

## SECTION 200 – DEFINITIONS AND RULES OF CONSTRUCTION

### 201. RULES OF CONSTRUCTION

[Last Amended 6/28/18; Ord.906]

#### 201.01 Interpretations.

For the purposes of this ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:

- A. The particular controls the general;
- B. The word "shall" is mandatory, the word "may" is permissive;
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- D. The words "used for" or "occupied for" include the words "intended for", "designed for", "arranged to be used for", "erected for", "constructed for", "reconstructed for", "repaired for", "moved for", "structurally altered for" or "extended for the purpose of";
- E. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual"; and
- F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

## 202. DEFINITIONS

[Last amended 10/17/13, Ord 884]

**ABANDONMENT OF SURFACE MINING:** A cessation of surface mining operation for more than five (5) consecutive years when the cessation is not part of an approved Department of Geology and Mineral Industries permit.

**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. [Added 7/9/98; Ord.648]

**ACCESS:** A means of egress and ingress for pedestrians and vehicles to the parcel to which access is required.

**ACCESSORY STRUCTURE:** A structure or building, the use of which is incidental and secondary to the principal structure or building on the same parcel.

**ACCESSORY USE:** A use which is incidental and secondary to the principal use on the same parcel. Amended 8/23/89; Ord.492]

**AIRCRAFT LANDING FIELD:** Any area of land or water used for the landing and take-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airport buildings include buildings used for maintenance, service or repair of aircraft. [Added 4/15/87; Ord. 444]

**AIRPORT HAZARD:** Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces. [Added 8/17/88; Ord. 468]

**AIRPORT IMAGINARY SURFACES:** Those imaginary areas in space which are defined by the approach zone, transitional zone, horizontal surface, clear zone, and conical surface and in which any object extending above these imaginary surfaces is an obstruction. [Added 8/17/88; Ord. 468]

**AMENDMENT, LEGISLATIVE:** A legislative amendment is an amendment to the zoning ordinance to establish or change a specific policy related to uses, criteria, procedure or other ordinance provisions of substantial general applicability. A legislative amendment may apply to the zone map or text of the zoning ordinance. Added 8/23/89; Ord. 492]

**AMENDMENT, QUASI-JUDICIAL:** A quasi-judicial amendment is a zone map amendment changing the zone map from one zone designation to another. A quasi-judicial amendment applies to a specified tax lot or lots and results in the realignment of zone district boundaries.[Added 8/23/89; Ord. 492]

**APPROACH ZONE:** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach zone is the same width as the primary surface and extends to a width of: 1250 feet for a utility runway having only visual approaches; 1500 feet for a runway other than a utility runway having only visual approaches; 2000 feet for a utility runway having a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The approach zone extends for a horizontal distance of 5000 feet at a slope of 20:1, horizontal:vertical for all utility and visual runways and 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility. [Added 8/17/88; Ord. 468]

**AREAS OF SPECIAL FLOOD HAZARD:** The land in a floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V (see also definition of floodplain). [Added 10/17/13; Ord. 884]

**AUTOMOBILE SERVICE STATION**: A use which includes the retail sale of motor fuels, lubricating oils and vehicle accessories and may include the servicing and repair of motor vehicles as an accessory use. An automobile service station is not a repair garage nor a body shop.  
[Amended 8/23/89; Ord. 492]

**AUTOMOBILE REPAIR GARAGE**: A use which provides for the repair and maintenance of motor vehicles, and includes any mechanical and body work.  
[Amended 8/23/89; Ord. 492]

**AUTOMOBILE WRECKING YARD**: An area of land used for the storage, wrecking, dismantling, disassembling or sale of inoperable motor vehicles, trailers or farm equipment, or parts thereof.  
[Amended 8/23/89; Ord. 492]

**BASEMENT**: A portion of a building which has more than one (1) foot but not more than one-half (1/2) of its height measured from finished floor to finished ceiling above the average grade of the ground. For purposes of Section 901, a basement is any area of a building having its floor subgrade (below ground level on all sides).  
[Last Amended 2/24/2010; Ord.851]

**BED AND BREAKFAST INN**: A single-family dwelling where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. A bed and breakfast inn may offer a morning meal for overnight guests only. A bed and breakfast inn is conducted within the residence of the operator.  
Added 7/9/98; Ord.648; Amended 09/02/04, Ord 746]

**BILLBOARD**: A pre-existing off-premise sign or sign assemblage maintained as advertising rental space by a business enterprise.

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

**BOARD**: The Yamhill County Board of Commissioners.

**BOARDING, LODGING OR ROOMING HOUSE**: A building or buildings where lodging with or without meals is provided for compensation for not less than five (5) persons in addition to members of the family occupying such building or buildings.

**BOARDING OF HORSES FOR PROFIT**: The keeping, breeding, rehabilitation, feeding, training and management of horses for a fee.  
[Amended 8/23/89; Ord. 492]

**BUILDING**: A structure of a permanent nature having a fixed base on, or fixed connection to, the ground.  
[Amended 8/23/89; Ord. 492]

**BUILDING INSPECTOR**: The Yamhill County Building Official or the official's duly authorized representative.  
[Amended 8/23/89; Ord. 492]

**CHURCH**: A nonresidential place of worship which may include but is not limited to a synagogue, temple, mosque, chapel or meeting house. Activities customarily associated with the practices of the religious activity, include worship services, religion classes, weddings, funerals, child care and meal programs. These activities may be prohibited or restricted when it is found that the level of service of public facilities including transportation, water supply, sewer and storm drain systems is not adequate to serve the church.  
[Added 12/05/02; Ord. 720]

**CLEAR ZONE**: Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.

[Added 8/17/88; Ord. 468]

**CLERK:** The Yamhill County Clerk or the clerk's duly authorized representative.

[Amended 8/23/89; Ord. 492]

**CLINIC:** A place used for the care, diagnosis or treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

**CLUB OR LODGE:** A building and/or facilities owned and operated for a social, educational, or recreational, scientific, benevolent or charitable purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public or private kindergarten, school, college or research institution, daycare or rehabilitation facility of any kind.

**COMMERCIAL DAIRY FARM:** A dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

[Added 12/05/02; Ord. 720]

**COMMISSION:** The Yamhill County Planning Commission.

**COMMUNITY SANITARY-SEWER SYSTEM:** A public or private sewage collection, treatment and disposal system, and all appurtenant improvements as approved by the Oregon Department of Environmental Quality. A community sanitary sewer system includes a municipal sanitary sewer system.

Added 5/15/85; Ord. 408]

**COMMUNITY WATER-SUPPLY SYSTEM:** A public or private water supply, treatment, storage, transmission and distribution system, and all appurtenant improvements as approved by the Public Health Engineering Branch, Health Division, Oregon Department of Human Resources. A community water supply system includes a municipal water supply system.

[Added 5/15/85; Ord. 408]

**COMPREHENSIVE PLAN:** The generalized, coordinated land-use map and policy statement adopted by County Ordinance No. 62 and all subsequent amendments thereto that covers all unincorporated land in Yamhill County and addresses all functional and natural activities and systems in said unincorporated land. "Land" includes water, both surface and subsurface, and the air. "Coordinated" means the needs of all government, semi-public and private agencies, and the citizens of Yamhill County have been considered and accommodated to the greatest extent possible. "Functional and natural activities and systems" include, but are not limited to, sewer and water systems, transportation systems, educational facilities, natural resources and air and water quality management programs and other topics of local importance.

**CONDITIONAL USE:** A use not permitted outright in a zoning district but which may be allowed by permit, subject to review for compatibility with existing and anticipated future uses, and compliance with Section 1202 and any other applicable provisions of this ordinance. Amended 8/23/89; Ord. 492]

**CONICAL SURFACE:** A surface extending upward at a slope of 20:1 for a distance of 4,000 feet from the periphery of the horizontal surface.

[Added 8/17/88; Ord. 468]

**CONSTRUCTION:** The placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be

deemed to be construction, provided that work shall be carried on diligently. Installation of a septic tank/drainfield shall be considered construction. Added 8/23/89; Ord. 492]

**COUNTY:** The unincorporated area of Yamhill County, Oregon.

**DEVELOPMENT:** For purposes of Section 901, 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 equipment or materials located within the area of special flood hazard. [Added 10/17/13; Ord. 884]

**DIRECTOR:** The Yamhill County Planning Director or the Director's duly authorized representative. [Amended 8/23/89; Ord. 492]

**DWELLING:** A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a manufactured dwelling but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy. [Amended 12/05/02; Ord. 720]

**DWELLING, ACCESSORY:** An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. The accessory dwelling includes its own independent living facilities with provisions for sleeping, cooking and sanitation; designed for residential occupancy independent of the principal dwelling. [Amended 6/28/18; Ord.906]

**DWELLING, DUPLEX:** A building containing two (2) dwelling units, designed for and occupied by not more than two (2) families.

**DWELLING, MULTI-FAMILY:** A building containing three (3) or more dwelling units, designed and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units.

**DWELLING UNIT:** One (1) room or rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives and caretakers, and includes permanent provisions for living, sleeping, cooking (limited to one kitchen only) and sanitation (full bathroom).

**FAMILY:** One or more person related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons or, up to five (5) unrelated persons, all living together as a single housekeeping unit. [Amended 8/23/89; Ord. 492]

**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" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "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 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 the 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 ORS 215.203(3), or land described in ORS 321.267(1)(e) or 321.415(5).

[Added 7/9/98; Ord.648]

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source. [Added 10/17/13; Ord. 884]

**FLOOD, BASE:** A flood, the level of which has a one percent chance of being equaled or exceeded in any given year. Commonly referred to as a 100-year flood. Designation on maps always includes the letters A or V. [Amended 2/24/10; Ord. 851]

**FLOOD FRINGE:** The area of the floodplain lying outside of the floodway. [Added 8/23/89; Ord. 492]

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones. [Added 8/23/89; Ord. 492]

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood. [Added 2/24/10; Ord. 851; Modified 10/17/13; Ord. 884]

**FLOOD LEVEE:** Earthen embankment or other manmade structure designed and constructed to contain, control or divert the flow of water so as to provide protection from temporary flooding. [Added 8/23/89; Ord. 492]

**FLOOD OBSTRUCTION:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, structure, or matter which is in, along, across, or projecting into any channel, watercourse, or floodplain area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property. [Added 8/23/89; Ord. 492]

**FLOODPLAIN:** The area adjoining a river, stream, or watercourse which may be subject to periodic inundation of floodwaters and is subject to a one percent or greater chance of flooding in any given year. Also called the area of special flood hazard. [Added 2/24/10; Ord. 851]

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage potential to lands, water and sanitary facilities, structures and contents of buildings. [Added 8/23/89; Ord. 492]

**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. [Added 10/17/13; Ord. 884]

**FLOOR AREA:** The sum of the areas of each story of a building measured between the exterior walls of such building, but excluding garages and attic space providing headroom of less than seven feet.

**GRADE**: The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

**HEARINGS OFFICER**: The Yamhill County Hearings Officer.

**HEIGHT**: The vertical distance from the finished grade to the highest point of the structure.

**HOME OCCUPATION**: An activity involving off-site sales, the manufacture of a product or the provision of a service carried on in compliance with Section 1004 of this ordinance by a resident of the property on which the business is located. "Home occupation" does not include the retail sale of products unless such sales are secondary to the primary home occupation use.

[Amended 4/15/87; Ord. 444; Amended 8/23/89; Ord. 492; Amended 7/9/88; Ord. 648]

**HORIZONTAL SURFACE**: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway, and 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those areas.

[Added 8/17/88; Ord. 468]

**HOSPITAL, PRIVATE**: A use which provides for the care of the sick, ailing, infirm, injured or aged other than in a public hospital, and includes convalescent homes and nursing homes.

**KENNEL**: A site providing for the accommodation of four (4) or more dogs of licensable age under the Yamhill County Dog Control Ordinance, where such dogs are kept for board, propagation, training, or sale.

[Amended 8/23/89; Ord. 492]

**KITCHEN**: Any area designed or used for preparation or cooking of food, and including any of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

**KITCHEN, WET BAR**: an area within a dwelling unit, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed 1.5 inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

**LIVESTOCK**: Domestic animals of types customarily raised or kept on farms for profit or other purposes, but not including household pets.

**LIVESTOCK FEEDING YARD**: An enclosure or structure of 1,000 square feet or more in ground area designed or used for the concentrated feeding or fattening of livestock for marketing; or an enclosure or structure of less than 1,000 square feet in ground area designed or used for the concentrated feeding or fattening of five (5) or more head of livestock for marketing.

**LIVESTOCK SALES YARD**: A enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

**LOT**: See "Parcel".

**LOWEST FLOOR, FLOOD:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building or access storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. Added 2/24/10; Ord. 851]

**MANUFACTURED HOME:** Any of the following:

- a. Residential trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- b. 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 Oregon mobile home law in effect at the time of construction.
- c. Manufactured 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 in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- d. A manufactured home does not include any unit identified as a recreational vehicle by the manufacturer. Added 7/9/98; Ord.648]

**MINERAL RESOURCE:** Sand, gravel, rock, stone, precious metals, oil, gas, coal, ore, soil or other earth materials.

**MINERAL RESOURCE EXTRACTION:** The initial removal or excavation of a mineral resource from the deposit area by mechanical techniques, including the removal of overburden and stockpiling of the raw material.

**MINERAL RESOURCE PROCESSING:** The blasting, crushing, washing, screening, weighing, sorting, blending or refining of mineral resources.

**MINERAL RESOURCE SITE/OPERATION:** A tract of land from which mineral resources are removed or excavated, stockpiled or processed for sale and intended for use off-premise as commercial or industrial products through retailing, wholesaling, contract purchase or other means. Operation does not include site preparation such as land clearing.

**MOTEL:** One (1) or more attached or detached buildings containing housekeeping or sleeping units designed and used for the temporary accommodation of tourists or transients with off-street parking space for each such unit.

**NEW CONSTRUCTION:** For purposes of Section 901, structures for which the "start of construction" commenced on or after the effective date of this ordinance and any subsequent improvements to such structures. [Added 10/17/13; Ord. 884]

**NONCONFORMING USE:** A building, structure or use which was legally established prior to the adoption of any provision of this ordinance with which the building, structure or use does not comply.

**OAR:** Oregon Administrative Rule

[Added 7/9/98; Ord.648]

**OFFICIAL ZONING MAP:** That zoning map and any amendments thereto adopted as part of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, as described in Section 302.

[Amended 8/23/89; Ord. 492]

**OPEN SPACE:** Any land so designated by the Comprehensive Plan, or any land area, the preservation of which in its present use would:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air or streams or water supply;
- C. Promote conservation of soils or wetlands;
- D. Conserve landscaped areas, such as public or private golf courses, which reduce pollution and enhance the value of abutting or neighboring property;
- E. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic sites;
- H. Promote orderly urban or rural development; or
- I. Retain in their natural state tracts of land, on such conditions as may be reasonably required by Yamhill County.

**ORS:** Oregon Revised Statutes

[Added 7/9/98; Ord.648]

**OWNER:** An owner of land or the authorized agent of an owner.

**PARCEL (or LOT):** A unit of land created by an authorized subdivision or partitioning of land or that was created by deed or land sale contract on or prior to October 3, 1975. A lot or parcel does not include a unit of land created on or after October 4, 1975 solely to establish a separate tax account or to obtain financing for construction or other purposes.

[Amended 8/23/89; Ord. 492]

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

**PARCEL DEPTH:** The mean horizontal distance between the front parcel line and the rear parcel line of a parcel.

**PARCEL LINE, FRONT:** Any boundary line separating the parcel from a public road. Where a parcel has no frontage on a public road, the front parcel line is the line of the easement or private road which serves the parcel and which is nearest to the principal dwelling, if any.

**PARCEL LINE, REAR:** The boundary line or lines most distant from the front parcel line and not intersecting a front parcel line.

**PARCEL LINE, SIDE:** Any boundary line not a front or rear parcel line.

**PARCEL SIZE:** The total horizontal area within the parcel lines of a parcel.

**PARCEL, THROUGH:** A parcel, other than a corner parcel, that abuts on two (2) or more roads.

**PARCEL WIDTH:** The mean horizontal distance between the side parcel lines of a parcel measured within the parcel boundaries.

**PARK:** Any public or private land reserved for recreational, educational, cultural, or open space uses.  
[Added 7/9/98; Ord.648]

**PARKING SPACE, OFF-STREET:** A space adequate for parking one (1) automobile with room for opening doors on both sides, together with properly related access to a road or alley and maneuvering room.

**PERMITTED USE:** A use permitted outright in a zoning district which complies with all of the regulations applicable in that district.  
[Amended 8/23/89; Ord. 492]

**PLACE OF PUBLIC ASSEMBLY:** A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.  
[Added 8/17/88; Ord. 468]

**PLANNED UNIT DEVELOPMENT:** A development approved as a zone overlay to combine a site-specific design with underlying zone provisions, the purpose of which is to allow design flexibility, application of new technology and/or other ordinance modifications in exchange for providing site improvements, administrative mechanisms, and other amenities not required of typical development. PUD's are intended to accomplish substantially the same objectives as are intended by Comprehensive Plan and underlying Zone provisions applicable to the specific property.  
Added 8/23/89; Ord. 492]

**PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches and 500 feet for other than utility runways.  
[Added 8/17/88; Ord. 468]

**PRINCIPAL DWELLING:** The primary dwelling on any parcel.

**PRINCIPAL USE:** The primary use of a lot or parcel, which may be either a permitted or conditional use.  
Amended 8/23/89; Ord. 492]

**PUBLIC WORKS DEPARTMENT:** The Yamhill County Department of Public Works.  
[Added 8/23/89; Ord. 492]

**RECREATIONAL VEHICLE (or RV):** A travel trailer, camper, motor home, or other unit built on a single chassis, designed to be self-propelled or permanently towable by a light duty truck, and that is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use or emergency purposes, and that has a gross floor area not exceeding 400 square feet.  
[Added 7/9/98; Ord.648 Amended 2/24/10; Ord. 851]

**RECREATIONAL VEHICLE (or RV) PARK:** Any lot or tract developed primarily to provide parking and related services to two or more transient recreational vehicles on a fee basis.

[Added 7/9/98; Ord.648]

**RESIDENTIAL FACILITY:** A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, or licensed by the Children's Services Division 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 to fifteen individuals who need not be related. Staff persons required to meet 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.

[Added 3/19/98; Ord. 643]

**RESIDENTIAL HOME:** A residential treatment or training or an adult foster home licensed under the authority of the Department of Human Resources, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone 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 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.

[Added 3/19/98; Ord. 643]

**RESORT:** Any area of land or water used for open-land commercial or private recreation where overnight lodging, meals, and related tourist services are provided in conjunction with such recreational use.

**ROAD:** Any public or private access road, street, alley, highway, walkway easement or way platted, recorded or shown on any official map, whether or not such street is actually developed or used.

**ROAD DEPARTMENT:** The Yamhill County Road Department, otherwise referred to as the Public Works Department.

[Amended 8/23/89; Ord. 492]

**SANITARIAN:** The Yamhill County Senior Environmental Health Specialist or the Specialist's authorized representative.

**SCHOOL:** A public or private elementary school, grade school, middle school, junior high school, high school, college or university. The term "school", as used in this ordinance, does not include commercial operations which offer classes of a primarily recreational nature.

[Added 7/9/98; Ord.648]

**SECONDARY DWELLING:** A dwelling other than a principal dwelling, used for a caretaker, health care or farmworker residence, guest house or similar use accessory to the principal residence.

[Amended 8/23/89; Ord. 492]

**SETBACK:** The horizontal distance measured perpendicularly from the property line to the nearest point of any structure on any parcel. Ordinary building projections such as eaves, bay windows, and chimneys, and unroofed decks or porches not more than 30 inches above ground level are not subject to setback requirements.

[Amended 1/14/99; Ord. 668]

**SIGN:** An identification, description, illustration or device which is affixed to or represented directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person not on the premises on which the sign is located in respect to a product, service, activity, person, institution, place or business; provided, however, that the following shall not be included in the application of sign regulations herein:

- A. Signs not more than two (2) square feet in area and bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises, or traffic directional signs, providing such signs do not have commercial connotations.
- B. Flags and insignia of any government, except when displaced in connection with commercial promotion.
- C. Legal notices, or identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

[Amended 8/23/89; Ord. 492]

**SIGN, FLASHING:** Any illuminated sign within or upon which the illumination is not maintained stationary and constant in intensity and color.

[Amended 8/23/89; Ord. 492]

**SIGN, ILLUMINATED:** Any sign designated to give forth any artificial light or designed to be illuminated by artificial light from another source, and does not include a flashing sign.

Amended 8/23/89; Ord. 492]

**SIGN, OFF-PREMISE:** A sign which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on or from the premises.

[Amended 8/23/89; Ord. 492]

**SIGN, OFF-PREMISE/BUSINESS IDENTIFICATION:** Small off-premise, blue and white reflective signs located in public road rights-of-way for the purpose of advising motorists of the locations of parks, restaurants, wineries or other places of interest.

Added 8/23/89; Ord. 492]

**SIGN, OFF-PREMISE/ADVERTISING:** An attached or detached sign or billboard which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on the property where the sign is located.

Added 8/23/89; Ord. 492]

**SIGN, PROJECTING:** Any sign attached to a structure and projecting perpendicularly out from the wall or roof to which it is attached.

[Amended 8/23/89; Ord. 492]

**SIGN, SURFACE AREA:** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area on one side of any free standing sign or roof or wall mounted sign with backing, or the area resulting from encircling the lettering and all of the other elements of signage displayed on roof or wall mounted signs without backing. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

[Amended 8/23/89; Ord. 492]

**SIGN WITH BACKING:** Any sign that is displayed upon, against or through any material or colored surface or backing that forms an integral part of such display, and that differentiates the overall display from the background against which it is placed. Words, letters, and other advertising

elements attached directly to a roof or wall shall not be considered a sign with backing. [Added 8/23/89; Ord. 492]

**START OF CONSTRUCTION:** For purposes of Section 901, 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 excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added 10/17/13; Ord. 884]

**STRUCTURE:** Something constructed or built and having a fixed base on, or fixed construction to the ground or another structure. For purposes of Section 901, a walled and roofed building including a gas or liquid storage tank that is principally above ground. [Amended 2/24/10; Ord. 851]

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

**SUBSTANTIAL DAMAGE:** For purposes of Section 901, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value before the damage occurred. [Added 10/17/13; Ord. 884]

**SUBSTANTIAL IMPROVEMENT:** For purposes of Section 901, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term can exclude; any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. [Added 10/17/13; Ord. 884]

**TRANSITIONAL ZONES:** A surface extending upward at a slope of 7:1 beginning on each side of the primary surface, and from the sides of the approach zones, then extending upward to a height of 150 feet above the airport elevation. [Added 8/17/88; Ord. 468]

**TRAVEL TRAILER:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. [Amended 7/9/98; Ord. 648]

**TRAVEL TRAILER SPACE:** An area in a travel trailer park used for one (1) travel trailer.

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

**UTILITY:** Any area of land or any structure used for the generation, storage conversion or transfer of energy or for communication facilities, such as telephone, telegraph, radio or television, or for municipal water or wastewater treatment. [Amended 1/14/99; Ord.668]

**UTILITY RUNWAY:** A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. [Added 8/17/88; Ord. 468]

**VARIANCE, FLOOD:** For purposes of Section 901, a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. [Added 2/24/10; Ord. 851]

**WATER DEPENDENT USE:** A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreating, energy production or source of water. For purposes of Section 901, a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Amended 2/24/10; Ord. 851]

**WATER-RELATED USE:** A use which is not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, road and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs. [Added 8/23/89; Ord. 492]

**YARD:** A required open area unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded parcel upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**YARD, FRONT:** Any yard abutting a street or lying parallel to the front parcel line.

**YARD, REAR:** Any yard abutting a rear parcel line.

**YARD, SIDE:** Any yard abutting a side parcel line.

**YURT:** A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. [Added 12/05/02; Ord. 720]