

Chapter 1.0 — Introduction

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Chapter 1.1 — How to Use the Development Code

Welcome to the Halsey Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Halsey. 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 and information on the legal construct of the code. It also explains the city authority to enforce the Development Code.

Chapter 2 - Every parcel of land within the city's incorporated boundaries is also within a zoning district. (Zoning districts are shown on the city'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 specific design standards for certain uses). As required by state law, the zones conform to the land use designations in the Halsey Comprehensive Plan. The zoning 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 city. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, and surface water management.

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, administrative staff decision); Type II (discretionary, Planning Commission decision); Type III (discretionary, Planning Commission decision with public hearing); and Type IV ("legislative" decision by City Council).

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

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Chapter 1.2 — General Administration

Sections:

- 1.2.1 Severability.
- 1.2.2 Compliance and Scope.
- 1.2.3 Consistency with Plan and Laws.
- 1.2.4 Use of a Development.
- 1.2.5 Pre-Existing Approvals.
- 1.2.6 Building Permit and Certificate of Occupancy.
- 1.2.7 Official Action.

1.2.1 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.

1.2.2 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.

1.2.3 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 City of Halsey 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.

1.2.4 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.

1.2.5 Pre-Existing Approvals.

- A. Legality of pre-existing approvals. Developments, including subdivisions, partitions, projects requiring staff or Planning Commission 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 4.5 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications. All development proposals received by the City 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.

1.2.6 Building Permit and Certificate of Occupancy.

- A. Building permit. A building permit shall not be issued until the City has issued a development permit in accordance with the provisions of Chapter 4 - 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 Linn County Building Official 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 certain date.

1.2.7 Official Action.

- A. Official Action. All officials, departments, employees (including contractor-officials), of the City 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. Permits in Conflict. 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

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

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 also, Chapter 3.1, Section 2.

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

Accessory dwelling - See Chapter 2.1, Section 200.A.

Accessory use/Accessory structure - See Chapter 2.1, Section 200.I.

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 also Chapter 4.1, Section 4.

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

Affordable - Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of household income on housing expenses. For more information, refer to 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 also, ORS 215.203(2)(a).]

Alley - See Chapter 3.4., Section 1.F.

Alteration of a Watercourse - Includes, but is not limited to, any dam, culvert, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area or capacity, which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood. (01/11)

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

Area of Shallow Flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. (01/11)

Arcade - An arched or covered passageway; often along building fronts or between streets.

Area of Special Flood Hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A or V. Also known as the Special Flood Hazard Area (SFHA). (01/11)

Arterial - An arterial street. See Chapter 3.4, Section 1.F.

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

Automobile-oriented use - See Chapter 2.2, Section 180.E.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year (i.e., 100-year Flood). (01/11)

Base Flood Elevation (BFE) - The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot. (01/11)

Basement - The portion of a structure with its floor sub grade (below ground level) on all sides. (01/11)

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. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

Below-grade Crawlspace - An enclosed area below the Base Flood Elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point. (01/11)

Berm - A small rise or hill in a landscape which 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 also, Chapter 3.1, Section 2.J.

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.

Building - A building or structure subject to Building Codes. (01/11)

Building Codes - The combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. (01/11)

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 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.

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

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

Centerline radius - The radius of a curved 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 also, 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.

Collector - Type of street. See Chapter 3.4, Section 1.F.

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).

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

Consensus - Agreement or consent among participants.

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

Cornice - The projecting horizontal element that tops a wall or flat roof. See Chapter 2.2, Section 160.

Cottage - A small house that may be used as an accessory dwelling, in conformance with Chapter 2.1, Section 200.B.

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

Critical Facility - A facility that is critical for the health and welfare of the population and is especially important following hazard events. The following is the list of critical facilities:

1. Hospitals and other medical facilities having surgery and emergency treatment areas;
2. Fire and police stations;
3. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
4. Emergency vehicle shelters and garages;
5. Structures and equipment in emergency-preparedness centers;
6. Standby power generating equipment for essential facilities; and
7. Structures and equipment in government communication centers and other facilities required for emergency response. (01/11)

Curb cut - A driveway opening in a curb along a street.

Dead Storage - Storage of inactive items, including automobiles, for a certain period (e.g., a mini-warehouse). (11/07)

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 subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density - A measurement of the number of dwelling units in relationship to a specified amount of land (e.g. 10 units per acre). As used in this Code, density does not include land devoted to street right-of-way (also known as net density).

Developable - Buildable land, as identified by the City'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, 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. Also, a development site or area.

As applied to regulations contained in Chapters 3.6, 4.2, and 5.1, Development is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures (including fences and walls), mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the Area of Special Flood Hazard. (01/11)

Digital FIRM (DFIRM) - Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications. (01/11)

Discontinued/abandoned use - See Chapter 5.2 - Non-Conforming Uses and Developments.

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

Drip-line - Imaginary line on the ground around a tree or shrub at a distance from the trunk equivalent to the spread of the leaf canopy.

Drive lane/travel lane - An improved (e.g., paved) driving surface for one line 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 spaces, maneuvering areas, or circulation areas.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of asphalt or concrete. See Figure 3.1.2K.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition). Plants that require no summer watering once established.

Duplex - A building with two attached housing 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, for not more than one family, or a congregate residence for 10 or less persons. (UBC 205)

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

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

Encroachment - The advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a floodway which may impede or alter the flow capacity of a floodplain. (01/11)

Elevated Building - A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns. (01/11)

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

Existing Building or Structure - A structure for which the “Start of Construction” commenced before September 29, 2010. (01/11)

Family day care - See “child care facilities.”

Federal Emergency Management Agency (FEMA) - The agency with the overall responsibility for administering the National Flood Insurance Program. (01/11)

Fire apparatus lane - A clear accessway for emergency vehicles, as defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of the lot or an easement. See Chapter 2.1, Section 140.

Flood or flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters; or
2. the unusual and rapid accumulation or runoff of surface waters from any source. (01/11)

Flood, 100-year - Flood with a one percent chance of being equaled or exceeded in any given year. This is the flood most commonly used for regulatory purposes and is called the Base Flood. This flood event inundates the entire 100-year Floodplain. See Base Flood. (01/11)

Flood Hazard Zone - Geographic areas that the Federal Emergency Management Agency has defined according to varying levels of flood risk. These Flood Hazard Zones are depicted on a community’s Flood Insurance Rate Map (FIRM) or on Floodplain study maps approved by the Floodplain Administrator or designee. Each Flood Hazard Zone reflects the severity or type of flooding in the area. The following list provides a description of the Flood Hazard Zones.

1. Flood Hazard Zone ‘A’ - Corresponds to the 100-year Floodplains that are determined in the Flood Insurance Study by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations or depths are shown within this zone. Mandatory flood insurance purchase requirements apply.
2. Flood Hazard Zone ‘AE’ - Corresponds to the 100-year Floodplains that are determined in the Flood Insurance Study by detailed methods. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

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3. Flood Hazard Zone 'AH' - Corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The Base Flood Elevations (BFEs) derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.
4. Flood Hazard Zone 'AO' - Corresponds to the areas of 100-year shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. The depth should be averaged along the cross section and then along the direction of flow to determine the extent of the zone. Average flood depths derived from the detailed hydraulic analyses are shown within this zone. In addition, alluvial fan flood hazards are shown as Zone AO on the FIRM. Mandatory flood insurance purchase requirements apply.
5. Flood Hazard Zone 'A99' - Corresponds to areas of the 100-year Floodplains that will be protected by a Federal flood protection system where construction has reached specified statutory milestones. No Base Flood Elevations or depths are shown within this zone. Mandatory flood insurance purchase requirements apply. (01/11)

Floodplain - The area adjacent to a stream or river channel that is covered by water when the river or stream overflows its banks. (01/11)

Floodplain Development Permit - Federally required permit required prior to construction and other development in any Special Flood Hazard Area (100-yr. Floodplain). (01/11)

Floodplain, 100-year - The land area adjacent to a river, stream, or other water body that is subject to a one percent or greater chance of flooding in any given year. It consists of land ranging from that which is subject to annual flooding to that which has a one percent or greater chance of flooding in any given year. The 100-year Floodplain consists of the Floodway and the Floodway Fringe. The 100-year Floodplain is mapped by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRMs) and is the area subject to Base Flood regulations. Not every potential Area of Special Flood Hazard within the Urban Growth Boundary has been mapped by the Federal Emergency Management Agency through the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps. The Floodplain Administrator is authorized through Sections 3.6.2.B.6 and 4.2.5.B.6.f to obtain the information necessary to determine the presence and extent of unmapped Areas of Special Flood Hazard as part of reviewing development proposals that effect the 100-year Floodplain. Such information shall be used by the City of Halsey to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps and these areas are also subject to Base Flood regulations. See Base Flood. (01/11)

Flood Insurance Rate Map (FIRM) - An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community. (01/11)

Flood Insurance Study (FIS) - The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood. (01/11)

Floodway (Regulatory Floodway) - The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood. (01/11)

Floodway, 1.0-ft. – A river channel or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood (100-year Flood) without cumulatively increasing the Water Surface Elevation more than 1.0 ft. (01/11)

Floodway Fringe - The area of the 100-year Floodplain lying outside of the Floodway. Context is the 1.0-ft. Floodway. See Floodway. (01/11)

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

Frontage street or road - A minor street which 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 City’s Comprehensive Plan, by adopted County plans, and Oregon Department of Transportation.

Ground cover - A low-growing plant or landscape material that is used to cover bare ground. See also, Chapter 3.2 - Landscaping.

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.

Highest Adjacent Grade (HAG) - The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG for more information. (01/11)

Historic Structure - A structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or;
4. Individually listed on a local inventory of historic places and determined as eligible by 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.

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 which 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 which are primarily intended to accommodate automobile traffic.

Impervious surface - Development features which do not allow for water infiltration (e.g., pavement, roofs, etc.).

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 or underdeveloped lands located in an area that is mainly developed, as opposed to on the outskirts of town.

Junk yard - (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling scrap or waste materials. (2) Any establishment or place of business on which 2 or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal and other recycling processing facilities. (11/07)

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 zoning 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 replanting or the preservation and protection of existing trees.

Lane, mid-block lane - A narrow, limited use roadway usually used to access a small number of dwelling units. Similar to an alley in design. See Chapter 2.1, Section 140.A.

Lateral Addition - An addition that requires a foundation to be built outside of the foundation footprint of the existing building. (01/11)

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 Chapter 4, Section 1.6.

Letter of Map Change (LOMC) - An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

1. *Letter of Map Amendment (LOMA)* - A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area;
2. *Letter of Map Revision (LOMR)* - A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the Base Flood Elevation and is excluded from the special flood hazard area;
3. *Conditional Letter of Map Revision (CLOMR)* - A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies. (01/11)

Level of service - 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. Level of Service is normally measured for the peak traffic hour, at intersections or on street segments (between intersections).

Light manufacturing - See Table 2.3.110A.

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 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 Chapter 3, Section 4.1.

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

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

Lot coverage - The area of a lot covered by a building or 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.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the state Building Code. (01/11)

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

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

Manufactured home - A transportable single-family dwelling conforming 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.

Manufactured home park - A group of manufactured homes on a single lot, as defined by ORS 446.

Mean Sea Level - For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced. (01/11)

Mitigation - Compensation for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.)

Mixed-use building/development/horizontal/vertical - See Chapter 2.2, Section 180.A.

Multi-family housing - More than two dwelling units in a single building, as described in Chapter 2.1, Section 200E.

Multi-use pathway - A non-automobile transportation and recreation route (See Chapter 3.1, Section 3.A.4.)

Natural Elevation - The elevation of natural grade, or the grade in existence before September 29, 2010. (01/11)

Natural hazard - Natural areas that make development dangerous or difficult, including steep slopes, unstable soils, and areas prone to landslides or flooding.

Neighborhood - A geographic area surrounding distinguishing landmarks or bounded by barriers such as roads. Halsey has two general residential neighborhoods: the east side neighborhood, and the west side neighborhood.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets, tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

New Construction - A structure for which the “start of construction” commenced after September 29, 2010, and includes subsequent substantial improvements to the structure. (01/11)

Non-conforming use/non-conforming development - A use or development that does not conform to the standards of this code (See Chapter 5.2).

Non-native invasive plants – Refer to Oregon State University Extension Service Bulletins.

Off-street parking - All areas outside of the public right-of-way 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-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 also, Chapter 3.3.

Open space (common/private) - Land within a development which 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.

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

Outdoor commercial use - A use supporting a commercial activity which 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. Prohibited uses include junk yards and storage uses where the product is not sold on-site. (11/07)

Outdoor display and sales - A principle commercial use that requires the outdoor display of materials, parts, inventory or goods including, but not limited to, lumber and builder supply yards, landscape materials, automobile and truck sales, recreational vehicle sales, boat sales, farm implement sales and manufactured housing sales, excluding flea markets and auctions. (11/07) *(continued)*

1. Outdoor display and sales uses must be maintained in an orderly manner with no trash, junk or debris.
2. Outdoor display and sales uses must effectively screen the side and rear of the display area from adjacent properties that are zoned to allow residential uses.
3. Outdoor display and sales areas must be outside any parking, traffic circulation, right of way or landscaping area that serves the site.

Outdoor Storage - A principle use where goods such as recreational vehicles, boats and other large items, are stored outside of a building. (11/07)

1. Outdoor storage as a principle use must be effectively screened from adjacent properties located outside the area that is appropriately zoned for such use.
2. All outdoor storage areas must maintain adequate emergency access lanes around and through the outdoor storage areas.
3. All outdoor storage use, as a principle use, may include one single family dwelling that is occupied by the owner or operator of the storage use.
4. Outdoor storage uses must be maintained in an orderly manner with no junk, trash, or debris.

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

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

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

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 also, ORS 92.010(8)).

Pathway/walkway/access way - See Chapter 3.1, Section 3.A. As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the Transportation Planning Rule. (OAR 660-012-045).

Pedestrian amenity - See Chapter 2.2, Section 170.

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

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

Plat - A map of a partition or subdivision, prepared as specified in ORS 92.080, and recorded with the Linn County Surveyor’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 allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Chapter 2.2, Section 170.

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.

Property line: front, rear, interior side, street side - See Figure 2.1.130.

Public facilities - See Chapter 3.4.

Public improvements - Development of public facilities such as streets and utilities. See Chapter 3.4.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. See Chapter 4.1, Section 5.

Recreational Vehicle - A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towed by a light duty truck, and;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (01/11)

Residence - Same as “dwelling.”

Residential caretaker unit - See Chapter 2.3, Section 180.B.

Residential care home/Residential care facility - See Chapter 2.1, Section 200.F.

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, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as ratio (e.g., 8 inches of rise per 12 inches of horizontal distance = 8:12).

Senior housing - Housing designated and/or managed for persons over the age of 55.

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

Sign - Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. (11/07)

Sign, area - The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, this perimeter does not include any structural elements lying outside and below the limits of the sign that do not form an integral part. (11/07)

Sign, flashing - Flashing signs are those that intermittently change on a regular basis. Signs that flash at frequencies greater than once every five (5) seconds shall be prohibited. Strobelights are prohibited. (11/07)

Sign, rotate - Rotating signs are signs that mechanically turn. (11/07)

Special Occupancy Structure -

1. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
2. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
3. Buildings for colleges or adult education schools with a capacity greater than 500 persons;
4. Medical facilities with 50 or more resident, incapacitated patients not included in items "1." through "3.", above;
5. Jails and detention facilities; and
6. All structures and occupancies with a capacity greater than 5,000 persons.

Start of construction - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or 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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not 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 the alteration affects the external dimensions of a building. (01/11)

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

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians. See also city standards in Chapter 3.4, Section 1.

Street access - See Chapter 3.1, Section 2.

Street connectivity - The network of streets and intersections within a specific geographic area.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, trash cans, kiosks, and similar pedestrian amenities located within a street right-of-way. See also, Chapter 2.2, Section 170.

Street, Main - The street that the primary (front) entrance to a building is oriented. (11/07)

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 cut-out.

Structure - A walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground. (01/11)

Subdivision - A division of land into four or more lots within a single calendar year. (ORS 92.010(13)).

Substantial Damage - 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 its market value before the damage occurred. (01/11)

Substantial Improvement - 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 performed. The market value of the structure should be:

1. The appraised real market value of the structure prior to the start of the initial repair or improvement, or
2. In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:
 - a. A 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. Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure. (01/11)

Surface water management - The method of conveying and/or storing rainfall and runoff (See Chapter 3.4.4).

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.

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

Transportation facilities - 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, rail facilities etc.).

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

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

Vacate plat/street - To abandon a subdivision 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 excuse or otherwise modify certain requirements of this Code. See Chapter 5.1.

Vertical Addition - The addition of a room or rooms on top of an existing building. (01/11)

Vertical Datum - The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88). (01/11)

Vision clearance area - See Figure 3.1.2.N.

Watercourse - A lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically. (01/11)

Water Dependent Use - A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities. (01/11)

Water Surface Elevation - The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (01/11)

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They 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.

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

Wireless Telecommunications Facilities - Includes cell towers, other support structures, antennae, equipment shelters, 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).

Chapter 1.4 — Enforcement

Sections:

- 1.4.1 Provisions of this Code Declared to be Minimum Requirements.
- 1.4.2 Violation of Code Prohibited.
- 1.4.3 Penalty.
- 1.4.4 Complaints Regarding Violations.
- 1.4.5 Inspection and Right of Entry.
- 1.4.6 Abatement of Violations.
- 1.4.7 Stop-Order Hearing.

1.4.1 Provisions of this Code Declared to be Minimum Requirements.

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

1.4.2 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.4.3 Penalty

- A. Class A Violation. A violation of this Code shall constitute a Class A Violation which shall be processed accordingly.
- B. Each violation a separate offense. Each violation of a separate provision of this Code shall constitute a separate offense, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate violation.
- C. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. Responsible party. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.
- E. Maximum fines. Each violation of this Code shall carry a maximum fine of \$600 per day.

1.4.4 Complaints Regarding Violations.

- A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with the City Clerk. Such complaints, stating fully the causes and basis thereof, shall be filed with the City Clerk. The City Clerk shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.4.5 Inspection and Right of Entry

When necessary to investigate a suspected violation of this development code, or an application for or revocation of any permit issued under this development code, the City Recorder may enter on any site or into any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Absent a search warrant, no site or structure that is closed to the public shall be entered without the consent of the owner or occupant. 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 City Recorder shall have recourse to the remedies provided by law to secure entry.

1.4.6 Abatement of Violations.

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by order of the Municipal Court.

1.4.7 Stop-Order Hearing.

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, City staff may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized by the Building Official or City Planner to continue.
- B. Stop-order hearing. City staff shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the staff, such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
 2. Solely to determine whether a violation has occurred. The Planning Commission shall hold this hearing and shall make written findings as to the violation within 10 days. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission's decision is subject to review under Chapter 4.1.5 - Type III (Public Hearing) Procedure.