



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/15/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Enterprise Plan Amendment
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 01, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michele Young, City of Enterprise
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
DEPT OF
JUL 12 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Enterprise**

Local file number:

Date of Adoption: **7/8/2013**

Date Mailed: **7/11/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/5/2013

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amending Article 1 Introductory Provisions and Article 8 Flood Hazard Areas of the Enterprise Land Use Ordinance.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Michele Young

Phone: (541) 426-4196 Extension:

Address: 108 N.E. 1st Street

Fax Number: 541-426-3395

City: Enterprise

Zip: 97828-

E-mail Address: cityent@eoni.com

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 6, 2012

ORDINANCE NO. 569

AN ORDINANCE AMENDING ARTICLE 1 AND ARTICLE 8 OF THE
ENTERPRISE LAND USE ORDINANCE


THE CITY OF ENTERPRISE ORDAINS AS FOLLOWS:

1. **Adoption of Amended Article 1.** The City of Enterprise hereby adopts an amended Article 1 of the City of Enterprise Land Use Ordinance, Appendix 1 to the City of Enterprise Municipal Code of 2000, which article is attached hereto as Exhibit A and incorporated herein by reference.

2. **Adoption of Amended Article 8.** The City of Enterprise hereby adopts an amended Article 8 of the City of Enterprise Land Use Ordinance, Appendix 1 to the City of Enterprise Municipal Code of 2000, which article is attached hereto as Exhibit B and incorporated herein by reference.

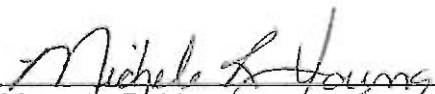
3. **Effective Date.** This ordinance shall be effective thirty (30) days following its enactment.

PASSED and ADOPTED by the Enterprise City Council by a vote of 6 ayes and 0 nays, this 8th day of July, 2013.



Margaret M. Shaw, Mayor

Attest:



Michele R. Young,
City Administrator/Recorder

ARTICLE 8

FLOOD HAZARD AREAS

Section 8.010. Section 8.010. DEFINITIONS.

As used in this article the following words and phrases shall mean the following:

1. **AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

2. **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the '100-year flood.'

3. **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 Flood Insurance Rate Map (FIRM) to the nearest foot and in the Flood Insurance Study (FIS) to the nearest 0.1 foot.

4. **BASEMENT.** Any area of the building, not otherwise defined as a below grade crawlspace, having its floor subgrade on all sides.

5. **BELOW GRADE CRAWLSPACE.** Any enclosed area below the Base Flood Elevation in which the interior grade does not exceed two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the bottom of the lowest horizontal structural member of the lowest floor does not exceed four (4) feet at any point.

6. **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, facilities for storage of equipment or materials, or land division.

7. **FLOOD INSURANCE RATE MAP (FIRM).** The official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

8. **FLOOD HAZARD ZONE.** An overlay zone covering the area designated as an area of special flood hazard in Map 41063C0604B of the Flood Insurance Study for the City of Enterprise; the regulations contained in this article apply only to lands within said zone. The flood hazard zone is the same as the area of special flood hazard and is designated on the Flood Insurance Rate Map by the letter A.

9. **FLOOD INSURANCE STUDY (FIS).** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

10. FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

11. FUEL TANKS. Any gas or liquid storage tank that is principally above ground. Fuel tanks are defined as a structure for flood management purposes and must meet the requirements of all new construction.

12. HISTORIC STRUCTURE. Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a local inventory of historic places as part of a state approved program.

13. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of this ordinance found at Section 8.090 subparagraph 1 B.

14. MANUFACTURED HOME. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term 'manufactured home' also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term 'manufactured home' does not include park trailers, travel trailers, and other similar vehicles.

15. MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

16. NEW CONSTRUCTION. Structures for which the 'start of construction' commenced on or after the effective date of this ordinance.

17. RECREATIONAL VEHICLE. A vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

18. **START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (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 a clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure.

19. **STRUCTURE.** A walled and roofed building including a gas or liquid storage tank that is principally above ground.

20. **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

21. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, addition, or 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 term does not, however, include either: 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of a "historic structure."

22. **VARIANCE.** A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 8.020. LANDS TO WHICH THIS ORDINANCE APPLIES.

ARTICLE 8 of this ordinance shall apply to all lands within the flood hazard zone and within the jurisdiction of the City of Enterprise, Wallowa County, Oregon.

Section 8.030. AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in a report entitled 'The Flood Insurance Study for the City of Enterprise,' dated February 17, 1988, with accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Enterprise City Hall, 108 N.E. First, Enterprise, Oregon. The lands designated as 'area of special flood hazard,' identified in Map 41063C0604B of said study, are hereby designated as the city's Flood Hazard Zone.

Section 8.040. PERMITS REQUIRED.

1. Prior to the commencement of any development, within the flood hazard zone, any applicable zoning permit shall be obtained pursuant to the requirements of Section 10.220.
2. Prior to the commencement of any development within the flood hazard zone, a special flood hazard area development permit must be obtained pursuant to the requirements contained herein.

Section 8.050. FLOOD HAZARD AREA DEVELOPMENT PERMIT

1. Application for a flood hazard area development permit, must be made to the City Recorder, on the prescribed city form completed in its entirety, and must contain the following:

A. A detailed site plan, drawn to scale, showing:

(1) The elevation, nature and location, and dimensions of the area for all proposed and existing structures, earthen fill, storage of materials or equipment, and drainage facilities.

(2) Delineation of the property, floodway and floodplain boundaries, with base flood elevations.

(3) Proposed elevation of the lowest floor of all proposed structures and the elevation of the highest existing grade at the location of each proposed structure.

(4) All proposed floodproofing measures, including the location and size of all flood openings.

B. A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

C. Documentation of the elevation as follows:

(1) The base flood elevation and required minimum floor

elevation as determined by a registered professional engineer or architect for any proposed structures prior to construction, at the time the application is first submitted,

(2) Certification of the elevation of lowest floor as determined by a registered professional engineer or architect after the lowest floor is placed and prior to further vertical construction. Any deficiencies in the lowest floor elevation or flood-proofing measures as determined by the registered professional engineer or architect must be corrected prior to any further construction.

(3) Certification of the elevation completed by a registered professional engineer or architect after construction is completed, and prior to the issuance of an occupancy permit.

2. No Flood Hazard Area Development Permit will be issued without compliance with this ordinance and all other applicable codes and regulations, including any permits required by Federal or State law.

3. Wallowa County Building Code Inspectors shall not issue an occupancy permit without verifying that the City has issued approval for construction to proceed pursuant to the requirements herein.

Section 8.060. USE OF OTHER BASE FLOOD DATA.

When base flood elevation data is not available for an area within the flood hazard zone, the City Recorder will obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the standards contained herein.

Section 8.070. FLOOD HAZARD ZONE MANAGEMENT

The City Recorder shall:

1. Have the responsibility, authority, and means to implement the National Flood Insurance Program.

2. Maintain the following information with respect to permit applications within the flood hazard zone:

A. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 8.060, the City Recorder shall maintain records showing the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures records showing the actual elevation of the structure (in relation to mean sea level), and the floodproofing certifications required in Section 8.050, shall be maintained.

C. All records pertaining to the provisions of this ordinance shall be available for public inspection.

3. Coordinate with building officials to ensure that applications of building permits comply with the requirements of this article.

Section 8.080. GENERAL STANDARDS.

In the flood hazard zone, the following standards shall be met:

1. ANCHORING.

A. All new construction and substantial improvements shall be designed or modified and adequately anchored to resist flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.

B. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA'S 'Manufactured Home Installation in Flood Hazard Area' guidebook for additional techniques).

2. CONSTRUCTION MATERIALS AND METHODS. All new construction and substantial improvements shall:

A. Be constructed with materials and utility equipment resistant to flood damage.

B. Be constructed using methods and practices that minimize flood damage.

C. Be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. UTILITIES.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

D. All new development, including subdivisions and manufactured home parks, shall be located and designed to minimize or eliminate flood damage, minimize or eliminate flood waters in utility systems, and ensure adequate drainage.

4. ALTERATION OF WATER COURSES. Prior to granting a permit for a development or proposal to alter the location of an existing watercourse, or prior to undertaking such activity itself, the City shall:

A. Notify adjacent communities and the State of Oregon Land Conservation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. REVIEW OF PERMITS. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 8.060), applications for flood area permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2') feet above grade in these zones may result in higher insurance rates.

Section 8.090. SPECIFIC STANDARDS.

In the flood hazard zone, the following standards shall be met:

1. RESIDENTIAL CONSTRUCTION.

A. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to at least one (1') foot above base flood elevation.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1") square inch for every one (1') square foot of enclosed area subject to flooding shall be provided.

(2) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(3) The bottom of all openings shall be no higher than one (1') foot above grade.

2. MANUFACTURED HOMES.

A. New, replacement, and substantially improved manufactured homes are subject to the following additional standards:

(1) If the manufactured home is supported on solid foundation walls (nonstructural skirting is not considered a structural wall), the ground area reserved for the placement of a manufactured dwelling shall be a minimum of one foot above BFE unless the foundation walls are designed to automatically equalize hydrostatic forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the minimum criteria in this article, or be certified by a registered professional engineer or architect.

(2) The bottom of the longitudinal chassis frame shall be at or above BFE.

(3) Electrical crossovers shall be a minimum of 12 inches above BFE.

3. NONRESIDENTIAL CONSTRUCTION.

A. New construction and substantial improvements of any commercial industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one (1') foot above of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subparagraph based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 8.070, subparagraph 2.

B. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subparagraph 1B above.

4. BELOW GRADE CRAWLSPACES. Below grade crawlspaces in accordance with the requirements in this section are permitted and will not be considered basements. This type of construction adds an additional charge to the basic

insurance policy.

A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.

B. The crawlspace must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

C. The crawlspace must be constructed with materials resistant to flood damage, including the foundation walls, any joists, insulation, and other materials that extend below the BFE.

D. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed above BFE or be sealed from floodwaters.

E. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

F. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the bottom of the structural support of the next higher floor must not exceed four (4) feet at any point.

G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

H. Areas where the velocity of floodwaters exceeds five (5) feet per second should not have below grade crawlspace.

5. **RECREATIONAL VEHICLES.** Recreational vehicles that are an allowed use or structure must:

A. Be on the site for fewer than 180 consecutive days.

B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have not permanently attached additions, or

C. Shall, meet the permit requirements for the placement, elevation, and anchoring or a manufactured home.

Section 8.0100. FLOODWAYS.

The following provisions apply to all designated floodways within the flood hazard zone except the Prairie Creek floodway.

1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect if provided demonstrate that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subparagraph 1. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

Section 8.0110. PRAIRIE CREEK FLOODWAY.

The following restrictions shall apply within the Prairie Creek floodway.

1. All filling allowed in the floodway must be confined to the actual building site and there can be no filling or other blockages placed in the channel nor fills in the floodway which, either alone or in conjunction with preexisting fills or structures, cause a blockage perpendicular to the anticipated flow of flood waters on the floodway. To the maximum extent feasible, fills in the floodway must be compensated by cuts or extractions of like amounts of materials.

2. To the extent reasonably possible:

A. If a lot is partially in the floodway and partially in the floodway fringe, any improvement shall be placed in the portion of the lot not in the floodway;

B. In the event part of the floodway is permitted to be used as a building site, the highest portion of said lot should be so utilized; and

C. New structures should be placed in the hydraulic shadow of existing encroachments, improvements or structures.

3. The City may impose such conditions for issuance of a permit in the Prairie Creek floodway deemed necessary or appropriate to minimize the impact of the proposed structure upon water flow in the floodway or to prevent flood damage to property.

4. All the provisions and restrictions contained in this ordinance regarding construction in a flood hazard area, except the provisions of Section 8.100 shall be applicable to development within the Prairie Creek floodway.

Section 8.0120. VARIANCE.

1. The Commission may grant a variance from the provisions of this section

if, after a public hearing thereon, the Commission finds the applicant has demonstrated compliance with the criteria contained in this section.

2. In passing upon such application, the Commission shall consider all technical evaluations and all relevant factors and standards specified in other sections of this ordinance, and:

A. The danger that materials may be swept onto other lands to the injury of others;

B. The danger to life and property due to flooding or erosion damage;

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage and the effect of such damage on the individual owner;

D. The importance of the services provided by the proposed facility to the community;

E. The necessity to the facility of a waterfront location, where applicable;

F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the Land Use Plan and flood plain management program for that area;

I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

K. The costs of providing governmental services during and after flood conditions, including maintenance and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subparagraph 2 above have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

4. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

5. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

6. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

7. Variances shall only be issued upon:

A. A showing of good and sufficient cause;

B. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subparagraph 2 herein, or conflict with existing local laws or ordinances.

8. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

9. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subparagraph 3 herein, and otherwise complies with Section 8.080 subparagraphs 1 and 2 of this ordinance.

10. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE I

INTRODUCTORY PROVISIONS

Section 1.010. TITLE.

This ordinance shall be known as the City of Enterprise Land Use Ordinance.

Section 1.020. PURPOSE.

The purpose of this ordinance is to encourage appropriate and orderly physical development without diminishing the desirability of the town's living and recreating space, considering such standards as open space, desired levels of population density, adequate community safety, convenience, and general welfare. It is also intended to implement the provisions of the Land Use Plan for the City of Enterprise.

Section 1.030. DEFINITIONS.

As used in this ordinance the following words and phrases shall mean:

1. **ACCESS.** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. **ACCESSORY USE OR ACCESSORY STRUCTURE.** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
3. **AIRPORT.** Any area of land within the city which is used, or intended for use, for the landing and take-off aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together, with all airport buildings and facilities located thereon, with the exception that independent aircraft hangars shall not be considered as an airport building or facility as defined herein.
4. **AIRPORT CLEAR ZONE.** A protective zone under the approaches to the Enterprise Municipal Airport which has been adopted as an area to be free of buildings and structures in order to comply with the requirements of Federal and Oregon State laws regarding protections of airport approaches.
5. **AIRPORT COMMERCIAL FACILITY.** An airport commercial facility shall be a building that may contain a car rental business, aviation parts and accessories shop, aircraft and repair shops, aircraft sales and rental businesses, and such other enterprises that are provided in conjunction with, and not independent of, the normal operation of an airport.
6. **AIRPORT HAZARD.** An airport hazard shall mean any structure or tree or use of land which unreasonably obstructs the landing or taking-off of aircraft.

7. APPLICANT. The person or entity who applies for a permit or other land use approval required by this ordinance.

8. BLOCK. A parcel of land bounded by streets, railroads rights-of-way, waterways, parks, unsubdivided acreage, boundary line of a recorded subdivision, or a combination thereof.

9. BUILDING. A structure, but not a trailer house or mobile home, built for support, shelter or enclosure of persons, animals, chattels, or property of any kind having a fixed base on or fixed connection to the ground.

10. BUILDING LINE. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

11. CITY. The City of Enterprise, Wallowa County, Oregon.

12. CITY RECORDER. The City Recorder to the City of Enterprise, Wallowa County, Oregon.

13. COMMISSION. The Planning Commission of the City of Enterprise, Wallowa County, Oregon.

14. COUNCIL. The City Council of the City of Enterprise, Wallowa County, Oregon.

15. DEDICATION. An act of dedicating to a certain use or the setting aside for a particular purpose.

16. DIVIDING LAND. The process of separating a parcel of land or a lot in a subdivision into a number of lots by subdivision or parcels by partitioning.

17. DWELLING, MULTI-FAMILY. A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

18. DWELLING, SINGLE-FAMILY. A detached building containing one (1) dwelling unit and designed for occupancy by one (1) family, including, without limiting the foregoing, a manufactured home and a modular or prefabricated home as defined herein, but excluding a mobile home, residential trailer or recreational vehicle as defined herein.

19. DWELLING, TWO-FAMILY (DUPLEX). A detached building containing no more than two (2) dwelling units and intended for occupancy by no more than two (2) families.

20. EASEMENT. The grant of the right to use a strip of land for specific purposes.

21. FARM USE. 'Farm use' means the current employment of land by raising,

harvesting and selling crops or by the feeding, breeding, and management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. 'Farm use' includes the erection and maintenance of fences but does not include the construction or use of a farm use structure, as defined below.

22. FARM USE STRUCTURE. 'Farm use structure' includes any structure, other than a fence, designed for use, or actually used, in conjunction with a farm use, as for example (without limiting the foregoing) a barn, hay shed or grain silo.

23. FENCE. In addition to the normal meaning of the word a fence shall include hedges, shrubbery and other sight-obscuring vegetation.

24. FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters;

B. The unusual and rapid accumulation or runoff of surface waters from any source.

25. FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjusts to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

27. HABITABLE FLOOR. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a 'habitable floor.'

28. HOME OCCUPATION. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

29. LAND USE PLAN. The City of Enterprise Land Use Plan, and all amendments thereto, adopted to comply with Oregon planning law and Oregon's Statewide Planning Goals and Guidelines.

30. LOT. A parcel or tract of land; A unit of land that is created by a subdivision of land.

A. CORNER LOT. A lot or portion thereof situated at the intersection of two (2) or more streets other than alleys where the two (2) streets bordering the lot

run in more than one (1) line of compass; rectangular corner lots have two (2) front lot lines and two (2) side yard lines.

B. REVERSE CORNER LOT. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

C. THROUGH LOT. A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.

D. FLAG LOT. A parcel which has a narrow neck of land connecting the building site to the street.

31. LOT AREA. The total horizontal area within the lot lines of a lot exclusive of street and easements of access to other property.

32. LOT LINE. The property line bounding a lot.

33. LOT LINE ADJUSTMENT. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where any existing units of land reduced in size by the adjustment comply with the dimensional standards of this ordinance and as relates to existing structures, the setback requirements of this ordinance.

34. LOT LINE, FRONT. The lot line separating the lot from the street other than an alley. In the case of a corner lot both lot lines abutting the streets are front lot lines. In the case of a through lot each street has a front lot line.

35. LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line. In the case of a corner lot, the lot lines other than the front lot lines shall be considered side lot lines. In the case of an irregular, triangular or other shaped lot, a line ten (10') feet in length within the lot parallel to and at a maximum distance from the front lot line.

36. LOT LINE SIDE. Any lot line not a front or rear lot line.

37. LOT WIDTH. The average horizontal distance between the side lot lines, generally measured parallel to the front lot line.

38. MANUFACTURED HOME. A manufactured home is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Mobile homes, as defined in subparagraph 43, modular and prefabricated homes, as defined in subparagraph 44, 'residential trailers,' as defined in ORS 446.003(25)(a)(A) and 'recreational vehicles,' constructed in accordance with the requirements of Oregon State law, are not manufactured homes.

39. MAP. A final diagram, drawing or other writing concerning a major partition.

40. MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976 and met the construction requirements of the Oregon Mobile Home law in effect at the time of construction. A 'residential trailer,' as defined in ORS 446.003(25)(a)(A) and a 'recreational vehicle,' constructed in accordance with the requirements of Oregon State law, are not mobile homes. A mobile home shall consist of one of the three following classifications:

A. TRIPLE-WIDE: Three (3) separate housing units expressly manufactured to be connected together to form one (1) single-family residence.

B. DOUBLE-WIDE: Two (2) separate housing units expressly manufactured to be connected together to form one (1) single-family residence.

C. SINGLE-WIDE: One (1) housing unit expressly manufactured to serve as one (1) single-family residence.

41. MODULAR AND PREFABRICATED HOMES: Modular and prefabricated homes are constructed in accordance with the State of Oregon building code promulgated under ORS Chapter 455. A modular home is constructed off site and moved on site as a single unit or in sections. A prefabricated home is erected on site from smaller prefabricated components such as wall sections which are manufactured off site.

42. MOBILE HOME PARK. A place where four (4) or more mobile homes, manufactured homes, or recreational vehicles are located within five hundred (500') feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space, or keep space for rent, to any person for a charge or fee paid, or to be paid, for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

43. NONCONFORMING STRUCTURE OR USE. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

44. NURSING HOME. A facility, other than in a single-family dwelling or duplex, used to provide a place or residence for two (2) or more unrelated persons who, due to physical disability or old age, require care, supervision or assistance in their day to day living activities.

45. OPEN SPACES. Those lands within a subdivision which have been dedicated in common to the ownership within the subdivision or the public specifically, for the purpose of providing a place of recreation, scenic or historic/educational purposes.

46. OWNER. An owner of property or the authorized agent of an owner, as shown by deed or contract and recorded in the Wallowa County Clerk's office. The individual, firm, associates, syndicate, partnership or corporation having fee title and/or interest in the land to be subdivided or partitioned, or contract purchaser under a recorded land sale contract, and having a right to commence and maintain proceedings under these regulations.

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

48. PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined in this section:

A. MAJOR PARTITION. A partition which includes the creation of a street.

B. MINOR PARTITION. A partition which does not include the creation of a street.

49. PARTITIONER. Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or herself, or another.

50. PARTITION LAND. To divide an area or tract of land into two(2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units under single ownership at the beginning of such year. When one (1) parcel is sold or otherwise transferred and the seller retains a larger parcel contiguous thereto, the land has been divided into two (2) parcels and a partition is required under this ordinance. 'Partition land' does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or interstate succession; and 'partition land' does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of this ordinance. 'Partition land' does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

51. PEDESTRIAN WAY. A right-of-way for pedestrian traffic other than a dedicated street right-of-way.

52. PERSON. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

53. PLANNED UNIT DEVELOPMENT. A planned development for which approval is sought under the provisions of this ordinance.

54. PLAT. The final map, diagram, drawing, replat or other writing containing

all the descriptions and information concerning a subdivision or partition.

55. RECORD. To file a document or other instrument with the office designated by law for filing said instrument.

56. RESERVE STRIPS and STREET PLUGS. Strips of land deeded to the City as city property required along streets and street ends to prevent access across these strips.

57. RESIDENTIAL FACILITY. A residential care, residential treatment facility licensed or registered by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff person required to meet licensing requirement shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

58. RESIDENTIAL HOME. A residential treatment or training or an adult foster home licensed by or under the authority of the department as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

59. RESIDENTIAL INSTITUTION. A residential care, residential treatment facility licensed or registered by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for fifteen (15) or more who need not be related. Staff persons required to meet licensing requirement shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential institution.

60. RESUBDIVISION. The resubdividing of land in a different manner from that which originally had been subdivided.

61. SIGN. An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

62. SIGN, OFF PREMISE. A sign, including billboards, placards, posters, drawings and so on, which advertises:

A. Goods products or services which are not sold, manufactured or

distributed on or from the premises on which the sign is located; or

B. Facilities not located on the premises on which the sign is located.

63. SIGN, ON PREMISE. A sign, including billboards, placards, posters, drawings and so on, which advertises:

A. Goods, products or services which are sold, manufactured or distributed on or from the premises on which the sign is located; or

B. Facilities located on the premises on which the sign is located.

64. SLOPE EASEMENT. A grant or right to use a strip of land for the purpose of constructing an embankment or earth slopes and required for the purpose of maintaining or creating a safe and stable topographical condition.

65. STORM DRAINAGE SYSTEM. A system of open and closed drainage ways designed to protect and carry storm water runoff away from the site.

66. STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6') feet above grade for more than fifty (50%) percent of the total perimeter or is more than twelve (12') feet above the grade at any point, such basement, cellar or unused under-floor space shall be considered as a story.

67. STREET. The entire width between the right-of-way boundary lines of every public or private way provided for use for vehicular and pedestrian traffic, providing ingress or egress for persons to one (1) or more lots, parcels, areas or tracts of land and the placement of utilities, and including 'road,' 'highway,' 'lane,' 'place' or similar designations.

A. ALLEY. A narrow street no more than twenty (20') feet in width, a passage or way open to public travel, utilities and dedicated to public use, affording only secondary means of access to abutting property, not intended for general traffic circulations.

B. ARTERIAL. A street of considerable continuity which is primarily for intercommunication between large areas, and identified as an arterial street in the Land Use Plan.

C. COLLECTOR. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used partly by through traffic and partly for access to abutting property.

D. CUL-DE-SAC (Dead End Street). A short street with one end open to traffic and the other terminated by a vehicle 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. MARGINAL ACCESS STREET. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

G. MINOR STREET. A street intended primarily for access to abutting properties.

H. PRIVATE STREET. Non-public streets serving more than one (1) lot. A private way serving only one lot is not a Street.

68. STRUCTURE. Something constructed or built, or a piece of work artificially built up or composed of parts joined together in some definite manner.

69. STRUCTURAL ALTERATION. A change to the supporting members of a structure including foundations, bearing walls or partition, columns, beams, girders or any structural change in the roof or in the exterior walls.

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

71. SUBDIVISION. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

72. SUBDIVIDER. Any person commencing proceedings under this ordinance to effect a subdivision of land here-in-under for himself or herself, or for another.

73. SUPERINTENDENT. The Superintendent of Public Works for the City of Enterprise, Wallowa County, Oregon.

74. TENTATIVE PLAN. A clearly legible approximate drawing of the proposed lay-out of streets, blocks, lots and other elements of a subdivision or partition which will help furnish a basis for the Commission's approval or disapproval of the general lay-out of a subdivision or partition.

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

76. YARD. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

77. YARD, FRONT. A yard between side lot lines and measured horizontally at right angles to the front lot line, or lines, from the front lot line to the nearest point of a building or other structure. In the case of a corner lot the front yard is a yard adjacent to

both streets, usually in an 'L' shape, measured horizontally and at right angles from the front lot lines to the nearest point of a building or structure.

78. YARD, REAR. A yard between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of a building or other structure. A rectangular corner lot has no rear yard.

79. YARD, SIDE. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure. In the case of rectangular corner lots, the yards other than the front yards are side yards.

80. ZONING MAP. A zoning map or zoning map amendment adopted by the Council Section 2.020 of this ordinance or by an amendment thereto shall be prepared or modified by authority of the Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. An original certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

Section 1.040. COMPLIANCE WITH ORDINANCE.

A lot or land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance permits.

ARTICLE I

INTRODUCTORY PROVISIONS

Section 1.010. TITLE.

This ordinance shall be known as the City of Enterprise Land Use Ordinance.

Section 1.020. PURPOSE.

The purpose of this ordinance is to encourage appropriate and orderly physical development without diminishing the desirability of the town's living and recreating space, considering such standards as open space, desired levels of population density, adequate community safety, convenience, and general welfare. It is also intended to implement the provisions of the Land Use Plan for the City of Enterprise.

Section 1.030. DEFINITIONS.

As used in this ordinance the following words and phrases shall mean:

1. **ACCESS.** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

2. **ACCESSORY USE OR ACCESSORY STRUCTURE.** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

3. **AIRPORT.** Any area of land within the city which is used, or intended for use, for the landing and take-off aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together, with all airport buildings and facilities located thereon, with the exception that independent aircraft hangars shall not be considered as an airport building or facility as defined herein.

4. **AIRPORT CLEAR ZONE.** A protective zone under the approaches to the Enterprise Municipal Airport which has been adopted as an area to be free of buildings and structures in order to comply with the requirements of Federal and Oregon State laws regarding protections of airport approaches.

5. **AIRPORT COMMERCIAL FACILITY.** An airport commercial facility shall be a building that may contain a car rental business, aviation parts and accessories shop, aircraft and repair shops, aircraft sales and rental businesses, and such other enterprises that are provided in conjunction with, and not independent of, the normal operation of an airport.

6. **AIRPORT HAZARD.** An airport hazard shall mean any structure or tree or use of land which unreasonably obstructs the landing or taking-off of aircraft.

7. APPLICANT. The person or entity who applies for a permit or other land use approval required by this ordinance.

8. BLOCK. A parcel of land bounded by streets, railroads rights-of-way, waterways, parks, unsubdivided acreage, boundary line of a recorded subdivision, or a combination thereof.

9. BUILDING. A structure, but not a trailer house or mobile home, built for support, shelter or enclosure of persons, animals, chattels, or property of any kind having a fixed base on or fixed connection to the ground.

10. BUILDING LINE. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

11. CITY. The City of Enterprise, Wallowa County, Oregon.

12. CITY RECORDER. The City Recorder to the City of Enterprise, Wallowa County, Oregon.

13. COMMISSION. The Planning Commission of the City of Enterprise, Wallowa County, Oregon.

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15. DEDICATION. An act of dedicating to a certain use or the setting aside for a particular purpose.

16. DIVIDING LAND. The process of separating a parcel of land or a lot in a subdivision into a number of lots by subdivision or parcels by partitioning.

17. DWELLING, MULTI-FAMILY. A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

18. DWELLING, SINGLE-FAMILY. A detached building containing one (1) dwelling unit and designed for occupancy by one (1) family, including, without limiting the foregoing, a manufactured home and a modular or prefabricated home as defined herein, but excluding a mobile home, residential trailer or recreational vehicle as defined herein.

19. DWELLING, TWO-FAMILY (DUPLEX). A detached building containing no more than two (2) dwelling units and intended for occupancy by no more than two (2) families.

20. EASEMENT. The grant of the right to use a strip of land for specific purposes.

21. FARM USE. 'Farm use' means the current employment of land by raising,

harvesting and selling crops or by the feeding, breeding, and management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. 'Farm use' includes the erection and maintenance of fences but does not include the construction or use of a farm use structure, as defined below.

22. FARM USE STRUCTURE. 'Farm use structure' includes any structure, other than a fence, designed for use, or actually used, in conjunction with a farm use, as for example (without limiting the foregoing) a barn, hay shed or grain silo.

23. FENCE. In addition to the normal meaning of the word a fence shall include hedges, shrubbery and other sight-obscuring vegetation.

24. FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters;

B. The unusual and rapid accumulation or runoff of surface waters from any source.

25. FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjusts to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

27. HABITABLE FLOOR. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a 'habitable floor.'

28. HOME OCCUPATION. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

29. LAND USE PLAN. The City of Enterprise Land Use Plan, and all amendments thereto, adopted to comply with Oregon planning law and Oregon's Statewide Planning Goals and Guidelines.

30. LOT. A parcel or tract of land; A unit of land that is created by a subdivision of land.

A. CORNER LOT. A lot or portion thereof situated at the intersection of two (2) or more streets other than alleys where the two (2) streets bordering the lot

run in more than one (1) line of compass; rectangular corner lots have two (2) front lot lines and two (2) side yard lines.

B. REVERSE CORNER LOT. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

C. THROUGH LOT. A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.

D. FLAG LOT. A parcel which has a narrow neck of land connecting the building site to the street.

31. LOT AREA. The total horizontal area within the lot lines of a lot exclusive of street and easements of access to other property.

32. LOT LINE. The property line bounding a lot.

33. LOT LINE ADJUSTMENT. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where any existing units of land reduced in size by the adjustment comply with the dimensional standards of this ordinance and as relates to existing structures, the setback requirements of this ordinance.

34. LOT LINE, FRONT. The lot line separating the lot from the street other than an alley. In the case of a corner lot both lot lines abutting the streets are front lot lines. In the case of a through lot each street has a front lot line.

35. LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line. In the case of a corner lot, the lot lines other than the front lot lines shall be considered side lot lines. In the case of an irregular, triangular or other shaped lot, a line ten (10') feet in length within the lot parallel to and at a maximum distance from the front lot line.

36. LOT LINE SIDE. Any lot line not a front or rear lot line.

37. LOT WIDTH. The average horizontal distance between the side lot lines, generally measured parallel to the front lot line.

38. MANUFACTURED HOME. A manufactured home is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Mobile homes, as defined in subparagraph 43, modular and prefabricated homes, as defined in subparagraph 44, 'residential trailers,' as defined in ORS 446.003(25)(a)(A) and 'recreational vehicles,' constructed in accordance with the requirements of Oregon State law, are not manufactured homes.

39. MAP. A final diagram, drawing or other writing concerning a major partition.

40. MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976 and met the construction requirements of the Oregon Mobile Home law in effect at the time of construction. A 'residential trailer,' as defined in ORS 446.003(25)(a)(A) and a 'recreational vehicle,' constructed in accordance with the requirements of Oregon State law, are not mobile homes. A mobile home shall consist of one of the three following classifications:

A. TRIPLE-WIDE: Three (3) separate housing units expressly manufactured to be connected together to form one (1) single-family residence.

B. DOUBLE-WIDE: Two (2) separate housing units expressly manufactured to be connected together to form one (1) single-family residence.

C. SINGLE-WIDE: One (1) housing unit expressly manufactured to serve as one (1) single-family residence.

41. MODULAR AND PREFABRICATED HOMES: Modular and prefabricated homes are constructed in accordance with the State of Oregon building code promulgated under ORS Chapter 455. A modular home is constructed off site and moved on site as a single unit or in sections. A prefabricated home is erected on site from smaller prefabricated components such as wall sections which are manufactured off site.

42. MOBILE HOME PARK. A place where four (4) or more mobile homes, manufactured homes, or recreational vehicles are located within five hundred (500') feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space, or keep space for rent, to any person for a charge or fee paid, or to be paid, for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

43. NONCONFORMING STRUCTURE OR USE. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

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45. OPEN SPACES. Those lands within a subdivision which have been dedicated in common to the ownership within the subdivision or the public specifically, for the purpose of providing a place of recreation, scenic or historic/educational purposes.

46. OWNER. An owner of property or the authorized agent of an owner, as shown by deed or contract and recorded in the Wallowa County Clerk's office. The individual, firm, associates, syndicate, partnership or corporation having fee title and/or interest in the land to be subdivided or partitioned, or contract purchaser under a recorded land sale contract, and having a right to commence and maintain proceedings under these regulations.

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48. PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined in this section:

A. MAJOR PARTITION. A partition which includes the creation of a street.

B. MINOR PARTITION. A partition which does not include the creation of a street.

49. PARTITIONER. Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or herself, or another.

50. PARTITION LAND. To divide an area or tract of land into two(2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units under single ownership at the beginning of such year. When one (1) parcel is sold or otherwise transferred and the seller retains a larger parcel contiguous thereto, the land has been divided into two (2) parcels and a partition is required under this ordinance. 'Partition land' does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or interstate succession; and 'partition land' does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of this ordinance. 'Partition land' does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

51. PEDESTRIAN WAY. A right-of-way for pedestrian traffic other than a dedicated street right-of-way.

52. PERSON. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

53. PLANNED UNIT DEVELOPMENT. A planned development for which approval is sought under the provisions of this ordinance.

54. PLAT. The final map, diagram, drawing, replat or other writing containing

all the descriptions and information concerning a subdivision or partition.

55. RECORD. To file a document or other instrument with the office designated by law for filing said instrument.

56. RESERVE STRIPS and STREET PLUGS. Strips of land deeded to the City as city property required along streets and street ends to prevent access across these strips.

57. RESIDENTIAL FACILITY. A residential care, residential treatment facility licensed or registered by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff person required to meet licensing requirement shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

58. RESIDENTIAL HOME. A residential treatment or training or an adult foster home licensed by or under the authority of the department as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

59. RESIDENTIAL INSTITUTION. A residential care, residential treatment facility licensed or registered by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for fifteen (15) or more who need not be related. Staff persons required to meet licensing requirement shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential institution.

60. RESUBDIVISION. The resubdividing of land in a different manner from that which originally had been subdivided.

61. SIGN. An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

62. SIGN, OFF PREMISE. A sign, including billboards, placards, posters, drawings and so on, which advertises:

A. Goods products or services which are not sold, manufactured or

distributed on or from the premises on which the sign is located; or

B. Facilities not located on the premises on which the sign is located.

63. SIGN, ON PREMISE. A sign, including billboards, placards, posters, drawings and so on, which advertises:

A. Goods, products or services which are sold, manufactured or distributed on or from the premises on which the sign is located; or

B. Facilities located on the premises on which the sign is located.

64. SLOPE EASEMENT. A grant or right to use a strip of land for the purpose of constructing an embankment or earth slopes and required for the purpose of maintaining or creating a safe and stable topographical condition.

65. STORM DRAINAGE SYSTEM. A system of open and closed drainage ways designed to protect and carry storm water runoff away from the site.

66. STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6') feet above grade for more than fifty (50%) percent of the total perimeter or is more than twelve (12') feet above the grade at any point, such basement, cellar or unused under-floor space shall be considered as a story.

67. STREET. The entire width between the right-of-way boundary lines of every public or private way provided for use for vehicular and pedestrian traffic, providing ingress or egress for persons to one (1) or more lots, parcels, areas or tracts of land and the placement of utilities, and including 'road,' 'highway,' 'lane,' 'place' or similar designations.

A. ALLEY. A narrow street no more than twenty (20') feet in width, a passage or way open to public travel, utilities and dedicated to public use, affording only secondary means of access to abutting property, not intended for general traffic circulations.

B. ARTERIAL. A street of considerable continuity which is primarily for intercommunication between large areas, and identified as an arterial street in the Land Use Plan.

C. COLLECTOR. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used partly by through traffic and partly for access to abutting property.

D. CUL-DE-SAC (Dead End Street). A short street with one end open to traffic and the other terminated by a vehicle 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. MARGINAL ACCESS STREET. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

G. MINOR STREET. A street intended primarily for access to abutting properties.

H. PRIVATE STREET. Non-public streets serving more than one (1) lot. A private way serving only one lot is not a Street.

68. STRUCTURE. Something constructed or built, or a piece of work artificially built up or composed of parts joined together in some definite manner.

69. STRUCTURAL ALTERATION. A change to the supporting members of a structure including foundations, bearing walls or partition, columns, beams, girders or any structural change in the roof or in the exterior walls.

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

71. SUBDIVISION. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

72. SUBDIVIDER. Any person commencing proceedings under this ordinance to effect a subdivision of land here-in-under for himself or herself, or for another.

73. SUPERINTENDENT. The Superintendent of Public Works for the City of Enterprise, Wallowa County, Oregon.

74. TENTATIVE PLAN. A clearly legible approximate drawing of the proposed lay-out of streets, blocks, lots and other elements of a subdivision or partition which will help furnish a basis for the Commission's approval or disapproval of the general lay-out of a subdivision or partition.

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

76. YARD. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

77. YARD, FRONT. A yard between side lot lines and measured horizontally at right angles to the front lot line, or lines, from the front lot line to the nearest point of a building or other structure. In the case of a corner lot the front yard is a yard adjacent to

both streets, usually in an 'L' shape, measured horizontally and at right angles from the front lot lines to the nearest point of a building or structure.

78. YARD, REAR. A yard between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of a building or other structure. A rectangular corner lot has no rear yard.

79. YARD, SIDE. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure. In the case of rectangular corner lots, the yards other than the front yards are side yards.

80. ZONING MAP. A zoning map or zoning map amendment adopted by the Council Section 2.020 of this ordinance or by an amendment thereto shall be prepared or modified by authority of the Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. An original certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

Section 1.040. COMPLIANCE WITH ORDINANCE.

A lot or land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance permits.



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