

16.06.020 Definitions

The following definitions shall apply to Titles 16 through 18.

A

1. *Access*: The way or means by which pedestrians and vehicles shall have ingress and egress to the property.
2. *Accessory dwelling*: a second dwelling unit either within or added to an existing dwelling or over a garage which functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.
3. *Accessory structure or use*: a structure or use customarily incidental and subordinate to the principal use or structure, and located on the same lot or tract.
4. *Adjacent*: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent."
5. *Adjustments*: modifications and reductions or additions to code standards, which do not include variances.
6. *Adult foster care*: any family home or facility in which twenty-four hour care is provided for five or fewer adults who are not related to the provider by blood or marriage.
7. *Advertising sign*: any structure or portion thereof that is intended for advertising purposes or on which letters, figures, or pictorial matter are, or are intended to be displayed, other than on a business sign.
8. *Alley*: a narrow street primarily for vehicular service access to the rear of side of properties otherwise abutting on another street.
9. *Alteration*: An "alteration" may be a change, addition or modification in construction or a change of occupancy including a change from one trade or use to another.
10. *Alteration, Structural*: A "structural alteration" is any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders or any change in the external dimensions of the building.
11. *Apartment house*: See "multiple-family dwelling."
12. *Applicant*: The party or parties who submit an application for approval of a quasi-judicial permit under Titles 16 through 18.

13. *Application*: any request for approval of a permit or a legislative amendment to the City's land use regulations, Comprehensive Plan or related maps.
14. *Approval criteria and approval standards*: all standards, which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in the Molalla City Municipal Code, the Molalla Comprehensive Plan and applicable state law.
15. *Arterial*: roadways that are primarily intended to serve traffic entering and leaving the urban area. While arterials may provide access to adjacent land, that function is subordinate to the travel service provided to major traffic movements. Arterials are the longest-distance, highest-volume roadways within the urban growth boundary. Although the streets focus on serving longer distance trips, pedestrian and/or bicycle activities often are also associated with the arterial streetscape.
16. *Automobile service station*: any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and for the sale of accessories as a secondary service for automobiles at retail direct to the customer.
17. *Automobile wrecking*: the dismantling or wrecking of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

B

1. *Basement*: the portion of a building included between a floor with its level two feet or more below the finished grade and the ceiling next above said floor.
2. *Bed and Breakfast Inn*: a structure occupied as a single-family residence in which sleeping rooms and a breakfast meal for overnight guests are provided on a daily or weekly basis for a fee.
3. *Billboard*: a sign with a display surface area of 300 square feet or more per sign face.
4. *Boarding, lodging or rooming house*: a residential type building or portion thereof, other than a hotel or motel, used to provide lodging for compensation, with or without meals, for not less than four nor more than ten people, not including members of the owner-occupant family.
5. *Boundary change*: either a major or minor boundary change.
6. *Boundary change application*: a petition or any other form of initiatory action for an annexation or boundary change.
7. *Boundary change, Major*: the formation, merger, consolidation or dissolution of a City or district.

8. *Boundary change, Minor*: an annexation or withdrawal of territory to or from a City or district or from a City-county to a district or an extra-territory extension or water or sewer service by a City or district.
9. *Boundary change procedure*: the procedure defined and required by ORS Chapter 222.
10. *Breezeway*: a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.
11. *Buffer area*: the horizontal distance generally adjacent to a property line, which includes vertical elements, which may include berms, plants; fences or wall and which may be occupied by screening, utilities, and landscaping materials.
12. *Building*: any structure built or used for the support, shelter, or enclosure of any use or occupancy.
13. *Building footprint*: the total area of the building ground floor measured from the exterior faces of the building.
14. *Building height*: the vertical distance measured from the level of the first floor above finished grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or the center height between eaves and ridges for gable, hip, or gambrel roofs.
15. *Building line*: a line established by this title to govern the placement of a building with respect to the street lot line through the setback requirements of a minimum street yard.
 - a. A building line is ordinarily parallel to the street lot line and at a distance in accordance with the setback requirement.
 - b. For lots contained in an official subdivision plat recorded before the effective date of the ordinance codified in this title, the building line may be taken as shown therein.
16. *Bulk plant*: any establishment where commodities, including both liquids and solids, are received by pipe lines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purposes of distribution by pipe line, tank car, tank vehicle, or container.
17. *Business sign*: any sign, structure, or device which directs attention to the premises in which located, or the occupant of the premises or the goods or services manufactured, produced, or available on the premises.

C.

1. *Camping*: the overnight use or stay in a camping facility, but does not include recreational vehicle camping.
2. *Camping facility*: any establishment open to the public or any segment of the Public for camping, but does not mean an area allowing only isolated, occasional, or infrequent camping when the area has a primary or principal use other than as a camping facility.
3. *Clinic*: a building or portion of a building containing facilities for providing medical, dental, and psychiatric services for outpatients only, including veterinarian clinics.
4. *City*: the City of Molalla.
5. *Collector Street*: facilitate the movement of city traffic within the urban growth boundary of the city. Collectors provide some degree of access to adjacent properties, while maintaining circulation and mobility for all users. Major collectors are distinguished by their connectivity and higher traffic volumes, although they are designed to carry lower traffic volumes at slower speeds than arterials. Major collector streets are characterized by two or three-lane facilities. Minor collectors carry lower volumes than major collectors and have two-lane cross-sections.
6. *Commission*: the City Planning Commission of the City of Molalla.
7. *Common Wall*: A structural wall shared with another dwelling or use.
8. *Comprehensive Plan*: the Comprehensive Plan for the City of Molalla, comprising plans, maps or reports, or any combination thereof relating to the future economic and physical growth and development or redevelopment of the City.
9. *Council*: the City Council of the City of Molalla.
10. *Court*: an open, uncovered, and unoccupied space contained within, or surrounded, or partly surrounded by buildings.

D.

1. *Day care center*: a facility which provides regular day care services for six or more persons during part of the day, with or without compensation, including nursery schools, preschools, family day care group homes or centers or similar facilities, but not including services provided by a physician or nurse, or facilities operated primarily for education or supervised training, or day care provided by a babysitter.
2. *Development*: Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or alteration of buildings or other structures; condominium conversion, land division; establishment or termination of a

right of access; storage on real property; tree cutting; clearing, mining, dredging, filling, grading, paving, excavation or drilling operations.

3. *Development Permit*: a permit issued by the City for a development, which is in compliance with the requirements of the Molalla City Municipal Code and the Comprehensive Plan.
4. *Development Plan*: any plan adopted by the Planning Commission for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.
5. *Director*: the Director of Public Works or the Director's designee approved by the City Council.
6. *Display surface area*: the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this code.
7. *District*: an entity described in ORS 198.010, 198.710(1) to (4) or 199.420.
8. *Duplex dwelling or two-family dwelling*: a detached structure containing two dwelling units.
9. *Dwelling unit*: an independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, rooming, and boarding units, which are used primarily for transient tenancy, shall not be considered as dwelling units.

E.

1. *Easement*: a right of usage of real property granted by an owner to the public or to specific persons, firms and corporations.
2. *Erect or erected*: to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
3. *Established grade*: the curb line grade established by the City.

F.

1. *Family*: any one of the following groups when living together in a single dwelling unit:
 - a. Persons related by blood, marriage, legal adoption or guardianships, plus not more than six (6) additional persons, including foster and shelter care children; or
 - b. Up to six (6) unrelated persons; or
 - c. Members of a "residential home," as defined in this chapter.

2. *Fence*: an accessory structure, including landscape planting, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.
3. *Final action and final decision*:
 - a. The City's final decision on a permit application for which there is either no appeal to another decision maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with section 16.06.180 of the chapter.
 - b. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.
4. *Finished Grade (ground level)*: the average of finished ground levels at the center of all walls of the building unless otherwise specified.
5. *Flag lot*: a lot, the major portion of which has access to a public road or street by means of a narrow strip of the lot.
6. *Flood or Flooding*: a general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.
7. *Floor area*: the area included in the surrounding walls of a building, or portion thereof, exclusive of vent shafts or courts.
8. *Freestanding sign*: a sign supported from the ground by its own structure.
9. *Frontage*: the continuous distance along one street right-of-way line of one premise, provided such street is improved for public travel.

G.

1. *Grade*: the level of the nearest sidewalk or road pavement.
2. *Gross area*: the total usable area, including accessory space dedicated to such things as streets, easements, and uses out of character with the principal use, but within a unit of area being measured.
3. *Guesthouse*: an accessory, detached dwelling unit occupied solely by nonpaying guests or by servants employed on the premises.

H.

1. *Half-story*: a space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level. A half-story containing one or more dwelling units shall be counted as a full story.

2. *Half street*: a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.
3. *Height of building*. See "building height," 16.06.020 (B) (14).
4. *Home occupation*: an occupation or craft which is carried on in a dwelling place or premises by members of a family with no other employees or persons being engaged therein and complies with the terms and conditions of the Molalla Comprehensive Plan and is incidental to the use of the premises as a dwelling place.
5. *Hospital*: means an establishment that provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing services on a continuous basis.
6. *Hotel*: a building in which lodging is provided for ten (10) or more guests for compensation and in which no provision is made for cooking in the rooms.

I

1. *Improved real property*: property, which contains a building or other man made structure.
2. *Incidental sign*: a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.
3. *Interior lot*: a lot other than a corner lot.
4. *Interior lot line*: any property lines not a street lot line.
5. *Interior yard*: a yard lying between the nearest points of a building and the interior lot line and measured at right angles to the interior lot line.

J

1. *Junkyard*: an area of more than two hundred (200) square feet used for the dismantling, storage or handling in any manner of junked vehicles or other machinery, or for the purpose of storage of dismantled material, junk, and scrap, if such activity is not incidental to the principal use on the same lot.

K

1. *Kenel*: any premises or building in which four (4) or more dogs or cats at least four months of age are kept commercially for board, propagation, or for sale.

L

1. *Land Division*: the process of dividing land to create lots or parcels.

2. *Landscaping*: site improvements which include lawn, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas. Mulch may be used only as a temporary groundcover at the time of planting.
3. *Legislative action*: Any final decision of the City that approves or denies a request to amend the City's land use regulations, Comprehensive Plan or related maps and does not pertain to a particular property or small set of properties.
4. *Limited land use decision*: A final decision or determination made by the City pertaining to a site, which concerns the approval or denial of a subdivision or partition, as described in ORS Chapter 92, or the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.
5. *Lot*: a parcel of land under one ownership used or capable of being used under the regulations of this title, including both the building site and all required yards and open spaces. A "lot" need not, necessarily coincide with the "lot of record" which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the City.
6. *Lot area*: the total horizontal area within the lot lines of a lot.
7. *Lot coverage*: the portion of a lot that is occupied by the principal and accessory buildings, including all projections except eaves, expressed as a percentage of the total lot area.
8. *Lot depth*: the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
9. *Lot dimension*: a measurement along any side of a lot.
10. *Lot line*: the property line bounding a lot.
11. *Lot of Record*: a lawfully created lot or parcel established by plat, deed, or contract as duly recorded in the Clackamas County property records.
12. *Lot width*: the horizontal distance between the interior lot lines at the building line.

M

1. *Maintained or Maintaining*: activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.

2. *Major Arterial*: a street with four travel lanes for inter-city trips and with volumes in excess of 16,000 vehicles per day.
3. *Manufactured Home*: a single-family dwelling structure constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, constructed after June 15, 1976, being or intended to be used for residential purposes and constructed, and permanently installed after transport.
4. *Manufactured/Mobile Home Park*: a development pursuant to ORS 446.003 (32).
5. *Marginal access street*: a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
6. *Minor Arterial*: a street with four travel lanes or less for distributing inter-City trips and with volumes ranging form 10,000 to 16,000 vehicles per day.
7. *Minor street*: a street intended exclusively for access to abutting properties.
8. *Mobile home*:
 - a. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.
 - b. For the purposes of this chapter and as used in the Molalla Municipal Code, a manufactured home is not a mobile home.
9. *Motel*: a building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for overnight or other short-term rental.
10. *Multiple-family dwelling*: a dwelling containing three (3) or more dwelling units.

N

1. *Natural materials*: wood, stone, brick and rock or any combination thereof.
2. *Neighborhood Collector*: a street with two travel lanes to discourage through trips, a low volume of between 1,000 and 4,000 vehicles per day, and meant to serve residential and community service uses in residential districts.

3. *Nonconforming building or use*: "Nonconforming building or use" means a dwelling, structure or use which:
 - a. Was legally established prior to the adoption of any preclusive zoning provision; and
 - b. Does not comply with the provisions of this title.
4. *Non-final decision*:
 - a. Any informal interpretation or determination or any statement describing the uses to which the property may be put or made outside the declaratory ruling process in 16.06.030 or outside the process for approval or denial of a land use permit in 16.06.030.
 - b. Such informal interpretations, determinations or statements shall be deemed to be supposition only and shall not constitute final City action affecting a change in the status of a person's property or conferring any rights, including any reliance rights on any person.
5. *Non-sight obscuring fence*: a fence constructed for containment of persons, animals or chattels that does not obstruct vision and, therefore, is allowed to exceed forty-two inches in height within street yard area.
6. *Nursing home (intermediate care)*: a facility licensed by the state which provides, for a period exceeding twenty-four hours, nursing care to two (2) or more patients who are not related to the owners or nursing home administrator by blood or marriage.
 - a. Such intermediate care nursing home must provide nursing service to those patients who, in the judgment of the physician, registered nurse, and nursing home administrator, require primarily supportive and preventative nursing measures.
 - b. "Intermediate care" does not include persons who are actually ill and persons requiring continuous licensed professional nursing care.
7. *Nursing home (skilled care)*: a facility licensed by the state which provides, for a period exceeding twenty-four hours, the continuous services of licensed nursing personnel to care for two (2) or more chronically ill or infirm patients exclusive of those patients related to the owner or nursing home administrator by blood or marriage. Such skilled nursing home must provide nursing services to those patients who, in the judgment of the physician, registered nurse, and nursing home administrator, require primarily remedial and restorative nursing measures and secondarily supportive and preventative nursing measures.

O

1. *Obsolete sign*: a sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.
2. *Owner*: the owner of record of real property as shown in the records of Clackamas County, on a property deed or title, or a person purchasing the particular real property under contract.
3. *120-day period*: the 120-day period within which ORS 227.178 requires the City to take final action on a complete application.

P

1. *Partition*: means either an act of partitioning land or an area or tract of land partitioned as defined in this title.
2. *Partition land*: "Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:
 - a. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
 - b. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
 - c. The division of land resulting from the recording of a subdivision or condominium plat;
 - d. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
 - e. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

3. *Pedestrian way*: a right-of-way for pedestrian traffic.
4. *Permit*: any form of quasi-judicial approval pertaining to the use of land rendered by the City under Titles 16 through 18 of this code, including subdivisions, partitions, property line adjustments and abandonment's, zone changes and plan amendments.
5. *Person*: any individual, firm, partnership, association, company, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch or government, trustee, receiver, assignee, or any other group or combination acting as a unit.
6. *Planning Commission*: the Planning Commission of the City of Molalla, Oregon.
7. *Plat*: includes a final subdivision plat, replat or partition plat.
8. *Premises*: a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.
9. *Private garage*: a portion of a main building or an accessory building, shelter or carport used for the parking or temporary storage of private automobiles, trailers, manufactured homes, boats, or other vehicles owned or used by occupants of the main building.
10. *Projecting sign*: a sign projecting more than one (1) foot from the wall of a building.
11. *Property Line adjustment*: a relocation of a common boundary between two adjoining legal lots of record.
12. *Public garage*: 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 or sale.
13. *Public Works*: the planning division of the City.

Q

1. *Quasi-judicial action*: any final decision of the City that applies the provisions of Titles 16 through 18 of this code in response to an application, pertains to a specific property or small set of properties and which is legally required to result in a decision by the City.

R

1. *Record*: the public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public meetings, audio tape recordings, if any, of public meetings, the application and all materials submitted by the applicant, all documents, evidence, letters and other materials submitted by any party to the decision making proceeding, staff reports, public notices, and all decisions rendered by City decision makers.

2. *Recreational vehicle camping*: the overnight use or stay in a recreational vehicle camping park in a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use, and which is intended for human occupancy.
3. *Recreational vehicle camping park*: any establishment open to the public or any segment of the public for recreational vehicle camping, and includes any such establishment which is open to use free of charge or through payment of a fee or membership dues, or by virtue of any rental, lease, license, membership, association or common ownership. "Recreational vehicle camping park" does not mean an area allowing only isolated, occasional, or infrequent recreational vehicle camping when the area has a primary or principal use other than as a recreational vehicle camping park.
4. *Reserve Strip*: a strip of land at the end of a street at a property boundary that is dedicated to the City as a means of controlling access to City streets.
5. *Residential care facility*: a residence, boardinghouse, apartments or home for the aged operated for the purpose of providing room, board, and/or care, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions of circumstances.
 - a. A "residential home" for six (6) or more elderly, or physically or mentally handicapped persons, and foster and shelter care homes for seven (7) or more children are "residential care facilities."
 - b. Facilities, which require regular on-premises supervision by a registered physician or registered nurse, are not "residential care facilities."
6. *Residential home*: a single-family dwelling, manufactured home, or apartment in which five or fewer related or unrelated elderly, or physically or mentally handicapped persons, plus necessary staff persons who need not be related to each other or to any other home resident, live together as a single dwelling unit as defined in this chapter.
 - a. An adult foster home, as defined in this chapter, is a residential home.
 - b. A facility, which requires regular on-premise supervision by a registered physician or registered nurse, is not a "residential home."
7. *Right-of-way*: the area between lines of a street or other easement.
8. *Roadway*: the portion or portions of a street right-of-way developed for vehicular traffic.

9. **Row Houses:** A building that has single family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a common wall or walls extending from the basement floor to the roof along the dividing lot line, and each building being separated from any other building by space on all sides. The common wall or walls of a row house shall consist of a structural wall, which is shared for at least fifty (50) percent of the length of the side of the dwelling. Each dwelling unit in a row house development shall have no more than two (2) common walls.

S

1. **Security fence:** a fence constructed to prohibit passage of persons or animals.
2. **Senior citizen/handicapped housing facility:** a multi-unit housing center with common facilities and services provided for elderly or handicapped residents who require or desire a more supportive living environment than typically afforded to residents in apartments or single-family residential housing. Nursing care and personal services may be provided on a limited basis.
3. **Setback:** the distance between a specified lot line and the foundation or exterior wall of a building or structure.
 - a. **Setback, Front:** The horizontal distance measured at right angles from the front lot line to the nearest point of a building on a lot.
 - b. **Setback, Rear:** The horizontal distance measured at right angles from the rear lot line to the nearest point of a building on lot.
 - c. **Setback, Side:** The horizontal distance measured at right angles from the side lot line to the nearest point of a building on a lot.
4. **Sidewalk:** A pedestrian walkway with permanent surfacing built to city standards, adjacent to a roadway.
5. **Sight obscuring fence:** a fence or evergreen planting of such density and so arranged as to obstruct vision.
6. **Sign:** any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes 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 a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.
7. **Sign face:** the total of display surface area visible from one side of a sign.

8. *Sign official*: the person designated by the City to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.
9. *Single-family dwelling*: a detached building containing one dwelling unit, including manufactured homes, which in all respects meet the standards set forth in Title 18.56.
10. *Story*: that portion of a building included between the upper surface on any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above.
11. *Street*: the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular or pedestrian traffic or the placement of utilities, and including the terms "road," "highway," "lane," "place," and "avenue" or other similar designations.
12. *Street lot line*: the lot line separating the lot from a street other than an alley.
13. *Structure*: that which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
14. *Structural alteration*: any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change to the roof.
15. *Subdivide land*: means to divide land into four or more lots within a calendar year.
16. *Subdivision*: either an act of subdividing land or a tract of land subdivided as defined in this chapter.
17. *Sub divider*. A Sub divider is a person submitting an application to subdivide property.
18. *Subject property*: the real property or properties that is/are the subject of a quasi-judicial permit application.

T

1. *Telecommunications facilities*: the sites, structures, equipment, and appurtenances used to transmit, receive, distribute, provide or offer telecommunication services, including but not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

2. *Telecommunications systems*: the sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations, and includes cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.
3. *Temporary sign*: a sign that will become obsolete after the occurrence of an event or series of events which shall extend no more than three months in any calendar year. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.
4. *Through lot*: a lot having frontage on two parallel or approximately parallel streets.
5. *Traffic Circulation*. A general term denoting provisions to accommodate or encourage all modes of travel and movement, which include, but are not limited to motor vehicle, pedestrian and bicycle travel.
6. *Traffic control sign or device*: an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the City of Molalla, the state or federal governments.

U

1. *Undersized lot or parcel*: a lot, parcel or tract of land that does not satisfy the area requirements of the underlying zoning district.
2. *Unimproved property*: property, which is not improved as defined in this section.
3. *Use*: an activity or purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

V

1. *Vision clearance area*: a triangular area on a lot at the intersection of two streets, or a street and an alley, or a street and a railroad, two sides of which are lot lines measured from their corner intersection for a distance specified in the title.
 - a. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides.
 - b. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

W

1. *Wall*: A structure made of stone, brick, or other materials intended for security or for an enclosure.
2. *Wall sign*: a sign erected on a wall.

3. *Wetlands*: area inundated by surface or groundwater sufficient to support a prevalence of vegetation or aquatic life, which requires saturation or seasonally saturated soil conditions for growth and reproduction.
 - a. Wetlands generally include swamps, marshes, bogs, sloughs, wet meadows, river overflows, mud flats, natural ponds and other similar areas.
 - b. Except when provided as a mitigation measure to satisfy City, state or federal regulations, wetlands do not include areas of private property which otherwise satisfy the above definition if it was created by human activity as part of an approved development project after the date of initial acknowledgment of the City of Molalla's Comprehensive Plan under ORS 197.251.
4. *Withdrawal*: the detachment, disconnection, or exclusion of territory from the City or district.

Y

1. *Yard*: an open space on a lot which is unobstructed, provided, however that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture or other allowed accessory structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

17.04.010 Definitions-Generally.

As used in this title, the masculine includes the feminine and neuter, the singular includes the plural, and the following words, unless the context otherwise requires, shall have the meanings set forth in this chapter. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of "Webster's Third New International Dictionary of the English Language" (principal copyright 1961) shall be considered as providing accepted meanings

17.04.020 Access.

"Access" means the way or means by which pedestrians and vehicles shall have ingress and egress to the property.

17.04.021 Adjacent.

"Adjacent" means near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent."

17.04.022 Alley.

"Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

17.04.030 Arterial.

"Arterials" are roadways that are primarily intended to serve traffic entering and leaving the urban area. While arterials may provide access to adjacent land, that function is subordinate to the travel service provided to major traffic movements. Arterials are the longest-distance, highest-volume roadways within the urban growth boundary. Although the streets focus on serving longer distance trips, pedestrian and/or bicycle activities often are also associated with the arterial streetscape.

17.04.040 Building line.

"Building line," means a line of a plat indicating the limit beyond which buildings or structures may not be erected.

17.04.050 Collector.

"Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.

17.04.051 Common Open Space.

"Common Open Space" means an area; feature, building or other facility within a development intended from the use by the residents of the development.

17.04.060 Cul-de-sac.

"Cul-de-sac" means a short street having one end open to traffic and being terminated by a vehicle turnaround.

17.04.070 Development plan.

"Development plan" means any plan adopted by the planning commission for the guidance of growth and improvement of the City, including modifications or refinements, which may be made from time to time.

17.04.071 Director.

For purposes of Chapters 16, 17, and 18, "Director" means the Director of Public Works or his designate approved by the City Council.

17.04.080 Easement.

"Easement" means a grant of the right to use another's land for specific purposes.

17.04.090 Flag lot.

"Flag lot," means a lot, the major portion of which has access to a public road or street by means of a narrow strip of the lot.

17.04.100 Half Street.

"Half Street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

17.04.110 Lot.

"Lot" means a parcel of land intended as a unit for transfer of ownership or for development.

17.04.120 Marginal Access Street.

"Marginal Access Street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

17.04.130 Minor Street.

"Minor Street" means a street intended exclusively for access to abutting properties.

17.04.140 Partition.

"Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this title.

17.04.150 Partition land.

"Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;

3. The division of land resulting from the recording of a subdivision or condominium plat;
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
5. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

17.04.160 Pedestrian way.

"Pedestrian way" means a right-of-way for pedestrian traffic.

17.04.170 Person.

"Person" means an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

17.04.190 Planning commission.

"Planning Commission" means the Planning Commission of the City of Molalla, Oregon.

17.04.200 Plat. "Plat" includes a final subdivision plat, replat or partition plat.

17.04.201 Property line adjustment.

"Property line adjustment" means a relocation of a common boundary between two (2) adjoining legal lots of record.

17.04.202 Reserve strip.

"Reserve Strip" is a strip of land at the end of a street at a property boundary that is dedicated to the City as a means of controlling access to City streets.

17.04.210 Right-of-way.

"Right-of -way" means the area between lines of a street or other easement.

17.04.220 Roadway.

"Roadway" means the portion or portions of a street right-of-way developed for vehicular traffic.

17.04.230 Sidewalk.

"Sidewalk" means a pedestrian walkway with permanent surfacing to City standards.

17.04.240 Street.

"Street" means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," or their similar designations.

17.04.250 Subdivide land.

"Subdivide land" means to divide land into four or more lots within a calendar year.

17.04.260 Subdivision.

"Subdivision" means either an act of subdividing land or a tract of land subdivided as defined in this chapter.

17.04.261 Sub divider.

A sub divider is a person submitting an application to subdivide property.

17.04.270 Through lot.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

17.04.280 Undersized lot or parcel.

"Undersized lot or parcel" means a lot, parcel or tract of land that does not satisfy the area requirements of the underlying zoning district.