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## **CHAPTER 1 INTRODUCTORY PROVISIONS**

### **SECTION 1.010 Authority**

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters [92](#), [197](#), [203](#), and [215](#), and [Public Law 99-663](#), Section 7.

### **SECTION 1.020 Title**

This Ordinance shall be known as the National Scenic Area Land Use and Development Ordinance for Wasco County.

### **SECTION 1.030 Purpose**

The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to reduce congestion upon the streets and highways; to prevent excessive population density and the overcrowding of land; to provide for adequate air and light; to conserve natural resources and encourage the orderly growth of the County; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to facilitate adequate and economic provision for public improvements, for recreation areas, and for public utilities and services; to conserve, stabilize, and protect property values; and to encourage the most appropriate use of land, all in accordance with the Comprehensive Plan for Wasco County and the Management Plan for the Columbia River Gorge National Scenic Area.

### **SECTION 1.040 Severability**

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant or created the violation, unless the violation can be rectified as part of the development proposal.

### **SECTION 1.050 Repeal**

The following ordinances, together with all amendments thereto are hereby repealed:

"Wasco County Zoning Ordinance", adopted February 3, 1982.

"Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982. "Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

"Wasco County Land Use and Development Ordinance adopted June 1985, amended July 19, 1989" only for that portion of Wasco County within the Columbia River Gorge National Scenic Area as depicted on the map entitled "Boundary Map, Columbia River Gorge National Scenic Area", numbered NSA-001, sheet 1 and 2, and dated September 1986.

"Wasco County National Scenic Area Land Use and Development Ordinance", adopted May 1994, Revised July 1994.

### **SECTION 1.060 Effective Date**

This Ordinance shall become effective when the final draft, approved by the Gorge Commission and the Secretary of Agriculture, is reviewed and approved by the Wasco County Board of Commissioners and filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

### **SECTION 1.070 Interpretation and Scope**

Interpretation: The provisions of this Ordinance shall be liberally construed to effect the purpose. These provisions are declared to be the minimum requirements to fulfill objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, or Management Plan Guidelines, then the more restrictive shall govern.

Scope: This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and limit the density of population and to divide Wasco County into districts or zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

### **SECTION 1.080 Compliance Required**

No structure or premises in the Columbia River Gorge National Scenic Area portion of Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

- A. This Ordinance shall protect treaty and other rights of Indian tribes. Nothing in this Ordinance may interfere with the exercise of those rights.
- B. Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes, shall be exempt from regulation under the Management Plan or this Ordinance. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 11-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.
- C. Rights to surface or ground water shall be exempt from regulation under the Management Plan or this Ordinance.
- D. Water transportation activities, including those facilities necessary for navigation, on the Columbia River or its tributaries shall be exempt from regulation under the Management Plan or this Ordinance.
- E. The operation, maintenance, and modification of existing transmission facilities of the Bonneville Power Administration shall be exempt from regulation under the Management Plan or this Ordinance.
- F. Neither the Management Plan nor this Ordinance may affect laws, rules or regulations pertaining to hunting or fishing.

- G. This Ordinance shall not establish any buffer zone or protective perimeters outside the boundaries of the Scenic Area.
- H. The operation, maintenance, and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the off-site disposal of excavation material, shall be exempt from regulation under the Management Plan or this Ordinance.
- I. In the GMA, the rights and responsibilities of non-federal timber landowners under the Forest Practices Acts of Oregon, shall be exempt from regulation under the Management Plan or this Ordinance.

**SECTION 1.090 Special Rule (SMA Only)**

Parcels in the SMA with a GMA designation result from the Section 8(o) process whereby the Forest Service designated properties as either GMA Forest Land or GMA Agriculture Land guidelines or designation.

**SECTION 1.100 Editorial Revision**

Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to [Oregon Revised Statute 173.160](#), provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning Department, but subject to disapproval by the Planning Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Planning Commission, on the first regular meeting of the Planning Commission after the directing memorandum is filed with the County Clerk. All such revisions must be submitted to the Gorge Commission and Forest Service for approval prior to becoming effective.

## SECTION 1.200 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular.

**Abandoned WECS** - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

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

**Access** - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

**Access easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

**Accessible** – In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

**Accessory renewable energy system** - A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat and conveys that energy to the allowed structure or use. An Accessory Renewable Energy System is a solar thermal, photovoltaic, or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the primary use on the subject parcel.

**Accessory structure/building** - A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

**Accessory Use** - A use customarily incidental and subordinate to the primary use and located on the same legal parcel.

**Active Wildlife Site** - A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

**Addition** - An extension or increase in the area or height of an existing building.

**Adversely affect or Adversely affecting** – A reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on-

- (1) The context of a proposed action;

- (2) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
- (3) The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and
- (4) Proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

**Agency Official** - The federal, state, or local agency head or designee who has authority over a proposed project.

**Agricultural building:** A building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses and processing facilities.

**Agricultural Land** - Means lands classified by the US Natural Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in [ORS 215.203](#) taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

**Agricultural Purposes** - The predominant and gainful use of land for the following purposes: the growing of hay, grain, seed, row crops, horticultural crops, livestock, poultry and produce.

**Agricultural specialist (SMA)** - A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

**Agricultural structure** - A structure (not including buildings) located on a farm or ranch and used in the operation of the farm or ranch. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

**Agricultural Use** - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops or by the feeding, breeding, management and sale of, or production 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, including Christmas trees, as defined by [ORS 215.203\(3\)](#). Current employment of land for agricultural use includes:

- a. The operation or use of farmland subject to any agriculture-related government program;

- b. Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;
- c. Land planted in orchards or other perennial prior to maturity; and
- d. Land under buildings supporting accepted agricultural practices. Current employment does not include livestock feed lots.

Agricultural use does not include livestock feedlots.

**Air** – The mixture of gases comprising the Earth’s atmosphere.

**All Weather Road** - A road that has, depending upon design criteria, a six [to eight] or more inches of gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to be made by the Wasco County Public Works Department.

**Alley** - A secondary means of access to abutting property, if dedicated as a public way.

**Altered** - A change, addition, or modification in structure; where the term "altered" is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division or use to another.

**Anadromous fish** - Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

**Anaerobic** - A condition in which molecular oxygen is absent (or effectively so) from the environment.

**Apartment** - A building or portion thereof designed for residential use and containing three or more dwelling units.

**Apartment House** - Three or more household units with walls or ceilings common to another unit.

**Approach Road** – That portion of any access, driveway or other facility that immediately abuts upon a public or county road and provides ingress to or egress from said public or county road.

**Approving Authority** - The County Governing Body or the body designated by the County Governing Body to administer all or part of this ordinance.

**Arterial Road or Street** - A road or street used primarily. to carry high levels of regional vehicular traffic at high speeds; connects the collector road system to freeways; provides connection to other cities and communities; serves major traffic movements; access control may be provided through medians and/or channelization. The typical average daily traffic exceeds 2,000.

**Aquaculture** - The cultivation, maintenance and harvesting of aquatic species.

**Aquatic area** - The water area of a stream, pond, or lake measured at the ordinary high water mark.

**Archaeological resources** - See cultural resource.



**Archival research** - Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

**Automobile and Trailer Sales Area** - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

**Automobile Repair Garage** - A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

**Automobile Service Station** - Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair for automobiles at retail direct to the customer.

**Automobile Wrecking Yard** - Any property where more than two vehicles, including Recreational Vehicles not licensed or operable, or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered and are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months in any non-consecutive 12 month period.

**Awning** - An awning is defined as any accessory shade structure supported by posts or columns and partially supported by a mobile home.

**Background** - One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

**Basement** - A portion of a building, partly underground, which is less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the ground.

**Batch Plant, Concrete or Asphalt** - Means the storage, preparation, and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix plant.

**Bed and Breakfast Inn** - A single-family dwelling where lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. Rooms shall be rented on a daily basis. An establishment where more than one (1) meal per day is offered shall not be deemed a bed and breakfast inn. An establishment with more than five (5) sleeping rooms shall be deemed a hotel. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as traveler accommodations, not as rooming or boarding houses.

**Best Management Practices (BMPs)** - Conservation techniques and management measures that:

- a. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and
- b. minimize adverse effects to groundwater and surface-water flow and circulation patterns; and

c. maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

**Bikeway** - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

**Bike Lane** - A defined portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Bio-diversity (SMA)** - A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

**Blade** - An element of a WECS rotor which forms an aerodynamic surface or surfaces to convert movement of air into mechanical energy or torque.

**Block** - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

**Boarding House** - A building or premise where meals and lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons; and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

**Boat Landing** - Cleared area or developed structure used to facilitate launching or retrieving watercraft.

**Buffer Zone** - An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

**Building** - Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

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

**Business** - Employment of one or more persons for the purpose of earning a livelihood or a profit in money.

**Cabana** - A room enclosure erected or constructed adjacent to a mobile home for use as an addition to a mobile home.

**Camp, Campground, Tourist, or Trailer Park** - Any area or tract of land used or designed to accommodate two or more camping outfits, including cabins.

**Camping or recreational vehicle** - A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and

is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a sewer system (including septic tank), water, and electrical lines, or (2) occupied on the same parcel for more than 60 days in any consecutive 12-month period.

**Campsite** - Single camping unit, usually consisting of a cleared, level area for a tent, and may include a parking spur, fire ring, table and other amenities.

**Canopy closure (SMA)** - For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

**Capability** - The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure or other natural factors.

**Carport** - A covered shelter for an automobile open on two or more sides. A carport may be freestanding or partially supported by a dwelling unit or mobile home.

**Cascadian Architecture** - Architectural style using native rock work, large timber and steeply pitched roofs in a rustic manner.

**Catastrophic Situations (SMA)** - Forces such as fire, insect and disease infestations and earth movements.

**Cellar** - A story having more than one-half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

**Cemetery** - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.

**Child Care Center** - A facility providing day care to three or more children, but not including:

- a. The provision of care that is primarily educational unless provided to a preschool child for more than 4 hours a day;
- b. The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion;
- c. Provision of short term care associated with group or social activities.
- d. The provision of day care in the provider's home in the family living quarters for less than 13 children.

**Church** - A building, together with its accessory buildings and uses, where persons regularly assemble for public worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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

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

**Clinic** - Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

**Club or Lodge** - A building and facilities owned and operated for a social or recreational 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 rehabilitation facility of any kind.

**Collector Road or Street (Major)** - A road used primarily to serve traffic between neighborhoods and community facilities; principal carrier between arterials and local roads; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two or three lanes; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 500 to 2,000.

**Collector Road or Street (Minor)** - A road used primarily to connect rural residential areas with arterials and major collector roads; has slower speeds to enhance safety; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 250 to 400.

**Columbia River Gorge National Scenic Area Graphic Signing System** - Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.

Columbia River treaty tribes – See definition for Indian tribes.

**Commercial Development/Use** - Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

Commercial event: An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

**Commercial Forest Products** - These include timber for lumber, pulp, and fire wood for commercial purposes.

**Commercial Recreation** - Any private (non-governmental) recreational activity or facility on privately owned land, excluding non-profit facilities. This does not include operation of a public recreation facility by a private vendor.

**Commercial Utility Facility** - Any energy facility or commercial energy facility.

**Common Area** - Any area or space designed for joint use of tenants.

**Communication Facility** - A facility constructed for the purpose of transmitting telegraph, telephone,

microwave, television, radio, and other similar signals.

**Community Center or Hall** - A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

**Community Facility** - Basic utilities and services necessary to support public service needs, including, but not limited to water and power utilities, sanitation facilities, public micro-wave stations and communications facilities, schools, roads and highways. This does not include sanitary landfills.

**Community Management** - The person who owns or has charge, care or control of the mobile home development.

**Community Sanitary-Sewer System** - A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

**Community Water-Supply System** - A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

**Comprehensive Plan** - The generalized, coordinated land use map and policy statement of the governing body of Wasco County that interrelates all functional and natural systems and activities relative to the use of lands including, but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

**Condominium** - Property, any part of which is residential in nature, submitted and approved in accordance with the provisions of [ORS 100.005 to 100.910](#).

**Conduit** - Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made water conveyance.

**Consultant Engineer** - A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

**Consulting Parties (cultural resources)** - Organizations or individuals who submit substantive written comments to a local government in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

**Contiguous Land** - Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations or are separated by public or private roads. Contiguous land does not include parcels which meet only at a single point.

**Corner Lot** - A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

**Corridor** - The length and width of a right-of-way or tenancy containing or intended for a transmission facility and other uses in, or intended for, the same right-of-way.

**County** - The County of Wasco, Oregon.

**County Governing Body** - The County Governing Body of Wasco County, Oregon.

**County Road** - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Governing Body. A county road shall not act as a dividing feature of a lot-of-record.

**County Road District** – For purposes of improving county roads or public roads within the boundaries of a city or drainage district, county road districts may be formed from contiguous territory within the county. All road improvements are initiated through a petition process approved by the County Governing Body. To fund the road improvements, county road districts may assess, levy and collect taxes on all taxable property within the district. See [ORS 371.055](#).

**Court** - An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two sides by such building.

**Court Apartment** - One to four multiple dwellings arranged around two or three sides of a court which opens into a street.

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

**Created Opening** - A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

**Creation (wetlands)** - A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

**Cul-De-Sac** - A street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

**Cultivation** - Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

**Cultural Resource** - The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

--**Archaeological resources.** The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the

waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

**--Historic buildings and structures.** Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

**--Traditional cultural properties.** Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

**--Traditional Use Areas.** Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture.

Culturally significant foods - Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

Culturally significant plants and wildlife - Native plant and animal species essential to the culture of a Native American group.

**Cumulative Effects** - The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

**Curb Line** - The line dividing the roadway from the planting strip or footway.

**Cut** - an area where soil or earth are excavated or removed in conjunction with development activities.

**Dam** - Any man-made structure that impounds water.

**Day Nursery** - Any institution, establishment or place, other than a group day care home, in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

**Dedicated Site** - Area actively devoted to the current use and as delineated on the site plan.

**Deer and Elk Winter Range** - Areas normally used, or capable of being used, by deer and elk from December through April.

**Design** - The description, either written or graphic, of any street or alley alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities,

and lot area, width or layout.

**Destruction of Wetlands** - Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

**Developed Recreation** - Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

**Developed road prism (SMA)** - The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

**Development** - Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving and excavation.

**Developer** - A subdivider, or if not creating a subdivision, a person who proposes to, or does develop the land, whether it be for public or private purposes.

**Diameter at Breast Height (dbh)** - Refers to the diameter of a tree as measured at breast height.

**Distance zone** - Distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given to site placement, design features, and mitigations to ensure the development blends with the landscape

**Diversion** - Any structure that deflects a portion of the water from a stream channel.

**Dock** - A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

**Double Frontage Lot** - A lot having frontage on two parallel or approximately parallel streets.

**Drive-In** - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

The term drive-in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

**Driveway** - A private access providing ingress and egress to and from within a single property, or portion of a single property to a public road, private road or private easement road.

**Driveway, Shared** - When land uses on two or more lots or parcels share one driveway. A Private Easement Road must be created for any new shared driveway crossing another property.

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



**Dwelling, Single Family** - A detached building containing one dwelling unit and designed for occupancy by one family only.

**Dwelling Unit** - A single self-contained unit with basic facility needs for day-to-day living. Facility needs include, but are not limited to, a food preparation area or kitchen, bedrooms, and a full bathroom.

**Earth materials** - Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

**Easement** - A grant of the right to use a strip of land for specific purposes. Includes but is not limited to access easements and utility easements.

**Effect on Treaty Rights** - To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakama tribes, executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

**Emergency/disaster** - A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

**Emergency/disaster response** - Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

**Endangered and Threatened Species** - Those species of plants and animals listed or proposed for listing as of October 1, 1978, in 41 FED REG 24524. (June 16, 1976) and [50 CFR Part 17](#), and its amendments and species listed or proposed for listing by the State of Oregon.

**Endemic** - Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

The Management Plan for the Columbia River Gorge National Scenic Area lists Columbia Gorge and vicinity endemic plant species in Table 7.

**Enhancement (natural and scenic resources)** - A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

**Ephemeral streams (SMA)** - streams that contain flowing water only during, and for a short duration after, precipitation events.

**Equitable recreation** - Development and services that are equally accessible and available to all people

regardless of income level, ethnicity, gender, ability, or age.

**Ethnography** - The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

**Existing Use or Structure** - Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. "Legally established" means:

- a. the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure; and
- b. the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and
- c. any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

**Expando** - Room or rooms that fold, collapse, or telescope into a mobile home.

**Exploration, Development (extraction and excavation) and Production of Mineral Resources** - Includes all or any part of the process of surface, underground or submerged mining of mineral resources, and transportation of mineral resources from the site. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. This definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource and transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

**Family** -

- a. Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):
  1. An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or,
  2. A group of not more than five (5) unrelated persons; or,
  3. Residential Home - A residence for (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any other home resident. A residential home must be approved as an Adult Care Home by the Wasco County Planning Department.

- b. Each group described herein or portion thereof, shall be considered a separate family.

**Family Hardship Dwelling** - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm person or persons physically incapable of maintaining a complete separate residence apart from their family.

**Farm Management Plan** - Shall include information applicable to the specific farm use from the following list:

- proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor;
- written description of the current and/or proposed farm operation that identifies the number of acres of land in production, type and number of acres planted to a specific crop;
- the current and/or proposed number of animals grazing or being raised on the farm parcel;
- existing and/or proposed farm structures (including irrigation sprinklers) supporting the farm use and existing water rights.
- description of the existing and/or proposed number of employees, including owners, working the farm parcel, and their responsibilities and the hours per week they will be principally engaged in the farm use.
- a map that shows the location of all current and/or proposed farm activities including but not limited to registered fields, grazing areas, areas dedicated to farm structures, acres and location of water rights (Farm Services Agency map); and
- a schedule of all proposed agricultural uses which shall be initiated within one year and complete within five years

**Feedlot** - See Livestock Feedlot.

**Fence, Protective** - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

**Fence, Site-Obscuring** - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

**Fill** - The placement, deposition or stockpiling of sand, sediment or other earth materials to create new uplands or create an elevation above the existing surface.

**Finished grade** - The final elevation of the ground level of a property after construction is completed.

**Fire Break** - A break in ground cover fuels, adjacent to and surrounding buildings.

**Floor Area** - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of the walls separating two buildings. The floor area measurement is exclusive of unfinished attics and basements, attached garages & carports, and covered or uncovered porches, decks, and breezeways

**Flow** - The volume of water passing through a hydroelectric facility during a given period. Flow is expressed in cubic feet per second.

**Footprint** - The area that falls directly beneath and shares the same perimeter as a structure.

**Forbs** - Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grass-like plants.

**Foreground )** - One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one half mile.

**Forest health (SMA)** - A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

**Forest Practice (SMA)** - Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

**Forest Practice (GMA)** - Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.

**Forest Products** - Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

**Forest Service** - The United States Department of Agriculture Forest Service – National Scenic Area Office.

**Forest stand structure (SMA)** - The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

**Forest Use** - The growing, propagation and harvesting of forest tree species and other forest products.

**Foster Home** - A home licensed by the State and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

**Frontage** - All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**Fruit and produce stand** - A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25% of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

**Fully Screened** - A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

**Future Street** - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

**Garage, Public** - A structure in which are provided facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance repair, or where such vehicles are parked or stored.

**GMA Only** - This is a reference mechanism throughout this ordinance to signify that a use or criteria is only applicable in the General Management Area.

**GMA & SMA** - This is a reference mechanism throughout this ordinance to signify that a use or criteria is applicable in both the General Management Area and the Special Management Area.

**Gorge Commission** - The Columbia River Gorge Commission as established by [Public Law 99-663](#), the Columbia River Gorge National Scenic Area Act.

**Grade (Adjacent Ground Elevation)** - The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall.

**Grade (ground level)** - The average elevation of the finished ground elevation as defined by the International Building Code.

**Grading** - Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Gross Building Area** - The total area taken on a horizontal plane at the mean grade level of the principal building, and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhang and balconies.

**Group Day Care Home** - A facility located in a single-family dwelling that is certified by the Children's Services Division to care for six (6) to twelve (12) children under the age of thirteen (13) at one time. A group day care home must be within the home of the care provider, and is considered a residential use in residential and commercial zones.

**Group Home** - A licensed home maintained and supervised by adults for the purpose of providing care, food and lodging for retarded adults, elderly persons, or children under the age of eighteen (18) years, unattended by parent(s) or guardian(s) where the number of unrelated persons living together as one

household commonly exceeds five.

**Guest House** - Living quarters within a separate structure, with no kitchen or laundry facilities, located on the same lot-of-record with a primary dwelling, and occupied solely by temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit. See [Section 4.110](#) for "Guest House" development standards.

**Guy Wire** - A cable or wire used as a semi-flexible tension support between a guy anchor and a tower.

**Half Street** - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

**Hazard tree (SMA)** - A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

**Head** - The vertical distance from the highest water level of a dam, diversion, or intake for a hydroelectric facility to the elevation where water from the facility is discharged. Head is expressed in feet.

**Health Officer** - The North Central Public Health District Health Unit Officer or Environmental Health Officer.

**Height of Building** - The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

**Herbaceous** - A plant with no persistent woody stem above the ground, with characteristics of an herb.

**Herbs** – Non-woody (herbaceous) plants, including grasses and grass like plants, forbs, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

**High Water Line or Mark** - The highest water level a stream or lake reaches during normal seasonal run-off.

**Historic Buildings and Structures** - [See cultural resource.](#)

**Historic Survey** - Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

**Holdings** - All contiguous lands in a single ownership.

**Home Occupation** - A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

**Horizontal Axis WECS** - A WECS on which the rotor axis substantially is parallel to the ground.

**Horse, Boarding of (GMA)** - The stabling, feeding and grooming , or the use of stalls for the care of horses not belonging to the owner of the property, and related facilities, such as training areas, corrals and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.

The boarding of horses does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The boarding of horses for friends or guests where no charge is made; and
- c. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

**Horticulture** - The cultivation of plants, garden crops, trees and/or nursery stock.

**Hospital, General** - An institution providing health services, primarily for in-patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

**Hospital, Mental** - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

**Hotel** - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Hydric Soil** - A soil that is saturated, flooded, or ponded long enough during the growing season to development anaerobic conditions in the upper part.

**Immediate Family Member** - Family member of the first degree of kinship or equivalent thereof.

Immediate Foreground for scenic corridors – A subset of one of the the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

**In-lieu or treaty fishing access Sites** - Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100-581, Section 401. Additional in-lieu or treaty fishing access sites will be provided for.

Yakama

**Indian Tribes** - The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

**Industrial Uses** - Any use of land or water primarily involved in:

- a. Assembly or manufacture of goods or products;
- b. Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- c. Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or
- d. Production of electric power for commercial purposes.

New industrial uses shall not be allowed in the Scenic Area outside Urban Areas.

**Interpretive Displays** - Signs and structures which provide for the convenience, education, and enjoyment of visitors, helping them to understand and appreciate natural and cultural resources and their relationship to them.

**Junk Yard** - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

**Key Components** - The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

**Key Viewing Area (KVA)** - Those portions of identified important public roads, parks or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas include:

- Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
- Crown Point
- Highway I-84, including rest stops
- Multnomah Falls
- Washington State Route 14
- Beacon Rock
- Panorama Point Park
- Cape Horn
- Dog Mountain Trail
- Cook-Underwood Road
- Rowena Plateau and Nature Conservancy Viewpoint
- Portland Women's Forum State Park
- Bridal Veil State Park



- Larch Mountain (including Sherrard Point)
- Rooster Rock State Park
- Bonneville Dam Visitor Centers
- Columbia River
- Washington State Route 141
- Washington State Route 142
- Oregon Highway 35
- Sandy River
- Pacific Crest Trail

**For project located in the SMAs only:**

- Old Highway 8 (previously known as Old Washington State Route 14 and County Road 1230)**
- Wyeth Bench Road (also known as Wyeth Road)
- Larch Mountain Road

**Kitchen** - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located.

**Land Division** - The division or re-division of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to short subdivisions, partitions and subdivisions. Land division does not include the creation of cemetery plots while used for that purpose.

**Landscaping** - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material. Landscaping may be subject to [Chapter 14](#).

**Landscape Setting** - The combination of land use, and cultural features, landform pattern and features, vegetation and waterform that distinguish an area in appearance and character from other portions of the National Scenic Area.

**Livestock Feedlot** - Stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

**Loading Space** - An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or material, and which space or berth abuts upon a street, alley or other appropriate means of ingress and egress.

**Local Access Road** – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication, but has not been accepted for maintenance by the county, state or the US highway systems. Local access roads are privately maintained.

**Local Road or Street** - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

**Lot** - A unit of land that is created by a subdivision of land.

**Lot Area** - The total horizontal area within the lot lines of a lot.

**Lot, Corner** - A lot fronting on two (2) or more streets at their junction, said streets forming with each other an angle of forty-five (45) degrees up to and including one hundred thirty-five (135) degrees.

**Lot Depth** - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

**Lot, Interior** - A lot other than a corner lot.

**Lot Lines** - The lines bounding a lot as defined herein.

**Lot Line Adjustment** - Relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels. See Property Line Adjustment and Replat.

**Lot Line (Front)** - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**Lot Line (Rear)** - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line (Side)** - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

**Lot (Through)** - An interior lot having frontage on two (2) streets.

**Lot Width** - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Maintenance** - Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

**Managerial Setting** – The on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

**Management Plan** - The Management Plan for the Columbia River Gorge National Scenic Area.

**Manufacture** - The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose.

**Map** - A final diagram, drawing or other writing concerning a land division.

**Medical Hardship** – Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physician’s Assistant or Nurse Practitioner).

**Metes and Bounds** - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

**Middleground** – One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

**Mitigation** - The use of any or all of the following actions, in the following order of priority:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; or
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Offsetting impacts by creating or enhancing affected resources.
- f. Monitoring the result of mitigation actions and taking appropriate corrective actions.

**Mobile Home** -

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

**Mobile Home Community** - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

**Mobile Home Lot** - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**Mobile Home Park** - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Mobile Home Space** - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

**Mobile Home Stand** - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Modular Unit** - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.
- c. Having a permanent foundation.

**Mosaic (SMA)** - The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

**Motor Home** - A self-propelled recreation vehicle that is not used as a permanent residence.

**Multi-family Dwelling** - A dwelling constructed or modified into two or more dwelling units.

**National Scenic Area – The Columbia River Gorge National Scenic Area.**

**Native Species** - Species that naturally inhabit an area.

**Natural Areas** - Areas sited in the Columbia River Gorge National Scenic Area [Management Plan](#) (Table 10, page I-138 through I-139) as having Representative Plant Communities or as being Botanically Significant.

**Natural Grade** - The undisturbed elevation of the ground level of a property before any excavation or construction operations.

**Natural Resource-Based Recreation (SMA)** - Recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating

and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas golf courses, tennis courts, and rental cabins are not.

**Natural Resources (GMA & SMA)** - Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas.

**Natural Resource Specialist** - A person with professional qualifications including an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

**Negotiate** - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

**Net Metering** - A simplified method of metering the energy consumed and produced at a private property that has its own renewable energy generator, such as a wind turbine. Under net metering, excess electricity produced by the wind turbine will spin the existing electricity meter backwards, effectively banking the electricity until it is needed by the customer.

**Nonconforming lot or parcel** - A lot or parcel lawfully created which does not conform to the current requirements of the zone in which it is located.

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

**Non-profit Organizations** - An organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

**Not visually evident (SMA)** – One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for the developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, and texture and pattern common to the natural landscape setting so completely and at such scale, proportion to intensity, direction, pattern, etc., that it not be noticeable.

**Nursing Home** - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

**Official Map** - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights-of-way. The Official Map helps to implement the comprehensive plan.

**Old Growth (SMA)** - A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

**Operational (SMA)** - For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

**Ordinary High Water Mark** - The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

**ORS.** - The Oregon Revised Statutes.

**Other related major structure (SMA)** - A structure related to a dwelling on a parcel in the SMA that is less than 40 acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of "accessory building" is not an "other related major structure" or a "major development action."

**Overnight accommodations (GMA)** – The rental of one of more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

**Overstory (SMA)** - For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

**Owner** - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parcel (Legal)/Lot of Record** - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or
  - b. A parcel in an existing, duly recorded partition (including major or minor land partitions); or
  - c. By deed or land sales contract prior to 4 September 1974.
- A unit of land shall not be considered a separate parcel (legal)/lot of record simply because the subject tract of land:
- a. Is a unit of land created solely to establish a separate tax account;
  - b. Lies in different counties;
  - c. Lies in different sections or government lots;
  - d. Lies in different land use or zoning designations; or
  - e. Is dissected by a public or private road.

Consolidation: See [Section 13.200](#) for "Consolidation of Undeveloped Subdivisions.

**Parking Lot, Private** - Open off-street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

**Parking Lot, Public** - Open off-street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

**Parking Space** - A minimum gross area available for the parking of a standard American automobile.

**Parkway** - A park-like major thoroughfare with broad rights-of-way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and principal objectives.

**Partition** - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

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

**Party** - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in Table 2-1, of the property which is the subject of the application.
- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to [ORS 197.160](#).
- d. Any affected unit of local government or public district or state or federal agency.
- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.

**Pathway** - A walkway conforming to [Chapter 21](#) that is not within a street right-of-way.

**Pedestrian Way** - A way or right-of-way for pedestrian traffic.

**Person** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

Physical Settings – The physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

**Place of Public Assembly** - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

**Planning Commission** - The Wasco County Planning Commission.

**Planning Control Area** - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

**Plat** - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

**Porch** - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

**Practicable** - Able to be done, considering technology and cost.

**Pre-existing** - Existing prior to the adoption of the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

**Prevailing Wind Direction** - Within 45 degrees of the direction from which wind flows for at least 20 percent of the year based on at least one year's site-specific recorded wind data.

**Previously disturbed** - An area of land where the natural surface has been graded, excavated, paved and/or graveled.

Priority Habitat – Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

**Private Easement Road** - A minimum 30 foot wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

**Private Road** - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to [Section 21.300](#) of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

**Project Area** - The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.



**Property Line Adjustment** - The relocation a common property line between two abutting properties. See Lot Line Adjustment.

Public dock – A dock constructed, maintained and operated by a federal, state, local or tribal governmental entity to provide public access to a water body.

**Public Road** - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

**Public Use Facility** - Recreation development(s) which meet the definition of "recreation facility" in this ordinance and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

**Ramada** - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

**Rare Plant Species** - Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

1. Endemic to the Columbia River Gorge and vicinity (see Table 2),
2. Listed as endangered or threatened pursuant to federal or state endangered species acts, or
3. Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Rare Wildlife Species - Wildlife species that are;

1. Listed as endangered or threatened pursuant to federal or state endangered species acts,
2. Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
3. Listed as sensitive by the Oregon Fish and Wildlife Commission, or
4. Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

**Reconnaissance Survey** - Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

**Recreation Facility** - A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and which are not separated in distance by more than one-quarter mile of land not containing any such recreational developments or improvements, except for roads and/or pathways.

**Recreation Opportunity Spectrum (ROS)** - A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

- a. Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
- b. Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.
- c. Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- d. Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
- e. Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- f. Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

**Recreation resort** – A master-planned development focused on accessing a range of resource-based recreational opportunities, consisting of predominately short-term visitor accommodations and supporting commercial uses.

**Recreation Resources** - Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

Recreation Setting - The tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting

Reflective surface - Providing a reflection; capable of reflecting light or other radiation.

**Recreational Vehicle or Camping Vehicle** - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if *any* of the following are true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;

- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

NOTE: Allowances can be made for subsections a and b above if in the opinion of the Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors

- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

**Recreational Vehicle Park** - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

**Regularly maintained** - An area of land that has been previously disturbed and where periodic actions have been taken to:

- a. keep the area clear of vegetation (e.g., shoulders, utility yards); and
- b. limit the height and type of vegetation (e.g., utility rights-of-way), and/or
- c. establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

**Rehabilitation (Natural Resources)** - A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or pre-construction condition.

**Remnant old forest (SMA)** - Large trees in the overstory that are well into the mature growth state (older than 180 years).

**Repair** - Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition (in kind). It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure.

Repair includes, but is not limited to, re-roofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

**Replat** - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.

**Reserved Open Space** - Land areas reserved through public dedication, public ownership, easements,

covenants, or other devices for public use and limited development.

**Residential Trailer** - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Resource-based Recreation** - Those recreation uses which are essentially dependent upon the natural, scenic or cultural resources of the Scenic Area and which do not adversely affect those resources upon which they depend.

**Restaurant** - A public establishment for the purpose of selling meals to customers.

**Restoration (Wetlands)** - A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

**Retirement Center** - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

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

#### **Review Types –**

**a. Type I (Ministerial/Nondiscretionary)**

These procedures are decided by the Director, or the Director’s designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a “land use decision” under [ORS 197.015\(11\)](#).

**b. Type II (Administrative/Discretionary)**

These procedures are decided by the Director or the Director’s designee with notice, as established by Chapter 2, and appeal period established by [ORS 215.416\(11\)](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#). An appeal of a Type II decision becomes a Type III review.

**c. Type III (Quasi Judicial/Planning Commission or County Governing Body)**

**Planning Commission**

These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process, notice and appeal period governed by [ORS 197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#).

## County Governing Body

These procedures are initially heard and decided solely by the County Governing Body or on appeal from the Planning Commission with the hearings process, notice and appeal period governed by [ORS 197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#).

### d. Type IV (Legislative/County Governing Body)

These procedures are heard and decided solely by the County Governing Body after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by [ORS 197.763](#). They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under [ORS 197.015\(11\)](#).

**Review uses** - Proposed uses and developments that must be reviewed by Wasco County to determine if they comply with the Wasco County National Scenic Area Land Use and Development Ordinance.

**Right-of-Way** - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

**Riparian Area** - The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

**Road** - The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right-of-way such as bridges.

**Roadway** - The portion or portions of a right-of-way developed for vehicular traffic.

**Rotor** - A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy or a rotating element in an electrical generator.

**Rotor Diameter** - Twice the distance from the center of rotation to the outermost point of the blade.

**Sale or Sell** - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Scenery Management System – The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

**Scenic Area** - The Columbia River Gorge National Scenic Area.

**Scenic Travel Corridor** - Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area, specifically designated to be managed as scenic and recreational travel routes.

Secretary – The U.S. Secretary of Agriculture.

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

**School, Elementary** - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

**School, High** - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

**School, Nursery** - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

**School, Primary** - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

**School, Private or Parochial** - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

**School, Public** - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

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

**Secretary** - The Secretary of Agriculture.

**Sectional Home** - Defined the same as a modular home.

**Service Station** - A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

**Serviceable** - Presently useable.

**Sewage** - Water-carried human or animal waste and kitchen, bath, or laundry waste, from a building, together with such groundwater infiltration and surface water as may be present.

**Shall** - Action is mandatory.

**Should** - Action is encouraged.

**Shrub** - A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

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

**Sign** - Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, any frame or support structure erected specifically to bear or uphold a sign.

**Sign, Advertising** - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

**Significant Adverse Effect** - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

**Significant Archaeological Sites** - Sites possessing valuable artifacts or evidence of precontact cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

**Significant Change** - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconducting, which may increase the useful life of the facility without increasing long-term, off-site impacts.

**Significant Cultural Resource (SMA)** - A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. [The criteria for evaluating the eligibility of properties for the National Register of Historic Places appears in "National Register Criteria for Evaluation" ([36 CFR 60.](#))]

**Significant Interference with Wind Access** - A ten (10) percent decrease in wind speed caused by an obstruction(s).

**Single-wide Mobile Home** - One (1) complete living unit constructed on a single chassis.

**Skyline** - The line which represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point. The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

**Slope** - An incline in an oblique direction from the perpendicular.

**Social Settings** – Identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

**SMA Only** - This is a reference mechanism throughout this ordinance to signify that a use or criteria is only applicable in the Special Management Area.

**Soil Capability Class** - A classification system developed by the U.S. Soil Conservation Service to group soils as to their capability for agricultural use.

**Solid Waste** - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in [ORS 459A.725](#); and
- d. Source separated principal recyclable materials as defined in [ORS Chapter 459](#) and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

**Special District** - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, sanitary districts, and Soil & Water Conservation District.

**Special Road District** – For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable



property within the district; and to do any other act necessary to carry out purposes of the special road district. See [ORS 371.305](#).

**Special Habitat Area** - Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

**Special Streams** - Streams that are primary water supplies for fish hatcheries and rearing ponds.

**Stable, Private** - A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

**Stand** - A group of trees possessing uniformity with regard to type, age, vigor, or size.

**Standard Drawing** - A drawing drawn to the specifications as established by the County Planning Director or County Roadmaster.

**Story** - A single floor level of a structure as defined by the International Building Code.

**Story, Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Streams** - Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface-water runoff structures or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

For this ordinance, streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

**Street** - The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

**Street Plug or Reserve Strip** - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

**Structure** - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs, patios, driveways, and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios.

**Subdivide** - To effect a subdivision, as applied to this Ordinance.

**Subdivider** - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

**Subdivide Land** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

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

**Submit** - To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

**Subsurface Testing** - Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests and auger borings.

**Suitability** - The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed to another land use that does not allow for agricultural use; surrounding uses and features associated with development, compatibility with scenic, cultural, natural and recreation resources, compatibility among uses, and other cultural factors, such as roads, power lines, dwellings and size of ownership.

**Swept Area** - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

**Tax Lot** - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation.

**Tentative Plan Map for a Partition** - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to [ORS 92.046](#), and regulations of [ORS 209.205](#), representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

**Thinning (SMA)** - A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

**Tiedowns** - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

**Topographic Visibility** – Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

**Total canopy closure (SMA)** - For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

**Total WECS Height** - The height of a WECS measured from ground level to the highest vertical extension of a

WECS.

**Tourist Court** - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

**Tract** - All contiguous lots, parcels or lot of records under the same ownership.

Traditional foods – Natural and cultural resources that Native Americans rely on for sustenance, based history, culture and tradition.

Trail Characteristics – Tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

**Travel Trailer** - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Treatment (SMA)** - For forest practices, a site-specific operation that carries out the forest management objectives for an area.

**Treaty Rights or Other Rights** - Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

**Tribal Government** - The governing bodies of the Nez Perce Tribes (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustee), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakama Indian Nation (Tribal Council).

**Tributary Fish Habitat** - Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

**Truck Camper** - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flat-bed truck, and that is not used as a permanent residence.

**Understory (SMA)** - For forest practices, the shorter or immature trees below the tall or mature overstory trees.

**Undertaking** - Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources is located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [[36 CFR 800.16\(y\)](#)].

**Unimproved Lands** - Lands that generally do not have developments such as buildings or structures.

**Unique Ecologic Associations** - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

**Unique Geological Features** - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

**Unit of Land** - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

**Upland** - any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils and/or hydrologic characteristics associated with wetlands.

**Unobstrusive** – When a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

**Use** - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

**Use, Conditional** - The term applied to a use which may be permitted by the application for, and the issuance of a Conditional Use Permit.

**Use Permit** - A permit allowing a specific use.

**Use, Professional** - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

**Use, Prohibited** - A use not allowed in a zoning district.

**Uses allowed outright** - New uses and developments that may occur without being reviewed by Wasco County to determine if they are consistent with the Wasco County National Scenic Area Land Use and Development Ordinance.

**Utility Facility** - Any structure which provides for the transmission or distribution of water, sewer, fuel, electricity, and/or communications.

**Variance** - A specific deviation from a part of this Ordinance.

**Vehicle Site** - The area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hook-ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

**Vertical Axis WECS** - A WECS which rotor axis is vertical.

**Vested right** - The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to the Wasco County Land Use and Development Ordinance.

**Veterinary Hospital** - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X-ray, and boarding.

**Veterinary Office** - An office which provides medical services for sick and injured animals on an out-patient basis.

**Viewshed** - A landscape unit visible from a key viewing area.

**Visual Quality Objective (VQO)** - Is a set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

**Visually Subordinate** – One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point, and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures which are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, t, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

**Walkway** - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

**Waterbody** - A lake, wetland, or Class I or Class II stream.

**Water-Dependent** - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

**Water-Related** - Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the General Management Area, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretive aids, such as kiosks and signs.

**WECS** - See Wind Energy Conversion System.

**WECS Site** - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots.

**WECS Tower** - Subsystem of a WECS that supports the rotor, or other collection device, above-ground.

**Wetlands** - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

**Wetlands Functions** - The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

**Wildlife Areas** - Areas identified and inventoried by wildlife biologists from several federal and state resource agencies that have special values including:

- a. Areas that are used by wildlife species that have limited or declining populations.
- b. Habitats that are highly vulnerable to the effects of new development and uses.
- c. Areas that support large numbers of wildlife species.
- d. Areas that are essential to the long-term existence of a given species, including breeding habitat, seasonal ranges, and movement corridors.
- e. Habitat of limited availability.

[The Management Plan](#) for the Columbia River Gorge National Scenic Area lists the types of habitat areas inventoried in Table 4, page I-129. The Columbia River Gorge Commission has a list on file of the habitat sites. The Forest Service and Gorge Commission will provide and update mapped inventory information for County use.

**Wind Energy Conversion System (WECS)** - A device that converts the kinetic energy in the wind into electric energy. The WECS includes all parts of the system except transmission lines.

**Wind Energy Facility** - One or two WECS including all parts of the system on the same tract.

**Wind Measurement Device** - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted.

**Winery or cidery** - An agricultural building used for processing fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or sales sales andtasting room; each of these uses must be explicitly reviewed and approved.

**Wine or cider sales andtasting room** - A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sale andtasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the "Commercial Events", Section 20.300 of this Ordinance. A wine or cider sales andtasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

**Woody Plant** - A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

**Yard** - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

**Yard, Front** - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

**Yard, Rear** - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

**Yard, Side** - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

**Yurt:** A round, domed shelter of cloth or canvas on a collapsible frame. ([ORS 215.283\(2\)\(c\)](#))

