

**ARTICLE 1                    ADMINISTRATIVE PROVISIONS**

**SECTION 1.110                TITLE**

This document shall be known as the **Tangent Land Use Development Code** and may be referred to as the "Development Code" or "Code."

**SECTION 1.120                PURPOSE**

The purpose of this Code is to establish standards and procedures for the orderly development of land within the City of Tangent in conformance with the Tangent Comprehensive Plan, to protect property rights, provide due process of law and promote the public health, safety and welfare of the citizens of Tangent.

**SECTION 1.130                COMPLIANCE STANDARDS**

- (1) The Tangent Comprehensive Plan shall be the official policy guide for the Tangent Land Use Development Code and shall serve as the basis for decisions about growth, development, and conservation of natural resources in Tangent.
- (2) No lot, structure or use shall be permitted if it is a threat to the health, safety or welfare of the user or the public.
- (3) Every lot or parcel shall abut and have access to a public street.
- (4) A property may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this Code permits.
- (5) No property, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of this Code shall be reduced below the minimum required for it by this Code unless authorized under the procedures of this Code.
- (6) No property, yard, off-street parking area, off-street loading area, or other open space shall be used to meet the requirements for another property or use unless specifically authorized in this Code.
- (7) Recreational vehicles, fifth-wheelers, travel trailers, tent trailers, tents or similar facilities may not be occupied for more than thirty (30) days in a calendar year within the City limits. The City shall grant one seven (7) day extension upon receiving a written request.
- (8) No person shall divide land or develop land within the City without having complied with the applicable provisions of this Code and the applicable provisions of county, state and federal law.
- (9) No person shall sell any subdivision lot or partition parcel until the Plat of the subdivision or partition has been approved by the City and recorded with Linn County.
- (10) The City shall be notified of any pending sale of a subdivision, partition or of any property

where the Conditions of Approval, or required improvements have not been completed. Sale of property under these conditions shall invalidate the approval granted by the City unless an agreement to complete the required improvements is accepted by the City.

- (11) The city manager or the city manager's designee has authority to adopt administrative rules and procedures necessary for the proper administration and enforcement of this code relating to the operation of hemp production and to a marijuana business as defined by this code.
- (12) All approvals granted by the City shall be completed within the time period specified in the approval or within one year of approval if not specified. Failure on the part of an applicant to complete required improvements as stipulated in the decision or this section may result in enforcement action as specified in **Section 1.180**. Applicants shall inform the City in writing upon completion of all approval conditions and requirements. Periodic reviews of the progress may be conducted by the City.

#### **SECTION 1.140 REGULATION COMPLIANCE**

In addition to the regulations contained herein, the following additional regulations may apply to proposed developments within the City of Tangent:

- (1) The Tangent Comprehensive Plan
- (2) The Tangent Strategic Plan
- (3) The Tangent Downtown Plan
- (4) Tangent Public Works Design Standards (TPWDS)
- (5) Tangent Water Feasibility & Water System Master Plan
- (6) Tangent Drainage & Stormwater Management Plan
- (7) Tangent Historic Structures Inventory
- (8) Tangent Parks Master Plan
- (9) Tangent Local Wetland and Riparian Area Inventory
- (10) Tangent Transportation System Plan (TTSP)
- (11) Official Maps or Approved Development Plans.
- (12) Oregon Revised Statute, ORS 227, City Planning and Zoning.
- (13) Oregon Revised Statute, ORS 197, Comprehensive Land Use Planning Coordination & The Oregon Statewide Planning Goal & Guidelines.

- (14) Oregon Administrative Rules, OAR 660, Land Conservation & Development.
- (15) Oregon Revised Statute, ORS 92, Subdivisions and Partitions.
- (16) Recording requirements of the Linn County Surveyor.
- (17) Oregon One & Two Family Dwelling Code.
- (18) Oregon Structural Specialty Code.
- (19) Oregon Manufactured Dwelling & Park Specialty Code. (20) All other applicable regulations provided by law.

**SECTION 1.150 INTERPRETATION**

- (1) Where the conditions imposed by any provision of this Code are less restrictive than comparable conditions imposed by any other provisions of this Code or any other city ordinance, state law or federal law, the provisions which are more restrictive shall govern.
- (2) A request for an interpretation of the content or applicability of this Code, the Comprehensive Plan or any applicable provision of law shall be made to the City Manager.
- (3) A person requesting an interpretation shall submit the request in writing and may offer an opinion or recommendation. The fee for an interpretation shall be paid in compliance with Section 1.190. Clarifications and interpretations of this Code or the Comprehensive Plan may be made by the City Manager or may be referred to the Planning Commission. Public notifications and a Public Hearing by the Planning Commission will be scheduled for interpretations affecting adjacent property owners.
- (4) The City Manager shall issue a written response as soon as possible, but within a maximum of 45 days from receipt of the request for review of the interpretation. A City Manager interpretation shall be made in writing and transmitted to the person requesting the interpretation.
- (5) Appeal of an interpretation may be filed in compliance with Section 3.700.
- (6) Interpretations shall be issued in writing and shall be binding on the City and the petitioner unless appealed. A Record File shall be maintained for written interpretations.

**SECTION 1.160 VALIDITY**

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

**SECTION 1.170 ADMINISTRATION**

- (1) The City shall maintain authority over all activities within the City Limits as provided by law and the City Charter. All powers of the City shall be vested in the City Council unless otherwise provided in the City Charter or City Ordinances.

- (2) The City Manager, under the direction of the City Council, shall have the authority and duty to enforce the provisions of this Code and all related city, county, state or federal regulations. An Administrative Decision is a decision by the City Manager with notification of actions taken provided to the Planning Commission and City Council.
  - (a) The City Manager shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.
  - (b) The City Manager shall have decision authority for Property Line Adjustments specified in **Section 2.310**, Temporary Manufactured Dwelling Placements specified in **Section 6.144**, Final Plat signature specified in **Section 2.337** and Flood Plain development permits not involving placement of fill or floodway development as specified in **Section 4.210**.
  - (c) All correspondence and inquiries related to this Code shall be directed to the City Manager at the Tangent City Hall.
  - (d) The City Manager may designate other City Officers or Staff to undertake specialized duties, including but not limited to, the City Attorney, City Engineer and City Planner.
- (3) The Planning Commission shall have the authority to review and approve all Site Plan Reviews, Conditional Uses, Variances, Property Line Adjustments specified in **Section 2.313 (3)**, Partitions, Subdivisions and Floodplain Development Permits involving placement of fill or floodway development as specified in **Section 4.210**.
- (4) The City Council, with recommendation from the Planning Commission, shall have the authority to review and approve all Comprehensive Plan and Zoning Map or Text Amendments, Vacations and Annexations. Approved Legislative Amendments and Annexations will then be referred to voters in accordance with the City Charter.
- (5) In the event that a single land use application requires more than one decision, the highest deciding authority will make all decisions requested in the application.
- (6) A decision by the City Manager, the Planning Commission or the City Council may be appealed as provided in **Section 3.700**.

#### **SECTION 1.180 ENFORCEMENT**

Owners and/or occupants of land or buildings within the City of Tangent are subject to the enforcement authority of the City of Tangent as provided by State Law and the provisions of this Code, including any other applicable Ordinances adopted by the Tangent City Council.

A structure located, constructed, maintained, repaired, altered or used in violation of this Code, or land used in violation of this Code, shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this Code, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

The City Manager, acting on behalf of the City Council, shall have the authority to determine and designate a violation of this Code or a violation of the Conditions of Approval of a prior land use decision. The City Council shall have the authority to initiate or prosecute violations of this Code or any violations of a land use decision.

- (1) **Remedy.** The City Manager shall provide written notice to the property owner and to the tenant of the property where an alleged violation of this Code, or a violation of a previously issued land use decision has occurred before initiating any enforcement action under this Section.
  
- (2) **Procedures.**
  - (a) Within 14 days after determination of a violation of this Code, the City Manager shall notify the property owner and/or occupant in writing that a potential violation exists. Any such notice shall reasonably advise the property owner or occupant of the following:
    1. A description of the activity, use or action deemed to be a violation of this Code or a violation of the Conditions of Approval of a prior land use decision.
    2. The section of this Code or the prior land use approval deemed to be violated.
    3. A list of the dates and/or times on which such violations were observed or known to have occurred.
    4. A summary of the action the City believes is required to bring the property owner or occupant into compliance with this Code or prior land-use approval.
    5. A summary of the potential penalties or legal consequences, including fines and reimbursement of the City's costs incurred in the enforcement action for which the property owner or occupant may be held liable.
    6. The time, date and location at which the property owner or occupant shall be afforded an opportunity to respond to the alleged violations and the procedure for an appeal to the City Council.
    7. That immediate enforcement will be sought unless the violation is corrected or corrective action has been initiated within 20 days of the notice or within 10 days of the property owner or occupant's response to the City's Notice unless appealed to the City Council.

A defect in the notice of violation shall not prevent the enforcement of this Code.

- (b) If necessary, the City Attorney shall be directed to take such legal action as required to insure compliance with this Code unless:
  1. It has been demonstrated to the satisfaction of the City that the violation has been corrected, removed or corrective action has been initiated.

2. Or a court of competent jurisdiction has stayed enforcement pending the outcome of a proceeding before it, concerning the violation.

(3) **Penalty.** A violation of this Code may be the subject of criminal, civil, or other sanctions authorized by State Law or City Ordinances.

(a) In addition to, or in lieu of criminal actions, a violation of this Code or a permit issued herein may be the subject of a civil penalty to be recovered by a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

(b) Upon conviction of a civil violation of this Code, a fine up to \$ 750 may be imposed. Each day such violation continues beyond the twenty (20) day Notice of Violation first provided by the City Manager, will be considered a separate offense.

### **SECTION 1.190 FEES**

The City of Tangent has determined that it is necessary to charge fees to cover the cost of processing applications presented to the City. These fees shall cover the actual cost required to process an application.

Fee Deposits shall be established by Resolution of the City Council. A Fee Deposit shall be paid by the applicant to the City at the time of submitting an application and shall be in addition to other fees established by county, state or federal regulations. The City will refund to the applicant the portion of the Fee Deposit not utilized in the cost of processing an application. Processing costs exceeding the Fee Deposit shall be due and payable by the Applicant prior to authorization of the development approval. The Cost of processing an application that has been denied by the City is not refundable.

The submitting of the application and paying of the cost of processing an application shall be the sole responsibility of the applicant. Any cost of processing an application that is not paid in full by the Applicant shall be a debt owed by the applicant to the City recoverable by civil action.

### **SECTION 1.200 DEFINITIONS**

(1) **Rules of Construction.** The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Code:

(a) **Tense:** Words used in the present tense include the future tense.

(b) **Number:** Words used in the singular include the plural, and words used in the plural include the singular.

(c) **Shall and May:** The word "shall" is mandatory; the word "may" is permissive.

(d) **Gender:** The gender may include the feminine, masculine and neuter which can mean any of those forms.

(e) **Headings:** If there is any conflict or inconsistency between the heading of an article, section or paragraph of this Code and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

(2) **Definitions.** The words and phrases used in this Code shall have the following meaning:

**ABUT** To be contiguous to or immediately joined. For example, two lots with a common property line are considered to be abutting.

**ACCESS** The way or means by which pedestrians, bicycles, and vehicles shall have safe, adequate and usable ingress and egress to property.

**ACCESS MANAGEMENT** Regulation of access to streets, roads, and highways from abutting property and public and private roads and driveways.

**“ACCESSORY DWELLING** An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.”

**ACCESSORY STRUCTURE OR ACCESSORY USE** A structure or use incidental, appropriate and subordinate to the primary use of property and located on the same property as the primary use.

**ACCESSWAY** A right-of-way or easement, not located within a street right-of-way, that provides a space for pedestrian and / or bicycle passage.

**ADEQUATE ACCESS** Reasonably direct routes of travel between destinations.

**ADEQUATE AREA** Space sufficient to provide all required public services to standards defined in this code.

**ADVERSE IMPACT** An impact that is detrimental to or contrary to the desired effect or so opposed as to cause harmful interference. A negative effect that is detrimental to the public welfare or injurious to people, property or the community environment.

**AGRICULTURAL USE** The cultivation of crops and the raising of livestock.

**ALLEY** A public way that affords only a secondary means of access to property.

**ALTERATION** Any change, addition or modification in construction or occupancy.

**APPROVAL AUTHORITY** The person or body authorized to make application decisions as summarized in Section 1.170 of this Code.

**BASEMENT** A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where the floor above the basement floor is more than 6 feet above the adjoining ground for more than 50% of the building perimeter.

**BED and BREAKFAST FACILITY** A dwelling where travelers are lodged for sleeping and dining purposes under the provisions of local or state law governing such facilities.

**BICYCLE FACILITIES** Facilities that provide for the needs of bicyclists, including bikeways and bicycle parking.

**BIKEWAY** The general term for the four basic types of bikeways:

- (a) **Bikes lanes** are paved 5 to 6-foot wide designated lanes adjacent to (vehicle) travel lanes.
- (b) **Shoulder Bikeways** are where bicyclists travel within the roadway's paved shoulder. Typically, shoulder bikeways are four to six feet in width.
- (c) **Shared Roadways** are roadways where bicyclists and motor vehicles share the travel lane.
- (d) **Multi-Use Paths** are separated from vehicular traffic. They are two-way pathways about 10 feet wide used by pedestrians, bicyclists and joggers.

**BOARDING AND/OR ROOMING HOUSE** A building where lodging, with or without meals, is provided for compensation, but shall not include Homes for the Aged, Nursing Homes or Group Care Homes.

**BUFFER** To lessen the impact between uses with vegetative amenities.

**BUILDING** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING HEIGHT** The vertical distance from the average adjacent finished building grade to the highest point of the roof.

**BUILDING INSPECTOR** A designated person with duties and authority to enforce all building codes and the provisions of this Code in accordance with **Section 2.200** Building Permits.

**BUILDING LINE** A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Also referred to as the Setback line. The area between the building or setback line and the property line is referred to as the "yard."

**CEMETERY** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

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

**CITY** The City of Tangent, Oregon.

**CITY MANAGER /COORDINATOR** The City Manager is the City Coordinator, and the terms are used synonymously in the Code. See the authority described in Section 1.170 (2).

**CLINIC** Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

**CLINIC, SMALL ANIMAL** A business establishment in which veterinary services are rendered to small domestic pets on an out-patient basis with no overnight boarding allowed.



**CLUB** A facility owned or operated for a social, educational, or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

**COMMUNITY CENTER** A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of the City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.

**COMMUNITY SEPTIC SYSTEM** A sewage treatment and disposal system serving two or more dwelling units.

**COMPREHENSIVE PLAN** A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

**COUNCIL** The City Council of the City of Tangent, Oregon, which is the governing body of said City.

**CURB ELEVATION** The height above mean sea level of the established curb in front of a building measured from the center of such building front. Where no curb elevation has been provided, the City shall establish the curb elevation for compliance with City standards.

**DAY NURSERY/DAY CARE CENTER** Any institution, establishment or place, including nursery schools or private kindergartens, in which children are commonly cared for.

**DECIDING AUTHORITY** The City Manager, City Planning Commission or City Council responsible for making a decision on an application.

**DECLARANT** The person who files a declaration under ORS 92.075.

**DECLARATION** The instrument described in ORS 92.075 by which a subdivision or partition plat is created.

**DEVELOPMENT** The making of any change to the use or appearance of land, buildings or structures, including dividing land or creating or terminating a right of access as defined by ORS 227.215.

**DEVELOPER** One who causes development as defined to occur on a tract or tracts of land.

**DLCD** Department of Land Conservation and Development.

**DUFF** Decaying and decomposed vegetative and other organic matter lying on top of the mineral soil.

**DWELLING** A building or portion thereof, which is occupied in whole or in part as a permanent home, residence, or sleeping place by one or more families including manufactured dwellings but excluding hotels, motels, and recreation vehicles.

**DWELLING, MULTI-FAMILY (APARTMENT)** A building or portion thereof designated for occupancy by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE-FAMILY** A detached building, other than a recreational vehicle, designed for and occupied by not more than one family.

**DWELLING, TWO-FAMILY (DUPLEX)** A detached building designed for and occupied by not more than two families living independently of each other.

**DWELLING UNIT** A single unit providing complete independent living facilities, designed for occupancy by one family, and including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT** A grant of the right to use a strip of land for specific purposes.

**ENVIRONMENTALLY SENSITIVE AREA** a place that is vulnerable to a negative environmental impact, such as a flood plain, a wetland, an area where noise levels are excessively high, or habitat of a threatened or endangered species of plant, fish or animal.

**EVAPO-TRANSPIRE** to lose water into the atmosphere by evaporation and transpiration.

**FACT** Something that has actual existence, an actual occurrence or a piece of information presented as having objective reality. In the Land Use Hearing Process, facts are the information submitted as evidence that is relied upon in making a decision on a land use issue. The justification for the decision shall be based on the criteria, standards and facts set forth in the hearing.

**FARMING** To engage in the cultivation of crops or the raising of animals. Farm Use as defined in ORS 215.203 including non-farm uses authorized by ORS 215.213 and ORS 215.283.

**FARMLAND – HIGH VALUE** In general, lands classified by the US Natural Resource Conservation Service (NRCS) as predominantly Class I through IV soils in Western Oregon.

**FEASIBLE AND PRUDENT** Achievable, sensible, and exercising good judgment.

**FENCE, SIGHT-OBSCURING** A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

**FLOOR AREA** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projection of the roof or floor above.

**FLOOR ELEVATION** The height above mean sea level of the first floor of a building that is not a basement.

**GARAGE, PRIVATE** A fully enclosed detached accessory building or enclosed portion of the main building for the parking of automobiles of the occupants of the premises.

**GARAGE, PUBLIC** A building other than a private garage used for the care, repair, parking or storage of automobiles.

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

**GROUP CHILD CARE HOME** A residential child care enterprise for 12 or less children as provided in ORS 197.660 –670.

**GROUP CHILD CARE CENTER** A residential child care enterprise for 13 or more children as provided in **ORS 197.660 –670**.

**HOME OCCUPATION** Any type of profession or occupation, full-time or part-time, that is carried on by any member of the immediate family residing on the premises, where such profession or occupation is subordinate to the primary use of the premises as a residence, and where either (a) non-resident(s) is/are employed on-site or (b) where other exterior characteristics or impacts are observable.

**HOTEL/MOTEL** A building or group of buildings used for transient lodging containing more than 5 guest rooms without guest room cooking facilities used primarily for sleeping purposes. On-site restaurant facilities may also be provided.

**LCDC** Land Conservation and Development Commission.

**LEGAL LOT** A tract of land which was created in conformance with **ORS Chapter 92** and local land division regulations or is otherwise legally recognized by the City of Tangent as a legally non-conforming lot or otherwise a legitimate and buildable parcel of land.

**LOADING SPACE** An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

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

**MANUFACTURED DWELLING** A structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling and is not designated as a "recreational vehicle" or prefabricated structure as defined by the State or Oregon.

**MANUFACTURED DWELLING PARK** Four or more Manufactured Dwellings located on a single parcel of land. Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code specifies the applicable design and construction standards.

**MARIJUANA** All parts of the plant cannabis family moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

**MARIJUANA BUSINESS** (1) Any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) Any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

**MARIJUANA ITEMS** means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

**NATIVE VEGETATION** Indigenous vegetation originating in a particular area or region

**NEARBY USES** Activities or uses within 0.5 mile which can be reasonably expected to be used by pedestrians, and within 1 mile which can reasonably be expected to be used by bicyclists.

**NEIGHBORHOOD ACTIVITY CENTERS** Schools, parks, and other like sites.

**NONCONFORMING STRUCTURE LOT OR USE** A lawful existing structure, lot, or use, at the time this Code becomes effective which does not conform to the standards of the zone or district in which it is located.

**OCCUPANCY** The purpose for which a building, or part of a building, is used or intended to be used.

**OWNER** An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.

**PARCEL** A unit of land that is created by a partitioning of land.

**PARKING SPACE** An off-street enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile in conformance with the Off-Street Parking Standards contained in Drawing No's 235 and 236 of the **TPWDS**.

**PARTITION** Either an act of partitioning land or an area or tract of land partitioned.

**PARTITION LAND** 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 Code.

- (c) 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.

**PEDESTRIAN CONNECTION** A continuous, unobstructed, reasonably direct route between two points intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. Pedestrian connections may be shared with bicycles or may be separated from bicycle facilities at the discretion of the City.

**PEDESTRIAN WAY** A right-of-way for pedestrian traffic.

**PLANNING COMMISSION** The Planning Commission of the City of Tangent.

**PLAT** A final subdivision plat, replat or partition plat.

- (a) **Partition Plat:** A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.
- (b) **Subdivision Plat:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (c) **Replat:** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**PROFESSIONAL OFFICE** An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

**PROPERTY** A lot or parcel, or a single unit of land which, at the time of application for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

- (a) **Corner Property:** A lot or parcel at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135°.
- (b) **Through Property:** A lot or parcel having frontage on two parallel or approximately parallel streets other than alleys.
- (c) **Flag Property:** A lot or parcel which has access to a right-of-way by means of a narrow strip of land.

**PROPERTY LINE** The legal boundary of a lot or parcel. The division line between two units of land.

- (a) **Front Property Line:** The lot or parcel line separating the property from a street other than an alley, and in the case of a corner property, the shortest property line along a street other than an alley.
- (b) **Rear Property Line:** The lot or parcel line which is opposite and most distant from the front property line.
- (c) **Side Property Line:** Any lot or parcel line not a front or rear property line.

**PROPERTY LINE ADJUSTMENT** The relocation of a common property line between two abutting properties.

**PROPERTY WIDTH** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

**PUBLIC AND SEMI-PUBLIC BUILDING OR USE** A building or use, owned or operated by a religious, charitable, or other nonprofit organization; a public utility; or any social agency such as a church, school, auditorium, meeting hall, library, art gallery, museum, fire station, cemetery, park, playground, community center or similar use.

**RECREATIONAL VEHICLE** Motorized wheeled vehicle generally used for camping or other recreational activities.

**REASONABLY DIRECT** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

**RESIDENTIAL CARE HOME** A residential care enterprise intended for the care of five (5) or less adults as provided in **ORS 197.660 –670**.

**RESIDENTIAL CARE FACILITY** A residential care enterprise intended for the care of from six up to fifteen (6-15) adults as provided in **ORS 197.660 –670**.

**RIGHT-OF-WAY** A continuous strip of land between property lines allowing a right of passage usually containing a street, railroad or other passageway and utilities.

**RIPARIAN AREA** The area immediately adjacent to surface water such as rivers, streams ponds, lakes, wetlands, and springs consisting of transition areas between an aquatic ecosystem to a terrestrial ecosystem.

**ROADWAY** The portion of a street right-of-way developed for vehicular traffic.

**SALE OR SELL** A disposition or transfer land by contract or title in a subdivision or partition or an interest or estate therein.

**SCREEN** To shield, protect or block from view impacts between uses.

**SERVICE STATION, AUTOMOBILE** A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

**SETBACK** A line within a property boundary defining a locational limit for buildings, structures or other defined uses that creates an area or yard between the property line and the setback line.

**SEWAGE DISPOSAL SYSTEM** Any approved method of sewage treatment including but not limited to a municipal system, septic tank and drainfield and sand filter systems.

**SIDEWALK** A pedestrian walkway with permanent surfacing.

**SIGN** Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes or identification.

**STORY** That portion of a building between the surface of any floor and the surface of the floor above, except that the top story is between the surface of the topmost floor and the ceiling above.

**STORY, HALF** Shall mean any split-level, basement or cellar which has less than six (6) feet of its height above grade. (See basement).

**STREET OR ROAD** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "drive" "avenue," "alley" or similar designations.

- (a) **Arterial:** A street of considerable continuity which is primarily a traffic artery for interconnection between large areas.
- (b) **Collector:** A street supplementary to the arterial street system and a means of interconnection between arterials; used for through traffic and access to small areas.
- (c) **Local Street:** A street intended primarily for access to abutting properties.
- (d) **Cul-de-sac:** A short dead-end street terminated by a vehicular turnaround.
- (e) **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.
- (f) **Limited Access Street:** A means of access to property that is limited by law for public roads or by posting by an owner for private roads.

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

**STRUCTURE** That which is built or constructed, an edifice or building of any kind, or any physical work built up of parts joined together in some definite manner.

**SUBDIVIDE LAND** To divide an area or tract of land into four or more lots within a calendar year.

**SUBDIVISION** Either an act of subdividing land or an area or tract of land subdivided.

**TANGENT PUBLIC WORKS DESIGN STANDARDS (TPWDS)** The City's adopted standards for the construction of public improvements including streets, stormwater, sanitary sewers and water facilities that provide an adequate service level for existing and future development.

**TANGENT TRANSPORTATION SYSTEM PLAN (TTSP)** The City's adopted transportation plan that establishes a coordinated network of transportation facilities adequate to meet identified local transportation needs consistent with state and regional needs.

**TENTATIVE PLAN** The application, supplemental data and map showing the general design of the proposed subdivision or partition, submitted to the City for approval under the provisions of **ORS 92** and **Section 2.320** of the Tangent Development Code.

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

**WETLANDS** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**WETLANDS – JURISDICTIONAL** A wetland subject to rules and regulations identified in Section 404 of the US Clean Water Act and Oregon’s fill and removal statute.

**YARD**

- (a) **Exterior Yard** A yard area abutting a street right-of-way created by a setback line.
- (b) **Interior Yard** A yard area adjacent to a property line created by a setback line that may be either a side yard or rear yard abutting another property.
- (c) **Rear Yard** An interior yard opposite the Front Yard.
- (d) **Front Yard** An exterior yard facing a street. For corner lots the smallest street facing dimension shall be the front of the property.

**ZERO PROPERTY LINE** A lot or parcel line having no setback there from and may equally divide a common wall in a building.