

OKANOGAN COUNTY COMMISSIONERS'

ORDINANCE 2014-16

An ordinance adopting an interim zone code for Okanogan County

WHEREAS: The Okanogan Board of County Commissioners (BOCC) has directed the comprehensive plan be reviewed and updated in accordance with RCW 36.70 Planning Enabling Act and applicable portions of RCW 36.70A Growth Management Act, and

WHEREAS: Through the period of time from 2009 to 2014 the public has offered comments in writing and through several public hearings held by the Okanogan Regional Planning Commission and the BOCC, and

WHEREAS: The BOCC conducted a hearing on December 22, 2014 to consider a resolution adopting the Okanogan County Comprehensive Plan of 2014, and

WHEREAS: On December 22, 2014 the BOCC approved resolution 119-2014 adopting the Okanogan County Comprehensive plan of 2014, and

WHEREAS: RCW 36.70.545 requires the development regulations of the county, as defined by RCW 36.70A.030, to be consistent with the comprehensive plan, and

WHEREAS: Revised Code of Washington (RCW) 36.70.795 allows the adoption of interim land use controls, and

WHEREAS: The Board has determined that the adoption of interim zoning and an interim zone map is necessary to initiate implementation of the policies contained in the Okanogan County Comprehensive Plan of 2014 through consistent development regulations, and

WHEREAS: The Board conducted a properly noticed public hearing to consider adoption of the interim zone code and zone map as required by RCW 36.70.795, and

WHEREAS: The Board finds the adoption of an interim zone code and zone map promotes the public interest by preserving public health, safety and welfare.

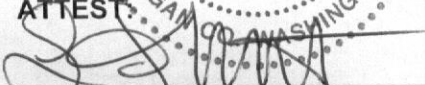
THEREFORE BE IT ORDAINED: The Okanogan Board of County Commissioners adopts the following:

- 1) Interim zone code (attachment A)
- 2) Interim zone map (attachment B)

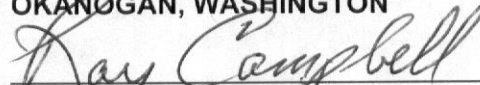
DATED at Okanogan, Washington this 22nd day of December 2014.




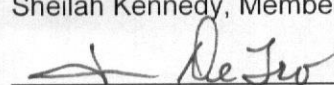
ATTEST


Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


Ray Campbell, Chairman


Sheilah Kennedy, Member


Jim DeTro, Member

**Title 17
ZONING****Chapters:**

- 17.02 General Provisions**
- 17.04 Definitions**
- 17.05 Minimum Requirement District (MD)**
- 17.06A Rural 1 District (R1)**
- 17.06B Rural 5 District (R5)**
- 17.06C Rural 20 District (R20)**
- 17.07 Agriculture District (AD)**
- 17.08 Agricultural-Residential District (A-R)**
- 17.09 Suburban Residential District (SR)**
- 17.10 Commercial District (C)**
- 17.11 Industrial District (I)**
- 17.12 Airport Development District (AP)**
- 17.14 Methow Review District (MRD)**
- 17.14A Rural Residential District (RRD)**
- 17.14B Low Density Residential District (LDRD)**
- 17.15 Urban Residential District (UR)**
- 17.16 Neighborhood Use District (NU)**
- 17.17 Special Review Commercial**
- 17.18 *Repealed***
- 17.19 Planned Development (PD)**
- 17.20 Planned Destination Resort (PDR)**
- 17.21 District Use Chart**
- 17.22 Official Zoning Map**
- 17.23 Zone Boundary Interpretation**
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- 17.26 Yard and Setback Regulations**
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- 17.38 Enforcement**
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Chapter 17.02 GENERAL PROVISIONS

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| 17.02.020 | Repealer. |
| 17.02.030 | Purpose. |
| 17.02.040 | Authority. |
| 17.02.050 | Relationship to subdivision and platting. |
| 17.02.060 | Other permits issued by the county. |
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| 17.02.080 | Interpretations. |
| 17.02.090 | Scope. |
| 17.02.100 | Notice and appeal period. |
| 17.02.110 | Severability. |

17.02.010 Short title.

This title shall be known as the "Okanogan County zoning code." (Ord. 92-12 § 5 (App. A), 1992).

17.02.020 Repealer.

Okanogan County Zoning Ordinance 79-8, as amended, and interim amendments to Okanogan County Zoning Ordinance 79-8 codified as Okanogan County Code, Title 17, Ordinance 90-5 and Ordinance 92-2, are repealed. (Ord. 92-12 § 5 (App. A), 1992).

17.02.030 Purpose.

The purpose of this title is to implement the Okanogan County comprehensive plan (as amended) and promote the general public health, safety and welfare of present and future inhabitants of Okanogan County. Any provision of this code may be amended to improve, update or clarify its purpose by following amendment procedures contained in Chapter 17.37 OCC. The following policies are intended to guide development and implementation of this title. These policies include, but are not limited to:

A. Recognizing that the land and its associated environmental quality is the county's most valuable natural resource;

B. Promoting public and private land use decisions and actions that are consistent with the goals and policies of Okanogan County comprehensive plan;

C. Establishing a land use pattern that reflects the needs of Okanogan County residents and that considers existing land uses, structures, and their associated intensities in both urban and rural areas;

D. Encouraging the location and use of structures and land for commerce, industry, residences and recreational opportunities where they are most compatible with existing land uses and identified environmental constraints;

E. Encouraging development in areas where adequate public services are available including domestic water and sanitary sewer systems (or where private or public on-site systems can be effectively provided), sheriff and fire protection, roads and utilities, and

schools, and limiting development in areas where these facilities or services cannot be adequately provided;

F. Encouraging innovative site design that is responsive to both the human and natural environment;

G. Providing cost-efficient governmental services;

H. Providing for adequate privacy, space, light, air, view, open space and fire separation;

I. Protecting existing land uses and property values from adverse impacts of adjacent developments;

J. Promoting development and public improvements that are cost-effective to build and maintain (evaluation of benefit/cost analysis specifically excludes land prices that are unusually high or speculative);

K. Reducing traffic danger and congestion on roads and highways;

L. Minimizing public and private losses due to wildfire, flood or geological hazards;

M. Reducing the time required for public review of proposed projects;

N. Encouraging the development of recreational opportunities, such as, trail systems, access corridors, trail heads, parks and other support facilities;

O. Promote the goals of the Memorandum of Understanding for Protection and Enhancement of Mule Deer and Other Wildlife Populations in the Methow Valley;

P. Providing protection for natural resource lands including agricultural, forest and mineral lands of long-term commercial significance; and provide protection for critical areas including wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas. (Ord. 92-12 § 5 (App. A), 1992).

17.02.040 Authority.

This code is adopted pursuant to Chapter 36.70 RCW. The Okanogan County planning director, hereafter referred to as the administrator, is vested with the duty of administering the provisions of this code and may prepare, and require the use of, such forms as are essential to its administration. In addition to that authority set forth in Chapter 17.21 OCC, the administrator may issue such orders, requirements, decisions or determinations concerning the application of this code. Appeals of the administrator's actions shall be under Chapter 17.35 OCC. (Ord. 92-12 § 5 (App. A), 1992).

17.02.050 Relationship to subdivision and platting.

Any proposed subdivision or platting action under OCC Title 16 must be in accordance with the zoning on the subject property. Any proposed subdivision which is not in compliance with the zoning will not be processed, except that a rezone application may be processed simultaneously with a proposed subdivision. (Ord. 92-12 § 5 (App. A), 1992).

17.02.060 Other permits issued by the county.

The issuance of any permit or license by any department or agency of the county shall not in any way make lawful a use of land or structure otherwise in violation of this code. Any permit or license issued for a use of land or structure thereon which violates this code shall be and is null and void. (Ord. 92-12 § 5 (App. A), 1992).

17.02.070 State Environmental Policy Act coordination.

All development projects and land uses proposed within Okanogan County shall be reviewed for their consistency with SEPA, Chapter 43.21C RCW, SEPA Guidelines, Chapter 197-11 WAC, and the Okanogan County SEPA Code. Mitigation of significant adverse impacts may be required, as a condition of project and/or land use approvals. (Ord. 92-12 § 5 (App. A), 1992).

17.02.080 Interpretations.

In interpreting and applying this code, the provisions shall be held to be minimum requirements adopted for the protection of the public health, safety, morals and general welfare. Except as specifically provided herein, it is not intended by this code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, ordinance, resolution, regulation, rule or permit previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or land or relating to the erection, construction, establishment, moving, alteration, or enlargement of any building or improvements; nor is it intended to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, that whenever this code imposes greater restrictions upon the erection, construction, establishment, moving, alteration or enlargement of buildings, or the use of any building, or of any of the districts established by this code, than are imposed or required by such existing provisions of law or regulation, rule or permit, or easement, covenant or agreement, then the provisions of this code shall control.

A. The provisions of this code shall be liberally construed to further its purposes.

B. Whenever a provision of this code or of any other law, rule, contract, resolution or regulation of the state or federal government or of Okanogan County, of any kind, contains restrictions covering the same subject matter, the more restrictive requirement or higher standard shall govern.

C. Reference to any existing provisions of law includes reference to any amendments to such provision that may occur subsequent to adoption of this code. (Ord. 92-12 § 5 (App. A), 1992).

17.02.090 Scope.

This code shall apply to all public and private lands situated within the unincorporated portions of Okanogan County over which Okanogan County has jurisdiction under the constitutions and laws of the state and of the United States and shall set forth minimum standards in addition to such other standards that may be applicable including, but not limited to, health district regulations, Shorelines Management Act, Okanogan County subdivision regulations, State Environmental Policy Act, comprehensive plan, Okanogan County SEPA ordinance or critical areas regulations. (Ord. 92-12 § 5 (App. A), 1992).

17.02.100 Notice and appeal period.

Any notice or appeal period established under the authority of this title, which expires on a holiday or weekend, shall be extended to the close of business of the next county business day. (Ord. 92-12 § 5 (App. A), 1992).

17.02.110 Severability.

If any provision of this title is for any reason held to be invalid, the remainder of this title shall not be affected. If any provision of this title is adjudged invalid as applied to a particular person or circumstance, that provision of this title shall not be affected as to other persons or circumstances. (Ord. 92-12 § 5 (App. A), 1992).

Chapter 17.04 DEFINITIONS

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17.04.005 Definitions generally.

Whenever the words and phrases set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; singular includes the plural and the plural the singular; "shall" is always mandatory and "may" indicates a use of discretion in making a decision. (Ord. 92-12 § 5 (App. A), 1992).

17.04.007 Accessory building or use.

"Accessory building or use" means a subordinate building or use which is located on the same lot with the principal building or use. For example, housing or labor camps for workers are considered accessory buildings in some zones. (Ord. 92-12 § 5 (App. A), 1992).

17.04.009 Acre.

"Acre" means a measurement of land surface area containing 43,560 square feet. (Ord. 92-12 § 5 (App. A), 1992).

17.04.011 Administrator.

"Administrator" means the Okanogan County office of planning and development director or the director's designee. (Ord. 92-12 § 5 (App. A), 1992).

17.04.012 Advertising sign.

"Advertising sign" means any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and which uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods or service. (Ord. 92-12 § 5 (App. A), 1992).

17.04.013 Agricultural resource lands.

"Agricultural resource lands" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, 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 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production. (Ord. 92-12 § 5 (App. A), 1992).

17.04.014 Agriculture.

"Agriculture," pertaining to farming, means and includes the raising of livestock and crops. (Ord. 92-12 § 5 (App. A), 1992).

17.04.015 Airport.

"Airport" means a runway having any or all of the following characteristics: facilities for storage; supply and maintenance of aircraft; commercial uses and services such as flight instruction, charter or air freight service; passenger service; agricultural services including herbicide or pesticide application; and facilities maintained or operated by governmental units, agencies or private corporations. (Ord. 92-12 § 5 (App. A), 1992).

17.04.016 Airport clear zone.

"Airport clear zone" means that area surrounding an airport to be clear of obstructions per Federal Aviation Administration Regulations. (Ord. 92-12 § 5 (App. A), 1992).

17.04.020 Airstrip.

"Airstrip" means a runway without normal airport facilities maintained for the private use of the owner of the property on which it is located. (Ord. 92-12 § 5 (App. A), 1992).

17.04.022 Amateur radio.

"Amateur radio" means a communication service carried out by person(s) licensed by the Federal Communications Commission solely with a personal aim and without pecuniary interest. (Ord. 96-7 § 2, 1996).

17.04.024 Approach surface.

"Approach surface" means a surface longitudinally centered on the extended runway centerline and extending outward and upward from such end of the primary surface. An approach surface is applied to the end of each runway based upon the type of approach available or planned for that runway end. (Ord. 92-12 § 5 (App. A), 1992).

17.04.025 Aquifer recharge areas.

"Aquifer recharge areas" means area with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water. (Ord. 92-12 § 5 (App. A), 1992).

17.04.026 Automobile wrecking yard.

"Automobile wrecking yard" means any facility for the dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles and/or their parts. (Ord. 92-12 § 5 (App. A), 1992).

17.04.027 Average grade level.

"Average grade level" means the average of the finished ground level taken at the center of all exterior walls of a building. In instances where an exterior wall of the building is within five feet of a sidewalk adjacent to a street, the sidewalk shall be considered the finished ground level. (Ord. 92-12 § 5 (App. A), 1992).

17.04.028 Awning or marquee sign.

"Awning or marquee sign" means a sign attached to a shelter which shelter is supported by posts or the exterior wall of a building or any combination thereof. (Ord. 2000-1 § 2, 2000).

17.04.029 Batch plant (asphalt/concrete).

"Batch plant (asphalt/concrete)" means a manufacturing facility for the production of paving and/or construction materials, usually temporary in nature, and normally associated with specific construction projects or mineral resource extraction facilities. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.028.).

17.04.030 Bed and breakfast.

"Bed and breakfast" means an owner-occupied single-family dwelling in which not more than two bedrooms are rented to the traveling public (tourists). For the purposes of this title, this use is not considered a commercial use. This use shall have the outward appearance of a single-family residence and food service in accordance with WAC 246-215-180. See Chapter 17.28 OCC for specific regulations. (Ord. 92-12 § 5 (App. A), 1992).

17.04.032 Billboard.

"Billboard" means a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product or service unrelated to the primary use or activity of the property on which the billboard is located. This definition excludes off-premises directional and/or temporary real estate signs. (Ord. 92-12 § 5 (App. A), 1992).

17.04.035 Binding site plan.

"Binding site plan" means:

- A. A drawing or drawings to a scale of not less than one inch to 100 feet which:
 - 1. Identifies and shows the areas and locations of all streets, roads, drainage systems, improvements, utilities, open spaces, dedications, lots, tracts, spaces and any other matters specified in this title and any other applicable code or ordinance;
 - 2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Okanogan County agency having authority to approve the site plan; and
 - 3. Contains provisions making any development upon land covered by the plan, be in conformity with the site plan.
- B. An alternative method of land segregation pursuant to Chapter 58.17 RCW, regulated by Okanogan County Code, Ordinance 86-6. (Ord. 92-12 § 5 (App. A), 1992).

17.04.040 Board.

"Board" means the Okanogan County board of county commissioners. (Ord. 92-12 § 5 (App. A), 1992).

17.04.045 Building.

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising signboards or fences. (Ord. 92-12 § 5 (App. A), 1992).

17.04.052 Building yard setback.

"Building yard setback" means a required minimum distance measured from, perpendicular to, and level with a specified property line, exclusive of the pipestem portion (if any) of a lot, to the nearest point on the building footprint or foundation. (Ord. 92-12 § 5 (App. A), 1992).

17.04.055 Campgrounds.

"Campgrounds" means a development providing facilities for outdoor recreational activities, including structural improvements such as covered cooking areas, group facilities, self-contained travel trailer/motor home sites, tent sites, restroom and shower facilities, and laundry facilities for the convenience of temporary occupants. This definition includes camping clubs when developed in accordance with applicable state laws and this title. (Ord. 92-12 § 5 (App. A), 1992).

17.04.060 Commercial.

"Commercial" means facilities used or established to provide goods, merchandise or services for compensation or exchange, excluding facilities for the growth, production or storage of agricultural products. (Ord. 92-12 § 5 (App. A), 1992).

17.04.065 Commercial auto parking lot.

"Commercial auto parking lot" means spaces for lease or rent on an hourly, daily or monthly basis. (Ord. 92-12 § 5 (App. A), 1992).

17.04.067 Communication facility, commercial.

"Commercial communication facility" means a communication facility for transmission and reception of UHF and/or VHF television signals or FM and/or AM radio signals; two-way and/or citizen band (CB) radio signals; point-to-point microwave signals; cellular radio signals; signals through FM radio translators; or signals through FM radio boosters over 10 watts effective radiated power. (Ord. 92-12 § 5 (App. A), 1992).

17.04.068 Community advisory committee.

"Community advisory committee" means a citizen advisory committee representative of a cross-section of the community appointed by the Okanogan County board of commissioners for the purpose of review and recommendation on specific projects in a specific area. Review by community advisory committee is supplementary to the required public review. (Ord. 92-12 § 5 (App. A), 1992).

17.04.069 Conditional use.

"Conditional use" means a use permitted in one or more zones by this code, but which because of characteristics peculiar to each such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible with other existing or permissible uses in the same zone or zones. Conditional uses require a conditional use permit (see Chapter 17.33 OCC). (Ord. 92-12 § 5 (App. A), 1992).

17.04.070 Condominium.

"Condominium" means an apartment building in which the apartments are owned individually, or an apartment in such a building. The condominium concept usually involves some elements of common ownership of the underlying property and often some portions of the building together with participation in an ownership association. (Ord. 92-12 § 5 (App. A), 1992).

17.04.071 Critical areas.

"Critical areas" means and includes the following areas and ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas, as may be adopted based on the Washington Department of Wildlife priority habitat and species (PHS) maps; frequently flooded areas, as represented on the adopted FEMA 100-year floodplain maps; and geologically hazardous areas. (Ord. 92-12 § 5 (App. A), 1992).

17.04.073 Day care.

"Day care" means an establishment for group care of nonresident adult(s) or children. Day care may include adult day health centers or social day cares as defined by the Washington State Department of Social and Health Services, nursery schools for children under the minimum age for education in public schools, private kindergartens or prekindergartens when not a part of a public or parochial school, and programs covering after-school care for school children. (Ord. 92-12 § 5 (App. A), 1992).

17.04.075 Dedication.

"Dedication" means the transfer of property interest, via a written instrument, to a public agency/entity for a specific use or purpose (e.g., roads, parks or trails, open space, fishing access), or to encumber such property with a perpetual restrictive covenant providing for such use. (Ord. 92-12 § 5 (App. A), 1992).

17.04.077 Density.

"Density" means an expression of the intensity of use of property usually indicated in the following manner:

A. For residential uses: minimum acreage or square footage required for each residential unit;

B. For nonresidential uses: maximum amount of use and/or floor area expressed as a percentage or fraction of the size of the lot. (Ord. 92-12 § 5 (App. A), 1992).

17.04.080 Development.

"Development" means any construction or activity which changes the basic character, use or intensity of use of the land on which the construction or activity occurs.

Development includes subdivision of land for the purpose of sale or lease which requires platting under the Okanogan County subdivision code. (Ord. 92-12 § 5 (App. A), 1992).

17.04.083 Dormitory.

"Dormitory" means a residential building that provides sleeping quarters (but not separate dwelling units), and may include common dining, cooking and recreation or bathing facilities. Dormitories are usually associated with resorts, schools, recreational camps, etc. (Ord. 92-12 § 5 (App. A), 1992).

17.04.085 Dwelling, group (dormitory, hostel and hospice).

"Group dwelling (dormitory, hostel and hospice)" means a supervised residence hall or large room with a number of beds for individuals or groups, and without individual

private baths. This type of facility may include central kitchen facilities. (Ord. 92-12 § 5 (App. A), 1992).

17.04.090 Dwelling unit.

“Dwelling unit” means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility for the sole use by the dwelling’s occupant; including, but not limited to, bachelor, efficiency and studio apartments, factory-built housing and mobile homes, apartments and detached single-family homes. (Ord. 92-12 § 5 (App. A), 1992).

17.04.095 Dwelling, multiple-family.

“Multiple-family dwelling” means a building containing two or more dwelling units with accessory use facilities limited to any office, laundry and recreational facilities used by the occupants, and off-street parking. (Ord. 92-12 § 5 (App. A), 1992).

17.04.097 Environmentally sensitive area.

“Environmentally sensitive area” means an area designated and mapped by the county under WAC 197-11-908. Certain categorical exemptions do not apply within environmentally sensitive areas. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.110.).

17.04.099 Facade sign.

“Facade sign” means any sign which is erected (including painted) on the wall of a building or other structure whose face is generally parallel to that wall or other structure and whose face does not extend outward more than 12 inches in a direction perpendicular to that wall or other structure. (Ord. 2000-1 § 2, 2000).

17.04.101 Feedlot.

“Feedlot” means any area used for the continuous feeding of 400 or more head of cattle, confined at a density of less than 500 square feet per head for six months or more. This shall not be interpreted to include dairy operations with a Washington State grade A license. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.111.).

17.04.103 Fence.

“Fence” means a barrier for the purpose of enclosing space or separating lots. Fences are not structures for the purposes of this code. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.112.).

17.04.105 Fence (Washington legal).

A “lawful fence” shall be of at least four barbed, horizontal, well-stretched wires, spaced so that the top wire is 48 inches, plus or minus four inches, above the ground and the other wires at intervals below the top wire of 12, 22 and 32 inches. These wires shall be securely fastened to substantial posts set firmly in the ground as nearly equidistant as possible, but not more than 24 feet apart. If the posts are set more than 16 feet apart, the wires shall be supported by stays placed no more than eight feet from each other or from the posts (RCW 16.60.010).

All other fences as strong and well-calculated as the fence discussed above are also considered lawful fences (RCW 16.60.011). (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.113.).

17.04.107 Fish and wildlife habitat conservation areas.

“Fish and wildlife habitat conservation areas” means areas of local importance that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, movement corridors, and areas of limited availability or high vulnerability to alteration, such as cliffs, talus and wetlands. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.114.).

17.04.109 Flood hazard area.

“Flood hazard area” means areas identified by the Federal Insurance Administration in the report entitled “The Flood Insurance Study for the Okanogan County Area,” as amended/updated, with accompanying flood insurance maps. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.115.).

17.04.111 Floodplain.

“Floodplain” means that portion of a river or stream channel and adjacent lands subject to flooding in a given flood situation. A 100-year floodplain is that portion of a river or stream channel and adjacent lands subject to a one percent chance of flooding in any given year as identified on the flood hazard maps prepared by the Federal Emergency Management Agency (FEMA). (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.116.).

17.04.113 Floodway.

“Floodway” means the regular river or stream channel together with that portion of the floodplain which has been defined as floodway on the flood hazard maps prepared by the Federal Emergency Management Agency (FEMA). (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.117.).

17.04.115 Floor area.

“Floor area” means the total surface area of all floors, including garage space, within a structure or structures to be erected on a property. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.118.).

17.04.117 Forest resource lands.

“Forest resource lands” means land that is primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially. (Ord. 2000-1 § 2, 2000; Ord. 92-12 § 5 (App. A), 1992. Formerly 17.04.119.).

17.04.119 Freestanding sign.

"Freestanding sign" means a sign supported by one or more uprights, poles or braces in or on the ground, and not supported by a building. (Ord. 2000-1 § 2, 2000).

17.04.120 Frequently flooded areas.

"Frequently flooded areas" means areas in the floodplain subject to a one percent or greater chance of flooding in any given year. (Ord. 92-12 § 5 (App. A), 1992).

17.04.121 Fruit stand.

"Fruit stand" means a single-story structure used seasonally for marketing fresh fruits/vegetables, dairy products and other agricultural products. (Ord. 92-12 § 5 (App. A), 1992).

17.04.122 Geologically hazardous areas.

"Geologically hazardous areas" means areas that are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns, because of their susceptibility to erosion, sliding, earthquake or other geological events. Types of geologically hazardous areas including:

A. Erosion hazard areas: contain soil types, according to Soil Conservation Service's soil classification system, that may experience severe to very severe erosion;

B. Landslide hazard areas: have the potential of risk of mass movement resulting from a combination of geologic, topographic and hydrologic factors;

C. Seismic hazard areas: are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement or soil liquefaction;

D. Mine hazard areas: are directly underlain by, adjacent to or affected by mine workings such as edits, tunnels, drifts, or air shafts;

E. Volcanic hazard areas: include areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mud flows, or related flooding resulting from volcanic activity. (Ord. 92-12 § 5 (App. A), 1992).

17.04.123 Gravel pit.

"Gravel pit" means land from which sand, gravel or quarried rock is extracted, but does not include extraction of metals, minerals or fossil fuels (see Mining, OCC 17.04.185). (Ord. 92-12 § 5 (App. A), 1992).

17.04.124 Guest house.

"Guest house," for the purposes of OCC 17.14.115, means a small living unit accompanying the main residence permitted on a lot of minimum size or larger for the purpose of housing guests, friends and relatives, and having its own kitchen and toilet facilities. The total floor area of such a unit shall be a minimum of 500 square feet and not exceed 50 percent of the total area of the main residence. The main residence shall be occupied by the property owner. (Ord. 92-12 § 5 (App. A), 1992).

17.04.125 Height, building.

"Building height" means the average height of the four sides of a structure, measured from existing grade highest point of the roof. (Ord. 92-12 § 5 (App. A), 1992).

17.04.126 Helipad.

"Helipad" means a designated touchdown spot for short-term occasional use by helicopters. (Ord. 92-12 § 5 (App. A), 1992).

17.04.127 Heliport.

"Heliport" means all helicopter landing sites, except for helipads as defined in OCC 17.04.126 or a site for one, privately owned, noncommercial helicopter. The heliport may include ancillary maintenance facilities. (Ord. 92-12 § 5 (App. A), 1992).

17.04.130 Home occupation.

"Home occupation" means a business carried on as an accessory use to a principal residential use of the subject property, involving the manufacture, provision, or sale of goods and/or services, which is conducted by the members of the family residing on the premises plus not more than two nonresident employees. Home occupations must comply with Chapter 17.29 OCC. (Ord. 96-14 § 2, 1996; (Ord. 92-12 § 5 (App. A), 1992).

17.04.131 Hospital.

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice. (Note: This definition excludes treatment of mental and nervous disorders and drug/alcohol abuse, but not excluding surgical and post-surgical treatment of these cases). (Ord. 92-12 § 5 (App. A), 1992).

17.04.132 Hotels and motels.

"Hotels" and "motels" means establishments for housing the traveling public on an overnight or short-term basis. Accessory restaurant and recreational facilities are usually available to nonguests as well as guests. (Ord. 92-12 § 5 (App. A), 1992).

17.04.135 Improved public road.

"Improved public road" means a roadway used by the public and having a level of improvement accepted by Okanogan County. (Ord. 92-12 § 5 (App. A), 1992).

17.04.137 Industrial.

"Industrial" means activity including manufacturing, processing, warehousing, storage, distribution, shipping and other related uses. (Ord. 92-12 § 5 (App. A), 1992).

17.04.140 Inns, lodges and guest ranches.

"Inns, lodges and guest ranches" means establishments for housing and providing either organized entertainment (both active and passive) or recreational opportunities for stays, generally, several nights in duration. This type of facility either provides all recreational opportunities on-site or as part of an organized or duly licensed and/or permitted recreational activity on public or private lands in the vicinity of the inn, lodge or guest ranch. (Ord. 92-12 § 5 (App. A), 1992).

17.04.143 Kennel, commercial.

"Commercial kennel" means an establishment or place, other than an animal or veterinary hospital or clinic or animal shelter, where a combination of 11 or more dogs and/or cats over six months of age are housed, groomed, bred, boarded, trained or sold commercially or as pets. (Ord. 92-12 § 5 (App. A), 1992).

17.04.144 Kennel, private.

"Private kennel" means the domicile of a person or persons, who own or breed five or more dogs and/or cats, but less than 11 dogs and/or cats, over six months of age, primarily for personal recreational use, such as participation in recognized conformation shows, field or obedience trials, racing, scenting, pulling, specialized hunting or working trails, and water trails, search and rescue, tracking, and for the purpose of improving the physical soundness, temperaments and conformation of a given breed to a standard. (Must be in compliance with Chapter 17.29 OCC, Home Occupation.) (Ord. 92-12 § 5 (App. A), 1992).

17.04.150 Lodging unit.

"Lodging unit" means one or more rooms in addition to kitchen or bath facilities within a building intended or designed for the occupancy of guests. (Ord. 92-12 § 5 (App. A), 1992).

17.04.155 Lot.

"Lot" means a fractional part of subdivided lands having fixed boundaries, and being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts and parcels. (Ord. 92-12 § 5 (App. A), 1992).

17.04.158 Lot, corner.

"Corner lot" means a lot situated at the intersection of two or more streets. Front yard setback standards apply to each street frontage of a corner lot. (Ord. 92-12 § 5 (App. A), 1992).

17.04.160 Lot coverage.

"Lot coverage" means that portion of a lot which, when viewed directly from above, would be covered by building(s) and/or structure(s) and/or impervious surfaces. The portion of the lot covered by the roof projection or eaves beyond the wall of the building(s) and/or structure(s) is not included as lot coverage. (Ord. 92-12 § 5 (App. A), 1992).

17.04.165 Lot width.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and the rear lot line. (Ord. 92-12 § 5 (App. A), 1992).

17.04.168 Manufactured home.

"Manufactured home" means a structure that can be transported on a wheeled-axle in one or more parts and is constructed to U.S. Housing and Urban Development Standards. (Ord. 92-12 § 5 (App. A), 1992).

17.04.169 Manufacturing, heavy.

"Heavy manufacturing" means industrial enterprises and activities which possess potential nuisance or hazard components or place exceptional demands upon public facilities and services. Such facilities generally involve manufacturing, assembly, fabrication and processing, bulk handling, storage, warehousing, and heavy trucking activity and normally require sites of larger size to accommodate these uses. (Ord. 92-12 § 5 (App. A), 1992).

17.04.170 Manufacturing, light.

"Light manufacturing" means a manufacturing use, in which goods are produced without using heavy machinery, such as machine loaders, foundry machinery, metal, presses, etc., and without chemically processing materials. Light manufacturing activities include, but are not limited to, the following activities:

A. Manufacture, assembly, finishing, and/or packaging of small items from component parts. Examples include, but are not limited to, pottery, clothing, assembly of clocks, electrical appliances or medical equipment;

B. Production of items made from materials derived from plants or animals including, but not limited to, leather, premilled wood, paper, wool or cork; or from textiles, semiprecious or precious metals or stones, or plastics;

C. Production or bottling of beverages for human consumption including, but not limited to, beer, wine and soft drinks. (Ord. 92-12 § 5 (App. A), 1992).

17.04.175 Marinas.

"Marinas" means a facility which provides boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas; open-type construction (floating breakwater and/or open pile work) and solid-type construction (bulkhead and/or landfill). (Ord. 92-12 § 5 (App. A), 1992).

17.04.180 Medical/dental clinic.

"Medical/dental clinic" means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises. (Ord. 92-12 § 5 (App. A), 1992).

17.04.182 Mineral resource lands.

"Mineral resource lands" means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of mineral. (Ord. 92-12 § 5 (App. A), 1992).

17.04.183 Mini-storage.

"Mini-storage" means storage bins/lockers/rooms for rent for lease to the general public. Such storage facilities are generally within an enclosed building, although this definition also encompasses outdoor storage of autos, boats, recreational vehicles, equipment, etc. (Ord. 92-12 § 5 (App. A), 1992).

17.04.185 Mining.

"Mining" means the act of extracting from the earth minerals and/or ores via open pit, shaft, leaching, hydraulic or other methods, except dredging and sand and gravel. Note that mining activities are subject to zoning regulation and approval processes; however, prospecting and exploration activities that are conducted with minimal disturbance of the subject property are not considered mining and are not restricted by zoning. Surface mining operations are also regulated by the Department of Natural Resources. (Ord. 92-12 § 5 (App. A), 1992).

17.04.186 Mobile home.

"Mobile home" means structure that can be transported on a wheeled-axle, placed upon blocks, and is constructed to U.S. Housing and Urban Development standards. (Ord. 92-12 § 5 (App. A), 1992).

17.04.187 Mobile home park.

"Mobile home park" means a parcel of land designed, developed and improved to accommodate two or more mobile homes. Pads or spaces are generally leased or rented, and the period of occupancy generally extends beyond 30 days. (Ord. 92-12 § 5 (App. A), 1992).

17.04.188 Modular home.

"Modular home" means a structure moved to a lot in one or more parts, placed upon a foundation, and is constructed to Uniform Building Code standards. (Ord. 92-12 § 5 (App. A), 1992).

17.04.189 Nightly rental.

"Nightly rental" (for the purposes of Chapters 17.12, 17.14A, 17.14B, 17.15, 17.16 and 17.17 OCC) means tourist accommodation in guest houses, recreational homes or cabins, or part-time residential homes. See definitions of guest houses, recreational homes or cabins, and part-time residential homes for additional details concerning each type of use. (Ord. 2005-4 § 1, 2005).

17.04.190 Nonconforming structure.

"Nonconforming structure" means a lawful structure existing at the effective date of the adoption of this code that could not be built under the terms of this code or any amendment thereto. (Ord. 92-12 § 5 (App. A), 1992).

17.04.195 Nonconforming use.

"Nonconforming use" means any preexisting use of land, a structure, or a building conflicting with the provisions of this code, or any amendment thereto. (Ord. 92-12 § 5 (App. A), 1992).

17.04.200 Nursery.

"Nursery" means the land, building, structures or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the

premises including products used for gardening or landscaping. (Ord. 92-12 § 5 (App. A), 1992).

17.04.205 Office.

“Office” means a use intended for the purpose of providing services rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature. (Ord. 92-12 § 5 (App. A), 1992).

17.04.210 Open space, common.

“Common open space” means land within or related to a development, not individually owned (undivided interest), which remains undeveloped (except for approved trails and accessory structures approved by the Department of Fish and Wildlife) and that is dedicated to one or more of the following purposes: historical/architectural preservation and/or wildlife habitat and/or recreation. (Ord. 94-10 § 2, 1994; Ord. 92-12 § 5 (App. A), 1992).

17.04.212 Open space, individual ownership.

Land within or related to a development owned individually, which remains undeveloped (except for trails) and that is dedicated for use in the development and is retained or restored to its native state or used for agricultural or recreational purposes, e.g., part of an organized trail system, structure approved by the Department of Fish and Wildlife, and structures of historical/architectural preservation significance or used as designated wildlife open space. (Ord. 94-10 § 2, 1994).

17.04.215 Open space, public.

“Public open space” means any land which has been acquired, set aside, dedicated, designated or reserved for general public use or enjoyment. (Ord. 92-12 § 5 (App. A), 1992).

17.04.220 Open space, conservation.

Land retained in an open or unimproved condition, which has been set aside, dedicated, designated, or reserved for fish and wildlife preservation or enhancement purposes. Mechanisms for preservation of wildlife open space include but are not limited to subdivision, planned development (PD), or planned destination resort (PDR) process. Lands within this type of an open space dedication may include portions and combinations of forest, agricultural and grazing lands, priority fish and wildlife habitats, on-site watersheds, 100-year flood plains, county shorelines or shorelines of state-wide significance and riparian areas and wetlands. Land so designated shall not include areas of human impact referred to in OCC 17.19.037 and shall contain no structures, or impervious surfaces or other than those which are approved by the administrator, e.g., part of an organized trail system, structure approved by the Department of Fish and Wildlife, and structures of historical/architectural preservation significance or used as designated wildlife open space. This definition applies to the incentive features (OCC 17.19.030) where percentage points can be earned by dedicating conservation open space within the PD. (Ord. 94-10 § 2, 1994; Ord. 92-12 § 5 (App. A), 1992).

17.04.224 Overnight lodging.

"Overnight lodging" means rental for transient or tourist use on a nightly, weekly or other basis less than month-to-month rental. (Ord. 2005-4 § 1, 2005).

17.04.226 Part-time residential home.

"Part-time residential home," for the purposes of OCC 17.14.115, means a home which is not occupied year round, but is occupied by the owner at least three months of the year. (Ord. 92-12 § 5 (App. A), 1992).

17.04.230 Persons.

"Persons" means any individual, partnership, corporation, association, company or other public or corporate body including the federal government and including any political subdivision, agency, instrumentality or corporation of the state. (Ord. 92-12 § 5 (App. A), 1992).

17.04.235 Planned destination resort (PDR).

"Planned destination resort (PDR)" means a recreational development which provides visitor-oriented accommodations and recreational facilities for resort visitors and residents, consistent with the comprehensive plan and approved under Chapter 17.20 OCC. (Ord. 92-12 § 5 (App. A), 1992).

17.04.240 Planned development (PD).

"Planned development (PD)" means land on which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under flexible standards, such as lot sizes and setbacks, different than those restrictions that would normally apply to subdivision in the underlying zone. Planned development standards contain requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans. A planned development is processed as a rezone. (Ord. 92-12 § 5 (App. A), 1992).

17.04.242 Portable.

"Portable" means capable of being carried or moved about, not permanently affixed to the ground. (Ord. 96-4 § 2, 1996).

17.04.243 Projecting sign.

"Projecting sign" means a sign which is attached to or supported by a wall or overhang of a building or structure other than an awning or marquee and which extends beyond the wall surface more than 12 inches in any direction. (Ord. 2000-1 § 2, 2000).

17.04.244 Recreational homes or cabins.

"Recreational homes or cabins," for the purposes of OCC 17.14.115, means those units which are the only living unit on a lot used by the owner periodically for extended stays and vacation periods but are otherwise vacant. (Ord. 92-12 § 5 (App. A), 1992).

17.04.245 Recreational vehicle (RV) park.

"Recreational vehicle (RV) park" means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short-stay purposes. (Ord. 92-12 § 5 (App. A), 1992).

17.04.247 Recycling collection center.

"Recycling collection center" means a receptacle, facility or area used for the collection of recyclable materials (generally paper, glass, cans, etc.) for bulk transfer to a recycling processing center. (Ord. 92-12 § 5 (App. A), 1992).

17.04.250 Recycling processing center.

"Recycling processing center" means a facility where discarded household products such as aluminum and tin cans, glass, paper and other similar individual consumer products are deposited and stored for future reprocessing, including crushing, breaking, sorting and packaging operations, but not a junkyard. (Ord. 92-12 § 5 (App. A), 1992).

17.04.252 Residential transient tourist accommodation.

"Residential transient tourist accommodation," for the purposes of OCC 17.14.115, means overnight lodging spaces for the traveling public. These facilities may include, but are not limited to: guest houses, recreational homes or cabins, or part-time residential homes, campgrounds, recreational vehicle (RV) parks, dormitories/hostels/hospices, bed and breakfasts, lodges/inns, cabins, hotel/motels. See individual definitions for additional detail concerning each type of use. (Ord. 92-12 § 5 (App. A), 1992).

17.04.255 Riparian areas.

"Riparian areas" means areas adjacent to perennial or intermittent streams, lakes, ponds or standing water. (Ord. 92-12 § 5 (App. A), 1992).

17.04.260 Salvage (junk) yards.

"Salvage (junk) yards" means any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, brush, wood or other scrap or discarded goods, materials, machinery or five or more unregistered, inoperable motor or recreational vehicles or any other type of junk. (Ord. 92-12 § 5 (App. A), 1992).

17.04.261 Sandwich board sign.

"Sandwich board sign" means a sign which consists of two panels, hinged or attached at the top or side, designed to be movable and stand on the ground. (Ord. 2000-1 § 2, 2000).

17.04.265 Sawmill.

"Sawmill" means a mill where timber or logs are sawed into lumber or boards. (Ord. 92-12 § 5 (App. A), 1992).

17.04.270 Sawmill, portable.

"Portable sawmill" means a small, self-contained sawmill which is moved to the site where the timber is to be sawn and then moved on to another location. (Ord. 92-12 § 5 (App. A), 1992).

17.04.272 Seasonal.

"Seasonal" means a temporary use or permit (see OCC 17.04.297), the duration of which is related to an identifiable climatic, cultural or recreational period (i.e., summer, winter, fall, spring, Christmas, ski season). (Ord. 92-12 § 5 (App. A), 1992).

17.04.275 Shoreline.

"Shoreline" means the line at which the surface of the body of water of any lake, stream or river meets the land. (Ord. 92-12 § 5 (App. A), 1992).

17.04.280 Shoreline management.

"Shoreline management" means having to do with the Washington State Shoreline Management Act of 1971 (Chapter 90.58 RCW) and/or the Okanogan shoreline management master program administered under OCC Title 18. (Ord. 92-12 § 5 (App. A), 1992).

17.04.281 Sign.

"Sign" means any letter, figure, design, symbol, trademark, or other device which is intended to attract attention to any activity, service, place, firm, corporation or merchandise, except:

- A. Traffic signs not visible from the public right-of-way or adjacent properties;
- B. Signs on moving vehicles;
- C. Newspapers or other printed materials intended for individual use or distribution to members of the public;
- D. Government flags, or flags and bunting exhibited to commemorate national and patriotic holidays; and banners announcing charitable or civic events. (Ord. 2000-1 § 2, 2000).

17.04.282 Sign area.

"Sign area" means the entire background of one face of a sign upon which information of any kind can be displayed unless otherwise certified in this title, but does not include posts, foundations, roofs or landscaping. Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the sign surface, but excluding posts, supports, foundations, roofs or landscaping. For a sign attached to or painted on a building, the area shall be considered to be 120 percent of the smallest rectangle which encompasses all of the letters, symbols, and any background color that is different than the natural color or finish of the building. (Ord. 2000-1 § 2, 2000).

17.04.283 Sign height.

The height of any sign shall be measured from the average grade at the base of the sign to the top of the sign. Any sign over or adjacent to a walkway shall be a minimum of eight feet above the walkway. (Ord. 2000-1 § 2, 2000).

17.04.285 Solid waste transfer station.

"Solid waste transfer station" means a government or private facility operated under government approval or franchise, where privately and or commercially transported solid waste and refuse is reloaded into larger vehicles for final transportation to a permanent disposal location. (Ord. 92-12 § 5 (App. A), 1992).

17.04.287 Special event.

"Special event" means any event (excluding those events allowed through the festival permitting process) that happens for more than three consecutive days per event and no more than twice a year. (Ord. 96-4 § 2, 1996).

17.04.289 Special event camping.

"Special event camping" means any 10 or more recreational vehicles, tents, or temporary structures designed for temporary habitation, or any combination thereof, limited to the duration of the special event (whether related to a special event or not) and one week before and one week after. (Ord. 96-4 § 2, 1996).

17.04.295 Structure.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences or paved areas, or standard roof-mounted antennas. (Ord. 92-12 § 5 (App. A), 1992).

17.04.297 Temporary.

"Temporary" means a use or permit having a specific, short-term duration (see Seasonal, OCC 17.04.272). (Ord. 92-12 § 5 (App. A), 1992).

17.04.299 Temporary use.

"Temporary use" means a use that is limited in scope, duration and frequency. (Ord. 96-4 § 2, 1996).

17.04.299.1 Tourist accommodation.

"Tourist accommodation" means overnight lodging for the traveling public. (Ord. 2005-4 § 1, 2005).

17.04.300 Tract.

"Tract" means a parcel of land, or contiguous parcels under common ownership. (Ord. 92-12 § 5 (App. A), 1992).

17.04.304 Transient use.

"Transient use" means a business that lasts or stays only a short time and/or a business that travels from place to place covering a circuit. (Ord. 96-4 § 2, 1996).

17.04.305 Transitional surface.

In reference to an airport, "transitional surfaces" are located on both sides of the approach and primary surfaces. These surfaces extend outward and upward at right angles to the runway centerline at a slope of seven feet horizontal for every one-foot vertical rise from the sides of the primary and approach surfaces until it reaches 160 feet above the highest point on the runway. (Ord. 92-12 § 5 (App. A), 1992).

17.04.315 Underlying zone.

"Underlying zone" means a zoning district (found in Chapters 17.05 through 17.18 OCC) which is applied directly to the land as identified on the official zoning map, the regulations of which apply in addition to those general requirements set forth in this code. (Ord. 92-12 § 5 (App. A), 1992).

17.04.318 Use.

"Use" means the legal enjoyment of property that consists in its employment, exercise, or practice. (Ord. 96-4 § 2, 1996).

17.04.320 Variance.

"Variance" means an adjustment in the application of the regulations of a zoning ordinance to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived as a result of the imposition of the zoning regulations of privileges commonly enjoyed by other properties in the same vicinity and zone. A variance shall be limited to only that adjustment necessary to remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone and subject to the same restrictions. Economic hardship is not grounds for a variance. (Ord. 92-12 § 5 (App. A), 1992).

17.04.325 Veterinary clinic.

"Veterinary clinic" means a place used for the care, grooming, diagnosis and treatment of the sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. (Ord. 92-12 § 5 (App. A), 1992).

17.04.330 Warming huts/way stations.

"Warming huts/way stations" means a temporary shelter from adverse weather conditions or overnight layovers on longer trips. These shelters are not intended for extended stays or permanent residential occupancy. Further, these uses are permitted only as an ancillary use to a planned, recognized and/or duly authorized recreational program. (Ord. 92-12 § 5 (App. A), 1992).

17.04.345 Wetlands.

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water 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. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city. (Ord. 92-12 § 5 (App. A), 1992).

17.04.346 Window sign.

"Window sign" means a sign placed inside a building within two horizontal feet of the window or on a window. This term does not include merchandise. (Ord. 2000-1 § 2, 2000).

17.04.350 Zoning adjustor.

"Zoning adjustor" means the individual designated and appointed by the board of county commissioners to hear and decide zoning adjustor yard variances as set forth in OCC 17.34.120. (Ord. 92-12 § 5 (App. A), 1992).

17.04.351 Zoning adjustor/yard variance.

"Zoning adjustor/yard variance" means the administrative variances established in OCC 17.34.120 which allows the reduction of required yard setbacks up to 25 percent of the code requirement subject to the requirements of OCC 17.34.070. (Ord. 92-12 § 5 (App. A), 1992).

Chapter 17.05 MINIMUM REQUIREMENT DISTRICT (MD)

Sections:

| | |
|-----------|----------------------------|
| 17.05.010 | Purpose of classification. |
| 17.05.020 | Permitted uses. |
| 17.05.030 | Conditional uses. |
| 17.05.040 | Accessory uses. |
| 17.05.050 | Prohibited uses. |
| 17.05.060 | Lot area and width. |
| 17.05.070 | Density. |
| 17.05.080 | Required yard setbacks. |
| 17.05.090 | Height. |
| 17.05.100 | Lot coverage. |
| 17.05.105 | Parking. |
| 17.05.110 | Special provisions. |

17.05.010 Purpose of classification.

The purpose of the minimum requirement district is to maintain broad controls in preserving rural character and protecting natural resources. (Ord. 92-12 § 5 (App. A), 1992).

17.05.020 Permitted uses.

Permitted uses are as indicated on the district use chart (see Chapter 17.21 OCC). (Ord. 92-12 § 5 (App. A), 1992).

17.05.030 Conditional uses.

Conditional uses are as indicated on the district use chart (see Chapter 17.21 OCC). (Ord. 92-12 § 5 (App. A), 1992).

17.05.040 Accessory uses.

Accessory uses are as follows:

- A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property;
- B. Additional residential units for extended family members or employees of a farm upon which they live and work (for example, guest houses, employee housing and seasonal worker cabins). Note: Additional residential units are not allowed in association with multi-family housing or mobile home park;
- C. Bed and breakfasts. (Ord. 92-12 § 5 (App. A), 1992).

17.05.050 Prohibited uses.

Prohibited uses are as indicated on the district use chart (see Chapter 17.21 OCC). (Ord. 92-12 § 5 (App. A), 1992).

17.05.060 Lot area and width.

Lot area and width requirements are as follows:

A. The minimum lot area is one acre, except where health regulations require larger parcels to accommodate on-site sewage treatment.

B. When structures for manufacturing, commercial, and industrial uses exceed 35 feet, minimum lot area is five acres.

C. Minimum lot width is 100 feet. (Ord. 94-3 § 2, 1994; Ord. 92-12 § 5 (App. A), 1992).

17.05.070 Density.

Density restrictions are as follows:

A. Minimum of one acre single-family unit;

B. Minimum 9,600 square feet per multifamily unit or mobile home park unit. (Ord. 92-12 § 5 (App. A), 1992).

17.05.080 Required yard setbacks.

A. For all permitted structures, except manufacturing, commercial, and industrial structures, shall have the following required yard setbacks:

1. Front, minimum is 25 feet;

2. Side, minimum is 5 feet;

3. Rear, minimum is 25 feet.

B. Manufacturing, commercial, or industrial structures: yard setbacks from all property lines shall not be less than two feet horizontal for every one foot of vertical height, or the setback established in this section, whichever is greater. (Example: A 65-foot tall structure shall be required to be set back 130 feet from all property lines.) (Ord. 94-3 § 2, 1994; Ord. 92-12 § 5 (App. A), 1992).

17.05.090 Height.

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in subsections B through G of this section.

B. Maximum height shall be 50 feet for: appurtenances and decorative nonstructural architectural components on roofs of single- and multiple-family dwelling units and on roofs of accessory agricultural buildings.

C. Maximum height for agricultural uses shall be 65 feet, except as noted in subsection E of this section.

D. Maximum height for the following uses shall be 65 feet, unless otherwise limited by condition of a conditional use permit, PD, or by a county commissioner-sanctioned community advisory committee, as identified in the district use chart: agricultural wind machines; aircraft hangars; asphalt or concrete batch plants; barns and silos; cement, lime or gypsum manufacturers; chimneys not attached to dwellings; church steeples, spires, belfries, cupolas, and domes; community centers, sports facilities and complexes; cooling towers; county administrative and criminal justice buildings (governmental services); crosses and other religious and civic monuments; drive-in movie theater screens; elevator penthouses; fertilizer manufacturing; gas holders or other similar structures; hose towers; mining, milling, and associated facilities; parapet walls; performing arts centers (theaters); petroleum storage tanks; sawmills and pulp mills; school auditoriums and theaters; smokestacks. (Note: Manufacturing, commercial and

industrial uses can only be placed on lots five acres and larger, if the structures exceed 35 feet in height. See Lot area and width in OCC 17.05.060.

E. Maximum height for the following list of uses is 100 feet: grain elevators; private communication towers; single-family residential windmills; water tanks.

F. Maximum height for electric transmission and distribution towers and poles shall be 150 feet.

G. Maximum height for communications facilities (commercial and public agency radio and TV, microwave or other antennas for transmitting and receiving) shall be 200 feet. (Ord. 96-1 § 2, 1996; Ord. 94-3 § 2, 1994; Ord. 92-12 § 5 (App. A), 1992).

17.05.100 Lot coverage.

Lot coverage is not applicable (see required setbacks in OCC 17.05.080). (Ord. 92-12 § 5 (App. A), 1992).

17.05.105 Parking.

Parking requirements area as indicated in Chapter 17.25 OCC. (Ord. 92-12 § 5 (App. A), 1992).

17.05.110 Special provisions.

A. The density of RV parks, campgrounds, hotels, motels, etc. shall be determined by Okanogan County health district standards for on-site treatment.

B. The following subarea overlay requirements have been established within the minimum requirement district, Molson subarea overlay:

1. The subarea boundaries shall be the same as the boundaries of Okanogan Fire District No. 11 as they existed on the date of approval of this code.

2. Specific provisions applicable within this subarea shall supersede all requirements and allowances of the minimum requirement district are as follows:

a. The minimum lot size for all new subdivision shall be 20 acres or 1/32 of a section. Existing legal lots having less than 20 acres may be used as building sites subject to compliance with on-site treatment regulations of the health district and minimum setbacks for the zone.

b. The maximum density for permitted uses shall be one dwelling unit per lot, except, one residential accessory structure is permitted on each residential lot (see OCC 17.05.040).

c. The seller of subdivided land shall be required to provide one-half the cost of a Washington State legal perimeter fence around such land and shall inform purchasers of their obligation to maintain the fence. (Ord. 92-12 § 5 (App. A), 1992).

OKANOGAN COUNTY INTERIM-ZONE MAP

OKANOGAN COUNTY INTERIM-ZONE MAP 4 - DRAFT

Legend CODE, INTERM ZONE

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| AD, AGRICULTURAL | PD, PLANNED DEVELOPMENT |
| AP, AIRPORT DEV DIST | PDR, PLANNED DESTINATION RESORT |
| AR, AGRICULTURAL - RESIDENTIAL | R1, RURAL 1 |
| C, COMMERCIAL | R5, RURAL 5 |
| I-(SM2), INDUSTRIAL | R20, RURAL 20 |
| LDRD, LOW-DENSITY RESIDENTIAL | RRD, RURAL RESIDENTIAL DISTRICT |
| MD, MINIMUM REQUIREMENT DISTRICT | SR, SUBURBAN - RESIDENTIAL |
| MRD 1 (SM1), METHOW REVIEW DISTRICT | SRC, SPECIAL REVIEW COMMERCIAL |
| MRD 1 (SM2), METHOW REVIEW DISTRICT | U20, UPLANDS 20 |
| MRD 12 500 (SM3), METHOW REVIEW DISTRICT | UR, URBAN RESIDENTIAL |

Attachment B