

## ARTICLE 1

### INTRODUCTORY PROVISIONS

**SECTION 1.010, TITLE:** This ordinance shall be known as the Wallowa County Land Development Ordinance of 1995.

**SECTION 1.015, PURPOSE:** The purpose of this ordinance is to implement the Wallowa County Land Use Plan through a comprehensive system of land use, land division, and land improvement regulations designed to conserve and protect the land, air, and water resources of the county and to promote the health, safety, and welfare of its citizens. In addition to the general objectives, the Comprehensive Land Use Regulation Program set forth in this ordinance seeks to assure patterns of land use and development that are consistent with the adequate provision of public services and which minimize threats to life and property from natural hazards such as floods. It is the intent of this ordinance to balance the rights of the property owner and the needs of the citizens by insuring the constitutional guarantees of "due process" and "equal protection".

**SECTION 1.020, SCOPE AND COMPLIANCE:**

01. The provisions of this ordinance set forth standards and criteria regulating the use, division, and improvement of all lands within the un-incorporated area of the County of Wallowa in the state of Oregon. In addition to complying with the provisions of this ordinance; all land use, land division, or land improvement must comply with all other local, state, or federal laws. With regard to federally controlled lands, the county seeks the highest possible degree of intergovernmental coordination and compliance with the management of these public lands consistent with the Wallowa County Comprehensive Land Use Plan.
02. No person shall engage nor cause to occur a use or development which does not comply with the regulations contained in this ordinance. Building, Local, or State Officials shall not issue a permit for the use or the construction, reconstruction, or alteration of a structure or part of a structure for which an approval, as required by this ordinance, has not been obtained.
03. A use or development shall be approved only by the Planning Director, Planning Commission, Wallowa County Board of Commissioners, or other designated review authority and only in accordance with the provisions of this ordinance. The Planning Director shall not issue a permit or approve other uses of land which has been divided or otherwise developed in violation of this ordinance, regardless of whether or not the applicant created the violation, unless the violation can be rectified as part of the development review process.

**SECTION 1.025, COMPLIANCE WITH THE LAND USE PLAN:** Actions initiated under this ordinance shall be consistent with the Wallowa County Comprehensive Land Use Plan.

**SECTION 1.030, ORDINANCE ADMINISTRATION AND INTERPRETATION:** The

Wallowa County Planning Director is responsible for the administration of this ordinance. The provisions of this ordinance are held to be the minimum requirements for fulfilling its objectives. Where conditions imposed by any provision of this ordinance are less restrictive than comparable provisions of this ordinance or any other ordinance, regulation, or law; the more restrictive provision will prevail.

**SECTION 1.035, EFFECT OF ORDINANCE ON PENDING APPLICATIONS:**

01. This ordinance applies to land use, land division, and land improvement proposals which have not been submitted to the Planning Department prior to the effective date of this ordinance. The Wallowa County Zoning Ordinance of 1977, the Wallowa County Subdivision Ordinance of 1977, and the Wallowa County Land Development Ordinance of 1987 apply to all zoning and land division applications submitted to the Planning Department prior to the effective date of this ordinance.
02. Applications submitted under the provision of the ordinances to be repealed which are subsequently denied or for which approval or preliminary approval has expired shall be submitted and reviewed pursuant to the provisions of this ordinance upon re-application.
03. The provisions of this ordinance apply to remedial actions taken on violations of previous land use ordinances and regulations which are hereby repealed.

**SECTION 1.040, FEES AND PENALTIES:**

01. No person shall commence a use or development, file an instrument dividing a parcel of land, or undertake other land improvements or developments which are regulated by this ordinance without first obtaining a valid permit or authorization to do so from the Planning Department.
02. An application filed under the provisions of this ordinance shall not be accepted by the Planning Department unless accompanied by the full filing fee as set forth in the fee ordinance.
03. Any person who violates the provisions of this ordinance by: failing to obtain the valid permit or authorization prior to commencing a use or development, filing an instrument dividing a parcel of land, or undertaking other land improvements which are regulated by this ordinance shall - in addition to other remedies provided by law and this ordinance - be assessed a permit filing fee of three times the amount set forth in the fee ordinance.

**SECTION 1.045, SEVERABILITY:** The provisions of this ordinance are severable. If any section, subsection, paragraph, clause, or phrase of this ordinance is found to be invalid by a court of competent jurisdiction; that decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 1.050, REPEAL:**

01. The enactment of this ordinance hereby repeals the following ordinances and all amendments to these ordinances:

**WALLOWA COUNTY ZONING ORDINANCE OF 1977**  
**WALLOWA COUNTY SUBDIVISION ORDINANCE OF 1977**  
**WALLOWA COUNTY LAND DEVELOPMENT ORDINANCE OF 1987**

02. The repeal, expressed or implied, of any ordinance by the enactment of this ordinance does not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such repealed ordinance unless a provision of this ordinance expressly provides such a release; and the ordinance repealed is deemed to remain in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability and for authorizing the prosecution, conviction, and punishment of the person or persons violating the provisions of the repealed ordinance.

**SECTION 1.055, EFFECTIVE DATE:**

01. This ordinance, and all maps adopted herewith, shall become effective at such time as they are properly filed with the Wallowa County Clerk.
02. Amendments to the text of this ordinance and to any map adopted herewith shall become effective at such time as they are properly filed with the Wallowa County Clerk unless the order of enactment specifies a later effective date.

**SECTION 1.060, CONSTRUCTION OF ORDINANCE:**

01. **CONSTRUCTION** - When used in this ordinance, the words: shall, will, must, and is to are always mandatory and not discretionary. The words: should and may are permissive. The present tense includes the past and future tenses. The future tense includes the present. The singular number includes the plural and the plural includes the singular.
02. **NUMBER OF DAYS** - Whenever a certain number of days is specified in this ordinance, or in any permit issued, condition of approval, or in any notice given as set forth in this ordinance; the number of days shall mean consecutive calendar days unless specifically identified as meaning business days.
03. **ROUNDING OF QUANTITIES** - Whenever the ordinance requires consideration of distances, number of dwelling units, parking spaces, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number when the fraction is 0.5 or more and to the next lowest whole number when the fraction is less than 0.5 provided that quantities expressed as area of land are to be rounded only in the case of square footage and shall not be rounded in the case of acreage.

04. **GENDER** - As used in the ordinance, the masculine shall include the feminine and the feminine shall include the masculine.

**SECTION 1.065, DEFINITIONS:** For the purpose of this ordinance and as used in this ordinance, the following words and phrases are so defined:

001. **ABUTTING** - Adjoining with a common lot or parcel line (exception - where two or more lots or parcels adjoin only at a corner or corners, they shall not be considered as abutting unless the common lot or parcel line between the two lots or parcels measures eight or more feet in a single direction).

**002. ACCEPTED FARMING PRACTICE - 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. 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.**

- ~~002~~**003.** **ACCESS** - The place, means, or way by which pedestrians or vehicles shall have ingress and egress to a property or use.

~~003~~**004.** **ACCESSORY STRUCTURE OR USE** - A structure or use that is incidental, consistent with, and subordinate to the primary structure or use on the same unit of land.**On EFU or Forest land, an accessory structure is 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 that the accessory structure will not be used as a residence or rental unit.**

- ~~004~~**005.** **ADJACENT** - Near or close by; may be contiguous, abutting, adjoining; or separated by a roadway, alley, or natural separation. (Same as abutting.)

~~005~~**006.** **ADVERSELY AFFECTED** - A party's use and enjoyment will be negatively impacted by a land use decision due to identified consequences from the proposed use or development. Examples of adverse affects may include noise, odors, increased traffic, or potential flooding.

**007. 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.**

**006008.**      **AGRICULTURE/FARMING/FARM USE** - The current employment of land; including that portion of such lands under buildings, supporting accepted farming practices for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale or produce of: livestock, poultry, fur-bearing animals, honeybees, or dairying and sale of dairy products, stabling or training of equines, or any other agricultural or horticultural use or farm use, animal husbandry, or combination thereof. "Farm use" including the preparation and storage of the agricultural products grown on and/or off site for primary or secondary marketing. It does not include the use of land subject to the provisions of ORS Chapter 321 or the construction and use of dwellings customarily provided in conjunction with farm use. It does include:

- A.      Land subject to the Food Security Act of 1985 as amended by the Food Agriculture Conservation & Trade Act of 1990 (CRP).
- B.      Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry.
- C.      Land planted in orchards or other perennial prior to maturity.

**009.**      **AGRI-TOURISM - A common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals. Except for small, farm-themed parties, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agri-tourism.**

**007010.**      **AIRPORT** - The strip of land used for taking off and landing aircraft, together with adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

**008011.**      **AIRPORT OVERLAY ZONE** - An area in which special land use regulations are established to ensure the safety of an airport operation.

**009012.**      **ALTER/ALTERATION** - A change, addition, or modification in either construction or use of a building, structure, or land use.

**010013.**      **AMENDMENT** - A change in the text or maps of applicable ordinances, resolutions, or related regulations pertaining to land use including: the Comprehensive Land Use Plan, Goals and Policies, and the Zoning Articles.

**011014.**      **ANCHORING DEVICE** - A device utilized to anchor a float or dock consisting of

not less than six cubic feet of concrete reinforced with rebar or a maximum of two devices equaling six cubic feet of concrete reinforced with rebar.

~~012~~015. **APPEAL** - A request that a decision by the staff, Planning Commission, and/or County Board of Commissioners be reviewed by a higher authority.

~~013~~016. **APPLICANT** - The property owner (or contract-purchaser, attorney, or representative holding a valid signed approval by the owner) requesting approval of a proposed land use action by a review authority.

~~014~~017. **APPROVED R-V HOOKUP** - An approved R-V Hookup is a wastewater collection hookup which has been approved under the Plumbing Code of the Uniform Building Code.

~~015~~018. **ASSESSOR** - The County Assessor of Wallowa County.

**019. 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.**

**020. AUXILIARY - As used in Article 16 and 27, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.**

~~016~~021. **BED AND BREAKFAST** – (B&B) An accessory use within a single family dwelling or accessory structure appropriate for the zone on the same parcel. Accessory structures may be, but not limited to, a second dwelling, a portion of a barn, or a bunk house. Accessory structures must be approved as living quarters. Up to five bedrooms may be available for rent. Rooms are rented for less than 30 days. B&Bs must have staff on site overnight. Breakfast is required, however, breakfast is defined by the owner/operator. Other meals are optional. B&Bs must meet the criteria of Articles 33, Signs, 34, Parking, and 25, Flood, Wildfire and Natural Hazards. Incidental use (5% of days the B&B is available for rent) may involve Other Overnight Accommodations.

B&Bs are Home Based Occupations (HBO) and are allowed in all zones which allow HBOs. Requires a Conditional Use Permit (CUP) and Public Hearing Review. Also, must meet the criteria of applicable Oregon Administrative Rules (OARs). HBO rules apply (Article 35), however, Unincorporated Communities may have their own rules regarding the level of review which will take precedent. B&Bs must pay Transient Lodging Tax.

~~017~~022. **BOND** - Any form of security including: cash deposit, security bond, collateral, property, or credit instrument submitted to guarantee performance by a developer, builder, or land owner.

~~018~~023. **BOOM** - A series of logs fastened end to end and anchored to the lake bottom and/or docks in such a manner as to provide a barrier to boat traffic.

~~019~~024. **BUILDING** - Any structure used or intended for supporting or sheltering any use or occupancy.

~~020~~025. **BUNKHOUSE** - normally a small, rough, simple building meant to provide temporary sleeping quarters. Bunkhouses do not have kitchens and meals are normally taken elsewhere, as in a mess hall. Bunkhouses are accessory non-residential buildings normally provided in conjunction with resource use, but they may be used for recreational overnight lodging. Bunkhouses requested for non-resource use will be subject to Administrative Review.

~~021~~026. **CAMPGROUND(S), Also OTHER OVERNIGHT ACCOMMODATIONS – (OOA)** An area devoted to overnight temporary use for vacation, recreation, or emergency purposes but not for residential purposes. A camp site may be occupied by, but not limited to, a tent, platform tent, teepee, travel trailer, or recreational vehicle. Spaces may be occupied for less than 30 days.

OOAs are not HBOs. OOAs and Campgrounds must be an accessory use to the principal use of the parcel and are allowed in all zones which allow Campgrounds. Also, must meet the criteria of applicable Oregon Administrative Rules (OARs). Campground rules apply, however, Unincorporated Communities may have their own rules regarding the level of review which will take precedence. Must abide by Transient Lodging Tax Code where applicable.

~~022~~027. **CHURCH** - Building and premises used for the conduct of regular religious services which may include a Sunday School and a residence for the pastor - but does not include academic schools operated by a church.

~~023~~028. **COMMERCIAL** - Any activity or use involving the exchange of products or services for compensation in the course of business. "In the course of business" means the use or activity must involve repeated transactions, but does not include the isolated exchange of products or services for compensation. It is not necessary for a commercial use or activity to be conducted for profit in order to be commercial. In addition, compensation may include a trade for goods or services or the receipt of donations.

~~024~~029. **COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE** - The processing, packaging, treatment, wholesale distribution, and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies, and services directly related to the production and harvesting of agricultural products. Such uses include the following:

A. Storage, distribution, and sale of: feed, fertilizer, seed chemicals, and other products

used for commercial/ agricultural uses.

- B. Farm product receiving plants including: processing, packaging, and reshipment facilities excluding canneries.
- C. Livestock feed or sales yards.
- D. Storage, repair, or sale of: fencing, irrigation pipe, pumps, and other commercial farm-related equipment and implements.
- E. Farm equipment storage and repair facilities.
- F. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
- G. Veterinarian clinic.
- H. Horticultural specialties, such as: nurseries or greenhouses for retail sales of plants and products.
- I. Slaughtering of animals including: attendant, retail, and wholesale sales which may be conducted outside an enclosed building.
- J. Wineries which may include retail sales.
- K. Other such uses which may be construed as similar to the uses listed above.

**030. COMMERCIAL DAIRY FARM - A commercial dairy farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by this Article/Chapter from the sale of fluid milk.**

**031. COMMERCIAL POWER GENERATING FACILITY - A facility for the production of energy and its related or supporting facilities that:**

**A. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal 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 that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;**

**B. Is intended to provide energy for sale; and**

**032. COMMERCIAL TREE SPECIES - Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.**

025033.       **COMMISSION** - The Wallowa County Planning Commission.
026034.       **COMMUNITY BUILDING** - A facility owned and operated by a governmental agency or a non-profit community organization when the primary purpose of the facility is for education, recreation, social welfare, community improvements, or public assembly.
027035.       **COMMUNITY SEWAGE SYSTEM** - An on-site sewage system which serves more than one lot or parcel or more than one condominium unit or more than one unit of a planned unit development and is approved by the Oregon State Department of Environmental Quality as a community system.
028036.       **COMPREHENSIVE PLAN** - The Plan adopted by the County Board of Commissioners for the guidance of growth and development of the County which is prepared and adopted in conformance with ORS Chapter 92, ORS Chapter 197, and ORS Chapter 215.
029037.       **CONDITIONAL USE** - A use which requires review and either approval, approval with conditions, or disapproval by a review authority.
030038.       **CONTIGUOUS** - Connected in such a manner as to form a single block of land.
031039.       **COUNTY** - The County of Wallowa in the State of Oregon.
032040.       **COUNTY BOARD OF COMMISSIONERS** - The County Board of Commissioners of the County of Wallowa in the State of Oregon.
033041.       **COUNTY ROAD** - A road and appurtenances which have been accepted by the County Board of Commissioners by dedication, deed, or grant of right-of-way.
034042.       **CREST** - The highest points forming the moraine closest to the surface of Wallowa lake.
035043.       **CRITERIA** - A general rule upon which a finding, judgment, or decision can be based.
- 044.   CUBIC FOOT PER ACRE - 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) soil survey.**
- 045.   CUBIC FOOT PER TRACT PER YEAR - 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) soil survey.**
- 046.   DATE OF CREATION AND EXISTANCE - 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.**

- 036**047.**      **DATE OF FILING** - The date an application is deemed to be complete.
- 037**048.**      **DE NOVO** - A hearing by the appeal authority as if the action had not been previously heard including: the admission of new testimony and as if no decision had been rendered - except that all testimony, evidence, and other materials from the record of the previous consideration shall be included in the record of the review. A new hearing which takes into account all previous testimony and any new testimony presented by the proponent and/or the opponent to an issue.
- 038**049.**      **DEPARTMENT** - Wallowa County Planning Department.
- 039**050.**      **DESTINATION RESORT** - A self-contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities.
- 040**051.**      **DOCK** - A floating structure attached to the shore which is used for the purpose of boat tie-up or water related recreation containing a waterside area occupied and/or by vessels.
- 041**052.**      **DWELLING** - One or more rooms containing one kitchen and occupied by one family. A dwelling shall not be used as a rental for vacation or resort occupancy unless approved under other provisions of this ordinance. It may be referred to as a residence. A modular home is considered a dwelling under the terms of this ordinance.
- 042**053.**      **DWELLING: MULTI-FAMILY** - A building or portion thereof designed for occupancy by two or more families living independently of each other.
- 043**054.**      **DWELLING: SINGLE-FAMILY** - A residential structure containing one family.
- 044**055.**      **EASEMENT** - A grant of the right to use the property of another for a specific purpose - may be either appurtenant or in gross.
- 045**056.**      **EAST SIDE** - That area beginning at the publicly owned dock facility at the North end of Wallowa Lake and extending along the Eastern shore remaining no more than 200 feet from the high water mark terminating at the river inlet on the South end of Wallowa Lake.
- 046**057.**      **EMPLOYEE** - All persons working for another for wages or salary.
- 058. 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.**

**059. 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.**

**060. 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.**

**061. FARM STAND OR STRUCTURE - A structure that is designed and used for the sale of farm crops and livestock as provided in Article 15. A food stand is considered to be a farm stand structure.**

~~047~~**062.** **FARM USE** - The current employment of land including that portion of such lands under buildings and supporting accepted farming practices for the primary purpose of obtaining a profit in money by: raising, harvesting, and selling crops. Or, by feeding, breeding, management, and/or sale or produce of: livestock, poultry, fur-bearing animals, honeybees, dairying and the sale of dairy products, and/or stabling or training of equines. Or, by any other agricultural, horticultural, or farm use, animal husbandry, or combination thereof. "Farm use" including the preparation and storage of the agricultural products grown on and/or off-site for primary or secondary marketing. It does not include the use of land subject to the provisions of ORS Chapter 321 or the construction and use of dwellings customarily provided in conjunction with farm use. It does include:

- A. Land subject to the Food Security Act of 1985 as amended by the Food Agriculture Conservation & Trade Act of 1990 (CRP).
- B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry.
- C. Land planted in orchards or other perennial prior to maturity.

**063. 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 Article 15.015.32.**

~~048~~**064.** **FINAL PLAT** - A map and/or other writings prepared in conformance with an approved tentative plan for a subdivision, partition, re-plat, or property line adjustment which is filed with the Planning Department to be determined final and must be filed with the County Clerk prior to filing deeds which divide land or adjust property lines.

~~049~~**065.** **FINDINGS** - As required in ORS 215.416(8), written statements of fact, conclusions, and determinations based upon the evidence at hand presented relative to the criteria and standards for such review and accepted by the review authority in support of a decision.

~~050~~**066.** **FLOAT** - A floating structure anchored off-shore which is used for boat tie-up, water

related recreation, or any type of structure used as a pedestrian platform over water, such as: boarding float, boat slip, marina, or floating walkway.

**067. FOREST LANDS - as defined in Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment. Forest lands shall include:**

**A. Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and**

**B. Other forested land that maintain soil, air, water, and fish and wildlife resources.**

**068. FOREST OPERATION - Any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).**

~~051~~**069. FOREST USE - "Forest use" shall mean: all land used for the purpose of raising and harvesting timber and forest products and shall include land used for grazing livestock, maintaining watersheds, fish and wildlife habitat, recreational activities, and other open space uses or combinations thereof.**

~~052~~**070. FUEL BREAK - An area of non-combustible materials or slow burning plants or the absence of vegetation around a structure.**

**071. GOLF COURSE - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of this ordinance means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:**

**A. 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;**

**B. A regulation nine 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;**

**C. Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this Subsection, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.**

~~053~~**072. HIGH-VALUE FARMLAND - Land in a tract composed predominantly of soils that are:**

- A. Irrigated and classified prime, unique, Class I, or Class II.
- B. Not irrigated and classified prime, unique, Class I, or Class II.
- C. 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 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.**

*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 Soil Conservation Service that the soil class, soil rating, or other soil designation should be adjusted based on new information. Soil classes, soil ratings, or other soil designations used in or made pursuant to this definition are those of the Soil Conservation Service in its most recent publication for that class, rating, or designation before November 4, 1993.*

**054073. HOME BASED OCCUPATION - A limited business activity that is accessory to**

**a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.**

~~An occupation or enterprise carried on within a dwelling or accessory building for financial gain by the tenant in possession of the property. The occupation or enterprise must be accessory to the primary residential use and in compliance with the applicable requirements of this ordinance. A home based occupation does not include operations which meet all of the following criteria:~~

- ~~A. A person engaged in making objects in the residence which are sold elsewhere, including but not limited to: arts and crafts, quilting, sewing, or toys.~~
- ~~B. A person engaged in a mail order business, including but not limited to: selling Avon (or other cosmetics), Fuller Brush, toys, or other items.~~
- ~~C. A person who offers a service which is conducted within the residence, including but not limited to: computer programming, data entry, consulting, accounting, and/or bookkeeping.~~
- ~~D. The business does not have any employees.~~
- ~~E. The business does not have a sign.~~
- ~~F. Customers do not come to the residence to conduct business.~~
- ~~G. No materials or commodities are delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer exceeding~~

~~2.5 tons GVW— not including a licensed parcel service or United States Mail.~~

~~055~~**074.** **IMPROVED LOT** - A legally created lot which has been provided with either community water service or sanitary sewer service or both.

~~056~~**075.** **INDUSTRY** - The on-site production of goods and products which may include: retail, wholesale, or service businesses. Industrial uses include: manufacturing, producing, processing, assembling, packaging, warehousing, shipping and receiving of goods and materials, bulk storage of fuels and related materials, and similar uses. Industrial uses are typically highly-developed enterprises of a commercial nature which require a large land area. Uses defined as "Industrial" are usually inappropriate in residential or urban growth zones or recreational areas due to: aesthetics, largess, and high-level development. Home-based occupations and other small-scale operations are specifically excluded from types of industries allowed in this zone - except as provided in Article 22, Industrial, Section 22.015(11).

**076. 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.**

~~057~~**077.** **KITCHEN** - Any space within a building designed to be used for cooking and preparing food - may contain a sink (excluding bar sinks), range, stove, or microwave. The following criteria will be considered by the Planning Director in determining whether a space is designed as a kitchen: if the size and location of counters and cabinets will facilitate food storage, preparation, and cooking; if the number, size, and location of electrical outlets exceed those normally used for activities not associated with a kitchen; if the area is plumbed for a sink; and if the area is separated from the main living space so as to form a room which is not suitable for a bathroom.

~~058~~**078.** **LAWFULLY CREATED LOT OR PARCEL** - A lawfully created lot or parcel shall be defined as a separate unit of land created by one of the following:

- A. A parcel of land in a recorded subdivision and legally created under the law in force at the time.
- B. A parcel created by a land partitioning as defined in ORS 92.010.
- C. By deed or land sales contract if there were no applicable planning, zoning, or partitioning ordinances, codes, or regulations.
- D. Does not include a unit of land created solely to establish a separate tax account.

**079. LIVING HISTORY MUSEUM - A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools,**

**equipment and people to simulate past activities and events.**

- ~~059~~**080.**      **LOT** - A unit of land that is created by a subdivision of land.
- ~~060~~**081.**      **MAJOR PARTITION** - A partition which includes the creation of a road or street.
- ~~061~~**082.**      **MANUFACTURED HOME** - Any mobile or manufactured home. It must have a H.U.D. label or State of Oregon insignia of compliance. Mobile Homes older than 1969 models will not be allowed unless brought up to H.U.D. current standards.
- ~~062~~**083.**      **MAP** - A final diagram, drawing, or other writing concerning a partition.
- 084.    MEDICAL HARDSHIP - A temporary circumstance caused by serious illness or infirmity, authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).**
- 085.    MINING, AGGREGATE - This use includes 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. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.**
- ~~063~~**086.**      **MOBILE HOME** - A vehicle or structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; is intended for human occupancy; and is being used for residential purposes.
- ~~064~~**087.**      **MOBILE HOME PARK** - A place where four or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership. The primary purpose is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
- ~~065~~**088.**      **MODULAR HOME** - Modular Homes must comply with design standards of Article 18, Recreation Residential, Section 18.025
- 089.    NET METERING POWER FACILITY - A facility for the production of energy that:**
- A.      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;

B. Is intended to offset part of the customer-generator's requirements for energy;

C. Will operate in parallel with a utility's existing transmission and distribution facilities;

D. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

090. NON-COMMERCIAL/STAND ALONE POWER GENERATING FACILITY - A facility for the production of energy that:

A. 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;

B. 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; and

C. Operates as a standalone power generator not connected to a utility grid.

~~066~~091. **NON-CONFORMING STRUCTURE OR USE** - A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective and not conforming to the requirements of the zone in which it is located.

092. 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.

093. 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.

~~067~~094. **OPPONENT** - The individual or group opposing the applicant's request, or the applicant's attorney, or the applicant's qualified representative.

~~068~~095. **ORS** - Oregon Revised Statutes.

**096. OUTDOOR MASS GATHERING - A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 500 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).**

~~069~~**097.** **OVERNIGHT LODGING, OTHER OVERNITE ACCOMODATIONS** – See campgrounds.

~~070~~**098.** **OWNER** - An individual, firm, association, syndicate, partnership, or corporation having any proprietary interest in land for which an application for a land use or land division under these regulations and other applicable laws has been filed.

~~071~~**099.** **PARCEL** - A unit of land that is created by a partitioning of land.

~~072~~**100.** **PARKING SPACE** - A delineated area for the temporary storage of motor vehicles.

~~073~~**101.** **PARTITION** - Either an act of partitioning land or an area or tract of land partitioned under the provisions of this ordinance.

~~074~~**102.** **PARTITION LAND** - To divide land into two or three parcels of land within a calendar year, but does not include:

- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for 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 regulations.
- C. The division of land resulting from the recording of a subdivision or condominium plat.
- D. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) through (s) and 215.283(2) (p) through (r). However, any property divided by the sale or grant of property for state highway, county road, city street, or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further partitioned.

~~075~~**103.**        **PARTITION PLAT** - A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition, replat, or property line adjustment.

~~076~~**104.**        **PARTY** - A person or organization who meets the following criteria:

A.        Participates in the hearing or review either orally or in writing.

B.        And, either:

1.        Was entitled to notice of the application prior to the hearing or review; or

2.        Would be adversely affected (as previously defined) by a final action of the review authority or hearing body.

~~077~~**105.**        **PERFORMANCE AGREEMENT** - A performance bond executed by a security company duly licensed to do business in the state of Oregon in an amount equal to 110 percent of the estimated full cost of the work to be done as determined by the County Board of Commissioners and conditioned upon faithful performance thereof.

~~078~~**106.**        **PERSON** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and includes any trustee, receiver, assignee, or similar representative.

~~079~~**107.**        **PERSONAL-USE AIRPORT** - An airstrip restricted - except for aircraft emergencies - to use by the owner; and on an infrequent and occasional basis, by invited guests; and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip.

~~080~~**108.**        **PLANNING COMMISSION** - The Wallowa County Planning Commission.

~~081~~**109.**        **PLANNING DIRECTOR** - The Wallowa County Planning Director.

~~082~~**110.**        **PLAT** - A final map, diagram, drawing, replat, or other writing containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by this ordinance.

~~083~~**111.**        **PLOT PLAN** - A drawing prepared to scale showing accurately and with dimensions all of the uses proposed for a development on a lot or parcel. The plot plan shall meet the requirements of this ordinance.

**112.    PREPERATION - As it applies to the definition of “Farm use” in ORS 215.203, preparation includes but is not limited to the cleaning, treatment, sorting or packaging of farm products or by-products.**

- 113. PRIMARY PROCESSING OF FOREST PRODUCTS** - The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
- 114. 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.
- 115. 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.
- 084**116.** **PRIVATE ROAD** - The entire right-of-way for vehicular and pedestrian traffic which does not provide for continuous and unrestricted rights of the public to travel across.
- 117. 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.
- 085**118.** **PROPERTY LINE** - The division line between two units of land.
- 086**119.** **PROPERTY LINE ADJUSTMENT** - The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size complies with the zoning requirements for lot size.
- 120. 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, park district, or other public entity or non-profit and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance.
- 087**121.** **PUBLIC ROAD** - A road over which the public has a right of use as a matter of public record.

~~088~~122. **QUASI-JUDICIAL ACTION** - Under Oregon Land Use Law, an action involving application of adopted policies to specific land use or division proposals requiring findings of fact and conclusions to substantiate approval or disapproval.

~~089~~123. **QUORUM** - A majority of the members of a hearing body appointed by the County Board of Commissioners - the lowest number required to be present at a meeting.

124. **RELATIVE - A child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse.**

~~090~~125. **RESIDENTIAL CARE FACILITY** - A residential care, residential training, or residential treatment facility licensed by or under the Oregon Department of Human Resources for 6 to 15 individuals who need not be related. Staff persons required to meet the 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 facility.

~~091~~126. **RESIDENTIAL CARE HOME** - A residential care, residential training, or residential treatment facility licensed by or under the Oregon Department of Human Resources for five or fewer individuals who need not be related. Staff persons required to meet the 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 facility.

~~092~~127. **RESIDENTIAL USE** - A structure or use for occupancy as a human dwelling, such as: duplexes; apartments; boarding, lodging, or rooming houses; mobile/manufactured homes and mobile/ manufactured home parks; trailer houses and trailer house parks; and labor camps.

~~093~~128. **RIGHT-OF-WAY** - The area between the boundary lines of an alley, easement, street, road, or highway.

~~094~~129. **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.

~~095~~130. **RIPARIAN MANAGEMENT CORRIDOR BOUNDARY** - An imaginary line which is a certain distance upland from the top of bank. For Wallowa County, this distance is specified in Article 28, Section 28.020(01).

~~096~~131. **RIPARIAN MANAGEMENT CORRIDOR** - A Goal V & VI resource including the water, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. The riparian corridor is the Goal V & VI review area, but the review area also includes any wetlands identified by Division of State Lands or Wallowa County Natural Resources Technical Advisory Committee which extend beyond the corridor boundary.

~~097~~**132.**        **ROAD OR STREET** - The portion or portions of the right-of-way of a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land - excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes. Such road or street shall meet the requirements set forth in this ordinance.

~~098~~**133.**        **SALE OR SELL** - For the sale of real estate - every disposition or transfer of land legally divided or an interest or an estate.

~~099~~**134.**        **SCENIC INTEGRITY** - Indicates the degree of intactness and wholeness of the Landscape Character; conversely, scenic integrity can also be a measure of the degree of visible disruption of the Landscape Character. A landscape with very minimal visual disruption is considered to have high scenic integrity. Those landscapes having increasingly discordant relationships among scenic attributes are viewed as having diminished Scenic Integrity. Scenic integrity is expressed and mapped in terms of Very High (Preservation), High (Retention), Moderate (Partial Retention), Low (Modification), Very Low (Maximum Modification) and Unacceptably Low. (See Aesthetics Sec 2 pp. 1-7 and Appendix 5-9 for full definitions of terms and preservation categories.)

~~100~~**135.**        **SETBACK** - A specified distance for the placement of a structure from, including but not limited to: a road, a right-of-way or easement, property lines, other structures, septic system, well, river or other waterway, or natural/man-made resource.

Roads, driveways, fences, signs and landscaping are exempt from setbacks.

~~101~~**136.**        **SHORT-TERM RENTAL** – (STR) Available in the R-2, R-3, and RCR zones. An STR is the use of a single-family dwelling by a short-term renter. STRs are not HBOs. No meals are required and no staff are required to be present on site. Must have a local property manager and a 24 hour emergency phone line with a maximum response time of 20 minutes.

STRs require a Zone Permit via Administrative Review and the number of guests and parking arrangements are permit specific. Additional rules specified in the zones apply. STRs must pay the Transient Lodging Tax and must meet the criteria of Articles 33, Signs and 25, Flood, Wildfire and Natural Hazards.

~~102~~**137.**        **SHORT-TERM RENTER** - Any person who exercises occupancy or is entitled to occupancy of premises by reason of a charge or fee paid or other consideration for a period of less than 30 calendar days - counting portions of days as full days.

~~103~~**138.**        **SIGN** - An identification, description, illustration, or device which is affixed to or represented - directly or indirectly - upon a building, structure, or land which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered a sign.

~~104~~**139.** **SKYLINE** - The line where the landform of the moraine meets the sky, as viewed from the sensitive view areas denoted on Map G5-2.

~~105~~**140.** **SPECIFIED PERENNIALS** - 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.

~~106~~**141.** **STANDING** - Participation, either in person or in writing, during an open hearing process at the local level.

~~107~~**142.** **STATEMENT OF UNDERSTANDING** - A document describing the rights and responsibilities of the applicant in the review of an application.

~~108~~**143.** **STREAM** - A channel such as a river or creek that carries flowing surface water, including perennial streams, intermittent channels, and manmade irrigation and drainage channels.

~~109~~**144.** **STREET** - The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic. It includes the terms: road, highway, lane, place, avenue, alley, or other similar designations.

~~110~~**145.** **STREET CLASSIFICATIONS** - Streets - including public ways designated as roads, highways, lanes, places, circles, avenues, or other similar designations are classified as follows:

- A. **Arterial** - A street designated as an arterial on the Comprehensive Land Use Plan or an element thereof which is used or is intended to be used as part of the principal network of through traffic within the county.
- B. **Collector Street or County Feed Road** - A street designated as a collector street or county feeder road on the Comprehensive Land Use Plan or an element thereof which is used or is intended to be used principally for the movement of traffic between major arterial and local streets and roads within the County
- C. **Local Street** - A street which is used or intended to be used for providing the primary access to abutting lots within a subdivision or partition.
- D. **Cul-De-Sac** - A minor street having only one outlet for vehicular traffic with a turn-around at the opposite end which is not intended to be extended or continued to serve future subdivision or development on adjacent lands.
- E. **Frontage Road** - A street which is parallel to and adjacent to a major arterial, limited access highway, or freeway; and provides access to abutting properties while relieving them of the effects or through traffic on the adjacent lands.

- F. **Stubbed Street** - A street having only one outlet for vehicular traffic and is intended to be extended or continued to serve future subdivisions or development on adjacent lands.
- G. **Half Street** - A street having only a portion of its width provided in one subdivision with the remainder of its width to be provided through the subdivision of adjacent property.
- ~~144~~**146.** **STRUCTURE** - Any constructed or erected object which requires permanent location on the ground or is attached to something located permanently on the ground. Structures include but are not limited to buildings, decks, signs, towers, cranes, flagpoles, antennas, smokestacks, roads, trails, retaining walls, and overhead transmission lines. A structure, or what it is attached to, is firmly connected to the ground and may be on a foundation, post and pole, or on skids.
- ~~142~~**147.** **STRUCTURAL ALTERATION** - Any change to the supporting members of a building including: foundations, bearing walls or partition columns, beams, girders; any structural change in the roof; or any structural change in the exterior walls.
- ~~143~~**148.** **SUBDIVIDE LAND** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership on January 1, 1977.
- ~~144~~**149.** **SUBDIVIDER** - Any person, firm, corporation, partnership, or association which causes land to be divided into a subdivision as defined herein.
- ~~145~~**150.** **SUBDIVISION** - An act of subdividing land or an area or tract of land subdivided as defined herein.
- 151. 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.**
- ~~146~~**152.** **TENTATIVE PLAN** - A map and other writings submitted for review and approval for a subdivision, partition, replat, or property line adjustment.
- ~~147~~**153.** **TOP OF BANK** - Shall have the same meaning as “bankfull stage” defined in OAR 141-85-010(2), meaning the stage or elevation at which water overflows the natural banks of streams or other waters of this state 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. This elevation is also understood to mean “normal high water.”
- ~~148~~**154.** **TRACT** - One or more contiguous lots or parcels in the same ownership.

~~119~~**155.** **TRAVEL TRAILER** - A vehicle or similar portable device designed or constructed to permit human occupancy for living and sleeping purposes and licensed as a recreational vehicle by the Oregon Department of Motor Vehicles.

~~120~~**156.** **TRAILER PARK** - A lot which is operated on a fee or other basis as a place for the parking or placement of two or more occupied mobile homes or trailer houses.

**157. UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE - Unless otherwise specified [in this Article/Chapter], any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.**

~~121~~**158.** **USE** - The purpose for which land or a structure is designed, arranged, or intended; and for which it is occupied or maintained.

~~122~~**159.** **VARIANCE** - A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

~~123~~**160.** **VISUALLY SUBORDINATE** - The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape in any season, as viewed from the primary viewing areas and moraines viewshed area denoted on Map G5-2 of the Wallowa County Comprehensive Land Use Plan, Appendix 5-8 (hereafter referred to as Map G5-2).

~~124~~**161.** **WATER AREA** - The area between the top of banks of a lake, pond, river, perennial or fish bearing intermittent stream, excluding man-made ponds.

~~125~~**162.** **WATER IMPOUNDMENT** - Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

~~126~~**163.** **WEST SIDE** - That area beginning at the publicly owned dock facility at the North end of Wallowa Lake and extending along the Western shore remaining no more than 200 feet from the high water mark terminating at the river inlet on the South end of Wallowa Lake.

~~127~~**164.** **WETLAND** - A wetland is the area that is "inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (OAR 660-023-0100) and which includes all or a portion of a wetland as

defined during the Division of State Lands (DSL) Fill and Removal Permit process or as identified by the WCNRTAC, whichever includes the larger area.

- ~~128~~**165.**       **YARD** - An open space on a lot which is unobstructed from the ground upward.
- ~~129~~**166.**       **YARD: FRONT** - A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to a building.
- ~~130~~**167.**       **YARD: REAR** - A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to a building.
- ~~131~~**168.**       **YARD: SIDE** - A yard between front and rear yard measured horizontally and at right angles from the side lot line to a building.
- 169.   YURT – As it applies to Article 15, 16, and 27, a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.**
- ~~132~~**170.**       **ZONE** - Classification of land by purpose and use; specific areas where requirements of density, use, coverage, landscaping, and parking may be applied. May include an overlay zone which applies specific conditions to all uses allowed in a zone based on physical or other characteristics.