

CHAPTER 12 DEFINITIONS

ACCESS: A legally and physically defined area available and practical for motor vehicle ingress and egress to parcels, lots, areas or tracts of land from an adjoining public road. In determining practicality, the topography, drainage, potential for erosion, flooding and other factors shall be considered.

ACCESS MANAGEMENT: The control of public road (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

ACCESSORY USE: A use, which is customary, incidental, and subordinate to the primary use or structure on the same parcel of land.

ADT: Average Daily Traffic

AESTHETICS: The visually pleasing properties of an area relating to its natural state or the built environment, such as reduced visibility of development, consistent bulk and placement limitations including height, and the like.

AGRICULTURAL BUILDING: A structure designed and constructed to house farm equipment and implements, crops, poultry, and livestock. This structure shall not be a place of human habitation, nor shall it be a place used by the public.

AGRICULTURE: An operation intended for-profit which is devoted to horticulture and/or to the production of livestock, dairy animals, dairy products, fur bearing animals, fish, big game, crops, nursery stock, fruit, vegetables, forage, grains, bees, or apiary products.

AGRICULTURAL SUPPORT USE: A use that provides services that directly support agricultural uses on the same property or on adjacent agricultural lands

ALLEY: Any thoroughfare at least 12 feet wide and not more than 30 feet wide which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting properties.

ANIMAL, DOMESTIC: Animals customarily reared as pets, including dogs, cats, rabbits, fish, and farm animals.

ANIMAL, FARM: See "Livestock"

ANIMAL FEEDING OPERATIONS: AFOs are agricultural operations where animals are kept and raised in confined situations. AFOs generally congregate animals, feed, manure, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures.

ANTENNA: A whip (omni-directional antenna), panel (directional antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals.

ANTENNA ARRAY: An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs). The antenna array does not include the mount as defined herein.

ASSISTED LIVING CENTER: Housing for certain classes of people such as mentally or physically disabled, and elderly. Such housing does provide individual apartments with or without kitchens for the residents.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded each year.

BASE FLOOD ELEVATION (BFE): Means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

BASEMENT: Means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

BED AND BREAKFAST: The use of a dwelling as an inn, where the residence remains the primary use.

BILLBOARD: A sign advertising a facility, product or event not on the site occupied by the sign. Also called "outdoor advertising".

BOARDING HOUSE: A building other than an inn where, for compensation, lodging for three or more unrelated people is provided for usually a week or longer. Living quarters in said residence are not provided with separate kitchens.

BUILDING: Any structure, either temporary or permanent, having a roof supported by walls.

BUILDING, HEIGHT OF: The vertical distance as measured from the highest point of the roof or the building, not including chimney or vane, down to the point representative of the average finished grade of the land around the perimeter of the building.

BUILDING SITE: A recorded lot or parcel of land occupied or to be occupied by a main building and its accessory buildings, or a specified area within a lot as indicated on a recorded survey or plat.

CONFINED ANIMAL FEEDING OPERATION (CAFO): The use of a contiguous area, lot, facility or parcel of land, upon which there are confined or stabled livestock, swine, poultry or other animals defined as follows:

- a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) consecutive days or more in any twelve-month period on the same facility; and
- b. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and
- c. The minimum number of animals at the facility to be defined as a CAFO shall be:
 - (1) 700 mature dairy cows, whether milked or dry;
 - (2) 1,000 veal calves;
 - (3) 1,000 beef cattle. Cattle includes, but are not limited to: heifers, steers, bulls and cow/calf pairs;
 - (4) 2,500 swine, each weighing 55 pounds or more;

- (5) 10,000 swine, each weighing less than 55 pounds;
- (6) 500 horses;
- (7) 10,000 sheep or lambs;
- (8) 55,000 turkeys;
- (9) 30,000 laying hens or broilers, if the CAFO uses a liquid manure handling system;
- (10) 125,000 chickens (other than laying hens), if the CAFO uses a liquid manure handling system;
- (11) 82,000 laying hens, if the CAFO uses a system other than a liquid manure handling system;
- (12) 30,000 ducks, if the CAFO uses a system other than a liquid manure handling system;
- (13) 5,000 ducks, if the CAFO uses a liquid manure handling system.

All acreage within the contiguous animal feeding operation is subject to the setback limitations as defined in this Development Code

CAFO SITING PERMIT: Permit required before a CAFO can be created, continued, developed, operated or transferred.

CAMOUFLAGE: To disguise, mask or alter the appearance of a WCF so as to obscure the identity or true nature of the facility.

CAMPGROUND: A place used for camping or parking of recreational vehicles or tents for short periods of time.

CARRIER: A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder is not a carrier.

CELLULAR: A form of personal wireless services operating in the 800 MHz spectrum, or its successor technology.

CENTRAL SEWER: A sewage and effluent pre-treatment facility serving more than one structure, and owned privately or in common by other than a governmental entity.

CLEAR VISION TRIANGLE: The area, as specified by this Code, providing the visibility required for safe access to public roads.

CLINIC: Single or multiple offices for state licensed physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts. A clinic may also include a dispensary primarily to handle merchandise customarily prescribed by occupant in connection with their practice.

CLUSTER or CLUSTERED: A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

CO-LOCATION: The use of a common mount or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology as well as placement of two or more WCFs on adjacent properties.

COMMERCIAL FEEDLOT: An area where livestock which have been purchased from other ranches are grouped together for intensive feeding purposes prior to their sale for slaughter.

COMMERCIAL USES: Any profit making activity of sales or services as allowed by this ordinance.

COMMERCIAL WIND TURBINE: Total height exceeds one hundred fifty feet (150') or the nameplate capacity exceeds one hundred (100) kilowatts.

COMMOM OPEN SPACE: A portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of twenty-five (25) feet around each structure or any impervious surface.

CONCEAL: To enclose a WCF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

CONVENIENCE ESTABLISHMENTS: Are establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry, beauty shops, barber shops or combination thereof, but do not include repair garages, automobile sales yards or clothing stores.

CROP PRODUCTION: The process of raising field, horticultural or garden crops or produce for the purpose of providing food production for the owner of the land upon which the crops or produce are raised or for someone designated by the landowner and intended for sale or personal use.

CROSS-ACCESS: A driveway providing vehicular access between two or more contiguous sites so motor vehicles do not need to enter the public street to drive between properties.

CORRAL: A confined area typically used actively for sorting, loading, unloading and similar activities associated with an operation.

CUL-DE-SAC: A "local" street (as that term is used in the Clark County Design Standards) having only one outlet with a turn-around at the opposite end, and which is not planned for future extension, or connection to other streets.

DAIRY PLANT: A commercial establishment set up for the purpose of manufacturing and/or processing of dairy products. This definition shall also include any accessory building related to dairy activities.

DAIRY FARM: The keeping of milk-producing animals, offspring and breeding stock primarily for the production of milk and/or the processing of milk products.

DAYCARE/NURSERY SCHOOL: The use of a building, home, or similar structure to provide care, with or without instruction, for two (2) or more children, unrelated to the provider, on a continuing basis whether for profit or not.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

Density, Gross: The number of dwelling units per acre of the total land to be developed including land dedicated to public use.

Density, Net: The number of dwelling units per acre of the land devoted to residential uses only and excluding land dedicated to public use.

DEVELOP: To divide land for purposes other than agriculture; to prepare land for division, building, or improvements, including grading, fencing for planned residential lots, road building, or utility placement; to place structures or utilities, fencing for other than agriculture, or roads. Also includes a change in the use of an existing structure or on land; mining or excavation; a material change in the external appearance of a structure or land; placement of accessory buildings; demolition of a structure; deposit of waste or fill on a parcel of land; alteration of a shore, or flood plain of a body of water or riparian area. Development does not include maintenance and repair within a right-of-way, external maintenance or improvement of an existing structure, or the use of land for growing plants, crops, trees, and other agricultural or forestry products.

DEVELOPMENT, NFIP DEFINITION: Means any manmade change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures, or accessory structures, or the construction of additions or substantial improvements to building, structures or accessory structures; the placement of mobile homes' mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specially including the construction of dikes, berms and levees,. The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations. (I.C. 46-1021)

DISGUISE: See Camouflage.

DRIVEWAY: A non-dedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four (4) dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable adopted street standards and International Fire Code.

DUDE/ GUEST RANCH: A ranch that provides multi-night accommodations for guests, provides a recreational activity or immediate access to recreational activities, has dining facilities on-site, barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial restaurant, café or bar that caters to the general public, nor does it actively solicit nightly.

DWELLING, MULTIPLE: A building or portion thereof, containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A building or portion thereof, containing a single dwelling unit.

DWELLING, TWO-FAMILY OR DUPLEX: A building or portion thereof, containing two dwelling units.

DWELLING UNIT: A building or portion thereof, containing two or more rooms and used for independent living quarters by one family only, with bath and kitchen facilities permanently installed.

EASEMENT: A grant by a property owner to a specific person(s) or the public, to use land for specific purpose(s). Also, such a right acquired by prescription.

ELEVATION: The measurement of height above mean sea level.

EQUIPMENT CABINET/SHELTER: An enclosed structure at the base of the mount within which are housed the equipment for the WCF such as batteries and electrical equipment.

EXPANSION PERMITS: A permit obtained by a registered CAFO to expand Animal Numbers.

EXTRACTION: See Mining.

FALL ZONE: The area within a prescribed radius from the base of a WCF. The fall zone is the area within which there might be a potential hazard from falling debris or a collapsing mount

FAMILY: Two or more persons related by blood, marriage, adoption or custody, living together in a dwelling unit.

FEDERAL COMMUNICATION COMMISSION (FCC): An independent federal agency charged with licensing and regulating wireless communications at the national level.

FEEDLOT: Corrals or holding areas for the impoundment of livestock for market or production of milk, eggs, and the like, and not incidental to a farm or ranch livestock operation.

FLOOD or FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): Means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): Means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

FLOODPLAIN: Means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

FLOOD PROTECTION ELEVATION (FPE): Means an elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, {plus 1 foot of freeboard}. Therefore the Flood Protection Elevation for Clark County and the City of Dubois is equal to BFE plus floodway elevation (if present) plus (1 foot) freeboard.

FEEBOARD: Means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed.

FRONTAGE ROAD: A road located parallel to an arterial street / highway for service to abutting properties for the purpose of controlling access to the arterial street / highway.

FUNCTIONAL AREA (INTERSECTION): That area beyond the physical intersection of two roads that comprises decision and maneuver distance, and required vehicle storage, if any.

FUNCTIONALLY EQUIVALENT SERVICES: Forms of personal wireless services including cellular, PCS, enhanced specialized mobile radio, specialized mobile radio and paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

GARDEN CENTER: A retail business or portion of a retail business devoted to the sale of outdoor plants, as well as garden equipment and tools.

GAS STATION, SERVICE STATION, OR FILLING STATION: An establishment where motor fuels are sold at retail. Incidental vehicle maintenance and repair is sometimes also conducted on the premises.

GREENHOUSE: A building primarily constructed of clear or translucent material for the purpose of growing plants.

HAZARDOUS MATERIALS: Any materials that are considered by the Health Department or Federal Environmental Protection Agency to be hazardous to public health or safety.

HEALTH AUTHORITY: The local district health department or State Department of Health and Welfare that has jurisdictional authority.

HEIGHT, TOTAL WIND TURBINE: Total height of a wind turbine shall be determined by using a measurement which includes the total height of the structure plus the maximum size of the rotor radius.

HEIGHT, WIRELESS COMMUNICATIONS FACILITY (WCF): The distance measured from above ground level to the highest point of a WCF, including the antenna array. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall combined height.

HIGHWAY: See Road.

HOBBYIST WIND TURBINE: Total height is less than sixty feet (60') and the nameplate under one kilowatt.

HOG OR PIG FARMING, COMMERCIAL: The keeping of more than six adult swine on the premises.

HOME OCCUPATION/BUSINESS: A home occupation is one that generates no additional traffic to the home than would be expected by residential use. Home business is an occupation that has grown to include additional impacts such as traffic and s.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients but distinguished from a nursing home by offering primarily short-term medical care.

IMPERVIOUS SURFACE: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt, compacted road base gravel or gravel driveways.

Large impervious area. An area of impervious surface including, but not limited to, a parking lot of any size, large building, street, cul-de-sac, large amenities complex and other similar impervious area.

Small impervious area. An area of impervious surface such as a small swimming pool, or one small basketball court, or one tennis court, or a small maintenance building, or an historic home site, or an existing or new trail system, or some other similar impervious area.

IMPORTANT WILDLIFE HABITAT: As determined by Idaho Fish and Game. Habitat values change with development, agricultural activities and other land use changes; therefore, important wildlife habitat is relative and changes over time.

JUNKYARD: Any land used for a salvaging operation, including but not limited to the storage or sale of waste paper, rags, scrap metal, discarded materials, and used auto parts. A junkyard includes the collection, dismantlement, storage, or salvage of four or more un-licensed or inoperative vehicles. This definition excludes uses established entirely within enclosed buildings, and farm machinery in agricultural zoning districts.

KENNEL: Any place on which more than three dogs (except for agricultural use by animal owner) or cats kept for the purpose of sale, placement, boarding, care, or breeding, for which any fee is exchanged.

LAGOON: A body of liquid waste.

LAND APPLICATION AREA: Parcels of land owned or controlled by the animal feeding operation used for land application of waste (liquid or solid) as authorized under an Idaho State Department of Agriculture approved nutrient management plan.

LANDSCAPING: Outdoor plants such as trees, grass, shrubs and flowering plants.

LICENSED CARRIER: Any party authorized by the FCC to operate in an assigned frequency.

LIVESTOCK: Animals maintained as a source of food, clothing, transportation, or power.

LIQUID WASTE: A liquid substance containing any of the following separately or in any combination: wastewater, waste, other waste products or effluent.

LOT: The contiguous land in the same ownership which is not divided by any public road right-of-way.

LOT, CORNER: A lot situated at the intersection of two roads.

LOT DEPTH: The distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, THROUGH: A lot with frontage on more than one street other than corner lot.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINE: The lines bounding a lot.

LOT, REVERSE CORNER: A corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

LOT, SUBSTANDARD: A lot or tract of record by deed or plat that does not comply with minimum area, width, or depth requirements currently applicable to the district in which it is located, but which complied with applicable requirements when it was placed on record.

LOT WIDTH: The distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

LUMBER/SAWMILL: A place or building in which timber is sawed into dimensional lumber.

LUMBERYARD: An area where lumber is stored for sale.

MANUFACTURED HOUSE: A structure transportable in one or more modules which is built on a permanent chassis and designed to be used as a dwelling unit with a permanent foundation and footing when connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The manufactured house may be permanently attached to an approved foundation and footing. Units manufactured prior to June 1976 not stamped approved by HUD (national mobile home construction and safety standards act of 1974) shall not be considered a "manufactured house" as defined herein. For clarification, this definition excluded mobile homes, trailers, campers, and other similar units as may be defined in this Ordinance and which are permitted in mobile home parks or mobile home subdivisions under the relevant regulations of this and other county ordinances. Manufactured house units shall be designed and constructed as required by the Department of Housing and Urban Development (HUD) and conform to the International Building Code (IBC) to satisfy the provisions of other mandated related codes by state and federal authority. The term "Manufactured Home" does not include a "Recreational Vehicle."

MINIMUM LANDSCAPED SPACE: The percentage of lot areas, which must be maintained in grass or other living vegetation.

MINING: The extraction of sand, gravel, rocks, soil, or other material from the land and the removal thereof from the site. For the purposes of this Ordinance, mining shall not include the removal of excess materials in accordance with approved plats, or utility and highway construction, normal farming practices, and sod removal.

MOBILE HOME PARK/ CAMPGROUND PARK: A parcel of land under single, unified ownership or control, within which spaces are rented or used by the subdivision ownership for occupancy by two (2) or more mobile homes and/or recreational vehicles developed following the provisions set forth in this ordinance and the subdivision ordinance.

MOBILE OR TRAILER HOME: A vehicle with or without motive power designed to be used for human habitation. Also, a vehicular portable structure built on a chassis and designed to be used with or without a permanent foundation for human habitation not taxed as real property by the county and state.

MONOPOLE: The shape of mount that is self-supporting with a single shaft of wood, steel or concrete.

MOTEL, HOTEL, INN: A building or group of buildings designed mainly to provide sleeping facilities to serve travelers and others on a short-term basis.

MOTOR VEHICLE REPAIR: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body straightening or repair and overall painting of vehicles within an enclosed building.

MOUNT: The structure or surface upon which antennas are mounted, e.g.:

- A. Roof-mounted. Mounted on the roof of a building;
- B. Side-mounted. Mounted on the side of a building;
- C. Ground-mounted. Mounted on a monopole, mast, pole or tower;
- D. Structure-mounted. Mounted on a structure other than a building.

MUSEUM: A permanent building for the purpose of storing, preserving and exhibiting historic, artistic or scientific objects.

NEIGHBORHOOD COMMERCIAL USES: Limited retail uses and personal services which primarily serve the neighborhood in which they are located, including convenience stores, dry cleaners, bakeries and day care centers.

NOISE PARK: An area, track, course, structure or structures, grading, and the like devoted to the use of off-road vehicles such as motorcycles, cars, snowmobiles, trucks, carts and the like, either for personal or commercial use.

NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE: Any natural or planted vegetation or other nonstructural component of the storm water management plan that provides for or enhances storm water quantity and/or quality control or other storm water management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depression, and vegetated channels.

NURSERY, WHOLESALE: A business, which grows and sells living plants primarily to other businesses.

NURSERY, RETAIL: A business, which grows and sells living plants primarily to individuals for use inside or outside a residence.

NURSING HOME: A form of institutional housing that is provided with facilities for the boarding and care of the aged and the infirm.

OBSTRUCTED STREET: A public or private street obstructed by a gate or other barrier that is designed to have, or has the effect of restricting access. Obstructed streets are not permitted.

OPEN SPACE: An area substantially open to the sky that may be on the same lot with a building. The area may include along with the natural landscape features, water areas,

agricultural lands, golf courses and other recreational facilities that the Commission deems permissible. Street, parking area, structures for habitation are not included. Lawns, yards, gardens, or similar outdoor features associated with homes, condominiums, apartments, or businesses when such features are held in common.

ORDINARY HIGH WATER LEVEL (OHW): The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTDOOR STORAGE: Storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

OVERLAY DISTRICT: A zone superimposed over another zone or zones allowing for additional uses or restrictions.

PASSIVE OPEN SPACE: Open space that is used for relaxation, such as sitting or strolling. Facilities may include the following: plazas or medians with seating, a percentage of beach areas (sunbathing), picnicking areas, greenways and esplanades (sitting, strolling), paths, accessible restricted use lawns, gardens, church yards or cemeteries with seating, and publicly accessible natural areas used, for example, for strolling, dog walking, and bird watching.

PASTURE: Land where crops, vegetation, or forage growth are sustained in the normal growing season.

PERFORMANCE STANDARDS: Regulations providing specific standards for design and/or construction.

PERSONAL WIND TURBINE: Total height is less than one hundred fifty feet (150') and the nameplate is less than one hundred (100) kilowatts.

PERSONAL WIRELESS SERVICE FACILITY: Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A personal wireless service facility is any un-staffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

PERSONAL WIRELESS SERVICES: Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including, but not limited to, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

PLANNED UNIT DEVELOPMENT (P.U.D): A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of stages of development. Subdivision and Zoning regulations are applied to the project as a whole rather than to individual lots with densities calculated for the entire development.

PRIMARY USE: The principal use to which the premises are devoted, and the principal purpose for which the premises exist.

PRINT SHOP: A shop where prints or graphics are sold and, where printing is done.

PRIVATE ROAD: See Road.

PUBLIC BUILDING: Any building, or group of buildings, constructed by a government entity and intended for use by the general public.

PUBLIC EMERGENCY SERVICE AGENCY: Any public agency directly responsible for providing police, fire, safety, ambulance, or emergency medical care services to the public.

PUBLIC ROAD: See Road.

PUBLIC SERVICE PROVIDERS: A potentially affected “public service provider” is any local, state or federal agency, including special districts, which provide any public facility or service or are responsible for the protection or management of natural resources that may be affected by a proposed development. Included are public agencies and private firms responsible for the provision or maintenance of domestic water, sewer, irrigation water, roads, public transportation, schools, electricity, cable, and natural gas services within the area affected by the development or that may be expected to utilize any of the above services. State law specifically states that school districts are potentially affected public service providers.

PUBLIC UTILITY AND PUBLIC SERVICE FACILITY: Structures essential to furnishing the public with electric power, gas, water, water treatment, and public services, including power plants and substations, pumping stations, fire stations and police stations.

RADIO FREQUENCY (RF) ENGINEER: A professionally trained, licensed electrical or microwave engineer who specializes in the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR): The emissions from a WCF that can, in excessive amounts, be harmful to humans. RF emissions are part of the RF signal.

RADIO FREQUENCY (RF) SIGNAL: The actual beam or radio waves sent and received by a WCF. A signal contains RF emissions.

RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle, and designed or used for temporary dwelling, recreational or sporting purposes. The term “recreational vehicle” shall include, but not be limited to travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

A Recreation Vehicle is:

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

RECYCLING COLLECTION POINT: A container for the collection of recyclable materials, which are specified on the container

RECYCLING FACILITY: A building used for the collection, shipping and distributing of used materials, or for the re-manufacture of waste materials into another product or form. If materials are stored outside the building, the facility shall be deemed a junkyard.

REFERENCE ROAD: Any federal public road, state highway or road, or county road designated as graded and drained, or higher improvement designation, on the official County Highway Map, located within the County.

REGULATORY FLOODWAY: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RESIDENTIAL USE: Activities related to residential use, relating to or consisting of private housing rather than offices or factories, are allowed by this Ordinance.

RIPARIAN AREAS, RIPARIAN CORRIDORS: All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds and lakes and their margins. Riparian corridors or connected riparian areas; usually serve as a movement route for fish or wildlife.

ROAD: A right-of-way or easement providing for motor vehicular travel. If a public road, the dedication has been officially accepted by Clark County or Idaho Transportation Department. "Roads" are designed, improved, and maintained for use by motor vehicles but may also support other modes of travel including bicycling and walking. "Roads" include but are not limited to:

"Road" or "Roadway" includes the terms highway, thoroughfare, parkway, lane, avenue, boulevard, highways, alley, place or other such terms.

Related structures such as tunnels, culverts, or similar structures; and,

Structures that provide for continuity of the roadway such as bridges

The following are specific types of Roads:

State Highways: a public Road, including its entire right-of-way, under the jurisdiction of the State of Idaho.

Contact: Idaho Transportation Department,

County Roads: a public Road, including its entire right-of-way, under the jurisdiction of Clark County.

Contact: Clark County Road and Bridge Department.

Private: A Road that is not accepted for public use or maintenance that provides vehicular and pedestrian access to lots, parcels, areas or tracts of land, and has been approved by the County for use as a private road. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not repaired, plowed or otherwise maintained by the County nor can the County contract for its maintenance.

U.S. Forest Service Road: A federally owned easement or right-of-way which provides access to federally owned land.

ROAD CLASSIFICATION: (As shown in Figure 4.2 of the Clark County Transportation Plan). Roads are classified as “arterial,” “collector,” or “local.” Public streets not specifically classified as either arterial or collector streets, or lying outside of the incorporated cities are considered local.

RURAL CONSERVATION SUBDIVISION: A method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped roadways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use storm water designs that emphasize onsite retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

SECURITY BARRIER: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SELF-SERVICE STORAGE FACILITIES: A structure containing separate individual and private storage spaces of varying sizes and used exclusively for storage of personal items belonging to each tenant.

SETBACK: The shortest distance from a building on a lot to any property line, lot line or public road right of way adjacent to said lot.

SCREENING: Earth mounds or berms, sight obscuring fence and walls, or landscaping used singly or in combination to block direct visual access to an object.

SHELTER HOUSING: Housing for certain classes of people such as mentally or physically disabled, and elderly. Such housing does not provide individual kitchens for the residents.

SHARED ACCESS (OR JOINT ACCESS): A driveway connecting two or more contiguous developments to the adjacent public street.

SIGN: Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. Specific types of signs are defined in Chapter 4, Section 11.0 of this Development Code.

SIGNIFICANT CHANGE IN TRIP GENERATION: An increase of twenty (20) or more total daily vehicle trips (ADT) generated by a development due to the change in the use of land, structures, or facilities, or an expansion of the structures or facilities. Estimates of existing and future ADT shall rely upon trip generation rates contained within the current edition of the Institute of Traffic Engineers, Trip Generation Manual.

SIGNIFICANT HISTORICAL SITE: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery.

SHOOTING PRESERVE: An area used for shooting for which a fee is charged.

SPECIALIZED MOBILE RADIO (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier, a form of personal wireless service. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

STABLE, COMMERCIAL: A facility where horses are boarded, bred, or raised by the occupants of the premises for a fee. Also includes facilities that rent horses for riding.

STAND, ROADSIDE: A structure used only for the display and sale of locally grown produce with no space for customers within the structure.

STORM RUN-OFF CONTAINMENT: The containment area that intercepts and holds precipitation runoff off from a corral or other confined animal enclosures. Sizing shall be based on the correct sizing the Idaho State Department of Agriculture has approved for this facility.

STREAM OR RIPARIAN CORRIDOR SETBACK: The distance from the outer riparian edge of a natural waterway on which structures are prohibited.

STREAM: A body of water flowing in a channel or watercourse, a steady current of water beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains stream flow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of less than 25 acres, the Idaho Department of Water Resources or the US Army Corp of Engineers may require field studies to verify the existence of a stream.

STREET: See Road.

STRUCTURE: Anything constructed which requires permanent location above or below the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, bridges or culverts across streams, tennis courts, swimming pools, garden sheds, etc. For the purpose of the Floodplain Ordinance a Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this ordinance. If the subdivider is not the owner of the property he shall be the agent of the owner as evidenced by a recorded power of attorney for said purpose.

SUBDIVISION: Land that is divided for the purposes of further development.

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

SUBSTANTIAL IMPROVEMENT: Means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure

prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:

- (a) A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (b) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

TOWER: A generic term used to describe a mount used for the attachment of antenna, microwave communication equipment, parabolic antennas, directional antennas and other types of equipment for the transmission or receipt of RF signals.

TRAVEL TRAILER: See Recreational Vehicle.

TREE SIZES: The height of evergreens and the diameter of the trunk at a height of 1 foot above the ground of deciduous trees.

"TWENTY FIVE (25%) PERCENT GRADE: One foot change in elevation for every four feet of land measured horizontally.

USABLE OPEN SPACE: Shall not include the area encompassed by streets, parking areas, slopes over fifty (50) percent unless the slope provides a specific beneficial use, or areas included within a required setback. Parking areas that support specific recreational uses such as trails may be counted as open space at the discretion of the Board.

UNLICENSED WIRELESS SERVICES: Commercial mobile services, a form of personal wireless services, that can operate on public domain frequencies and therefore need no FCC license for their sites.

UTILITY POLE: A telephone pole, utility distribution pole, streetlight or traffic signal stanchion, that is commonly used in Clark County to provide telephone service, cable television, electricity or light. A monopole is not a utility pole.

VARIANCE: A modification of the requirements of this Ordinance as to lot size, lot coverage, width, depth, height of structure, setbacks, parking space, or other Ordinance provisions affecting the size and shape of a structure or the placement of the structure upon lots, or the size of lots.

VISUAL OBSTRUCTION: A structure, object, or vegetation that hinders or otherwise limits the visibility of pedestrians or persons in motor vehicles approaching an intersection, within the limits of the clear vision triangle as described in this Ordinance, from observing other pedestrians or motor vehicles approaching the intersection from another direction. The following are not visual obstructions:

A public utility pole,

A tree trimmed (to the trunk) of all branches to a height of at least ten (10) feet above the curb (if present) or the height of the center of the adjacent roads,

Plant species with an open growth habit that do not form a hedge and are so planted and trimmed as to not diminish a clear and unobstructed cross-view at anytime or season of the year,

A supporting member or appurtenance to a permanent building lawfully existing on (date of adoption),

An official traffic sign or signal,

The natural contour of the ground when it limits cross-visibility at an intersection.

WASTE: A by-product normally associated with a confined animal feeding operation, which may include manure, sludge, sediment, mud, silt, dung, urine or feces, waste products, wastewater, feed residues, and effluent.

WASTE TREATMENT SYSTEM: The process, area, or mechanism employed for the retention, storage and treatment of liquid or solid wastes.

WASTEWATER: Water that has been used for washing, flushing, or in a manufacturing process, which may also contain waste products.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Identified and defined by Army Corps of Engineers or Natural Resource Conservation Service).

WILDLIFE CORRIDOR: The daily or seasonal migration patterns of native animal species.

WILDLIFE PRESERVE: A parcel of land whose primary purpose is a habitat for wild animals, indigenous to Idaho. Wildlife preserves are confined, private areas and do not include State of Idaho wildlife management areas or unconfined lands which are wildlife-habitat.

WIND FARM: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator. A system shall be deemed to be a "wind farm" or a "large" or "commercial" project if it consists of one or more wind turbines exceeding one hundred fifty feet (150') or one hundred (100) kilowatt nameplate capacity on the same or adjoining parcels. A "wind farm" or "large" project shall be required to meet the same criteria as a "commercial" project for the purposes of this chapter. Large or commercial wind conversion systems shall be required to follow the same criteria as set out herein for personal wind turbines as well as the commercial wind turbines. In the event of a conflict in regulations, the commercial section shall be the controlling section.

WIND TURBINE: Any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the entire turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power.

WIRELESS COMMUNICATION FACILITY (WCF): A facility that transmits and/or receives electromagnetic signals for voice, data, image, graphic and other information, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or receipt of such signals; towers or other structures supporting the equipment; equipment buildings, shelters, cabinets, parking area, and other accessory

development. WCFs include, but are not limited to, personal wireless services and facilities as defined by Section 704 of the Telecommunications Act of 1996, and broadcast service facilities.

YARD: The area between any lot line and the setback required therefrom.