

Chapter 1 Introduction

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Chapter 1.1 How to Use the Development Code

Welcome to the Lakeview Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Lakeview. The five chapters of the code are used together to review land use applications. They are organized as follows:

Chapter 1 - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the Town's authority to enforce the Development Code.

Chapter 2 - Every parcel, lot, and tract of land within the Town's incorporated boundaries is also within a "land use district". (Land use districts are shown on the Town's official zoning map.) Chapter 2 identifies the land uses that are permitted within each district and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Lakeview Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3 - The design standards contained in Chapter 3 apply throughout the Town. They are used in preparing development plans, and reviewing applications, to ensure compliance with Town standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Chapter 4 - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, "ministerial" decision); Type II (discretionary, "administrative" decision); Type III (discretionary, "quasi-judicial" decision with public hearing); and Type IV ("legislative" decision by Town Council).

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or developments that do not comply with the code). This code cannot provide standards to fit every potential development situation. The Town's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

Chapter 6 - Chapter 6 creates a placeholder for the Town's map amendments. This chapter serves as a placeholder for ordinances to be located for reference for staff and applicants. Map amendments would be located in this section in chronological order from when they were adopted.

Chapter 1.2 General Administration

Sections:

- 1.2.100 - Severability
- 1.2.200 - Compliance and Scope
- 1.2.300 - Consistency with Plan and Laws
- 1.2.400 - Use of a Development
- 1.2.500 - Pre-Existing Approvals
- 1.2.600 - Building Permit and Certificate of Occupancy
- 1.2.700 - Official Action

1.2.100 Severability.

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

1.2.200 Compliance and Scope.

- A. **Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. **Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. **Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. **Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- E. **Transfer of Development Standards Prohibited.** No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency With Plan and Laws.

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the Town of Lakeview as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

1.2.400 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.500 Pre-Existing Approvals.

- A. **Legality of Pre-existing Approvals.** Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval.
- B. **Subsequent Development Applications.** All development proposals and applications received by the Town Planning Official after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.2.600 Building Permit and Certificate of Occupancy.

- A. **Building Permit.** A building permit shall not be issued until the Town Planning Official has issued a development permit in accordance with the provisions of Chapter 5 – Administration of Land Use and Development Review, or otherwise found that a development permit is not required.
- B. **Certificate of Occupancy Required.** To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the Planning Official or other designated official or agent has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. **Prior to Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action.

- A. **Official Action.** All officials, departments, employees (including contractor-officials), of the Town vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. **Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.
- C. **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

Chapter 1.3 Definitions

Abatement – A removal of the Code violation or the act of becoming compliant with the Code.

Abutting - Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access - A way or means of approach to provide pedestrian, bicycle or motor vehicular entrances or exits to a property.

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

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See Section 3.1.200.

Accessible - Approachable and useable by people with disabilities. Complies with the federal Americans With Disabilities Act.

Accessory dwelling - An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Section 2.1.200.B.

Accessory use/Accessory structure - Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, roadside stands and similar structures. See Section 2.1.200.

Adjacent - Abutting or located directly across a street right-of-way.

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See Section 4.1.400.

Adverse impact - Negative effect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Adult Foster Care - Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. “Provider” means any person operating an adult foster home.

Affordable - Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture - As used in this Code, “agriculture” is the same as “farm use”. [See ORS 215.203(2)(a).]

Airport or Aircraft Landing Facility - Any landing area, runway, landing pad, or other facility designed, used or intended to be used by aircraft, including helicopters, and including all necessary taxi-ways, hangars and other necessary buildings and open spaces.

Alley - A narrow street (16'-20' right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings. See Section 3.4.100.

Alteration - A change in construction or a change in occupancy. Where the term "alteration" is applied to a change in construction it is intended to apply to any change, addition, or modification. Where the term is used in connection with a change in occupancy, it applies to changes in occupancy from one use to another.

Alteration, Structural - A change or repair that would tend to prolong the life of the supporting members of a building or structure. A change in the external dimensions of a building shall also be considered a structural alteration.

Alluvial Fan Flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

Ambient - Something that surrounds, as in the level of light, dust or noise.

Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of special flood hazard - means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Arterial - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high capacity Town roadways. See Chapter 3.1, Access and Circulation.

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Automobile-dependent use - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash or auto and truck sales. See Section 2.2.180.

Automobile-oriented use - Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants and banks. See Section 2.2.180.

Back to Back Sign – A sign with multiple display surfaces mounted on a single structure visible to traffic from opposite directions of travel.

Base flood - means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Bed and breakfast inn - Provides accommodations (3 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use

is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors.

Berm - A small rise or hill in a landscape that is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Block - A parcel of land or group of lots bounded by intersecting streets. See Section 3.1.200.J.

Bicycle - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which persons or person may ride and with two tandem wheels of at least 4 inches in diameter.

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

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. The five types of bikeways are:

a. Multi-use Path. A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

b. Bike Lane. A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.

e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

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

Bollard - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard - A street with broad open space areas, typically with planted medians. See Section 3.4.100.

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

Building Directory Sign - A sign giving the name, address number or location of the occupants of a building or buildings.

Building footprint - The outline of a building, as measured around its foundation.

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building Official - That person appointed by the Town Council, or by the Mayor with the consent of the majority of the Town Council, who enforces the building ordinances and regulations for the Town and other ordinances and regulations of the Town as may be designated by the Town Council.

Building pad - A vacant building site on a lot with other building sites.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Canopy - A permanent roofed structure that may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles and on foot, but shall not mean a completely enclosed structure.

Capacity - Maximum holding or service ability, as applied to transportation, utilities, parks and other public facilities.

Carport - A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinets substituting for a wall, and used for sheltering motor vehicles, recreational vehicles or boats.

Centerline radius - The radius of a centerline of a street right-of-way.

Child care center, family child care - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See ORS 657A for certification requirements.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Code Violation - Noncompliance with the Town of Lakeview Development Code, July, 2001 as now in effect or which may be amended from time to time.

Collector - Type of street that serves traffic within commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the street grid system. See Section 3.4.100.

Commission - The Town Planning Commission as duly designated and appointed by the Town Council.

Commercial - Land use involving buying/selling of goods or services as the primary activity.

Common area - Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

Comprehensive Plan - A plan adopted by the Town as guidelines of growth and improvement of the Town. It may be revised from time to time to meet changing conditions or unanticipated problems, situations or developments. The plan may include maps and written findings, goals and policies related

to land use, transportation, parks and recreation housing, urbanization public facilities and services, and accompanying and or supporting data.

Conditional use - A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium - The ownership of single units in a multi-unit structure with common area and facilities.

Consensus - Agreement or consent among all participants.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Construction, New – For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Construction, Start – For floodplain management purposes, it includes any construction defined as substantial improvement. It means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Corner clearance - The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Cornice - The projecting horizontal element that tops a wall or flat roof. See Section 2.1.190.

Cottage - A small house that may be used as an accessory dwelling, in conformance with Section 2.1.200.B.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

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

Curb cut - A driveway opening where a curb is provided along a street.

Cutout - Means every type of display in the form of letters, figures, characters or other representation in cutout or irregular form attached to and superimposed upon a sign.

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a partition or subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density (ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Developable - Buildable land, as identified by the Town's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

Development - All improvements on a site, including buildings, placement or replacement of manufactured or other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes. For the purpose of flood standards, development shall also mean any man-made change to improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Directional Sign – An on-premises sign design to be read by a person already on the premises and used only to identify and locate an office entrance, exit, motor vehicle route, or similar place, service or route.

Discontinued/abandoned use - A use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract. See Chapter 5.2.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

Display Surface – The area of a sign made available for the purpose of displaying the advertising or information a message.

Double faced Sign – A sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

Drip-line - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive lane/travel lane - An improved (e.g., paved) driving surface for one lane of vehicles.

Driveway - Area that provides vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots and parking spaces.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.200.K.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

Duplex - A building with two attached dwelling units on one lot or parcel.

Dwelling unit - A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for 10 or less persons. (See UBC section 205.)

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

Elevation - A building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally sensitive areas - See “sensitive lands”.

Established residential area - An area within the Residential District that was platted prior to the effective date of a land use or zoning ordinance. See Section 2.1.120.F.

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

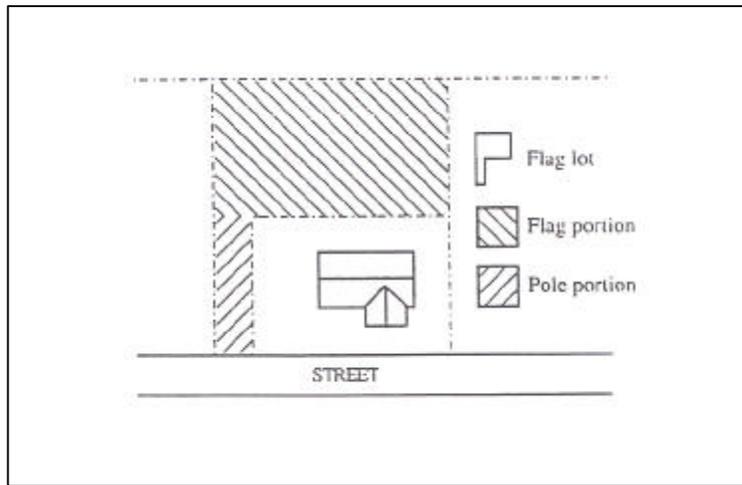
Family day care - See “child care center, family child care”.

Farming or Farm Use - As defined by ORS Chapter 215.203 (2) (a), includes the utilization of land for the purpose of raising, harvesting or selling crops, or for the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals, honeybees, or for dairying and the sale of dairy products, or for any other agricultural or horticultural use, animal husbandry, timber agricultural or any combination thereof, including the preparation or processing and storage of products raised on such land, but not including the construction or use of dwellings and other building customarily provided in conjunction therewith.

Fish Use – For purposes of riparian corridor protection, means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement that does not meet the minimum lot width standard. See Section 2.1.140.



Flood\Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood Insurance Rate Map (FIRM) - means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study - means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area ratio - Floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Section 2.2.130.

Floor, Lowest - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in Section 3.7.100.

Free Standing Sign – A sign supported by one or more uprights or braces and not attached, or only incidentally attached, to any building or structure but does not include ground mounted signs.

Frontage - The dimension of a property line abutting a public or private street.

Frontage street or road - A minor street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the Town’s Transportation System Plan (TSP), by adopted County plans, and Oregon Department of Transportation.

Functional classification - The classification given to streets and highways (e.g., “local/collector/arterial”) by the town’s Transportation System Plan, by adopted County plans, and by the Oregon Department of Transportation.

Garage, private - An accessory building or portion of a main building used for the parking of temporary storage of vehicles owned or used by occupants of the main building.

Garage, public - A building, other than a private garage, used for the care and repair of motor vehicles, or where such vehicles are parked or stored for compensation, hire, rental or sale.

Geothermal Area - Means any parcel of land that is or reasonably appears to be underlain by geothermal resources. (ORS 522.005).

Geothermal Resources - The natural heat of the earth, the energy, in whatever form, below the surface of the earth, present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, exclusive of oil, hydrocarbon gas, helium, or other hydrocarbon substances but including specifically the following: [ORS 522.005(11)].

- ?? All products of geothermal processes, embracing indigenous steam, hot water and hot brines;
- ?? Steam and other gases, hot water and hot brines resulting from water, gas or other fluids artificially introduced into geothermal formations;
- ?? Heat or other associated energy found in geothermal formation; and
- ?? Any by-product derived from them.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See Chapter 3.2 - Landscaping.

Ground Mounted Sign – A sign which is not attached to any structure or building, and has a support which places the bottom thereof less than four (4) feet from the ground.

Grade - The lowest point of elevation of the finished surface of ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Hammerhead turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Historical and Archeological Buildings and Sites - Land and or buildings that have a special historical or archeological interest, represent one or more periods of time in the history of the Town and adjoining area and have at least local significance.

Historic Structure - Any structure that is one of the following:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home occupation, home occupation site - Small commercial ventures that could not be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. See Section 2.1.200.

Hotel, Motel - A building or portion thereof designed for and or used for occupancy of transient individuals who are lodged with or without meals. (ORS 446.310).

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

Impervious surface - Development that does not allow for water infiltration into the ground (e.g., pavement, roofs, etc.).

For purposes of riparian corridor protection, means any material which reduces and prevents absorption of storm water into previously undeveloped land.

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill - The development of vacant, bypassed lands located in an area that is mainly developed.

Infill, Residential - The development of a dwelling on land that is zoned for residential use where at least 75% of the abutting parcels have a structure but not counting any parcel that is too small for a residence or any parcel that is large enough that it can be divided into four or more lots. Residential infill also refers to a situation in which a home is removed to make way for a new dwelling (e.g., a

house, manufactured home, duplex, or attached house). Residential infill shall not refer to the development of a dwelling on land that is large enough that it can be divided into four or more lots.

Junk - Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked scrapped or ruined motor vehicles or appliances, or motor vehicle parts, iron, steel or other old or scrap ferrous, or non ferrous material, metal or nonmetal materials. (ORS 377.605(6)).

Junkyard - Any property or establishment where a person(s) is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling scrap or waste materials, or any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing keeping, buying or selling of junk, and the term includes automobile graveyards, wrecking yards, garbage dumps and scrap metal processing facilities. (ORS 377.605(6)).

Jurisdictional delineation – A delineation of the wetland boundaries that is approved by the Oregon Division of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. (See OAR 141-90-005 et seq. for specifications for wetland delineation or determination reports.)

Land division - The process of dividing land to create parcels or lots.

Land use - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land use district - As used in this code, a land use district is the same as a zone district.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design. See Section 2.1.140.A.

Lawn – For purposes of riparian corridor protection, is grass or similar materials maintained as a ground cover of less than 6 inches in height. For purposes of this section, lawn is not considered native vegetation regardless of the species used.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Section 4.1.600.

Level of service (LOS) - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The level of service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a

traffic stream and their perception by motorists/passengers. Level of service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture - Light manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods) See Section 2.3.110.

Livestock - Domestic animal types customarily raised or kept on farms.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local public improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See also Section 3.4.100.

Local Wetlands Inventory (LWI) – Maps and report adopted by the Town entitled Town of Lakeview Local Wetlands Inventory dated July 2003 and any subsequent revisions as approved by the Oregon Division of State Lands. The LWI is a comprehensive survey of all wetlands over ½ acre in size within the urbanizing area.

Locally significant wetland – A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions.

Logo – A symbol or design used by a business as a means of identifying its products or services.

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). See Chapter 4.3.

Lot area - The total surface area (measured horizontally) within the boundary lines of a lot.

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

Lot coverage - The area of a lot covered by buildings expressed as a percentage of the total lot area.

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

Lot Line - Any property line bounding a lot.

Lot Line, Front - The lot line separating a lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along such a street.

Lot Line, Rear - A lot line that is opposite to and most distant from the front lot line. For corner lots, the rear lot line shall still be determined with reference to the front lot line, which is defined above. For irregular or triangular-shaped lots, the rear lot line is determined by an imaginary lot line ten (10) feet long, drawn within the lot parallel to and at the maximum distance from the front lot line. For double frontage lots (see Section 3.1.200.F.5.), each street has a front lot line, except when an access control

strip has been required along one of the streets by a governmental agency, in which case the line separating the lot from this street is the rear property line.

Lot Line, Side - Any lot line that is not a front or rear lot line.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest of entrances provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Maneuvering area/aisle - The driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured dwelling - A manufactured dwelling includes the following residence types as defined in this Chapter: a residential trailer; a mobile home or a manufactured home.

Manufactured dwelling park - Four or more units located on one lot allowing manufactured homes. See Section 2.1.600.A for standards related to manufactured dwelling parks.

Manufactured home - A manufactured home is a portable residence constructed after 1976 that conforms to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy. See Sections 2.1.600 and 2.1.200.C. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured structure - A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations and is intended for permanent occupancy.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See Section 4.1.300.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.)

For purposes of riparian corridor protection, means taking one or more of the following actions listed in order of priority:

- a. Avoiding the impact altogether by not taking a certain development action or parts of that action.
- b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mixed-use building/development, horizontal/vertical - See Section 2.1.400.

Motor Vehicle Directional Sign – A sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.

Mobile Home - A portable residence constructed between 1962 and 1976.

Multi-family housing - Housing that provides more than 3 dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). See Section 2.1.200.

Multi-use pathway - Pathway for pedestrian and bicycle use. See Section 3.1.300.A.4.

Natural resource areas/natural resources - Same as Sensitive Lands, Chapter 3.7.

Natural hazard – A natural area or feature that is potentially dangerous or difficult to develop. Natural hazards include steep slopes, unstable soils, areas prone to landslides, and floodways.

Neighborhood - A geographic district or area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to the size of people. These features are generally smaller in scale than those primarily intended to accommodate vehicular traffic[trucks as well as autos], such as narrower streets with deciduous street tree canopies, lower street lights, smaller parking areas, smaller buildings, and lower building heights than downtown.

Neighborhood commercial - Small-scale commercial uses allowed in the Neighborhood Commercial sub-district of the Residential District. See Section 2.1.400.

Net Loss – For purposes of riparian corridor protection, means a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.

Non-conforming use/non-conforming development - A land use/structure that would not be permitted by the current code regulations, but was lawful at the time it was established. See Chapter 5.2.

Non-native invasive plants - See the current Oregon State University Extension Service Bulletin for Lake County.

Notice of Violation – A written notice from the Town Manager or his/her designee to the person violating the Town of Lakeview Development Code.

Off Premises Sign – A sign which advertises, goods, products or services which are not sold, manufactured, distributed or sold on or from the premises or facilities on which the sign is located.

Off-site Mitigation – For purposes of riparian corridor protection, means habitat mitigation measures undertaken in areas distant from a development action and which are intended to benefit fish and wildlife populations other than those directly affected by that action.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

On-Site Mitigation – For purposes of riparian corridor protection, means habitat mitigation measures undertaken within or in proximity to areas affected by a development action and which are intended to benefit fish and wildlife populations directly affected by that action.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3.

Open space (common/private/active/passive) - Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

Oregon Freshwater Wetland Assessment Methodology (OFWAM) – A wetland function and quality assessment methodology developed by the Oregon Division of State Lands.

Orientation - To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Oriented to a street - See “Orientation”.

Outdoor commercial use - A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See Section 2.0.100.

Parcel - A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)). See Chapter 4.3.

Parking space - A clear, off-street area for the temporary parking or storage of one automobile in dimensions as set forth by this Ordinance, with surfacing as required by this Ordinance, together with maneuvering and access space and facilities as required by this Ordinance.

Parking lot perimeter - The boundary of a parking lot area, which usually contains a landscaped buffer area.

Parking vs. storage - Parking is putting or leaving a motor vehicle in a location for a temporary time, no longer than 24 hours. Storage is putting or leaving a motor vehicle in a location for maintenance, repair, sale, or rental, or for use more than 24 hours in the future.

Partition - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See ORS 92.010(8)).

Pathway/walkway/access way - See Section 3.1.300.A. A pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the State Transportation Planning Rule (OAR 660-012-045).

Pedestrian Facilities - Improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pedestrian amenity(ies) –Pedestrian areas and objects that serve as places for socializing and enjoyment of the Town’s downtown/main street. Examples include benches or public art or sculpture. See Section 2.2.160.

Person – Every natural person, including a developer, a partnership, association, corporation, limited liability company or any open type of business association or entity.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter strip, tree cutout - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and sidewalk.

Plat - A map of an approved subdivision or partition, prepared as specified in ORS 92.080, and recorded with the Lake County Assessor’s Office. All plats shall also conform to Chapter 4.3 - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that provides space for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Section 2.2.160.

Pocket park - A small park, usually less than one-half acre.

Primary - The largest or most substantial element on the property, as in “primary” use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Projecting Sign – A sign which extends perpendicular or nearly perpendicular from the building face to which it is attached.

Property – Land or real property and the improvements or structures located thereon.

Property line: front, rear, interior side, street side - See “Lot line” and Figure 2.1.130.

Public facilities - Public and private transportation facilities and utilities. See Chapter 3.4.

Public improvements - Development of public facilities. See Chapter 3.4.

Quasi-judicial - An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Section 4.1.500.

Recreational Camp - An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee, or an area designated by the landowner for picnicking or overnight camping and offered to the general public, whether or not a fee or charge is made for such accommodations. (ORS 446).

Recreational Vehicle - A vacation trailer or other units with or without motorized power, which is designed for human occupancy, is to be used temporarily for recreational or emergency purposes, and has the gross floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer and so licensed.

Residence - Same as “dwelling unit”.

Residential caretaker unit - A dwelling unit for caretakers living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform to other applicable building standards. See Section 2.3.160.B.

Residential care home/Residential care facility - Residential treatment or training home or facility or adult foster home licensed by the State of Oregon. See Section 2.1.200.D.

Residential Directional Sign – A sign erected and maintained by an individual to indicate the location of the residence of the individual.

Residential trailer - A portable residence constructed prior to 1962.

Ridge line (building) - The top of a roof at its highest elevation.

Right-of-way - Land that is owned in fee simple by the public for transportation and utility facilities.

Riparian area – For purposes of riparian corridor protection, is the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Riparian corridor – For purposes of riparian corridor protection, is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas and wetlands within the riparian corridor boundary. In Lakeview, three riparian corridors exist, along Deadman, Thomas and Warner Creeks.

Riparian corridor boundary – For purposes of riparian corridor protection, is an imaginary line that is a defined distance upland from the “Top of Bank” of a given waterway.

Roof pitch - The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

Roof Sign – A sign located on or above the roof of any building, not including a false mansard roof or other facia.

Rooftop garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Senior housing - Housing designated and/or managed for persons over a specific age, usually 55.

Sensitive lands - Wetlands, significant trees, steep slopes, floodplains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

Setback - The distance between a building or other development and a property line.

Shared driveway - When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shared parking - Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., daytime versus nighttime primary uses) See Section 3.3.300.

Shopping street - A street or drive designed with the elements of a pedestrian oriented street: such as buildings with close orientation to the street, on-street parking, wide sidewalks, street trees, pedestrian scale lighting. See Section 2.2.160.

Sign – Any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is design, used or intended for advertising purpose or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign. When dimensions of sign are specified the term includes panels and frames and the term includes both sides of sign of specified dimensions or area.

Sign Area – The overall dimensions of all panels capable of displaying messages on a sign structure measured within lines drawn between the outermost edges of a sign including nonstructural trim, facing announcement and display, but exclusive of essential structural supports.

Sign Structure – means the supports, up-rights, braces framework and display surfaces of a sign.

Significant trees, significant vegetation - Trees and shrubs with a trunk diameter of 6 inches or greater, as measured 4 feet above the ground, and all plants within the drip line of such trees and shrubs. Other trees may be deemed significant, when designated by the Town Council as “Heritage Trees”. Any trees and shrubs that have been designated as “Sensitive Lands”, in accordance with Chapter 3.7. See Section 3.2.200.

Single-family attached housing (townhomes) - Two or more single-family dwellings with common end-walls. See Sections 2.1.110 and 2.1.200.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See Section 2.1.110.

Single-family detached zero lot line house - A single family detached house with one side yard setback equal to “0”. See Sections 2.1.110 and 2.1.200.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site design review - A discretionary review that applies to all developments in the Town, except those specifically designated for Development Review. Site design review ensures compliance with the basic

development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3. See Chapter 4.2.

Standards and criteria - Both are code requirements for how to develop uses and structures on land. Standards are the quantitative elements of or ways to comply with a particular criterion. (Example: Criterion: All developments subject to site design review shall comply with the vehicle and bicycle parking standards in this Chapter. Standard: Number of required minimum off-street parking spaces for medical and dental office uses = one space per 350 square feet of gross floor area.)

Steep slopes - Slopes greater than 25 percent.

Storefront character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Stream - For purposes of riparian corridor protection, is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians that meets the Town standards in Section 3.4.100.

Street access - Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system. See Section 3.1.200.

Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See Section 2.2.160.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cutout.

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 jointed together in some finite manner and which requires location on the ground or which is attached to something having a location on the ground. It also shall include a gas or liquid storage tank that is principally above ground.

For purposes of riparian corridor protection, is a building or other major improvement that is built constructed or installed, not including minor improvements such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning Ordinances.

Subdivision - To divide land into four or more lots within a single calendar year. (ORS 92.010(13)).

Substantial damage – For the purposes of flood standards, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement – For the purposes of flood standards and riparian corridor protection, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work preformed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.

Surface water management - Definition to be developed with Chapter 3.5.

Swale - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

Tangent - Meeting a curve or surface in a single point.

Temporary Sign – A banner, pennant, poster or advertising display intended to be displayed for a limited period of time.

Terrace - A porch or promenade supported by columns, or a flat roof or other platform on a building.

Top of Bank – For purposes of riparian corridor protection, means the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate adjacent areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the “bankfull stage” or delineate the top of bank.

Topographical constraint - Where existing slopes prevent conformance with a Code standard.

Town Council – the governing body of the Town of Lakeview.

Town of Lakeview Development Code – The Town of Lakeview Development Code adopted July, 2001 which is now in effect or as may be amended from time to time.

Town Manager – The Town Manager of the Town of Lakeview, or his or her designee.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowners association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Traffic Control Sign or Device – An official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the direction of a governmental unit.

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the Town's adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility
- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition.
- g. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designated improvements in the Transportation System Plan.
- h. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designed and constructed as part of an approved subdivision or partition.

Transportation Facilities and Improvements in subsections g. and h. require a Conditional Use Permit (CU) under Section 4.4.400D.

Transportation mode - The method of moving people or goods (e.g., automobile, bus, walking, bicycling, etc.)

Travel Trailer - Means either a vacation or a self-propelled vehicle or structure equipped with wheels for street or highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilets. (ORS 446.003(5) & (24)).

Travel Trailer/Recreational Vehicle Park or Campground - A lot or parcel upon which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, campers or similar vehicles or devices are located or permitted on an outright basis (except as used for storage purposes, or otherwise approved as a temporary use), regardless of whether a fee is charged for such accommodations. [ORS 446.310(a)]

Triplex - A building with three attached housing units on one lot or parcel.

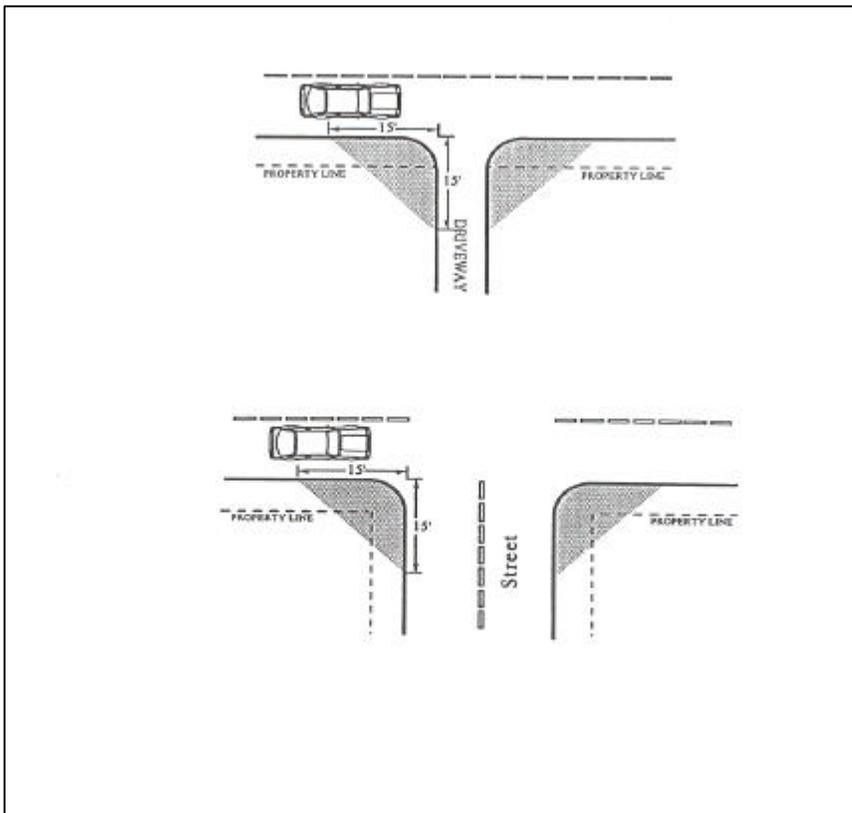
Unique resource - Land or building that has a special character or aesthetic interest, regardless of age, such as the type or method of construction or artistic value.

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

Vacate plat/street - To abandon a subdivision plat or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1.

Vision clearance area - The shaded area as shown on the following figure is the Vision Clearance Area. This area is regulated and further described in Section 3.1.200.N.



V-Type Sign – Means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and with signs separated by not more than 10 feet at the nearest point.

Visible – Means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main-traveled way or a public street or highway.

Wall Sign – A sign painted or otherwise affixed to the face of a building, marquee, or roof overhand in a plane parallel to such face and extending not more than 18 inches there from.

Wetland - Land area where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. Wetlands are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). For more information, contact the Oregon Division of State Lands.

An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland determination – An area identified as wetland or non-wetland.

Wetland protection area – An area subject to the provisions of Section 3.7.400 that includes all wetlands determined to be locally significant.

Window hood - An architectural detail placed above a window, used as an accent.

Wireless communication equipment - Cellular telephone towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Yard - The area defined by setbacks (i.e., between the setback line and respective property line).

Zero lot line house – Single-family courtyard home that is not subject to side yard setbacks on one side of a typical lot. See Section 2.1.200.A.

Chapter 1.4 Enforcement

Sections:

- 1.4.100 - Provisions of this Code Declared to be Minimum Requirements**
- 1.4.200 - Compliance With Code**
- 1.4.300 - Code Enforcement Procedures, Remedies and Penalties**
- 1.4.400 - Notice of Violation**
- 1.4.500 - Appellate Rights**
- 1.4.600 - Responsible Party**
- 1.4.700 - Each Violation is Separate Violation**

1.4.100 Provisions of this Code Declared to be Minimum Requirements.

- A. Minimum Requirements Intended.** In their interpretation and application, the provisions of the Code shall be held to be minimum requirements, adopted for the protection of public health, safety, and general welfare.
- B. Most Restrictive Requirements Apply.** When the requirements of the Code vary from other provisions of the Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.4.200 Compliance With Code.

Use of property in the Town of Lakeview not in accordance with the provisions of the Code, including any established conditions of approval, whether established by the Planning Commission, the Town Council, Town Ordinance or State or Federal law, constitutes a violation. Upon receiving information concerning a possible violation of the Code, the Town Manager or his/her designee may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Town Manager may request the assistance of other Town agencies, officers and employees in the conduct of such investigation.

1.4.300 Code Enforcement Procedures, Remedies and Penalties.

In the event any person violates the Code, or is in noncompliance with the Code, the Town may pursue any one or more of the following enforcement procedures:

- A. Inspection and Right of Entry.** When necessary to investigate a suspected violation of the Code the Town Manager or his/her designee may enter on any property for the purpose of investigation, providing entry is accomplished in accordance with law. No owner or occupant or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit entry authorized by this section. If entry is refused, the Town Manager shall have recourse to the remedies provided by law to secure entry.

- B. Abatement of Violations.** Any Code violation or noncompliance therewith may be abated by appropriate proceedings whether available pursuant to Oregon Revised Statute(s) or Ordinance.
- C. Stop Work Orders.** The Town Manager may order work stopped whenever the Town Manager has reason to believe that work is being performed contrary to the Code or any permit issued under the Code, or that the project for which the work is being performed is in violation of the Code.
- D. Stop Use Orders.** The Town Manager may order a use regulated by the Code stopped or limited when the use of any property is contrary to the provisions of the Code or contrary to a permit issued under the Code or if the use becomes hazardous to life, health, or property.
- E. Revocation of Permit.** In the event of a violation of the Code or noncompliance with the Planning Commission Code the Town Planning Commission may revoke any land use permit granted under the Code. In such case it shall be unlawful for any person to exercise or continue to exercise any right or privilege granted by or dependent on the revoked permit.
- F. Civil Remedies.** In addition to, or in lieu of those enforcement procedures established immediately above, a violation of the Code or a permit issued thereunder may be the subject of a civil action for an appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions.
- G. Imposition of Civil Penalties.** Additionally, and also in addition to or in lieu of any of the enforcement procedures established immediately above, the Town Manager is authorized to assess, impose and collect a civil penalty for any violation of this Code. A Code violation shall be deemed to be a Class B Violation pursuant to the provisions of ORS 153.008 and 153.018 as now in effect or which may be amended from time to time. A civil penalty imposed under this subsection shall become due and payable when the notice of penalty is served upon the person incurring the penalty. Service shall be by personal service or by mailing the notice by certified mail, return receipt requested, to the last known address of the person incurring the penalty. Such notice shall contain a statement that if the penalty is not paid within 15 days of receipt of such notice that the penalty, cost of service and recording fees together with interest accrual at the rate of 9% per annum from the date of recording will be recorded by the Town Recorder in the County Lien Docket and shall become a lien on the property of the person incurring the penalty.
- H. Remedies Not Exclusive.** The above specific remedies and imposition of civil penalties shall be nonexclusive, may be exercised in whole or in part and concurrently or separately of other remedies, and are in addition to any other remedies provided by law or ordinance.

1.4.400 Notice of Violation.

Upon determination by the Town Manager that a Code violation exists, the Town Manager or his/her designee, shall cause a notice of violation to be mailed to the person by certified mail, return receipt requested. The notice of violation shall contain the following information:

- (i) A specific description of the Code violation(s);
- (ii) A street address or legal description sufficient for identification of the property upon which the Code violation is occurring;

- (iii) a statement specifying the action required to be taken as determined by the Town Manager and directing that the Code violation be fully removed or abated within 15 days after the person's receipt of such notice;
- (iv) A statement that if the Code violation is not abated within 15 days after receipt of the notice of violation, the specific remedy or remedies that the Town intends to pursue as a result of the Code violation;
- (v) A statement advising the person who receives the notice of violation of their right to appeal from the notice of violation provided that the appeal is made in writing and received by the Town Council within 15 days after receipt of the notice of violation;
- (vi) A statement that any failure to appeal the notice of violation will constitute a waiver of rights to a hearing and the right to contest the action required to be taken in the notice of violation.

1.4.500 Appellate Rights.

- A.** Any person who is subject to any of the enforcement procedures or to the imposition of civil penalties as established pursuant to Section 1.4.300 above may appeal from the Town Manager's notice of violation by personally delivering or mailing by certified mail, return receipt requested, to the Town Council a written request for an appeal. The appeal shall be received by the Town Council within fifteen days after the person has received the notice of violation from the Town Manager. The person's written request for an appeal shall contain a precise statement setting forth the fact that an appeal is requested and in concise language the relief sought and why the relief is being sought.
- B.** As soon as practicable after receiving the request for an appeal the Town Council shall fix a date, time and place for a hearing of the appeal. Such date shall be not less than ten days and no more than sixty days from the date the written appeal request was received by the Town Council. Written notice of the time and place of the hearing shall be given by the Town Council at least ten days prior to the date of such hearing to the person filing the appeal either by personal delivery or by mailing a copy thereof, postage prepaid, addressed to the person filing the appeal at the address shown on the appeal.
- C.** Failure of any person to request an appeal in accordance with the provisions herein contained shall constitute a waiver of the right to a hearing and adjudication of the notice of violation or any provision thereof.
- D.** All hearings shall be heard by the Town Council and conducted in such a manner as to allow all interested persons full opportunity to be heard. Hearings need not be conducted according to technical rules relating to evidence and witnesses.
- E.** Following the hearing the Town Council may uphold, overrule or modify any decision or requirement of the Town Manager as set forth in the notice of violation and such decision shall also include findings and conclusions for such decision. A copy of the decision shall be personally delivered or mailed by certified mail, return receipt requested. The effective date of the decision shall be as stated therein.
- F.** A decision of the Town Council after hearing may be appealed to either the Lake County Circuit Court or the Land Use Board of Appeals as the same may be appropriate within 30 days of the date of the decision.

1.4.600 Responsible Party.

If a provision of the Code is violated by a firm, corporation, partnership or limited liability company, then the officers, members or partners of such entities are responsible for the violation and shall be subject to the penalties imposed by this Ordinance.

1.4.700 Each Violation is Separate Violation.

Each violation of a separate provision of the Code shall constitute a separate violation, and each day that a violation of the Code is committed or permitted to continue shall constitute a separate violation.