

Chapter 150 DEFINITIONS

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150.01 Purpose. The purpose of this Chapter is to define words used in this Ordinance.

150.02 Rules of Construction. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance:

- A. Tense: Words used in the present tense shall include the future tense.
- B. Number: Words used in the singular shall include the plural and words used in the plural shall include the singular.
- C. Shall and May: The word "*shall*" is mandatory. The word "*may*" is permissive.
- D. Gender: The masculine shall include the feminine and neuter.
- E. Headings: In the event there is any conflict or inconsistency between the headings of an Article, Chapter, Section or paragraph of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of the context.
- F. The word "*County*" shall mean Baker County, Oregon. The words "*Board of Commissioners*" and "*Board*" shall mean the Baker County Board of Commissioners. The words "*Planning Commission*" and "*Commission*" shall mean the Baker County Planning Commission, duly appointed by the Baker County Board of Commissioners.

150.03 Definitions. As used in this Ordinance the following words and phrases shall mean:

Abandonment (of wireless communication facility): Wireless communication facilities will be considered abandoned when there has not been a carrier licensed or recognized by the Federal Communications Commission operating on the facility for a period of one year (365 consecutive days).

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

Abutting properties: Properties directly across any private, public, or county road provided the functional classification of the road is below that of a "*collector*."

Accepted farming practice: A mode of operation common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

Access: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

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

Accessory space: Any building space not constructed to residential standards under the *State of Oregon One and Two Family Dwelling Code* and/or the *State of Oregon Specialty Codes* that is used for the home occupation, including, but not limited to, an attached garage, detached garage or pole building. Accessory space does not include manufactured dwellings, residential trailers or recreational vehicles.

Accessory use or accessory structure: A use of land, building or other structure that is incidental, appropriate, and subordinate to the main use of such land, building, or other structure and is located on the same lot or parcel as the main use.

Adjustment of a property line: The relocation or elimination of a common property line between abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. [Ref. ORS 92.010 (11, 12)]

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

Affected persons: Includes those owners of record of real property located within a minimum distance of 250 feet from the requested land use action.

Agent: Individual or party given written authorization to act on behalf of a landowner(s).

Aggregate mining: The removal, in any calendar year of sand, gravel, or broken stone beyond 1,000 cubic yards or affects more than one-acre of land.

Aggregate processing: Includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement located within the operating permit area.

Agricultural building: A structure which is incidental, appurtenant or subordinate to the main use of the property and which has a relatively low investment, including, but not limited to, haysheds, loafing barns or animal shelters.

Agricultural land: Land classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-VI soils and other lands which are suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land

Agricultural use: See Farm use.

Argument: means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "*Argument*" does not include facts.

Airport imaginary surfaces: Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

Alley: A street or right-of-way which affords only a secondary means of access to property.

Antenna: A transmitting or receiving device used in communications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips.

Apartment house or multiple family dwelling: Any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in said building, and shall include flats and apartments. Apartment shall mean a dwelling unit.

Appeal: In relation to floodplain management, a request for a review of the interpretation of any provision of this ordinance.

Arable land: Land in a tract that is predominantly cultivated or, if not currently cultivated, predominately comprised of *arable soils*.

Arable soils: Soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence on the record of a local land use application, not including *high-value farmland* soils as defined in ORS 195.300(10).

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on FEMA Flood Insurance Rate Maps always includes the letters A or V. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

Arterial: Carries high volumes of traffic on a continuous network with no stub routes, but provides very little direct land access.

Automobile and trailer sales area: An open area other than a street used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor, incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile wrecking yard or junkyard: Any establishment or place of doing business that is maintained, operated or used for storage, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped, or ruined motor vehicles, or motor vehicle parts, iron, steel, or other old or scrap ferrous or non-ferrous material, metal or non-metal material; and the term includes automobile graveyards and scrap metal processing facilities.

Base flood: The flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: A story partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground. In relation to floodplain management, a basement includes any area of the building having its flood subgrade (below ground level) on all sides.

Below-grade crawlspace: An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Bicycle: A vehicle having two tandem wheels, a minimum of 14 inches (35 centimeters) in diameter, propelled solely by human power, upon which any person or persons may ride. A three-wheeled adult tricycle is also considered a bicycle.

Bikeway: A bikeway is created when a road has the appropriate design treatment for bicyclists, based on motor vehicle traffic volumes and speeds. The following facilities are considered bikeways: shared roadway, shoulder bikeway, bike lane or bicycle boulevard. Another type of bikeway facility is separated from the roadway and is called a multi-use path.

Block: An area of land whose boundaries are defined by public or private streets, excluding alleys.

Boarding house: A dwelling unit which provides an individual, or any number of persons related or bearing a generic character of a family unit living together where meals or lodging may also be provided for more than four additional persons, excluding servants.

Building: A structure built for the support, shelter or enclosure of persons, animals, goods, chattel, or property of any kind. See also "structure"

Building setback line: A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line or from the center of the road or street right-of-way where applicable.

Building sites: One or more lots or parcels of land grouped together to be used for construction of a residence or other structure as permitted in the zone in which the property is located.

Cabin: A building that does not meet the definition of a dwelling, measures ± 1000 square feet or less, and is used for recreational and non-commercial overnight lodging for a period of not more than 180 days per calendar year.

Camp, tourist or trailer park: See Campground or RV/Recreational Vehicle Park.

Campground: An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A camping site within a campground may be occupied by a tent, travel trailer, yurt or recreational vehicle. Campgrounds authorized on land zoned for farm and/or forest uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas

stations, and temporary overnight use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period. See also RV/Recreational Vehicle Park.

Capacity: The maximum rate of flow at which persons or vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions, usually expressed as vehicles per hour or persons per hour.

City road or street: A public way, right of way, or traveled way in whole or in part that is subject to the control of an incorporated city or town.

Co-location: The use of a single support structure by more than one wireless communications provider.

Collector roads: Provides both mobility and land access, gathers trips from localized areas and feeds them onto the arterial network.

Commercial: The holding of goods, chattel or other commodities of any kind for sale, rent or lease or for storage for a fee on a regular basis by any method or the offering or making available on a regular basis services for a fee or for sale or any combination of the foregoing.

Commercial agricultural enterprise: Farm operations that contribute in a substantial way to the area's existing agricultural economy, and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.

Commercial dwelling: A dwelling designed or intended to serve or accommodate one or more transient or traveling persons such as hotels, motels, vacation lodges and others of a similar nature.

Commercial Solar Power Generation Facilities: A *solar power generation facility* which produces power to be used to power commercial developments, uses, structures or businesses located on the same parcel or tract as the *solar power generation facility*. Net-metering is permitted with *commercial solar power generation facilities* if it does not exceed 50% of the average expected annual energy production.

Commercial stand of timber: A parcel predominantly stocked and capable of producing 20 cubic feet per acre per year or greater, or as designated by the Oregon Department of Forestry.

Commercial tree species: Trees recognized under rules adopted under ORS 527.715 for commercial production.

Commercial Wind Power Generation Facility: *Commercial Wind Power Generation Facilities* consist of one or more *wind turbine generators* and their related or supporting facilities, operated as a single *wind power generation facility* that has a combined generating capacity of 1 MW or greater of electric power from wind and are constructed, maintained, or operated as a contiguous group of devices. Related and supporting devices also include all roads exclusively used for the *wind power generation facility* operation and any other structure that takes land out of production.

Computation of time: The time within which an act is to be done is computed by excluding the first day and including the last day, unless the last day falls upon any legal holiday, Saturday or Sunday, in which case the last day is also excluded, and the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.

Conditional use: A use which requires a Conditional Use Permit (CUP).

Consult: to ask the advice or opinion of.

Contiguous: Lots, parcels or lots and parcels that have a common boundary more than a common corner. Contiguous includes, but is not limited to, lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous does not include lots, parcels, or lots and parcels in Baker County separated by Interstate 84 or the Pacific Rail Corridor.

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

County road: A public way, right of way, or traveled way which in whole or in part is subject to the control of the County and has been designated by the County as a part of the County road system for maintenance or repair.

Critical facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Crosswalk: Portion of a roadway designated for pedestrian crossing, marked or unmarked. Unmarked crosswalks are the natural extension of the shoulder, curb line or sidewalk.

Date of creation and existence: When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Decision Making Body: The body that presides either over an initial Type III hearing or an appeal of a Type II or Type III decision. Depending on the type of hearing, the Decision Making Body may be the Planning Commission, Hearings Officer or Board of Commissioners.

Declarant: The person who causes a subdivision or partition plat to be prepared. The declarant is the fee owner of the land subdivided or partitioned.

Declaration: The instrument describing why the subdivision or partition plat was created.

Dedication: A conveyance of right-of-way to the county.

Development: All improvements on a parcel or tract, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes. In relation to floodplain management, any made-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling or storage of equipment or materials.

Disposal site: Land used for the disposal or handling of solid waste, including but not limited to dumps, sanitary landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning services, salvage sites, incinerators for solid waste delivered by the public, or by a solid waste collection service, and composting plants; the term does not include a facility subject to the water pollution permit requirement of ORS 468B.050 or a landfill site which is used by the owner or person in

control of the premises to dispose of soil, rock, concrete or other similar materials, unless the site is used by the public, either directly or through a solid waste collection service.

Distribution use: Land used to serve industry in the storage, transfer and distribution of goods and materials between manufacturer and consumer.

Dredge line: refers to that line of demarcation between soils affected by dredge mining operations and soils unaffected by such operations.

Driveway: Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas.

Dual-use development: Developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

Duplex: See Dwelling, two-family.

Dwelling: Any building or portion thereof which is not a lodging house or hotel, which contains one or more dwelling units intended or designed to be built, used, rented, leased, let or hired out or sold to be occupied or which can be occupied for living purposes.

Dwelling, lawfully established: A structure intended for human occupancy having intact exterior walls and roof structure, a heating system, interior wiring for interior lights, and indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system, which for replacement purposes;

1. If established prior to final acknowledgment of the County's Comprehensive Land Use Plan on April 24, 1986;
 - a. The dwelling was established prior to February 1, 1974; or
 - b. The dwelling received documented zoning approval from the County; or
 - c. Where no documented evidence of zoning approval from the County is provided, the County provides notice and a public hearing in accordance with Chapter 115 of this Ordinance, and based upon testimony submitted in the hearing the Planning Commission determines that:
 - i. The County has no record or documentation that indicates the dwelling was lawfully established, and
 - ii. Use of the dwelling has not created conflicts with farming or forest practices on adjacent or nearby lands zoned for farm or forest use.
2. If established after final acknowledgement of the County's Comprehensive Land Use Plan on April 24, 1986, the dwelling received documented zoning approval.
3. The date of establishment for purposes of 1) and 2) above shall be determined by the date the dwelling received documented zoning approval or where no documented zoning approval is provided, the earliest date indicated by County Assessor's records that the dwelling existed, or as otherwise determined by the County Assessor.
4. Is not a travel trailer or recreational vehicle as defined in Chapter 150.

Dwelling, single family: A detached building containing one dwelling unit.

Dwelling, two family (duplex): A detached building containing two dwelling units designed for occupancy by two families.

Dwelling, multi-family/apartment house: A building containing three or more dwelling units.

Dwelling, farm: Any dwelling customarily provided in conjunction with farm use, to house the primary farm operator and their family. Placement of farm dwellings shall be in conformance with ORS 215.283(1)(d) and (e).

Dwelling, accessory farm: A dwelling located on the same lot or parcel as the dwelling of the farm operator, and occupied by an employee whose assistance in the management and operation of the farm use is or will be required by the farm operator. Placement of an accessory farm dwelling shall be in conformance with ORS 215.283(1)(e).

Dwelling, relative farm help: A dwelling located on the same lot or parcel as the dwelling of a farm operator, and occupied by a relative, which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or farm operator's spouse, and whose assistance in the management and operation of the farm is or will be required by the farm operator.

Dwelling, non-farm: Any dwelling not provided in conjunction with farm use, or any dwelling located on a non-farm parcel or lot. Placement of non-farm dwellings shall be in conformance with ORS 215.284 and ORS 215.284(7).

Dwelling unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. A dwelling unit must have intact exterior walls and roof structure; indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; interior wiring for interior lights; and a heating system.

Easement: A grant of the right to use a parcel or a portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

Effective date: the date on which a particular action or decision may be undertaken or otherwise implemented. For decisions that are subject to review or appeal by any commission, board, or officer, the effective date will normally be the day after the appeal period expires. If an appeal is dismissed after the appeal period has expired, the decision that was the subject of the appeal becomes effective at the moment of dismissal. Final decisions of the County (those that are not subject to any further appeal or review within the County) are normally effective when they become final.

Elevated building: In relation to floodplain management and insurance, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Employee (for home occupations): Any on-site person, whether they work full-time or part-time in the home occupation business, including, but not limited to, the operator, partners, assistants, and any other persons or family members participating in the operation of the business.

Employee (for agriculture): Any onsite person, whether they work full-time or part-time, who will be principally engaged in the farm use of the land, including, but not limited to planting, harvesting, marketing or caring for livestock.

Equipment (utility) shelter: A structure that houses power lines, cable, connectors and other equipment ancillary to the transmission and reception of communications.

Essential public communication services: Police, fire and other emergency communications networks.

Evidence: means facts, documents, data, or other information offered to demonstrate compliance or non-compliance with the standards believed by the proponent to be relevant to the decision.

Exactions: requirements a local government places on a developer or property owners to dedicate land or construct or pay for all or a portion of the costs of public improvements needed for public facilities as a condition of development approval.

Existing wireless communication facility: A wireless communications tower, or other supporting structure, antenna and equipment structures that received land use approval prior to date of adoption.

Exploration: All activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "*Exploration*" does not include prospecting or chemical processing of minerals. See ORS 517 for further explanation.

External impacts: Uses which create smoke, odor, vibration, noise, dust or other conditions which would have an impact on adjacent uses.

Family: An individual or two or more persons related by blood or marriage, or domestic partners, or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

Farm operator: A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. A farm operator plays the predominant role in the management and farm use of the farm.

Farm parcel: See Parcel, farm.

Farm or Ranch Operation: All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in this Section.

Farm Processing Facility: A facility for (1) processing farm crops, including the production of biofuel as defined in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038 (2). *See also "processing area."*

Farm use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees 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 preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. Farm use includes the

on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 or land described in ORS 321.267 (3) or 321.824 (3).

Farming practices (accepted): A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Feeding station: An area, public or private, the primary use of which is to feed big game.

Feeding station (emergency): Feeding stations limited to those not in use beyond two feeding seasons. No permanent structures are allowed at emergency feeding stations.

Feedlot or confined feeding or holding operation: The concentrated or confined feeding or holding of animals or poultry where the surface has been prepared with concrete, rock or vitreous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.

Fence, sight obscuring: A fence or planting arranged in such a way as to effectively prevent vision of objects which are screened by it.

Final for Purposes of Appeal: means the point at which an action or decision by any local decision-making body constitutes the final action or decision by that particular body. Because certain actions or decisions may be appealed or reviewed by other decision-making bodies within the County, an action or decision may be "*final for purposes of appeal*," without being the "*final*" action or decision of the County.

Flag lot: A lot or parcel which has access to a road, street, or easement, by means of a narrow strip of lot or easement.

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

1. The overflow of inland (or tidal) waters.
2. The unusual and rapid accumulation of runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard area: See Area of special flood hazard.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): See "Flood elevation study".

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 a designated height. Also referred to as "Regulatory Floodway."

Floodway fringe: The area between the floodway and the boundary of the base flood which can be diked without increasing upstream flood levels by more than one foot in height.

Forest land: As defined by Oregon Statewide Planning Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:

1. Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations and practices; and
2. Other forested lands that maintain soil, air, water and fish and wildlife resources.

Forest area: Land, which is under the cover of natural or planted trees of at least five meters (± 16.4 feet), whether productive or not. This excludes trees in gardens, urban parks, or tree stands in agricultural production systems.

Forest operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

Front building line: The property line separating a lot or parcel from a public road or street other than an alley; in the case of a corner lot or parcel, either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance; or

in the case of a reverse lot or parcel (i.e., one abutting two such public roads or streets other than a corner lot or parcel), either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance.

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

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

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Future development area: High priority areas for development at some future time if a needs Exception can be justified at that time.

Gas: All natural gas and all other fluid hydrocarbons not defined as oil in this Section, including condensation originally in the gaseous phase in the reservoir.

Geothermal resources: The natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substance.

Golf course: An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. For the purposes of this Ordinance, a golf course means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

1. A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
2. A regulation 9-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
3. A non-regulation golf course is a golf course or golf course-like development that does not meet the definition of golf course in this Ordinance, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.

Golf course accessory use: A facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.

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

Gravel operations: refers to the use of land for the recovery of small stones or rocks and cobbles, or a mixture of such with sand. The term shall include the crushing, sorting, screening and asphaltic compounding normally associated with such operations, whether for immediate removal or stockpiling: provided, however, that "*gravel operations*" do not include the storing or stockpiling of asphaltic compounds or compounded materials or any wastes or residues thereof on a continuing basis.

Gravel site: The use of the land for the purpose of recovery of water-deposited, non-metallic materials.

Grazing: The use of land for pasture of horses, cattle, sheep, goats, or other domestic animals.

Guest: A person who purchases an activity package which includes ranch and recreational activities and which may include meals.

Hazardous material: The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

1. Hazardous waste as defined in ORS 466.005;
2. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005;
3. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
4. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
5. Substances listed by the United States EPA in Section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
6. Material regulated as a Chemical Agent under ORS 465.550;
7. Material used as a weapon of mass destruction, or biological weapon;
8. Pesticide residue;
9. Dry cleaning solvent as defined by ORS 465.200(9).

Height of building: The vertical distance from the grade to highest point of the building or structure.

High-value farmland: Land in a tract composed predominantly of soils that are:

1. Irrigated and classified prime, unique, Class I or Class II; or
2. Not irrigated and classified prime, unique, Class I or Class II.
3. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. Specified perennials include perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Soil classes, soil ratings or other soil designations used in, or made pursuant to, this definition are those of the Natural Resources Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993. The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement of agreement from the Natural Resources Conservation Service that the soil class, soil rating or other soil designation should be adjusted

based on new information; or submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic property: Real property that is currently listed in the National Register of Historic Places.

Historic structure: Any structure that is:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Home occupation: An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling and/or an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than 6 times in a calendar year or operate in excess of 24 total days in a calendar year.

Hotel: Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes.

Hunting and fishing preserve: Area wherein the hunting of privately owned game birds and angling for privately owned game fish is permitted by state law.

Incidental use: The use of no more than 25% of the floor area of a structure or 500 square feet, whichever is less.

Industrial: The making of commodities by manufacturing, assembling, fabricating, generating or compounding by manual labor or machinery; the term includes physical or chemical processes or combinations thereof.

Irrigated: Watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is irrigated if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider.

Junkyard: See Wrecking yard.

Kennel: Any lot or building maintained for the purpose of boarding, breeding or raising six or more dogs or cats over the age of eight months for personal use, for a fee or for sale.

Key Observation Points: Vantage points selected to provide a representative geographic distribution of area likely to be within the view shed of renewable energy development and include, but are not limited to, open spaces, scenic, historic, cultural and archaeological resources as identified and inventoried in the Comprehensive Plan, landmarks, scenic byways, scenic corridors, and any other site, location, area or development deemed appropriate by the Planning Commission.

Land development: The subdividing or partitioning of land for any purpose into parcels, or the creation of units or parcels for the purpose of sale and includes the creation of a condominium, a planned unit development, or a division of a similar nature. The term also includes the intent for disposition of any land whether contiguous or not, including any land divided, lots, parcels, units, or interests that are offered as part of a common promotional plan advertising a disposition where the land development is offered for disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as a part of a common promotional plan.

Land use decision: A land use decision includes a final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

1. The Statewide Planning goals;
2. A comprehensive plan provision;
3. A land use regulation;
4. A new land use regulation.

A land use decision does not include a decision of a local government:

- That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
- That approves or denies a building permit issued under clear and objective land use standards;
- That is a limited land use decision;
- That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
- That is an expedited land use decision as described in ORS 197.360;
- To authorize an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period;
- Does not include a decision by a school district to close a school.

Land use plan or comprehensive land use plan: Maps and the interpretations thereof, and written goals and policies related to land use, transportation, parks, housing, urbanization, etc., which have been adopted as elements of the County Land Use Plan.

Land use regulations: Means any county zoning ordinance, land division ordinance or similar general ordinance establishing standards for implementing a comprehensive land use plan.

Letter of Map Change (LOMC): Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

1. **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
4. **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
5. **Letter of Map Revision (LOMR):** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
6. **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
7. **PMR:** A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

Level of service: For transportation, a qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. At intersections, level of service is measured in terms of average delay and correlated to grades from LOS A which indicated little delay, to LOS F which indicates significant delay.

Light industry: Uses related to manufacturing, compounding, assembling, fabricating, repairing, packaging or treatment industries with limited external impacts.

Livability: The sum of factors which add up to a community's quality of life, limited to the built and natural environments, economic prosperity, social stability and equity, educational opportunities, protection of cultural and heritage assets, and recreation possibilities which collectively contribute to the sustainability of human living.

Livestock sales yard: An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment or other means.

Loading space: An off-street space within a building or on the same lot with a building for temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to the street.

Local access road: A road that is not a county road, state highway or federal road that is regulated by ORS 368.031, meaning the road is subject to the exercise of jurisdiction by a county governing body in the same manner as a county road, except:

1. A county and its officers, employees or agents are not liable for failure to improve the local access road or keep it in repair.
2. A county governing body shall spend county moneys on the local access road only if it determines that the work is an emergency or if:
3. The county road official recommends the expenditure;
4. The public use of the road justifies the expenditure proposed; and
5. The county governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

Local road: Low volume roadways that provide direct land access but are not designed to serve through traffic needs.

Lodging house or rooming house: Any building or portion thereof containing not more than 5 guest rooms which are used by not more than 5 guests where rent is paid in money, goods, labor or otherwise. Board may or may not be included.

Lot: A unit of land that is created by a subdivision of land, and is intended as a unit for disposition, transfer of ownership or interest or for development.

Lot area: The total horizontal area within the lot lines of a lot. Land dedicated for roads within lot lines shall be included in total acreage.

Lot, corner: A lot abutting on two intersecting streets other than an alley.

Lot, interior: A lot other than a corner lot.

Lot, reverse corner: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Lot, through: A lot having frontage on two parallel or approximately parallel streets other than alleys.

Lot width: The average horizontal distance between the side lot lines ordinarily measured parallel to the front lines.

Lot line: The boundary which describes the extent of a particular parcel of land as described in the leasing document or deed. The term "*Lot Line*" shall be interchangeable with the terms "*Lease Line*" or "*Property Line*".

Lot line, front: The property line separating a lot or parcel from a public road or street other than an alley; in the case of a corner lot or parcel, either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance; or in the case of a reverse lot or parcel (i.e., one abutting two such public roads or streets other than a corner lot or parcel), either of two such lines may be designated the front building line, providing the other has a length that is one-half of the minimum allowable under this Ordinance.

Lot line, rear: The lot line which is opposite and most distant from the front lot line. In the case of an irregular triangular or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot line, side: A property line that is not the front or rear property line.

Lot line adjustment: See Property line adjustment.

Lot of record: A lot which has been recorded in the County Clerk's office and meets ORS 215.705 lot-of-record requirements.

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 non-elevation design requirements of this Ordinance.

Major modification: See Modification.

Major partition: See Partition.

Manufactured dwelling or mobile home: A structure, transportable in one 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. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured or mobile home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale which are defined as non-farm dwellings. In relation to floodplain management, a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Map: A final diagram, a drawing representing a subdivision or partition.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Mine: Mine includes all mineral bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral substance is obtained.

Mineral: Soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state (ORS 517-750 (7)).

Mineral processing: Includes, but is not limited to, crushing, washing, milling and screening of minerals, as well as the batching and blending of mineral aggregate into asphalt and Portland cement located within the operating permit area (ORS 517750 (11)).

Mining: refers to the extraction of organic or inorganic ores or minerals from the earth in gravel or quarried materials.

Mining site: The use of land for the purpose of extracting organic or inorganic ores or minerals from the earth including gravel or quarrying substances or materials.

Minor modification: See Modification.

Minor arterial: Provides mobility between smaller cities and towns and other statewide traffic generators, such as resorts, that are not served by principal arterials.

Minor partition: See Partition.

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

Mobile home: See Manufactured or mobile home.

Mobile home park: See Manufactured or mobile home park or subdivision.

Model aircraft: a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

Modification: Changes to approved land use decisions, of which there are two types:

1. Minor Modification: a change which:
 - a. When in reference to subdivisions, partitions, and property line adjustments:
 - i. Does not increase the number of lots or parcels created by the subdivision or partition;
 - ii. Does not enlarge the boundaries of subdivided or partitioned area;
 - iii. Does not change the general location or amount of land devoted to a specific land use; or
 - iv. Includes only minor revisions of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.
 - b. When in reference to all other land use decisions:
 - i. Does not result in a change in the land use; and

- ii. Does not involve an increase in the previously-approved conditional use activity by more than 20%.

2. Major Modification: any change which is not a minor modification.

Motel: A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows with or without cooking facilities, for rental to transients.

Motor home, camper or travel trailer: A building or vehicle, originally designed or presently constructed, to be used as temporary dwelling or lodging place and to be readily movable from place to place over streets.

Motor sports events: Drag racing, snowmobile drag racing, stock car and other circle track racing, sand drag and other off-road racing, motorcycle racing, go-cart racing and radio controlled car racing and accessory facilities.

Motor vehicle and trailer sales area: An open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers and where no repair work is done except minor, incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

Multi-use path: A path physically separated from motor vehicle traffic by an open space or barrier and either within a roadway right-of-way or within an independent right-of-way, used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.

Multi-use road: A road that services vehicle, bicycle and pedestrian traffic.

Natural area: Land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitat for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features or for the appreciation of its natural features.

Natural hazard area: An area that is subject to natural events that are known to result in death or to endanger the works of man, such as stream flooding, ground water, flash-flooding, erosions and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

Negotiation: Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition including, but not limited to, advertising, solicitation, and promotion of the sale of such land.

Net-metering: Measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator and fed back to the electric utility over the applicable billing period.

New construction: In relation to floodplain management, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by Baker County and includes any subsequent improvements to such structures.

Non-arable land: Land in a tract that is predominantly not cultivated and predominately comprised of *non-arable soils*.

Non-arable soils: Soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V-VIII and no history of irrigation shall be considered non-arable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be non-arable based on substantial evidence on the record of a local land use application.

Non-conforming 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.

Non-farm dwelling: See Dwelling, non-farm.

Non-farm parcels or lots: See Parcel, non-farm.

Oil: Crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

Open space: Consists of lands used for agricultural or forest uses and any land area that would, if preserved and continued in its present use, conserve and enhance natural or scenic resources; protect air or streams or water supply; promote conservation of soils, wetlands, beaches or marshes; conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property; enhance the value to the public of abutting or neighboring forests, wildlife preserves, nature reservations or other open space; enhance recreation opportunities; preserve historic, geological and archeological sites; promote orderly urban development; and minimize farm and non-farm conflicts.

Operator (mining): Any individual, public or private corporation, political subdivision, agency, board, or department of this state, any municipality, partnership, association, firm, trust, estate of any other legal entity whatsoever that is engaged in surface mining operations.

Operator (home occupations): The Operator is the person who conducts the home occupation, has majority ownership interest in the business, lives full-time in a dwelling on the subject property and is responsible for strategic decisions and day-to-day operations of the business.

Overburden: The soil, rock and similar materials that lie above natural deposits of minerals.

Owner: The party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, owner shall mean the contract vendee and except where land is being transferred through some other land sales instrument owner shall be the purchaser that holds security interest. For the purposes of the Lot-of-Record criteria listed in Chapter 410 and Chapter 420, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

Parcel: A unit of land created by a legal and recorded partition of land, or created by deed or land sales contract if there were no applicable planning, zoning or partitioning ordinances or regulations.

1. Includes a unit of land created:
 - a. by partitioning land as defined in ORS 92.010(7) and ORS 92.010(9); and

- b. in compliance with all applicable planning, zoning and partitioning ordinances, or regulations.
2. Does not include a unit of land created solely to establish a separate tax account.
3. A lot of a duly recorded subdivision or parcel of a lawfully recorded partition, as defined in ORS 92.010(3), ORS 92.010(4) and ORS 92.010(6), shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further legally divided, as provided by law.

Parcel, farm: The current employment of land for the primary purpose of farm use as defined under ORS 215.203(2)(a) and (b), and zoned agricultural land under OAR 660-033.

Parcel, non-farm: A sub-standard parcel or lot which can qualify for a non-farm dwelling under ORS 215.284(2) or (7).

Parcel Size: The total horizontal area within the boundary lines of a parcel, including streets, roads or access easements to other property, where the underlying fee within the right of way area occupied by the street, road or access easement remains with the parcel.

Parking lot: Any area used for standing and maneuvering of three or more vehicles or requiring three or more parking spaces.

Parking space: A clear off-street area, for the temporary parking or storage of one automobile, having an all-weather surface width not less than 8.5 feet, length not less than 22 feet, and being not less than 8.5 feet in height when within a building or structure.

Partition: An act of dividing an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Also includes an area or tract of land partitioned.

Partition, major: A partition which includes the creation of a road or street without which there would not be vehicular access to the lots created.

Partition, minor: A partition that does not include the creation of a road or street.

Partition, series: A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year and composed of a series of minor partitions, a series of major partitions, or a combination of both.

Partitioner: Any person commencing proceedings under this Ordinance to effect a partition of land hereunder for himself or for another.

Partition land: To divide land into two or three parcels of land within a calendar year, but not including:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with applicable zoning ordinances and state law; or
3. The division of land resulting from the recording of a subdivision or condominium plat; or
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.283(2)(q) to (s). However, any property divided by

the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

5. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Pavement Markings: Painted or applied lines or legends placed on a roadway surface for regulating, guiding, or warning traffic.

Pedestrian: A person on foot, in a wheelchair, or walking a bicycle.

Pedestrian facility: A facility provided for the benefit of pedestrian travel, including walkways, crosswalks, signs, signals, illumination, and benches.

Performance standards: Guidelines which are provided in order to avoid the creation of nuisance or unsanitary conditions within developed areas and to enhance inter-industry compatibility.

Permanent-type construction: Structures or ground facilities constructed with the intent of providing service over the length of the lease agreement, with use of materials and methods of construction which under normal conditions of use will maintain appearance and functionality. Trailers, mobile offices and other similar temporary structures are not considered as permanent-type construction.

Permit: An official document, approved by the appropriate authority, allowing an applicant or landowner to proceed with a land use action, decision or development.

Person: An individual, a domestic or foreign corporation, a partnership, an association, a joint stock company, a trust, a firm, a social or fraternal organization, an estate, receiver, syndicate, branch of government or any other group or combination acting as a unit.

Personal use airport: A personal-use airport is an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guest(s), and by commercial aviation activities in connection with agricultural operations. No aircraft may be used on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under the definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

Photovoltaic solar power generation facility: an assembly of equipment that converts sunlight into electricity and then stores and/or transfers that electricity. This includes modules, mounting and solar tracking equipment, foundations, inverters, wiring, and storage devices and other components. Solar power generation facilities also include electrical cable collection systems connecting the solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances.

Planned unit development: A land area designated as a unified combination of land uses; generally, with a mixture of residential, single and multi-family types, open space or recreation areas for the direct

use and benefit of all the lot owners within the development and sometimes shopping or community facilities. A planned development includes a planned unit, a property owner's association, and common property.

Plat: A map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

Plat, final: A final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

Plat, partition: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a partition.

Plat, preliminary: The preliminary map, drawing or chart indicating the proposed layout of a partition or subdivision.

Plat, subdivision: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Principal arterial: Provides statewide and interstate mobility, including the Interstate System and other rural freeways that serve long distance high-volume corridors.

Private road: A private way, right of way, or traveled way in whole or in part that is subject to the control of one or more private persons. A private street or road shall provide access only to abutting parcels, lots or tracts.

Processing area: the floor area of a building dedicated to farm product processing. Processing area does not include the floor area designated for preparation, storage or other farm use.

Property line: See Lot Line.

Property line adjustment: The relocation of a common property line between two adjacent properties, where an additional unit of land is not created. Also known as a lot line adjustment.

Public use road: A public way, right of way, or traveled way in whole or in part that is subject to the jurisdiction of a public body but that is not a part of the County road system for maintenance or repair.

Public sewer: Any sewage disposal or treatment facility which serves three or more dwelling units.

Public use: A structure or use intended or used for public purpose by a city, a school district, the County, the State or by any other public agency or public utility. This does not include landfill sites, garbage dumps or utility facilities.

Public use airport: An airport that is open to the flying public, considering performance and weight of the aircraft being used. May or may not be attended or have services available.

Public use building or use: A structure or use intended or used for public purpose by a city, a school district, the County, the State or by any other public agency or public utility. This does not include landfill sites, garbage dumps or utility facilities.

Public water supply: Any domestic water supply system which provides water to three or more dwelling units or commercial or industrial operations which have 10 or more patrons or employees per day for more than 60 days per year.

Quarry site: The use of land for the purpose of recovering rock, stone, slate or the like. See Mining Site.

Rangeland, designated: Unirrigated agricultural land, and land so interspersed with rangeland that the interspersed land could not be used for another purpose without adversely affecting the rangeland activities. The predominant use of this type of land is for livestock grazing.

Recreation Camps or Resorts: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

Recreation park: See, Campground or RV/Recreational Vehicle Park.

Recreational vehicle/RV: A vacation trailer or other unit with or without motive power, designed for human occupancy, which has a floor space of less than 500 square feet. In relation to floodplain management, a vehicle which is:

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

Recreational vehicle/RV park: An area used primarily for siting recreational vehicles/trailers for overnight/ temporary camping purposes. A recreational vehicle park is more developed than a campground, with electrical hookups, and cleared/paved areas for placement of the recreational vehicles.

Regulatory floodway: See Floodway.

Relative: For the purposes of the provisions of Chapter 410 and 420 only, "*relative*" means: spouse, child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew, first cousin or domestic partner.

Repair: The act of restoring by replacing a part or all of a structure or building to a sound state.

Re-plat: 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.

Reserve strip: A strip of land adjacent to a street or road which limits or controls access to the street or road.

Residence: A place wherein the occupant dwells permanently or for the predominant portion of time.

Residential facility: A facility licensed by or under the authority of the Department of Human Resources which provides residential care along or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department

Human Resources 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 facility.

Residential home: A home licensed by or under the authority of the Department of Human Resources which provides residential care along or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources 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.

Residential Wind Power Generation Facility: An activity carried out using one *wind turbine generator* operated as a single *wind power generation facility* that has a combined generating capacity of 15 kW or less, except it shall be 5 kW or less in any residential zone, and is 50 feet in height or less.

Right-of-way: An area that allows for the passage of people, vehicles and/or utilities. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public body, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.

Right-of-way of the Sumpter Valley Railway: Refers to the existing railroad bed, including land within 34 feet of and parallel to the center line thereof.

Riparian zone or area: An area within which vegetation grows adjacent to naturally occurring streams, lakes, ponds, bogs and marshes without which the vegetation would not exist.

Road or street: A public or private way that is created to provide ingress and egress for a person to one or more lots, parcels, areas or tracts of land, excluding driveways and excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of land for forestry, mining, or agricultural purposes without a residential facility.

Roadway: The improved portion of an easement or right-of-way, excluding curbs, sidewalks, and ditches. Road, roadway, and street will be considered interchangeable terms.

Runway Protection Zone (RPZ): An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

1. 1,000 feet for utility runways.
2. 1,700 feet for other than utility runways having non-precision instrument approaches.
3. 2,500 feet for precision instrument runways.

Sale or sell: Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Seasonal farm worker housing: Housing limited to occupancy by seasonal farm-workers and their immediate families which is occupied no more than nine months a year.

Semi-public use: A structure or use intended or used for semi-public purpose by a church, lodge, club, or any other non-profit organization.

Series partition: See Partition, Series.

Setback: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

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

Shared roadway: A type of bikeway where bicyclists and motor vehicles share a travel lane.

Sheet flow area: See Area of Shallow Flooding.

Shoulder: The portion of a roadway that is contiguous to the travel lanes providing for pedestrians, bicyclists, emergency use by vehicles and for lateral support of base and surface courses.

Shoulder bikeway: A type of bikeway where bicyclists travel on a paved shoulder.

Shy distance: The distance between the edge of a travelway and a fixed object.

Sidewalk: A walkway separated from the roadway with a curb, constructed of a durable, hard and smooth surface, designed for preferential or exclusive use by pedestrians.

Sight distance: The distance a person can see along an unobstructed line of sight.

Sign: An outdoor sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or any other illustrative device that is used, designed, or intended for advertising purposes or to inform or to attract the attention of the public. The term includes the sign's supporting structure, display surface, and all other component parts of the sign. When dimensions of a sign are specified, the term includes panels and frames; the term includes both sides of the sign as to specified dimensions or areas. The term shall not include a sign that is reasonably necessary or required by any branch or agency of government, pursuant to any public law or regulation.

Small-Scale Solar Power Generation Facility: *A solar power generation facility which produces power to be used for non-commercial purposes. Net-metering is permitted with small-scale solar power generation facilities if it does not exceed 50% of the average expected annual energy production.*

Small-Scale Wind Power Generation Facility: *A wind power generation facility consisting of no more than two wind turbine generators operated as a single wind power generation facility that measures no more than 200 feet in total height and have a combined generating capacity of greater than 15kW to 1 MW. Lighting systems are not permitted on Small-Scale Wind Power Generation Facilities.*

Solar panel: a panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers,

or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. In relation to floodplain management, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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 dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State highway: A public way, right of way, or traveled way in whole or in part that is subject to the control of the State of Oregon.

Story: That portion of building between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

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

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

Structural alteration: Any change to the supporting members of a structure, including foundation, bearing walls, or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

Structural height: Maximum height of structures and accessory attachments or utilities.

Structure: Something constructed or built and having fixed base on, or fixed connection to, the ground or another structure. In relation to floodplain management, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

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

Subdivision: The act of subdividing land or an area or a tract of land subdivided.

Substantial construction: The completion of a structure's supporting foundation, excluding all minor improvements such as access roads, developed water sources, sewage disposal systems and electrical utilities.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

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

Substantial modification: The addition of 650 square feet of interior livable space, the effect of which is to require that access to the structure be improved to meet the requirements of Chapter 320 and the Transportation System Plan.

Support structure: A wireless communication tower, building, or other structure that supports an antenna used for wireless communications.

Surface mining: All or part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off site borrow pits (except those constructed for use as access roads) (ORS 517.750(15)(a)).

Temporary housing: A removable structure that is necessary and accessory to a permitted use for temporary housing, and is removed after the end of the use; located on the same lot or parcel as the commercial or industrial use.

Temporary Public Facility: any facility not constructed to the applicable County or district standard.

Tenant: Individuals and organizations which have either leased or purchased property which is subject to regulation or control.

Total Height: the vertical distance from ground level to the tip of a *wind turbine generator* blade when the tip is at its highest point.

Tract: One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

Traffic calming devices: Physical devices within the roadway designed to manage traffic speeds or which disperse traffic such as speed bumps/humps and traffic circles.

Trailer home or travel trailer: A structure or vehicle containing some or all of the provisions of a dwelling unit that is constructed for non-self-propelled movement on the public highways and contains less than 500 square feet.

Travel trailer, pickup camper, motor home or recreational vehicle (RV)/trailer park: A plot of ground upon which one or more trailer coaches, RVs or motor homes occupied for camping, dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations. A recreational vehicle park is more developed than a campground, with electrical hookups, and cleared/paved areas for placement of the recreational vehicles.

Tree farm: Timber stand improvements according to standards of the Agricultural Stabilization and Conservative Service (ASCS) performed for the twin objectives of fuel reduction to minimize the threat of wildfire and growth promotion of commercial species. These objectives are achieved by disposal of dead and down forest fuels, pruning and thinning. Reforestation as a tree farming practice may be regulated by the Oregon Forest Practices Act.

Typographical error: Narrowly defined as inaccuracies in page, section number, references, spelling, grammar, punctuation or syntax.

Undivided interest: A share, membership or undivided co-ownership which includes rights of access and use of property. Undivided interests are controlled by ORS 92.305 to 92.495.

Unit owner/ownership: The person owning a unit in any real estate tenancy relationship recognized under the laws of this state.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. The term shall include accessory uses subordinate to the main use.

Utility facility, local distribution: Local distribution utility facilities are local sewer, water, gas, telephone (non-wireless) and power distribution lines and are permitted as outright uses in any zone.

Utility facility, major: Any major facility or structure, as distinguished from local distribution utility facilities, owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste or by-products and including power transmission lines, major trunk pipelines, power substations, dams, wind and water towers, railroad tracks, sewage lagoons, sanitary landfills, and similar facilities. Excluded from this definition are dams whose impoundments exceed 1000 acre feet or electric transmission lines greater than 115 KVs. Towers 200' or higher must be reviewed as Conditional Use.

Utility facility service lines: Utility lines and accessory facilities or structures which end at the point where the utility service is received by the customer and which are located on one or more of the following:

1. A public right-of-way;
2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

Utility-Scale Solar Power Generation Facilities: A solar power generation facility which produces power to be sold and used for public consumption.

V/C ratio: The ratio of demand flow rate (volume) to capacity for a traffic facility.

Variance: In relation to floodplain management, a grant of relief by Baker County from the terms of a flood plain management regulation.

Vehicle: Any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, detached trailer or a truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for this use through the home occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.

Vehicle Trip: A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.

Violation: In relation to floodplain management, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Vision clearance area: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection. The vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstruction exceeding two-and-one-half feet in height measured from the top of the curb or grade level at the street or road outside edge.

Visual Simulation: Computer generated imagery, depicted to scale from *key observation points*, of all *wind turbine generators* and substations at the completion of the project.

Volume: The number of persons or vehicles passing a point on a lane, roadway, or other trafficway during some time interval, often taken to be one hour, expressed in vehicles.

Walkway: A transportation facility built for use by pedestrians, including persons in wheelchairs. Walkways include sidewalks, paths, and paved shoulders.

Watchman's quarters: Housing that is necessary and accessory to a permitted use, for housing personnel required to live onsite for security reasons; located on the same lot or parcel as the commercial or industrial use.

Water dependent: A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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 adopted to life in saturated soil conditions.

Wide outside lane: A wider than normal curbside travel lane that is provided for ease of bicycle operation where there is insufficient room for a bike lane or shoulder or shoulder bikeway.

Wildlife management area: Any land, under any ownership, whose use or access is intentionally controlled in any way for the principle purpose of managing wildlife.

Wind Power Generation Facility: a facility used to harness a wind resource, including but not limited to: *wind turbine generator*, electrical facilities, transmission facilities, substations, distribution, communications and ancillary facilities, foundations, roads and any other structure sited in support of the *wind power generation facility*.

Wind Shadow: an area of still air created behind a *wind turbine generator*. It is typically a cone whose length across the land is 7-10 times the diameter of the rotor of the *wind turbine generator*.

Wind Turbine Generator: A freestanding wind power generating structure consisting of tower, nacelle and rotor with blades.

Wireless communication facility: An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Freestanding point-to-point microwave dishes, high power television and FM transmission facilities and AM facilities are not wireless communication facilities.

Wireless communication tower: A freestanding support structure, including monopole and lattice tower, designed and constructed primarily to support antennas and transmitting and receiving equipment. Wireless communication towers include:

1. **Lattice tower.** A tower characterized by an open framework of lateral cross members which stabilize the tower; and
2. **Monopole.** A single upright pole, engineered to be self-supporting, that does not require guy wires or lateral cross supports.

Wireless communication tower height: The distance from the finished grade at the antenna tower base to the highest point of the tower, including the base pad, mounting structures and panel antennas, but not including lightning rods and whip antennas.

Wrecking yard or junkyard: Legally established motor vehicle graveyards where the parts of eight or more auto bodies are kept; scrap-metal processing facilities; any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling old or scrap or ruined motor vehicles or related parts, or copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped, or ruined motor vehicles, or motor vehicle parts, iron, steel, or other old or scrap ferrous or non-ferrous material, metal or non-metal material.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

1. **Yard, front:** An open space between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building. Any yard meeting this definition and abutting on a street or road other than an alley shall be considered a front yard.

2. **Yard, rear:** An open space between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.
3. **Yard, side:** An open space between the front and rear yards measured horizontally at right angles from the side lot lines to the nearest point of the building.

Yurt: In farm or forest zones, a yurt is limited to a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.