

Chapter 19.03 - DEFINITIONS¹

Section 19.03.005 - Accessory Dwelling Unit.

An additional, smaller, subordinate dwelling unit on a lot with, or located in, an existing or new Single-Family Dwelling.

Section 19.03.010 - Accessory Use or Structure

A building, part of a building or structure or use which is subordinate to, and the use of which is common or incidental to that of the main building, structure or use on the same lot of record.

Section 19.03.015 – Active Surface Mining and /or Rock Crushing Operations

Mineral resources activities, existing and ongoing, is defined as having an approved and valid surface mining permit issued by the DNR; Conditional Use Permit or Administrative Use Permit issued by Whitman County; or having a continuous cycle of mining, crushing, or removal of materials.

Section 19.03.020 - Administrative Official.

The building official as designated by the Whitman County Director of Public Works.

Section 19.03.030 - Airport.

Facilities providing for regularly scheduled commercial air transport available to the general public.

Section 19.03.040 - Airport Elevation.

The highest point of an airport's usable landing area measured in feet from mean sea level.

Section 19.03.050 - Airport Hazard.

Any structure, object of natural growth, or land use located in the vicinity of an airport, which obstructs the airspace required for the flight of aircraft, as established by this title.

Section 19.03.060 - Airstrip.

Landing fields and accessory uses and structures providing facilities for small aircraft, but not including regularly scheduled commercial transportation available to the general public.

Section 19.03.070 - Apartment.

A room or suite of two or more rooms in a multiple-family dwelling, occupied as a dwelling unit for one family.

Section 19.03.073 –Appeal.

A request for a review of the interpretation of any provision of this ordinance, or a request for a variance. (Adopted May, 2003; Resolution No. 061233)

¹ Special Definitions exist for Communication and Utilities Facilities and can be found in Section 19.58 of the Whitman County Zoning Ordinance.

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Section 19.03.075 – Applicant

A person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a lessee of the land, or the authorized agent of the owner.

Section 19.03.080 - Area of Special Flood Hazard.

The land in a flood plain subjects to a one- percent (1%) or greater chance of flooding in any given year.

Section 19.03.090 - Base Flood.

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Section 19.03.093 – Basement.

Any area of the building having its floor subgrade (below ground level) on all sides.
(Adopted May, 2003; Resolution No. 061233)

Section 19.03.100 - Board.

The Whitman County Board of Commissioners.

Section 19.03.110 - Board of Adjustment.

The Whitman County Board of Adjustment.

Section 19.03.120 - Boundary.

The lot lines describing a lot of record.

Section 19.03.130 - Building.

Any structure for the support, shelter or enclosure of persons, animals or property of any kind.

Section 19.03.135 – Building Envelope

That portion of proposed building location regardless of square footage size of the building outward to the limits of the allowable setbacks. This definition includes projections such as porches, decks, or any appendage of a residential structure, including the garage.

Section 19.03.140 - Building Height.

The vertical distance from the average grade of a building site to the highest point of the structure or building thereon.

Section 19.03.150 - Building Site.

That part of a lot of record covered by a principal use, building or structure.

Section 19.03.155 – Certificate of Occupancy

A certificate which allows occupancy of a structure after determination by the Building Official that the requirements of the Uniform Building Code (UBC) have been met; (UBC Section 308 or as here-after amended.)

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Section 19.03.157 - Commercial Wind Generating Facility

An electricity-generating facility consisting of one or more wind turbines of total capacity of more than 100 Kw and/or a tower height greater than 125 feet, under common ownership or operating control that includes substations, meteorological towers, cables/wires and other building accessories to such facility. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.160 - Commission.

The Whitman County Planning Commission

Section 19.03.170 - Comprehensive Plan.

The officially-adopted document and any amendments or supplements thereto adopted pursuant to State Law 36.70, which sets forth policies and standards for determining the best use of land and other resources of the county.

Section 19.03.173 – County Planner

See Planning Director, the Director of the Whitman County Planning Office or his/her designee.

Section 19.03.175 – Critical Areas

Critical Areas include the following areas and ecosystems:

- a. Wetlands
- b. Areas with a critical recharging effect on aquifers used for potable water
- c. Fish and Wildlife habitat conservation areas
- d. Frequently flooded areas
- e. Geologically hazardous areas.

Section 19.03.178 – Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.180 - Dependent Mobile Home.

A mobile home dependent upon all or part of the sanitary facilities provided in a service building.

Section 19.03.190 - Development.

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Section 19.03.193 - Development Envelope

That ten acres or more of larger parcel designated in the site plan for development, including open areas.

Section 19.03.197 – Development Regulation

Any controls placed on development or land use activities by Whitman County, including but not limited to, zoning ordinances, official controls, and subdivision ordinances.

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Section 19.03.200 - Dwelling Unit.

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
(Taken from Section R202 of the 2003 International Residential Code®)

Section 19.03.210 - Dwelling, Single-Family.

A structure containing one dwelling unit.

Section 19.03.220 - Dwelling, Two-Family.

A structure containing two dwelling units.

Section 19.03.230 - Dwelling, Multiple-Family.

A structure containing three or more dwelling units.

Section 19.03.240 - Employee.

A person whose major occupation is with the permitted use on the same site.

Section 19.03.250 - Existing Mobile Home Park or Mobile Home Subdivision.

A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this title.

Section 19.03.260 - Expansion to an Existing Mobile Home Park or Mobile Home Subdivision.

The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Section 19.03.269 - Farm Operators.

Persons responsible for the management of a farm.

Section 19.03.270 - Feedlot.

A concentrated, confined animal or poultry growing operation for meat, milk or egg production or stabling in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

Section 19.03.280 - Flood, Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Section 19.03.290 - Flood Insurance Rate Map (FIRM).

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Section 19.03.300 - Flood Insurance Study.

The official report by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Section 19.03.310 - Floodway.

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

Section 19.03.312 – Footprint (Building Footprint)

That portion of the parcel which is or will be covered by the structure, including roof, awning, porches, decks or any other element protruding from the structure, as viewed from directly overhead.

Section 19.03.318 – Grading

Excavation or fill or any combination thereof, including by not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

Section 19.03.315 – Hazardous Waste.

“Hazardous Waste” means and includes all dangerous and extremely hazardous waste as set forth in RCW 70.105.010.

Section 19.03.320 - Health Department.

The Whitman County Department of Environmental Health.

Section 19.03.330 - Home-Based Business.

A lawful enterprise carried out as a clearly secondary use within a residential dwelling unit or accessory structure. (Revised April 21, 2008; Resolution No. 068024)

Section 19.03.335 – Impacts

Effects of one thing upon another.

Section 19.03.340 - Independent Mobile Home.

A mobile home independent of all those facilities provided in a service building.

Section 19.03.341 - Interest in Proposed Amendment.

Persons with an interest in the amendment to the text of the zoning ordinance should be any person who can demonstrate a need for or benefit from such change and persons with an interest in amendment to the zoning map would be any property owner whose property is within or adjacent to the proposed area of change or who is seeking the change with express permission of a property owner within or adjacent to the proposed area of change.

Section 19.03.346 – Legal description

A description recognized by law which definitely locates property by reference to government surveys, coordinate systems or recorded maps and is sufficient to locate the property without oral testimony.

Section 19.03.347 – Living Space

Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

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Section 19.03.348 – LOS (Level of Service)

A qualitative measure describing operational conditions within a traffic stream, and their perceptions by motorists and/or passengers. These items are generally described as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Section 19.03.350 - Lot, Lot of Record.

A parcel of land which is separately described by a deed instrument or sales contract, which deed or contract has been officially recorded with the Whitman County Auditor, considered as a unit of real property, and legally described in metes and bounds; or a parcel of land shown by number of an officially recorded short plat or subdivision plat.

Section 19.03.352 - Lowest Floor.

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 19.50.070(3)(a).

Section 19.03.355 - Micrositing

The process of final location of wind generators and all wind generating facility structures and internal roads within the approved project corridors/areas. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.359 – Mineral Resource Area

Lands that are not already characterized by urban growth and are of long term commercial significance for the extraction of aggregate and mine resources, including: sand, gravel, and valuable metallic substances.

Section 19.03.360 - Mobile/Manufactured Home.

A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities; but not including recreational vehicles or travel trailers. For flood management purposes only, the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Section 19.03.370 - Mobile/Manufactured Home Park.

Any lot on which three or more mobile/manufactured homes, occupied for dwelling or sleeping purposes, are located on leased mobile/manufactured home spaces.

Section 19.03.380 - Mobile/Manufactured Home Space.

A plainly marked plot of ground for the placing of a mobile/manufactured home.

Section 19.03.385 - Monopole

A freestanding or guyed single pole construction that supports such things as a wind generator, wind measuring devices, or telecommunication and radio devices. (Adopted 11/16/09, Ordinance # 070081)

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Section 19.03.390 - New Construction.

Structures for which the start of construction commence on or after the effective date of this ordinance.

Section 19.03.400 - New Mobile Home Park, New Mobile Home Subdivision.

A parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

Section 19.03.410 - Nonconforming Lot.

A lot of record which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Section 19.03.420 - Nonconforming Use or Structure.

A building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Section 19.03.421 - Non-Participating Landowner

Any landowner except those on whose property all or a portion of a Wind Generating Facility is located pursuant to an agreement with the Facility Owner or Operator. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.422 - Occupied Building

A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.423 – Off-site.

“Off-site” means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Section 19.03.425 – Open Area

The area of a parcel not covered with impervious surfaces, such as crop land, wetlands, buffers, grass swales, retention ponds, septic system drainfields and vegetated or landscaped areas. Not counted as open area are all roads, circulation areas, parking and loading areas, and the space occupied by structures and outdoor storage.

Section 19.03.428 – On-site.

“On-site” means the same geographically contiguous or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property.

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Section 19.03.430 - Overlay District.

A set of regulations prescribed by this title for certain defined areas of land which shall apply to all uses, buildings and structures in said areas in addition to those regulations prescribed by this title for the use district in which such areas of land are located.

Section 19.03.434 – Parcel

See Lot, Lot of Record.

Section 19.03.435 - Operation Site (mining/quarry)

A site that includes the area for rock crusher(s), stockpiles, mining operations, and haul road(s).

Section 19.03.436 - Operator

The entity responsible for the day-to-day operation and maintenance of the commercial wind energy facility.

Section 19.03.438 Permit

An approval for which there is a minimum standard, as stated in any of the relevant ordinances or state law, which must be met in order for the approval to be given.

Section 19.03.440 - Person.

A person, firm, trust, partnership, association or corporation.

Section 19.03.450 - Planning Director.

The Director of the Whitman County Planning Office or his/her designee.

Section 19.03.452 – Pullman-Moscow Corridor District (PMC)

See Boundary, Section 19.15.020(2). (Adopted May, 2003; Resolution No. 061233)

Section 19.03.453 - Project Corridor/Area

The approved area within which all the components of a wind generating facility are located. This includes the turbines, all new access roads to the facility, above-and-below-ground electrical transmission lines, all buildings and uses associated with a wind energy facility including meteorological towers and temporary concrete and asphalt batch plants. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.454 – Recreational Vehicle.

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.455 - Recycling Facility.

Any operation for material salvage, storage, transport or product manufacture or re-manufacture, which utilizes recyclable materials.

Section 19.03.456 – Resource Lands

1. Definitions. Resource lands include the following:
 - Agricultural land;
 - Forest lands;

Mineral lands;

These lands are further defined by the act as follows:

- A. "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW Sections 84.33.100 through 84.33.140, or livestock, and that has long term commercial significance for agricultural production.
 - B. "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW Sections 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.
 - C. "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.
 - D. "Minerals" include gravel, sand, and valuable metallic substances.
2. Agricultural lands, as defined herein, are conserved within the jurisdictional boundaries of Whitman County. The county has identified agriculture and the family farm as the primary economic and social resources of Whitman County in the land use element of the Whitman County Comprehensive Plan. The land use element of the Whitman County Comprehensive Plan prevents "...the indiscriminate or excessive changes in land use." Further restrictions or controls may apply by the measures, procedures, and land use criteria found in the Whitman County Zoning Code implementing the goals and objectives of the comprehensive plan.
 3. Mineral lands are preserved through the implementing strategies of the county wide zoning code. The zoning code has an established policy which, prevents, limits, or discourages land uses which are not resource based in nature; agriculture, agribusiness, mineral extraction, and/or storage of related materials.
 4. Nonfarm residential development, businesses not related to agriculture and which are not in conflict with higher density or urbanized development, and other types of development reliant upon urban type services are discouraged outside of the incorporated , urbanized centers of the county, or those historically recognized and established rural communities.
 5. The Whitman County Zoning Code implementing the goals of the comprehensive plan, does, in fact, restrict and control nonagricultural development outside of the incorporated cities and towns and the few historically established and designated (in the comprehensive plan) unincorporated communities. The zoning code establishes certain policies and procedures which are designed to ensure that resource lands are conserved. These measures do, in fact, promote the goals and objectives of the Growth Management Act by limiting or restricting urbanization of existing agricultural or mineral lands outside of the incorporated cities and towns.

Section 19.03.460 - Service Building.

A building or buildings having toilet facilities for men and women, with laundry and bathing accommodations.

Section 19.03.464 – Screening

See 19.15.080(6), Landscaping.

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Section 19.03.467 – SEPA

The State Environmental Policy Act, as adopted by Whitman County, Title 9, February 14, 1979 and as there-after amended.

Section 19.03.470 - Setback.

The distance in feet as measured from a lot line to the sill line of a building, or the closest point to the lot line of a structure.

Section 19.03.475 - Shadow Flicker

Shadow flicker occurs when the blades of a turbine rotate in bright conditions, casting moving shadows resulting in alternating changes in light intensity. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.480 - Sign.

Any freestanding structure or portion thereof identifying the premises on which it is located, or the occupants thereof, or relating to the goods or services manufactured, produced or available on the premises. This definition shall not apply to temporary signs such as those for political campaigns or for the sale of the premises itself, nor shall it apply to mailboxes.

19.03.485 – Site

Any parcel of land or contiguous combination thereof, where activities are proposed, performed or permitted.

Section 19.03.490 - Small Business Providing Retail Sales or Professional Services.

A business serving local residents and travelers consisting of a building with a floor area of no greater than 1,500 square feet.

Section 19.03.491 - Small Wind Energy Generator.

A wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 100kw and no greater than 125 feet in height which is intended to primarily reduce on-site consumption of utility power. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.492 – SPRC (Site Plan Review Committee)

See 19.15.025 (3) and (4).

Section 19.03.495 - Start of Construction.

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavations; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Section 19.03.500 - Structure.

Anything constructed or erected which requires location on the ground or attached something having a location on the ground, but not including fences less than six feet in height, EXCEPTING THAT "structure" for the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title shall mean any walled and roofed building or mobile home that is principally above ground.

Section 19.03.508 – Substantial Damage.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.510 - Substantial Improvement.

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. The term does not, however, include either:

- a. Any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by County Building Inspection, Environmental Health or Planning staff and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.515 – Treatment and storage.

"Treatment and storage" means hazardous waste management facilities requiring a state dangerous permit under the provisions of WAC Chapter 173-303.

Section 19.03.520 - Turbine Height

The distance measured from grade level of the tower foundation to the highest point of the turbine rotor plane. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.910 – Urban Governmental Services

Those services typically delivered by cities, such as storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, and public transit services.

Section 19.03.930 – Variance.

A variance is the means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly

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enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located. For the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title, variance shall mean a grant of relief from those requirements which permits construction in a manner that would otherwise be prohibited by that Overlay District. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.950 – Vicinity Map

A map which shows the location of the proposed site in relation to a recognized landmark, such as the nearest city, town, airport, identified road intersections, or physical feature such as a mountain, river/creek confluence, etc.

Section 19.03.960 - Wind Turbine

A wind energy conversion system that converts wind energy into electricity. (Adopted 11/16/09, Ordinance # 070081)
(Revised 4/30/07 Ordinance #066838, effective 5/15/07)