARM USE:** Means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing 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 and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "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. It 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 ORS 215.203(3).

**FARM STAND STRUCTURE:** A structure that is designed and used for the sale of farm crops and livestock as provided in Section 2.05.6 or 3.05.6. A food stand is considered to be a farm stand structure.

**FARM OPERATOR:** A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

**FARM OR RANCH OPERATION:** All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

**FEE-BASED ACTIVITY TO PROMOTE THE SALE OF FARM CROPS OR LIVESTOCK** (as applied to farm stands): An agri-tourism activity as defined in this section that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of Sections 2.05.6 or 3.05.6.

**FEEDLOT OR CONFINED FEEDING OR HOLDING OPERATION:** The concentrated or confined feeding or holding of animals or poultry where the surface has been prepared with concrete, rock or vitreous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.

**FENCE, SIGHT OBSCURING:** A fence or planting arranged in such a way as to obscure vision.

**FLOOD INSURANCE RATE MAP (FIRM):** Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

1. The overflow of inland (or tidal) water and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODWAY FRINGE:** The area between the floodway and the boundary of the base flood which can be diked without increasing upstream flood levels by more than one foot in height.

**FLOODWAY:** Means 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.

**FOREST LANDS:** The (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses; (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; (4) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife, and fisheries habitat, livestock habitat, scenic corridors, and recreation use; (5) means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the state forester, a fire hazard, regardless of how the land is zoned or taxed.

**FOREST OPERATION:** Any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).

**FOREST USES:** The (1) production of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

**FUELS** – all combustible material within the wildland/urban interface, including vegetation and structures.

**FUEL LOADING** – the volume of fuel in a given area generally expressed in tons per acre.

FUEL MODIFICATION – any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control.

GAS: All natural gas and all other fluid hydrocarbons not defined as oil in this section, including condensation originally in the gaseous phase in the reservoir.

GEOTHERMAL RESOURCES: The natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substance.

GOLF COURSE: A golf course is an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course for the purposes of ORS 215.283(2)(e) and OAR 660 Division 33 means a 9 or 18 hole regulation golf course consistent with the following:

1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,000 yards and a par of 64 to 73 strokes.
2. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
3. Non-regulation golf courses are not allowed within areas zoned for exclusive farm use. "Non-regulation golf course" means a golf course or golf course like development that does not meet this definition of golf course including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
4. Counties shall limit accessory uses provided as part of a golf course in an exclusive farm use zone, and not related to a destination resort development, to the following standards:
5. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; housing.

6. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. [OAR 660-33-130(20)]

**GOVERNING BODY:** A city council, county board of commissioners, or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

**GRADE (ground level):** The average of the finished ground level at the center of all walls of the building.

**GRAZING:** The use of land for pasture of horses, cattle, sheep, goats, or other domestic animals.

**HAMMERHEAD TURNAROUND** – a roadway that provides a "T" shaped three-point turnaround for emergency equipment that is no narrower than the road that it serves. The top of the "T" shall be a minimum of 40 feet long.

**HEIGHT OF BUILDING:** The vertical distance from the grade to highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

#### **HIGH VALUE FARMLAND**

1. Land in a tract composed predominantly of soils that are:
2. Irrigated and classified prime, unique, Class I or II; or
3. Not irrigated and classified prime, unique, Class I or II.
4. Includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa;

**HISTORIC PROPERTY:** Real property that is currently listed in the National Register of Historic Places.

HOME OCCUPATION: A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.

HUNTING AND FISHING PRESERVE: Area wherein the hunting of privately owned game birds and angling for privately owned game fish is permitted by state law.

IRRIGATED: Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

JUNKYARD: Any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts, iron, steel, or other old or scrap ferrous, or non-ferrous material, metal or non-metal materials, and the term includes automobile graveyards where the parts of or in whole eight auto bodies are kept, and scrap metal processing facilities.

LA GRANDE/UNION COUNTY AIRPORT LIGHT INDUSTRIAL PARK: The area is located in the south central portion of the La Grande/Union County Airport property between Runway 34 and the south taxiway. The area presently includes about 77 acres of land. This area is identified for the first two phases of commercial/industrial development on the airport property and will more commonly be titled the Airport Industrial Park Area.

LADDER FUELS – fuels that provide a vertical continuity allowing fire to carry from the surface fuels into the crowns of trees or shrubs with relative ease.

LAND USE DECISION: A land use decision includes a final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

1. The Statewide Planning goals
2. A comprehensive plan provision
3. A land use regulation

#### 4. A new land use regulation

A land use decision does not include a decision of a local government: (A) which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment; (B) which approves or denies a building permit made under land use standards which do not require interpretation of the exercise of factual, policy or legal judgments; (C) which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; and (D) does not include a decision by a school district to close a school. [ORS 197.015(10)]

**LAND USE PLAN OR COMPREHENSIVE LAND USE PLAN:** Maps and the interpretations thereof, and written goals and policies related to land use, transportation, parks, housing, urbanization, etc., which have been adopted as elements of the County Land Use Plan.

**LAND USE REGULATIONS:** Means any county zoning ordinance, land division ordinance or similar general ordinance establishing standards for implementing a comprehensive land use plan.

**LEGAL PARCEL:** ORS 215.010 Definitions. As used in this chapter:

1. The terms defined in ORS 92.010 shall have the meanings given therein, except that “parcel”:
  - A. Includes a unit of land created:
    - a. By partitioning land as defined in ORS 92.010;
    - b. In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
    - c. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.
  - B. Does not include a unit of land created solely to establish a separate tax account.

**LIFE SAFETY** – actions taken to prevent the endangerment of people threatened by wildfire or by activities associated with the suppression of wildfire.

**LIGHT INDUSTRY:** Uses related to manufacturing, compounding, assembling, fabricating, repairing, packaging or treatment industries with limited external impacts. Because of their relatively close proximity to residential and commercial activities, or because of special requirements, they need locations removed from heavy types of industry.

**LIVING HISTORY MUSEUM:** A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

**LOADING SPACE:** An off-street space within a building or on the same lot with a building for temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to the street.

**LOT AREA:** The total horizontal area within the lot lines of a lot. Land dedicated for roads within lot lines shall be included in total acreage. Aliquot subdivisions shall be deemed to contain an acreage as if the section were a square mile, provided the deviation in reduced size is 10-percent or less.

**LOT, CORNER:** A lot abutting on two intersecting streets other than an alley.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT, REVERSE 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.

**LOT, THROUGH:** A lot having frontage on two parallel or approximately parallel streets other than alleys.

**LOT-OF-RECORD:** A lot which has been recorded in the County Clerk's office and meet ORS 215.705 lot-of-record requirements.

**LOT:** A subdivision lot created through a subdivision review process per ORS Chapter 92.

**LOW INVESTMENT ACCESSORY STRUCTURES:** A structure which is incidental, appurtenant or subordinate to the main use of the property and which has a relatively low investment such as hay sheds, loafing barns or animal shelters.

**LOWEST FLOOR:** Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 17.03 2. A.(2).

**MAINTENANCE STANDARDS:** Guidelines which are provided to outline the required level of upkeep and repair for structures and the surrounding property.

**MAJOR PARTITION:** A partition which includes the creation of a road or street, i.e., utilization of a means of access not previously approved for partitioning or subdividing.

**MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION:** Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale which are defined as nonfarm dwellings.

**MANUFACTURED OR MOBILE HOME:** Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MEDICAL HARDSHIP:** "Medical hardship" means a temporary circumstance caused by serious illness or infirmity and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

**MINE:** Mine includes all mineral bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral substance is obtained.

**MINERAL:** Soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state.

**MINING, AGGREGATE:** For purposes of Article 2.00 "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method 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. "Mining" does not include 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 and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.

**MINOR PARTITION:** A partition that does not include the creation of a road or street, utilization of a means of access previously approved for partitioning or subdividing. A portion of land transferred between adjacent landowners, where either or both parcels are less than the minimum parcel size of the applicable zone but not below the parcel sizes set in ORS 215.780, and where any adjustment of the lot line(s) by the relocation of a common boundary does not create an additional parcel or an additional opportunity for a dwelling not otherwise authorized, shall be a minor partition.

**MITIGATION:** An action that moderates the severity of a fire hazard or risk.

**MOBILE HOME PARK:** Three or more mobile homes parked on a lot, which are defined as nonfarm dwellings.

**MOBILE HOME:** Any dwelling unit that does not meet Oregon Uniform Building Codes for frame homes, but has been constructed to the standards for mobile homes in the State of Oregon.

**MOTEL:** A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows with or without cooking facilities, for rental to transients.

**MOTOR HOME, CAMPER OR TRAVEL TRAILER:** A building or vehicle, originally designed or presently constructed, to be used as temporary dwelling or lodging place and to be readily movable from place to place over streets.

**MULTIPLE-FAMILY UNIT:** A building used or arranged for use as the home or abode of three or more families. Living independently of each other and doing their own cooking in said building and shall include flats and apartments.

**NET METERING POWER FACILITY:** A facility for the production of energy that:

1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
2. Is intended to offset part of the customer-generator's requirements for energy;
3. Will operate in parallel with a utility's existing transmission and distribution facilities;
4. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

5. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

**NOISE OR DUST SENSITIVE USE OR STRUCTURE:** Real or personal property used for sleeping, or used as schools, churches, hospitals or public libraries. Property in industrial or agricultural use is not considered to be a "Noise or Dust Sensitive Use or Structure" unless it meets the above criteria in more than an incidental manner.

**NONCONFORMING STRUCTURE OR USE:** A lawful structure or use which exists at the time this ordinance or any amendment thereto becomes effective, and which does not conform to the requirements of the zone in which it is located.

**NONFARM DWELLING:** Any dwelling not provided in conjunction with farm use or any dwelling located on a nonfarm parcel or lot.

**NONFARM PARCELS OR LOTS:** A substandard parcel or lot which can qualify for a nonfarm dwelling under ORS 215.284(2) or (3).

**NUCLEAR FREE ZONE:** The unincorporated portion of Union County prohibiting the positioning or manufacturing of nuclear armaments or components, or parts thereof and the production of all nuclear energy, irradiation of foods from radioactive sources and establishment of nuclear waste storage facilities for other than education, therapy and medical diagnosis.

**ODF:** Oregon Department of Forestry; the state department charged with serving the people of Oregon through the protection, management and promotion of a healthy forest environment which will enhance Oregon's livability and economy for today and tomorrow.

**OIL:** Crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but do not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

**OPEN PLAY FIELD:** A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.

**OPERATOR:** Any individual, public or private corporation, political subdivision, agency, board, or department of this state, any municipality, partnership, association, firm, trust, estate of any other legal entity whatsoever that is engaged in surface mining operations.

**OUTDOOR MASS GATHERING:** A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than more than 500 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

**OVERBURDEN:** The soil, rock and similar materials that lie above natural deposits of minerals.

**OWNER:** Means the party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, owner shall mean the contract vendee and except where land is being transferred through some other land sales instrument owner shall be the purchaser that holds security interest.

**PARCEL:** Includes a unit of land created by partitioning land as defined in Section 1.08, or created by deed or land sales contract if there were no applicable planning, zoning or partitioning ordinances or regulations. Parcel does not include a unit of land created solely to establish a separate tax account.

**PARCELS PREDOMINANTLY CAPABLE OF FARM USE OR PREDOMINANTLY FARM USE PARCELS:** Parcels including greater than fifty percent agriculture or rangeland soils identified by the USDA-NRCS (SCS). Such parcels are not predominantly capable of growing a commercial stand of timber.

**PARCELS PREDOMINANTLY CAPABLE OF GROWING A COMMERCIAL STAND OF TIMBER OR PREDOMINANTLY FORESTED PARCEL(S):** Parcels consisting of soils rated by the USDA-NRCS (SCS) as being capable of producing at least 20 cubic board feet of timber per acre per year, totaling greater than fifty percent of the parcel and subject to restocking standards required by the Oregon Forest Practices Act.

**PARKING LOT:** Any area used for standing and maneuvering of three or more vehicles or requiring three or more parking spaces.

**PARKING SPACE:** A rectangle not less than 20 feet long and 9.5 feet wide together with maneuvering and access space required to park within the rectangle.

**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 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 of land does not include any adjustment of 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.

**PARTITIONER:** Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or for another.

**PERFORMANCE STANDARDS:** Guidelines which are provided in order to avoid the creation of nuisance or unsanitary conditions within developed areas and to enhance inter-industry compatibility.

**PERMANENT-TYPE CONSTRUCTION:** Structures or ground facilities constructed with the intent of providing service over the length of the lease agreement, with use of materials and methods of construction which under normal conditions of use will maintain their appearance and functionality. Trailers, mobile offices and other similar temporary structures are not considered as permanent-type construction.

**PERSON:** Any individual, firm, association, syndicate, corporation, co-partnership, trust, branch of government or legal entity.

**PERSONAL USE AIRPORT:** Means an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be used on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

**PLANNED UNIT DEVELOPMENT:** A parcel of land planned for residential purposes as a single unit, rather than an aggregate of individual lots.

**PLAT:** A final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

**PREDOMINANT USE:** The term used to describe the most common use of a parcel when differentiating between farmland and forest land. In determining predominant use NRCS Soil Conservation Service soil maps will be used to determine soil designations and capabilities. The results of this process will be the most important method in determining the predominant use of the parcel. Other factors which may contribute to determining predominant use include parcel characteristics such as a commercial stand of timber, and the current use of the property. Removing a commercial stand of timber from a property will not result in a conversion of predominant use unless the property is disqualified as forest land by the Oregon Department of Forestry.

**PRELIMINARY PLAT:** The preliminary map, drawing or chart indicating the proposed layout of a partition or subdivision to be submitted to the Planning Director for consideration.

**PREPARATION:** As it applies to the definition of “Farm use” in ORS 215.203, preparation includes but is not limited to the cleaning, treatment, sorting or packaging of farm products or by-products.

**PRIMARY SURFACE - Runway:** The area defined as the location on the ground, longitudinally centered on each airport runway, and extended 200 feet beyond the threshold of each runway. The width of the primary surface is 250 feet for a utility runway, 500 feet for a non-precision instrument runway and 1,000 feet for runways having an instrument landing system.

**PRINCIPALLY ENGAGED IN FARM USE:** As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant or combination of occupants of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full- time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household need meet the “principally engaged” test, or the test may be met collectively by more than one household member.

**PRIVATE PARK:** An area devoted to low-intensity, outdoor, recreational uses for which enjoyment of the outdoors in an open space, or on land in its natural state, is a necessary component and the primary focus.

**PRIVATE STREET OR ROAD:** A private street or road shall provide access only to abutting parcels, lots or tracts. No streets or roads providing access to other streets or roads or to areas not abutting such streets shall be approved as private streets or private roads.

**PROCESSED:** As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.

**PROPERTY LINE:** The boundary which describes the extent of a particular parcel of land as described in the leasing document or deed. The term "Property Line" shall be used interchangeable with the term "Lease Line".

**PUBLIC PARK:** A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable land use plan and zoning ordinance.

**PUBLIC SEWER:** Any sewage disposal or treatment facility which serves three or more dwelling units.

**PUBLIC WATER SUPPLY:** Any domestic water supply system which provides water to three or more dwelling units or commercial or industrial operations which have 10 or more patrons or employees per day for more than 60 days per year.

**RELATIVE:** As it applies to relative farm help dwellings and temporary hardship dwellings, a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin.

**REPAIR:** The act of restoring by replacing a part or all of a structure or building to a sound state.

**RESERVE STRIP:** A strip of land adjacent to a street or road which limits or controls access to the street or road.

**RESIDENTIAL FACILITY:** A facility licensed by or under the authority of the Department of Human Resources which provides residential care along or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL HOME:** A home licensed by or under the authority of the Department of Human Resources which provides residential care along or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential home.

**RFPD:** Rural Fire Protection District; taxing district providing structural fire protection to its constituents.

**RIPARIAN ZONE:** An area pertaining to or situated on the edge of the bank of a river, water course or lake.

**SECONDARY FUEL BREAK:** An area where fuels have been modified and/or with fire resistive vegetation (planted or native), maintained to cause a reduction in fire intensity, and can be used for other than fire protection (like a golf course, cemetery, park, playground, orchard, etc.).

**SHALL:** Indicates a mandatory requirement.

**SHOULD:** Indicates a recommendation or that which is advised but not required.

**SIGN:** A presentation or representation or other type of advertising, not in an enclosed building or other than a house number which, by words, letters, designs, pictures, lights or colors publicly displayed, gives notice relative to an assemblage, a solicitation, or a request for aid. This includes the board, metal, or surface upon which the sign is painted, included or attached.

**SOILS ANALYSIS:** Case by case analysis of the soils present on property proposed for development.

**START OF CONSTRUCTION:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STORY:** That portion of building between the upper surface of any floor and the upper surface of the floor next above. Except that the top story shall be that portion of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

**STRUCTURAL ALTERATION:** Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any change in the supporting members of a roof.

**STRUCTURAL HEIGHT:** Maximum height of structures and accessory attachments or utilities.

**STRUCTURE:** Anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels, food stands and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

**SUBDIVIDED LAND:** To divide an area or tract of land into four or more lots or 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.

**SUBSTANTIAL CONSTRUCTION:** The completion of a structure's supporting foundation, excluding all minor improvements such as access roads, developed water sources, sewage disposal systems and electrical utilities.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which:

1. Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or
2. Equals or exceeds 50% of the market value of the structure before the damage occurred, if the structure has been damaged and is being restored for the purposes of this definition substantial improvement is considered to commence when the first alternation of any wall, ceiling, floor, or other structural part of the building commences. Whether or not that alternation affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure living conditions, or

2. Any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TEMPORARY STRUCTURE OR USE: A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.

TENANT: Individuals and organizations which have either leased or purchased property which is subject to regulation or control.

TRACT: One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. [OAR 660-06-027(5)(a)]

TRANSITIONAL SURFACES - RUNWAY: An imaginary surface which is an inclined plane at the outer edge of the runway primary surface (see definition) and approach zone (see definition) and extending outward at a right angle to the runway center line. The slope of the inclined plane is 7:1 extending upward to a height of 150 feet above the runway surface elevation.

TRAVEL TRAILER, PICKUP CAMPER OR MOTOR HOME PARK: A plot of ground upon which one or more trailer coaches or motor homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

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

UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE: Unless otherwise specified in Section 2.04.11 or 3.04.11, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.

VACATION OCCUPANCY: means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

1. The occupant rents the unit for vacation purposes only, not as a principal residence;
2. The occupant has a principal residence other than at the unit; and
3. The period of authorized occupancy does not exceed 45 days;

**VISION CLEARANCE AREA:** A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection on the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides, where the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the top of the curb or grade level at the street or road outside edge.

**WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

**WILDLAND/URBAN INTERFACE:** An area where improved property and wildland fuels meet at a well-defined boundary.

**WILDLAND/URBAN INTERMIX:** An area where improved property and wildland fuels meet with no clearly defined boundary.

**YARD (Front):** An open space between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building.

**YARD (Rear):** An open space between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of the main building.

**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 the building.

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

**YOUTH CAMP:** A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

**YURT:** A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

**1.09** Words used in the present tense include the future. The singular number includes the plural, and the word "shall" is mandatory and not directory. Whenever the term "this ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.