# **Section 105 – Definitions**

**The definitions of words in the ordinance, and the construction of the words in provisions thereof, shall be as follows:**

## **A. CONSTRUCTION OF WORDS:**

**The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.**

### **1. Tense: Words used in the present tense shall include the future tense.**

### **2. Number: Words used in the singular shall include the plural, and words used in the plural shall include the singular.**

### **3. Shall and May: The word ‘shall’ is mandatory. The word “may” is permissive.**

### **4. Gender: The masculine shall include the feminine and neuter.**

### **5. Headings: In the event there is any conflict or inconsistency between the heading of a Chapter, section or paragraph of this ordinance and the text thereof, the text shall control.**

## **B. DEFINITIONS:**

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

### Accepted Farming Practice: A mode of operation that is common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches to obtain a profit in money and customarily utilized in conjunction with farm use. *As applied to composting operations on high-value farmland, “accepted farming practice” includes composting operations that either 1) compost only materials produced on the subject tract, or 2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract.*

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

### Accessory Use or Accessory Structure: *A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use, and for which the owner files a restrictive covenant in the deed records of the county agreeing that the accessory structure will not be used as a residence or rental unit*.

**Adjacent: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.**

**Administrative Land Use Decision: A land use decision made by the Planning Director using limited discretion based upon and limited to specific Ordinance criteria, and that does not require a scheduled public hearing before the Planning Commission or Board of Commissioners as required by this Ordinance, State Statutes or Oregon Administrative Rules.**

**Adversely Affected or Aggrieved Person: Any person(s) or entity(ies) who has a legally recognized interest and to which a land use decision will have an adverse practical effect.**

### *Agricultural Building: Any structure that is considered to be an “agricultural building” as defined in ORS 455.315 on a lot or parcel that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner 1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and 2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or rental unit.*

**Aggregate Resources: Naturally ocurring concentrations of stone, rock, sand, gravel, decomposed granite, limestone, pumice, cinders, and other naturally occurring solid materials commonly used in road building or other construction.**

**Agricultural Land: (A) Lands classified by the National Resource Conservation Service (NRCS) as predominately Class I-VI soils. (B) Lands in other soil classes which are suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required, and accepted farming practices. Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in other capability classes other than I-VI that is adjacent to or intermingled with lands in capability classes I-VI within a farm unit shall be identified as agricultural lands even though this land may not be cropped or grazed.**

**Aircraft: Any contrivance used or designed for navigation of or flight in the air, including helicopters and airplanes, but not including hot air balloons, ultralights or one-person motorless gliders that are launched from the earth’s surface solely by the operator’s power.**

**Airport: The strip of land or area of water used for taking off and landing aircraft, together with all adjacent areas used in connection with the aircraft landing or taking off and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights- of-way, together with all airport buildings and facilities located thereon.**

**Airport Imaginary Surfaces: Surfaces established with relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft. Buildings, structures and other obstructions are generally prohibited from extending above the imaginary surfaces. Imaginary surfaces include the approach surface, conical surface, horizontal surface, primary surface and transitional surface. Dimensions of each type of imaginary surface and where they apply depend upon the type of runway, as outlined in Section 418.**

**Argument: Assertions and analysis regarding a land use application that discusses the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision.**

### Associated Transmission Lines: Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

**Bank-Full Stage: The elevation at which water overflows the natural banks of a stream, river, or lake and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate Bank-Full Stage.**

**Base Flood Elevation: The crest elevation, in relation to mean sea level or an assumed elevation tied to a benchmark, expected to be reached by a 100-year flood.**

**Basement: A story of a building that is 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.**

**Bed or Banks of Stream or River: The physical container of the waters of a stream or river lying below bank-full stage, and the land 10 feet on either side of the container.**

**Bed and Breakfast Inn: An accessory use carried on within a building designed for and occupied as a single family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 30 consecutive days, for the use of travelers or transients for a fee. Provision of a morning meal is customary.**

**Biofuel: Liquid, gaseous or solid fuels derived from biomass.**

**Biomass: Organic matter that is available on a renewable or recurring basis and that is derived from:**

**A. Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;**

**B. Wood material from hardwood timber described in ORS 321.267(3);**

**C. Agricultural residues;**

**D. Offal and tallow from animal rendering;**

**E. Food wastes collected as provided under ORS chapter 459 or 459A;**

**F. Yard or wood debris collected as provided under ORS chapter 459 or 459A;**

**G. Wastewater solids; or**

**H. Crops grown solely to be used for energy.**

**Biomass does not mean wood that has been treated with creosote, pentachlorophenol, inorganic arsenic or other inorganic chemical compounds.**

**Boarding of Horses: The Boarding of horses for profit shall include the following;**

**A. The stabling, feeding and grooming for a fee or the renting of stalls for and the care of horses not belonging to the owner of the property; and,**

**B. Related facilities, such as training arenas, corrals and exercise tracks.**

**The boarding of horses for profit does not include the following:**

**A. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner’s stock;**

**B. The incidental stabling of not more than four (4) horses;**

**C. The boarding of horses for friends or guests where no charge is made; and**

**D. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.**

**Boundary Line Agreement: A contractual agreement between two abutting property owners establishing a surveyable common property boundary where no recorded surveyable boundary exists.**

**Buffer: An area of planted or natural vegetation, berms, fences or structures intended to separate and partially obscure the view from off-site at eye level. Also used to describe riparian setbacks.**

**Building: A structure built, used or intended for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, and consisting of a floor, a roof, and at least three walls.**

**Building Floor Area: The total horizontal area of all stories of a building, measured from the exterior walls. Decks and exterior architectural features such as porches, chimneys, and eaves are not included in the calculation of building floor area.**

### **Campground: An area consisting of a minimum of three (3) acres with no more than ten (10) spaces per acre and designed for** short-term overnight use for vacation, recreational or emergency purposes but not for residential purposes and 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 campground shall not include campsite utility hook-ups, intensively developed recreational uses such as swimming pools or tennis courts, or commercial activities such as retail stores or gas stations. Spaces for tents, campers, and recreational vehicles are allowed. No more than one-third, or a maximum of ten campsites, whichever is smaller, may include a yurt.**

**Church: An institution that has nonprofit status as a church established with the Internal Revenue Service. A nonresidential building or buildings intended for religious worship and activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

**Clear-Vision Area: A triangular area on a lot at the intersection of two roads, a road and a driveway, or a road and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in this Ordinance. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. The vision clearance area contains no plantings, walls exceeding three and one-half (3 ½) feet in height measured from the road surface, or sight-obscuring fences, in order to provide adequate visibility for vehicles entering the intersection.**

**Commercial Activities in Conjunction with Farm Use: For-profit activities conducted for the primary purpose of maintaining commercial agricultural enterprises. Includes commercial activities that are either exclusively or primarily a customer or supplier of farm uses; commercial activities that provide products and services essential to the practice of agriculture by surrounding agricultural operations; or commercial activities and/or events that significantly enhance the agricultural enterprises of the local agricultural community.**

**Commercial Agricultural Enterprise: Farm operations that will contribute in a substantial way to the area’s existing agricultural economy and help maintain agricultural processors and established farm products. 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. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.**

**Commercial Amusement Establishment: An intensively developed or largely open space recreation facility that charges admission or participation fees.**

### Commercial Tree Species: Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.

**Commercial Use: An activity that provides merchandise or services for the consumption of the community at-large through retail and/or wholesale outlets, including but not limited to retail shopping, business and professional services. For example; bakeries, banks, hardware stores, offices, restaurants, theaters, vehicle sales and repairs, and veterinary hospitals.**

**Communication Facilities: Telephone, telegraph, television, radio, cable, commercial broadcasting, microwave, transmission or retransmission facilities and substations, and similar communication conveyances.**

**Comprehensive Plan: The Jefferson County Comprehensive Plan, as may be amended.**

**Conditional Use: A use that would not be permitted outright generally or without restriction throughout the zone, but which may be approved if, with conditions as to number, area, location, or relation to the surrounding uses, the use is found to have a minimal adverse impact on the surrounding area and not be detrimental to public health, safety, or general welfare.**

### Contiguous: Connected in such a manner as to form a single block of land.

**Conversion Plan: A drawing showing how a property can be developed at an urban density, including provisions for streets and utilities. Conversion Plans must meet the specifications in Subsection 703.2 (Land Division Application Requirements, Tentative Plan Contents), and be recorded in Jefferson County deed records.**

### Cubic Foot Per Acre: For purposes of the Forest Management zone, means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). **When NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.**

### Cubic Foot Per Tract Per Year: **For purposes of the Forest Management zone, means** the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). **When NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.**

### 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.

**Day Care Facility: A facility that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care includes the following subcategories:**

**Adult day care: A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. A structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours.**

**Child care center: Any facility licensed by the state that provides child care outside the provider’s home either as a for-profit or non-profit operation.**

**Mini-Day Care Center: Means a day care facility for the care of 12 or fewer children in a facility other than the family dwelling of the person(s) providing the care.**

**Day Care Center: Provides for care of 13 or more children. If located in a private family residence, the portion where the children have access must be separate from the family living quarters, or that portion where the children have access must be exclusively used for their care during the hours that the child day care is operating.**

**Day Care Home: A business involving the care of 10 or fewer children located in the family dwelling of the provider. The home shall meet Oregon State day care licensing requirements.**

**Designated primary caregiver: means an individual:**

**A. Who is 18 years of age or older;**

**B. Who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and**

**C. Who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person’s application for a registry identification card or in other written notification submitted to the authority.**

**D. “Designated primary caregiver” does not include a person’s attending physician.**

**Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of commercial equipment or materials.**

**Development, Initiate: Development is initiated when conditions necessary to obtain a development permit to commence a project or use approved through a land use application are met and any building or sanitation permits necessary to begin construction are obtained or, if construction is not required, that any conditions of approval have been satisfied and the use has begun. Once a land use approval has expired, any building or sanitation permits previously issued in reliance on the land use decision must be perfected to retain the right to proceed. Any activity on the property, including construction, that could be legally undertaken without first obtaining the land use approval at issue does not initiate development.**

**Driveway: Physically developed access from a road, providing lawful ingress to and egress from a parcel.**

**Dwelling Unit: A structure that is designed or intended to be used for human habitation, and provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.**

**Dwelling Types: For the purposes of this Ordinance, dwellings are separated into the following categories as defined below:**

**A. Single Family Detached: A single dwelling unit that is free standing and physically separate from other dwelling units.**

**B. Duplex: One building containing two (2) dwelling units which share a common wall or ceiling.**

**C. Multiple Family Attached (Multiplex): Three (3) or more dwelling units with common walls or ceilings common to another unit.**

**Easement: A grant of the right to a person, government agency, public utility company or other legal entity to use public or private land owned by another for specific purposes, where ownership of the land is not transferred.**

**Evidence: Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards relevant to a land use decision.**

**Exception Area: An area where the land has been excluded from the requirements of one or more applicable statewide planning goals, as set forth in the Comprehensive Plan.**

**Fall Zone: The potential fall area for the wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.**

**Family: An individual, two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than three additional unrelated persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one kitchen.**

**Farm/Ranch Operation: All lots or parcels of land in the same ownership (contiguous or non- contiguous) that are used as a unit by the farm or ranch operator for farm uses defined in ORS 215.203.**

### Farmworker housing: Housing limited to occupancy by farmworkers and their immediate families, no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.

### 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.

### 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 ORS 215.203.

### **Farm Use: As defined in ORS 215.203. The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by 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 raised on such land for human use 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, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the 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 Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3), or land described in ORS 321.267 (1)I or 321.415 (5).**

**A. “Current employment” of land for farm use includes:**

**1. Farmland, the operation or use of which is subject to any farm-related government program;**

**2. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;**

**3. Land planted in orchards or other perennials, other than land specified in subparagraph (4) of this paragraph, prior to maturity;**

**4. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;**

**5. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;**

**6. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283(2)(a);**

**7. Water impoundments lying in or adjacent to and in common ownership with farm use land;**

**8. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;**

**9. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;**

**10. Any land described under ORS 321.267 (3) or 321.824 (3);**

**11. Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and**

**12. Land used for the processing of farm crops into biofuel, if:**

**a. Only the crops of the landowner are being processed;**

**b. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or**

**c. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.**

**B. “Cultured Christmas trees” means trees:**

**1. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;**

**2. Of a marketable species;**

**3. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and**

**4. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.**

**C. “Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by- products.**

**D. “Products or by-products raised on such land” means that those products or by- products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.**

### Fee-based activity to promote the sale of farm crops or livestock (as applied to farm stands): An agri-tourism activity as defined herein that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of Section 301.2(C).

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

**FIRM (Flood Insurance Rate Map): An official map distributed by the Federal Emergency Management Agency (FEMA) that depicts areas that are subject to inundation from a 100-Year (Base) flood. Jefferson County’s Flood Hazard Ordinance is based on this map.**

**Flaglot: A lot or parcel that has the bulk of its area set back some distance from a road, and that is connected to the road via a thin strip of land (the flagpole).**

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

**A. The overflow of inland or tidal waters and/or**

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

**Flood Hazard Area: The relatively flat area or lowland adjoining the channel of a river, stream, or other watercourse, lake or reservoir which has been or may be covered by a base flood. Also referred to as the 100-year Floodplain. Such an area is subject to a one percent (1%) or greater chance of flooding in any given year.**

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

### **Forest Lands:** Lands composed of existing and potential forest lands which are suitable for commercial forest uses**, other forested lands needed for** watershed protection, wildlife, and fisheries habitat **and recreation, lands where extreme conditions of climate**, soil **and topography require the maintenance of vegetative cover irrespective of use, and other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.**

Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species. “Forest tree species” means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.

**Forest practice: Any operation conducted on or pertaining to forestland, including but not limited to reforestation, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.**

**Forest Uses: Includes the production of trees and the processing of forest products, open space, buffers from noise, visual separation of conflicting uses, watershed protection, wildlife and fisheries habitat, soil protection from wind and water, outdoor recreational activities and related support services and wilderness values compatible with these uses, and grazing of livestock.**

**Frontage: All property fronting on one side of a road right-of way, waterway, railroad or other feature.**

**Fuel Break: A natural or man-made area immediately adjacent to a structure or driveway, where material capable of allowing a fire to spread either does not exist or is cleared, modified or treated to significantly reduce the rate of spread and intensity of an advancing fire.**

**Functional Classification: The system by which roads are categorized according to the level of service they provide and the construction standards that are required.**

**Grade (Ground Level), Finished: The average elevation of the finished ground elevation at the centers of all walls of a building.**

**Grade (slope), Natural: The grade or elevation of the ground surface that exists or existed prior to man-made alterations such as grading, grubbing, filling, or excavation.**

**Grandfathered Use: (See Nonconforming Structure or Use)**

**Height of Building: The vertical distance from the average grade to the highest point of the roof.**

### High-value Farmland: Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or II or not irrigated and classified prime, unique, Class I or II. Includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. “Specified perennials” means 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 are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993.

**Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa. Soil classes, soil ratings or other soil designations are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993.**

**Historic Resources: Buildings, districts, sites, structures and objects that have a relationship to events or conditions of the human past and are of local, regional, statewide or national historic significance.**

**Hobby Kennel: (as defined in Section 6.08.010 of the Jefferson County Code.)**

**Home Occupation: A business carried on by a resident of the property in the dwelling or in an accessory building on the same parcel in such a manner that does not impair the outward appearance of the property in the ordinary meaning of the term, does not cause or lead to an unreasonable increase in the flow of traffic in the neighborhood, or the production of noise or other forms of environmental pollution.**

**Homegrown marijuana or homemade marijuana—grown or made by a person 21 years of age or older for noncommercial purposes.**

**Irrigated Land: Cropland 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 lands that receive water for irrigation from a water or irrigation district or other provider. For purposes of review of applications in farm zones, a parcel or tract within a water or irrigation district that was once irrigated continues to be considered “irrigated” even if the irrigation water was removed or transferred to another tract.**

**Kennel: (as defined in Section 6.08.010 of the Jefferson County Code.)**

**Ladder Fuel: Branches, leaves, needles and other combustible vegetation that may allow a fire to spread from lower growing vegetation to higher growing vegetation.**

**Land Use Decision: A final decision or determination that concerns the adoption, amendment or application of: (1) the statewide planning Goals; (2) a Comprehensive Plan provision; (3) an existing or new land use regulation; or (4) a decision of the Planning Commission made under ORS 433.763.**

**Landscaping: The improvement of land by contouring, planting of vegetation, placement of ground cover and similar means for the purpose of improving the physical appearance of a property, promoting the natural percolation of storm water, and providing a buffer or screening between incompatible uses.**

**Large Wind Energy System: A total wind energy system, consisting of one or more wind energy systems, which altogether have a rated capacity of greater than 200 kilowatts in non-resource zoning districts and greater than 500 kilowatts in resource zoning districts and less than 105 megawatts and will be used to generate electricity.**

**Lawfully Created/Established: Any building, structure, use, lot or parcel that complied with land use laws and local standards, if any, in effect at the time of its creation or establishment whether or not it could be created or established under this Ordinance.**

**Lawfully Established Unit of Land: A lot or parcel created pursuant to ORS 92.010 to 92.190, or another unit of land created:**

**A. In compliance with all applicable planning, zoning and subdivision or partition ordinances or regulations; or**

**B. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.**

**Does not include a unit of land created solely to establish a separate tax account.**

**Legislative Decision: Any action which involves the making of laws of general applicability, such as an amendment to the text of the Zoning Ordinance, or that affects a large area or multiple properties under different ownership, such as an amendment to the boundaries of an overlay zone.**

**Livestock: Horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated fowl and any fur-bearing animal customarily raised or kept on farms for profit or other purposes.**

**Livestock Feedlot: An enclosure or structure designed or used for the purpose of the concentrated feeding of livestock.**

**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.**

**Lodge: A building or series of buildings located on a parcel of land under common ownership, consisting of individual units of one or more rooms, each without cooking facilities, that shall be made available for rental to visitors on a temporary basis for recreational or vacation purposes. A lodge complex may include a central kitchen and dining facilities designed for the preparation and serving of meals to unit occupants and the public.**

### Lot: A unit of land that is created by a subdivision of land as provided in ORS 92.010. **Except in relation to land divisions, “lot” is synonymous with “parcel” for purposes of this Ordinance.**

**Lot, Corner: A lot abutting on two or more roads at their intersection; provided the angle of intersection does not exceed 135 degrees.**

**Lot Line: The property lines bounding a lot. A boundary line dividing one parcel from another or dividing a parcel from a road.**

**Lot Line, Front: The lot line separating a lot from a road. In the case of a flag lot or landlocked parcel, the interior lot line most parallel to and nearest the road from which access is obtained. On a corner lot, the shorter lot line abutting a road. On a double frontage lot, the lot line abutting the road providing the primary access to the lot or parcel.**

**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 odd shaped lot, a line ten (10) feet in length within the lot, parallel to, and at a maximum distance from the front lot line.**

**Lot Line, Side: Any lot line other than a front or rear lot line bounding a lot.**

**Lot Size: The total horizontal net area within the lot lines of a lot or parcel. When a road or railroad right-of-way lies entirely within the boundaries of a lot, it is included for the purpose of determining the total lot size. When a road borders a lot, the area to the centerline of the right- of-way shall be included for the purpose of determining total lot size. Lots that are described as sections or fractions of sections shall be considered to be the standard size for that unit of land (i.e., a ¼ section is 160 acres).**

**Lot, Through or Double Frontage: A lot having frontage on two parallel or approximately parallel roads.**

**Lot Width: The average horizontal distance between the side lot lines.**

**Lowest Floor: The lowest floor of the lowest enclosed area of a building (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.**

**Major Rivers: Streams with an average annual stream flow greater than 1,000 cubic feet per second (cfs), including the Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River and John Day River.**

**Manufactured Dwelling: (See Section 408.1)**

**Manufactured Dwelling Park: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the county.**

**Marijuana: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.**

**Marijuana Business: Any business or individual licensed by the Oregon Liquor Control Commission under ORS 475B.070, 475B.090, 475B.100, 475B.110 and 475B.560, any business or individual registered by the Oregon Health Authority under ORS 475B.420, 475B.435 and 475B.450 and any business whose primary activity is to provide services to marijuana licensees or registrants.**

**Marijuana Grow site: a location registered under ORS 475B.420 where marijuana is produced for use by a registry identification cardholder.**

**Marijuana Indoor Production:—producing marijuana in any manner utilizing artificial lighting on mature marijuana plants; or, production other than “outdoor production”.**

**Marijuana Outdoor Production—producing marijuana in an expanse of open or cleared ground; or, in a greenhouse, hoop house, membrane structure or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.**

**Marijuana Processing: The processing, compounding, or conversion of marijuana into products, concentrates, or extracts, the packaging or repackaging of marijuana items, the labeling or relabeling of any package or container of marijuana items, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.**

**Marijuana Production: The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”**

**Marijuana Research:—Any activity which has a current certificate issued through the OLCC marijuana research certificate program.**

**Marijuana Retailing: The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.**

**Marijuana Testing Lab:—An establishment which has a current OLCC certificate to test marijuana and marijuana products.**

**Marijuana Wholesaling: The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.**

**Marina: A facility developed along a body of water which includes docks, boat slips or moorings for motorboats, sailboats, houseboats and yachts, and offering services to boaters such as fuel, food and beverage service, marine supplies, boat rentals, restrooms and marine repairs. Does not include moorage for live-aboard boats or houseboats.**

### Medical Hardship: “Medical hardship” means a temporary circumstance caused by serious illness or infirmity, authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

**Meteorological Tower (met tower): Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resources at a given location.**

**Mineral Resources: Includes soil, coal, clay, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits, but excluding materials and substances defined as aggregate resources.**

### Mining, Aggregate: All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method 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. **For purposes of Exclusive Farm Use and Range Land zones, a permit is required to mine more than 1,000 cubic yards of material or to excavate preparatory to mining a surface area of more than one acre. For all other zones, a permit is required to mine more than 5,000 cubic yards of mineral or more than one acre of land within a period of 12 consecutive calendar months.** Mining does not include excavations of sand, gravel, clay, rock, or other similar materials: (1) conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of construction, reconstruction or maintenance of access roads; (2) excavation or grading conducted in the process of farm or cemetery operations; (3) excavation or grading conducted for on-site road construction or other on-site construction; or, (4) nonsurface impacts of underground mines.

**Mobile Food Vendor: The operator of a mobile food unit who is licensed by the Jefferson County Public Health Department to dispense food.**

**Mobile Food Unit: Any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, road, or waterway, on which food is prepared, processed or converted or is used in selling and dispensing food to the ultimate consumer, and which remains on any one site for less than 24 continuous hours.**

**Mobile Home: (See Section 408.1)**

**Mobile Home Park: (See Manufactured Dwelling Park)**

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

**Net metering: The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period**

### *Non-Commercial/Stand Alone Power Generating Facility: A facility for the production of energy that:*

*(1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;*

*(2) Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;*

*(3) Operates as a standalone power generator not connected to a utility grid; and*

*(4) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.*

**Nonconforming Structure or Use: A building, structure, use or parcel that was lawfully created or established, but which does not conform to current zoning regulations.**

**Nonresource Land: Land not subject to statewide planning Goal 3, Agricultural Lands or Goal 4, Forest Lands, or for which an exception to those goals has been taken.**

### NRCS Web Soil Survey: Official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service as of January 1, 2016, for agricultural soils that are not high-value, and as of December 6, 2007, for high-value agricultural soils.

**OLCC: The Oregon Liquor Control Commission**

### Open play field: A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.

**Open Space: Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots, or yards, roads or parking areas.**

**Owner: A person(s), or other legal entity possessing fee title to real property. Parcel: Includes a unit of land created:**

**A. By partitioning land as defined in ORS 92.010;**

**B. In compliance with all applicable planning, zoning or partitioning ordinances or regulations;**

**C. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.**

**Does not include a unit of land created solely to establish a separate tax account.**

**Park: A publicly or privately owned outdoor recreation facility which contains development and improvements necessary for the enjoyment of the park environment, but which is largely retained in and devoted to open space.**

**Parking Space: A clear, off-street area for the temporary parking or storage of one automobile, having an all-weather surface of width not less than nine (9) feet and a length of not less than fifteen (15) feet, with a clearance of not less than eight and one half feet (81/2) feet when with in a building or structure.**

**Partition Land: Means to divide land to create not more than three parcels of land within a calendar year, but does not include:**

**A. A division of land resulting from a lien foreclosure, foreclosure of contract for the sale of real property or the creation of cemetery lots;**

**B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.**

**C. The division of land resulting from the recording of a subdivision or condominium plat;**

**D. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Comprehensive Plan and ORS 215.283(2)(q) to (s). Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes after 1991 shall continue to be considered a single unit of land until such time as a subdivision or partition is approved by the County; or**

**E. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right- of-way into adjacent property. The property line adjustment must be approved by the County.**

**Personal Exempt Wind Energy System: A wind energy system with a maximum rated capacity of 25 kilowatts. The tower height of the system shall be less than the maximum height within the zone the system is proposed. These systems are used to produce power for a single, onsite user that complements other onsite energy sources. These facilities typically do not require a land use review.**

**Person Designated to Produce Marijuana by a Registry Identification Cardholder: A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides.**

**Personal medical marijuana–the number of cannabis plants and amount of cannabis products allowed to be held in possession by one adult individual who is a current medical marijuana cardholder as allowed by state law. Primary Residence**

**Planned Unit Development: A residential development that is planned and developed as a whole in a single development operation or programmed series of development stages, consisting of dwelling units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and creating common areas for open space and preservation of natural features.**

**Plat: A final subdivision plat, replat or partition plat, including a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a partition or subdivision.**

**Power grid: The transmission system created to balance the supply and demand of electricity for consumers in Oregon.**

**“Primary residence” means the state, jurisdiction or physical location where a person lives, during any 12-month period, more than he or she lives elsewhere during that period.**

### *Principally Engaged In Farm Use: As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full- time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household need meet the “principally engaged” test, or the test may be met collectively by more than one household member.*

**Principal Use: The main use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses.**

### *Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.*

### *Processed: As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.*

**Processing, Mineral and Aggregate: Includes, but is not limited to, the extraction, washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt and Portland cement.**

**Property Line Adjustment: The relocation or elimination of a common property line between abutting properties, where no new lots or parcels are created. Also referred to as a lot line adjustment.**

### Public Park: A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance.

**Public Use: A building, structure or use owned and operated by a governmental or tax supported entity, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter. Does not include landfill or solid waste disposal sites, garbage dumps or utility facilities.**

**Quasi-judicial Decision: An action based on an individual land use application involving the administration of land use regulations to a single tract or a small number of contiguous parcels, or a proposed change such as an amendment to the Zoning Map involving a single tract or a small number of contiguous parcels. A quasi-judicial decision: (1) applies pre-existing criteria to concrete facts; (2) is bound to result in a decision; and (3) is directed at a closely circumscribed factual situation or a relatively small number of persons.**

**Recycling Facilities: Any parcel of land or portion thereof, or building or structure commercially used for the storage, collection, processing, purchase, or sale of wastepaper, rags, scrap metal, or other scrap or discarded materials. Excluded from this definition shall be areas used for the storage of materials or objects accumulated by the manufacturer as an integral part of the manufacturing process, and non-commercial recycling centers or sub-stations established for the collection of materials for transport to a commercial recycling facility**

**Recreational Vehicle: A vacation trailer or other unit with or without motive power which is designed for human occupancy and is to be used temporarily for recreational, seasonal or emergency purposes, including camping trailers, motor homes, park trailers, travel trailers and truck campers, as defined in OAR 918-650-0005, and “Park Model” manufactured homes.**

**Recreational Vehicle Park: A place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose the renting of space and related facilities for a charge or fee, or the provision of space for free in connection with securing the patronage of a person. “Recreational vehicle park” does not mean an area designated only for picnicking or overnight camping, or a manufactured dwelling park or mobile home park.**

**Replat: The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. A property line adjustment between two lots in a recorded plat and the partition of an existing lot are not replats.**

**Residential Facility: A residential care, residential training, or residential treatment facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff 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 facility.**

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

**Resource Land: Land subject to statewide planning Goal 3, Agricultural Lands, and Goal 4, Forest Lands. In Jefferson County resource lands are zoned Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land, and Forest Management.**

**Right-of-Way: A strip of land occupied or intended to be occupied by a road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use designed and intended to benefit the public.**

**Rim: A ledge, outcropping or top or overlying stratum of rock which forms a slope steeper than one unit vertical in three units horizontal (33.3 percent slope), and which is in excess of ten feet in height.**

**Riparian Area: The area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.**

**Road: The entire right-of-way of any public or private way that provides ingress to or egress from one or more lots, parcels, areas or tracts of land, or that provides travel between places by means of vehicles, including road related structures that are in the right-of-way such as tunnels, culverts or similar structures, and structures that provide for continuity of the right-of-way such as bridges. “Road” does not include bicycle paths, individual driveways, or a private way that is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes. Types of roads include the following:**

**A. Bureau of Land Management Road: A federally owned road easement or public right-of-way maintained by the Bureau of Land Management (BLM). The primary purpose of a BLM road is to provide access to federally owned land for resource management or recreational purposes.**

**B. County Road: A public road under the jurisdiction of and maintained by a county that has been designated as a county road under ORS 368.016.**

**C. Cul-de-sac: A short road having one end open to traffic and terminated by a vehicle turnaround at the opposite end.**

**D. Local Access Road: A public road that is not a county road, state highway or federal road.**

**E. Private Road: A private right-of-way for road purposes created by a recorded easement or other instrument and not dedicated to the public or a road district. A private road remains part of the acreage of the property it crosses.**

**F. Public Road: The entire right-of-way of any road over which the public has a right of use that is a matter of public record.**

**G. State Highway: A public road under the jurisdiction of the State of Oregon.**

**H. Street: A city road. However, for purposes of this Ordinance, road and street are synonymous unless the context requires otherwise.**

**I. U. S. Forest Service Road: A Federally owned road easement or right-of-way maintained by the Forest Service, the primary purpose of which is to provide access to Federally owned land.**

**School: Public and private schools at the primary, elementary, junior high, or high school (K-12) level that provide state mandated basic education, and institutions of higher learning. Also, secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree.**

**Seasonal: A time period of 6 months or less in any 12 month period.**

**Septic System: A system for the treatment of sewage that serves a single lot or parcel, or one condominium unit, or one unit within a planned unit development, and includes a septic tank and absorption area.**

**Setback: A distance, measured horizontally from, and running parallel to, a property line, rim, water body or other feature.**

**Sewer System: A system that serves more than one lot or parcel, or more than one condominium unit, or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. A system provided solely for the collection, transfer and/or disposal of storm water runoff or animal waste from a farm as defined in ORS 215.303 is not a sewer system.**

**Sign: A display, illustration, or device which is affixed to, painted on, or placed adjacent to a building, structure, or land, and which identifies or directs attention to a product, place, activity, person, institution, idea, or business.**

**Slope: The inclination of the natural earth’s surface expressed as a ratio of the horizontal (H) distance to vertical (V) distance. Slopes are expressed as a percentage. The percentage of slope refers to a given rise in elevation over a given run in distance, multiplied by 100 (V/H x 100). For example, a 40% slope is a 40 foot rise in elevation over a distance of 100 feet (40/100 x 100).**

**Small Wind Energy System: On one parcel, one or more wind energy systems which altogether have a rated capacity of not more than 200 kilowatts in non-resource zoning districts and not more than 500 kilowatts in resource zoning districts.**

**Start of Construction: Application for and issuance of a building permit by the County for the purpose of permanent construction of a structure on a site, such as the pouring of a 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 roads and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms.**

**Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.**

**Stream, Intermittent: Any stream that flows during a portion of every year and which provides spawning, rearing or food-producing areas for food and game fish.**

**Stream, Perennial: A stream with flow that lasts throughout the year.**

### Structure: A building or other major improvement that is built, installed or constructed. Among other things, structures include buildings, retaining walls, decks, communication towers, and bridges, but do not include minor improvements such as fences, swimming pools, utility poles, flagpoles, irrigation system components and similar items that are not customarily regulated through zoning ordinances.

**Subdivide Land: To divide an area or tract of land to create four (4) or more lots within a calendar year.**

**Temporary: A time period of 6 months or less in any 12 month period, unless otherwise specified in this Ordinance.**

### Temporary Structure or Use: A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.

**Tentative Plan: A diagram or drawing of a proposed land division or site development, illustrating the proposed layout of lots, buildings, roads, easements, common areas and other site features.**

**Top of Bank: The stage or elevation at which water overflows the natural banks of streams or other water bodies and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.**

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

**Tower: The monopole, freestanding, or guyed structure that supports a wind generator.**

**Tower Height: The height above grade of the fixed portion of the tower, excluding the wind generator.**

**Tract: One or more contiguous lots or parcels under the same ownership.**

**Traffic Control Device: An easement granted to the county for the purpose of controlling access to, or the use of, a transportation improvement.**

**Traffic Impact Study: An analysis prepared by a licensed professional engineer with expertise in traffic engineering which addresses the direct and indirect impacts of traffic that will be generated by a proposed development on the surrounding transportation system.**

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

**Utility Easement: An easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public utility infrastructure for the provision of water, power, heat or telecommunications to the public.**

**Utility Facility: Any major structure 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, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone. Includes equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility, and necessary appurtenances including related rights-of-way and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses).**

**Vacation Rental Units: A building or series of buildings having one or more rooms, with or without cooking facilities in each unit, which are available for rental for recreational or vacation purposes. A central kitchen and dining facilities designed for the preparation and serving of meals to unit occupants and the public may be included in the development.**

**Violation: A development action or land division by any person or entity that is prohibited or not authorized by the Comprehensive Plan, Zoning Ordinance, or other applicable State or County law; or the failure of any person or entity to comply with a specific County development approval (e.g., conditions of approval) or other State or County permit.**

**Water Area: The area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.**

**Water-Dependent Use: A use or portion of a use that cannot exist in any other location and requires a location on the shoreline and is dependent on the water by reason of the inherent nature of its operation.**

**Water-Related Use: A use or portion of a use which is not fundamentally dependent on a waterfront location, but whose operation cannot occur economically without a shoreline location. These activities demonstrate a logical, functional, connection to a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, and log storage.**

**Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and other similar areas.**

**Wind Energy System: Equipment that converts kinetic energy of the wind into rotational energy used to generate electricity. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.**

**Wind Generator: The blades and associated mechanical and electrical conversion components mounted on top of the tower.**

**Yurt: A round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.**