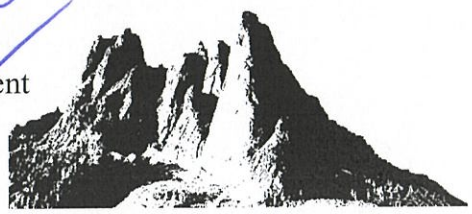
DATE: February 20 2024
TO: Okanogan County Planning Commission
FROM: Pete Palmer, Director of Planning & Development
SUBJECT: CHAPTER 17A, ZONING CODE REVISION



CONSIDERATION: County Planning staff wishes to obtain a recommendation from the Okanogan County Planning Commission regarding proposed code amendments to make the code consistent with the Okanogan County Comprehensive Plan.

BACKGROUND:

2021 Comprehensive Plan Amendments:

In December 2021, Okanogan County Board of County Commissioners ("BOCC") adopted a revised Comprehensive Plan under Ordinance 2021-13 ("2021 Comprehensive Plan"). The 2021 Comprehensive Plan changes the rural resource and recreation resource designations used in the 2014 comprehensive plan to agricultural resource and timber resource. The 2021 Comprehensive Plan designates city expansion areas. The rural designation follows only the major transportation grid and does not extend into areas outside of fire districts or into critical areas. The rural designation in the 2021 Comprehensive Plan does not capture areas already showing urban characteristics that are off the major transportation grid. While the 2021 Comprehensive Plan considers the historically low population growth in the County, it relies on the cities/towns and their expansion areas to serve most of the population growth. Larger lot sizes are desired in the resource designations to avoid conflict with agricultural operations and to minimize risk to residential structures from wildfire. The 2021 Comprehensive Plan uses regulation requiring where possible the consolidation of non-conforming lots to achieve a higher portion of large lots in the rural areas. The 2021 Comprehensive Plan additionally relies on other regulation such as the CAO and SMP, along with a connection between density and available water to direct growth.

The 2021 Comprehensive Plan was challenged in Superior Court. That legal challenge is not yet resolved. Nevertheless, despite that challenge, the County is proceeding with the associated zoning code amendments to make progress on policy issues of import to the County. This proposed zone code revision that is currently before the Planning Commission for its consideration is the next step to update County regulations to be consistent with the chosen alternative (Alternative 3) in the Okanogan County Comprehensive Plan.

Substantive Changes Proposed:

Staff prepared an initial proposal for amendments to the zoning code consistent with Okanogan County Comprehensive Plan. Public notice was published in the county's official news of record (Okanogan Valley Gazette-Tribune) and the Omak Chronicle on December 28, 2023 and again noticed on January

11, 2024 in both the county's official news of record (Okanogan Valley Gazette-Tribune) and the Omak Chronicle extending the comment period & announcing a new public hearing date.

Attachment A provides a detailed explanation of those substantive proposed changes to the zoning code. In general, the initial proposal includes the following central elements:

> The zone code revision will include, but is not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2.

The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements.

A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.

The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted uses.

2nd Revision following first round of public comments/review (Attachment B):

Staff has considered the public comment received to-date on Staff's initial proposal for amendments to the zoning code. Based on those comments, Planning staff is recommending additional revisions to the code as summarized in Attachment B. A complete version showing the Staff's initial proposal as modified by these additional changes is included as Attachment C. In summary, the additional changes staff proposes include the following elements:

1. The change to the District Use Chart pertaining to the disallowance of gravel pits and quarries three acres or larger in the R2 and R5 designation is no longer being proposed. The proposal is to revert back to the current permit requirements shown in existing OCC 17A by requiring a conditional use permit for gravel pits and quarries three acres or larger in the R2 and R5 designation.
2. Error correction in 17A.170 Neighborhood Use Sign regulations (17A.170.110 C): reference to to OCC17A.190.110 F updated to reference OCC 17A.190.110 E.
3. Error correction in 17A.170 Neighborhood Use Light and Glare regulations (17A.170.110): reference to OCC17A.190.110 D updated to reference OCC 17A.190.110 C
4. Edits to Special Use (OCC 17.255):
    a. Add under 17.255.050:
        I. All energy facilities that will impact Okanogan County fish and wildlife habitat areas, including but not limited to WDFW Priority Habitats and Species (PHS) areas, must comply with the protection and mitigation requirements found in the Washington Department of Fish and Wildlife Wind and Solar Power Guidelines, as

amended, and Management Recommendations for Washington's Priority Habitats: Shrub steppe, published in 2011, updated 2020, or as amended hereafter (referred to as, *PHS Management Recommendations for Shrub steppe*).

J. All energy facilities are restricted in locations where Biodiversity Areas and Corridors (BACs) occur that are identified by WDFW's Priority Habitats and Species (PHS) program, as amended.

a. Add verification from local utility wording shown in cryptocurrency 17.255.030(C)(1-3) and solar energy sections 17.255.060(E)(i-iii) to Electric Vehicle Charging Stations & Energy Facilities in same section.

b. High & Low Impact Utilities not defined and feels they could be better suited as conditions of approval if applicable.

c. Definition of Energy Facility (17.020.344) updated to include of Transmission Facility from RCW 80.50.020 to complete and clarify the definition.

d. Clarification in 17.020.831 (Solar Energy Facilities and/or System, Commercial or Community).

Attachment C consists of the Staff's initial proposal for amendments to the zoning code summarized in Attachment A as modified to incorporate additional changes summarized in Attachment B.

SEPA Written Comments Received

1. Anna Randall, Okanogan County Public Works
2. Clayton Verellen, WADOT
3. Abby Bang, Property Owner
4. Virginia O'Kelly, Okanogan County Water Conservation Board Member
5. Josh Thomson, Okanogan County Public Works Director/County Engineer
6. Claire Bunney, Mazama Advisory Committee, Sub Unit A
7. Jen Weddle & Sarah Kliegman, Co-Chairs of the Okanogan Highlands Alliance
8. Mallory Hirschler, Biologist WDFW
9. Tim Trohimovich, Director of Planning & Law

In light of the comments received, the County will be updating the SEPA checklist to include further detail and analysis. The SEPA Responsible Official will issue a modified SEPA DNS in light of the update to the SEPA checklist.

Written Comments on Proposed Zone Code Revisions:

1. Scott Stluka, Property Owner Twisp
2. Jen Weddle & Sarah Kliegman, Co-Chairs of the Okanogan Highlands Alliance
3. Jeri Timm, Okanogan County PUD
4. James and Gail Brennan, Property Owner Twisp
5. Lynn Scharf, Twisp
6. Mellana John, Methow Valley
7. Dana Milani
8. Raechel Youngberg, Carlton
9. Anna Rose, Twisp

10. Marcia Navajas, Winthrop
11. Maggie Coon, Twisp
12. Robert Naney, Methow Valley
13. Sara Mounsey, Twisp
14. Barbara Zaroff, Winthrop
15. Raven, Methow Valley
16. Christine Estrada, Methow Valley
17. Jack McLeod, Mazama
18. Colton Godbey Freels, Okanogan Valley Concrete, Inc.
19. Ken Bevis, Twisp
20. Jess Ludmer, Winthrop
21. Andrew Wyss
22. Jessica McNamara, Tonasket
23. Annette Frahm, Winthrop
24. Susan Crampton, Twisp
25. Peter Mann, Methow Valley
26. Mary Sharman and Jerry Cole, Twisp
27. Marina Skumanich, Methow Valley
28. Susan Taylor
29. Trinity Stucker, President Okanogan County Farm Bureau
30. Mary Yglesia, Methow
31. Tim McGuire, Twisp
32. Tanja Thomas, Methow Valley
33. Jim Hammer, Carlton
34. Nicole Kuchenbuch
35. Allen Giernet, Methow
36. Tim Trohimovich, Futurewise
37. Heather Simmons, Department of Ecology
38. Rielan Bretz
39. Carolyn Loren, Winthrop
40. Isabelle Spohn, Twisp (2 comments)
41. Kari Gilje, Winthrop
42. Dean Kurath, Methow Dark Sky Coalition (MDSC) (2 comments)
43. Sheilah Kennedy, Okanogan
44. Elizabeth Kennedy, Twisp
45. Paul and Jacque Smith, Methow Valley
46. Julie Palm, Winthrop
47. Nick Hershenow, Twisp

Public Hearing

A public hearing is being held on February 20, 2024 with the Okanogan County Planning Commission. The notice of the special meeting/public hearing was published in the County's news of record on December 28, 2023, revised and published on January 11, 2024, and the special meeting/public hearing on February 7, 2024.

Action taken by the Planning Commission
The purpose of the public hearing is to accept public comment on the adoption of the revisions proposed to Okanogan County Code, Chapter 17A, Zoning and make recommendations to the Okanogan County Board of County Commissioners.

Director's Recommendation:

Subject to additional changes prompted by comment provided at the upcoming hearing, the Planning Director recommends the following:

a. Close the comment period at the end of this hearing;
b. Direct Planning Staff to continue review of public comments and provide a recommendation to the Planning Commission upon completion of that review;
c. Schedule a future Planning Commission meeting to deliberate about the public comments received and Planning Staff's future recommendation.

Attachments:

Attachment Index	
A. SEPA Checklist B. DNS C. Attachment A – Revisions D. Attachment B – Additional Revisions E. Attachment C – Revisions & Additional Revisions combined F. Final Draft of Zone Code incorporating all revisions (A & B) G. Written Comments H. Notices	

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. **Name of proposed project, if applicable:**

   Okanogan County Code Amendment 2023-1, Chapter 17A Zoning

2. **Name of applicant:**

   Chris Branch, Chairman, Board of County Commissioners, Okanogan County

3. **Address and phone number of applicant and contact person:**

   123 5th Avenue North, Suite 130; Okanogan, WA 98840; Phone: (509) 422-7100

4. **Date checklist prepared:**

   October 16, 2023

5. **Agency requesting checklist:**

   Okanogan County Office of Planning & Development, Okanogan County

6. **Proposed timing of schedule (including phasing, if applicable):**

   The updated and amended code is expected to be adopted by the Board of County Commissioners by February 2024.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

   Not with this application. Future code amendments may take place with separate applications.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

   SEPA checklist.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

   No

10. **List any government approvals or permits that will be needed for your proposal, if known.**

    Amendments and updates are expected to be reviewed by multiple agencies including the Colville Confederated Tribes and Yakama Nation. No additional permit is needed for the proposal.

11. **Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

    Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Intent of this code amendment is to bring consistency between the adopted Comprehensive Plan and the development

regulations and the zoning map. Code updates include replacing the Rural 1 (R1) zone (OCC 17A.040) with Rural 2 (R2) zone. This will also result in a map change to change the zoning designation of all the properties currently designated R1 to R2. In addition, the Rural 1 zone change to Rural 2 will support the health department requirement of a two acre minimum lot size to maintain a well head protection zone and meet onsite septic system requirements.

This revision to the code will reduce land available for development.

The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities and solar energy facilities.

The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted.

12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The code amendment is not site specific. Amended codes will apply throughout the unincorporated Okanogan County, WA.

B. Environmental Elements

1. **Earth**

a. General description of the site:

Not applicable. The code amendment is a non-project action, and thus is not site specific. Amended codes will apply throughout the unincorporated Okanogan County, WA.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

Not applicable. The project is not site specific. The county contains mountains, cliffs and valleys with varying degree of slopes. Western half of the county contains most of the areas with slopes over 30% (source: Critical Areas Map – Slope Stability, found at: https://cms9files.revize.com/okanoganwa/Critical%20Areas%20%20maps.pdf)

b. What is the steepest slope on the site (approximate percent slope)?

This is a non-project action. Amendments to the zone code will apply throughout the County. The county contains mountains, cliffs and valleys with varying degree of slopes. Western half of the county contains most of the areas with slopes over 30% (source: Critical Areas Map – Slope Stability, found at: https://cms9files.revize.com/okanoganwa/Critical%20Areas%20%20maps.pdf).

c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

This is a non-project action. Amendments to the zone code will apply throughout the County. The 1980 Soil Survey of Okanogan County Area, Washington includes detailed data of soil types.

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

This is a non-project action. Amendments to the zone code will apply throughout the County. The 1980 Soil Survey of Okanogan County Area, Washington includes detailed data of soil types.

e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

This is a non-project action. There will be no filling, excavation or grading resulting from this non-project action. None of the proposed changes to the zone code modify existing provisions regulating filling, excavation or grading. Future project-level actions that involve filling, excavation or grading will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.**

This is a non-project action. There will be no clearing, construction, or use associated with this non-project action. None of the proposed changes to the zone code modify existing provisions regulating clearing or construction. Future project-level actions that involve clearing or construction will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

This is a non-project action. There will be no impervious surfaces or construction associated with this non-project action. Changes to the zone code impose, for the first time, lot coverage limitations in the Rural 20, and Rural 5 zones, and eliminate exceptions to density limitations in the Methow Review District. These changes reduce the allowable impervious surface in those zones. Future project-level actions that involve impervious surfaces will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

This is a non-project action, with no associated impacts to earth. Therefore, no measures to control or reduce erosion are proposed in conjunction with the proposed code amendment. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

2. **Air**

   a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

   This is a non-project action that does not involve construction, operation, or maintenance. None of the proposed changes to the zone code modify existing provisions regulating air emissions. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

   b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

   This is a non-project action, and thus is not affected by off-site sources of emissions or odor. Amendments to the zone code will apply throughout the County.

   c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

   This is a non-project action. There will be no emissions or impacts to the air resulting from this non-project action. Therefore, no measures are proposed in conjunction with the proposed code amendment. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

3. **Water**

   a. **Surface:**

      1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

      This is a non-project action. Amendments to the zone code will apply throughout the County. Okanogan county contains and borders multiple rivers, lakes, streams, ponds and wetlands, such as the Chewuch, Methow, Twisp, Columbia rivers etc. Section 3.2.1 of the December 22, 2021 Final Environmental Impact Statement for Okanogan County Comprehensive Plan ("Comprehensive Plan FEIS") describes surface waters throughout the County, and is incorporated herein by reference.

The WA Department of Ecology has established an instream flow rule for Water Resource Inventory Area (WRIA) 48, commonly known as the Chapter 173-548 WAC, Water Resources Program In the Methow River Basin, WRIA 48. In addition, Okanogan County completed the Okanogan Watershed Plan for WRIA 49 in January, 2021. Instream flow rules have not been promulgated for WRIA 47 (Chelan), WRIA 50 (Foster), WRIA 51 (Nespelem), WRIA 52 (Sanpoil), or WRIA 60 (Kettle).

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

   This is a non-project action. There will be no work in or around or over any waters associated with this non-project action. None of the proposed changes to the zone code modify existing provisions regulating work over, in or adjacent to water. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

   This is a non-project action. There will be no fill or dredge material resulting from this non-project action. None of the proposed changes to the zone code modify existing provisions regulating dredge or fill material. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

   This is a non-project action. There will be no withdrawal or diversion of surface water resulting from this non-project action. However, the revisions to the zone code will reduce land available for development and thus are anticipated to reduce environmental impacts associated with development in the County, including demand for water. The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

   This is a non-project action. Amendments to the zone code will apply throughout the County. Section 3.4.3 of the Comprehensive Plan FEIS discusses frequently flooded areas, and is incorporated herein by reference. None of the proposed changes to the zone code modify existing provisions regulating development in floodplains.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

   This is a non-project action. There will be no discharge of waste materials to surface waters as a result of this non-project action. None of the proposed changes to the zone code modify existing provisions regulating discharge of waste materials. Future project-level actions will be subject to such existing code provisions, as applicable,

and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

b. **Ground:**

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

This is a non-project action. There will be no ground water withdrawals resulting from this non-project action. However, the revisions to the zone code will reduce land available for development and thus are anticipated to reduce environmental impacts associated with development in the County, including demand for water. The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

This is a non-project action. There will be no waste materials resulting from this non-project action. None of the proposed changes to the zone code modify existing provisions regulating discharge of waste materials. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

Water Runoff (including stormwater):

3. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

This is a non-project action. There will be no runoff resulting from this non-project action. None of the proposed changes to the zone code modify existing provisions regulating runoff. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

4. **Could waste materials enter ground or surface waters? If so, generally describe.**

This is a non-project action. There will be no waste materials resulting from this non-project action. None of the proposed changes to the zone code modify existing provisions regulating discharge of waste materials. Future project-level actions will be subject to such existing provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

5. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

   This is a non-project action. No drainage patterns will be affected as a result of this non-project action. None of the proposed changes to the zone code modify existing provisions regulating drainage. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

d. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

   This is a non-project action. No measures are proposed in conjunction with the proposed code amendment.

   However, updated provisions in the code to change R1 to R2 will reduce allowable density and allowable number of units in certain zones. This is expected to reduce surface, ground, and runoff water associated with future development.

   Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

4. Plants

a. **Check the types of vegetation found on the site:**

   ☒ **deciduous tree: alder, maple, aspen, other**

   ☒ **evergreen tree: fir, cedar, pine, other**

   ☒ **shrubs**

   ☒ **grass**

   ☒ **pasture**

   ☒ **crop or grain**

   ☒ **orchards, vineyards, or other permanent crops.**

   ☒ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**

   ☒ **water plants: water lily, eelgrass, milfoil, other**

   ☒ **other types of vegetation**

   This is a non-project action. Amendments to the zone code will apply throughout the County. County has numerous types of vegetation that are listed above. Section 3.5 of the Comprehensive Plan FEIS describes vegetation found throughout the County, and is incorporated herein by reference.

b. What kind and amount of vegetation will be removed or altered?

This is a non-project action. No vegetation will be removed or altered as part of this non-project action. None of the proposed changes to the zone code modify existing provisions regulating vegetation removal or alteration. Future project-level actions will be subject to such existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

c. List threatened and endangered species known to be on or near the site.

This is a non-project action. Amendments to the zone code will apply throughout the County and is not site specific. Section 3.5 of the Comprehensive Plan FEIS describes threatened and endangered species known throughout the County, and is incorporated herein by reference.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

This is a non-project action. No measures to preserve or enhance vegetation are proposed in conjunction with the proposed code amendment. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

e. List all noxious weeds and invasive species known to be on or near the site.

This is a non-project action. Amendments to the zone code will apply throughout the County and is not site specific. Invasive species known in the County include Garlic Mustard, Meadow Clary, Mediterranean Sage, Mirabilis (aka Wild Four o'clock), and Syrian Bean-Caper.

5. Animals

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

This is a non-project action. Amendments to the zone code will apply throughout the County. The County's critical areas map indicates observation of PHS of various levels throughout the County such as, American white pelican, Bald eagle, Bighorn sheep, Common loon, Fisher, Golden eagle, Gray wolf, Great blue heron, Grizzly bear, Harlequin duck, Lynx, Mountain goat, Mule deer, Peregrine falcon, Sharp-tailed grouse, Western gray squirrel etc. Endangered Species Act (ESA)-listed anadromous salmonid species are found within the river streams and lakes. Section 3.5 of the Comprehensive Plan FEIS describes bird and animal species known throughout the County, and is incorporated herein by reference.

b. List any threatened and endangered species known to be on or near the site.

This is a non-project action. Amendments to the zone code will apply throughout the County and is not site specific. Endangered Species Act (ESA)-listed anadromous salmonid species are found within the river streams and lakes of the county. Section 3.5 of the Comprehensive Plan FEIS describes threatened and endangered species known throughout the County, and is incorporated herein by reference.

c. Is the site part of a migration route? If so, explain.

This is a non-project action. Amendments to the zone code will apply throughout the County. Migration routes for mule deer intercept Highway 97, and occur in the Methow Valley and throughout the County.

d. Proposed measures to preserve or enhance wildlife, if any.

This is a non-project action. No measures are proposed in conjunction with the proposed code amendment.

Updated measures in the code to change R1 to R2 will reduce allowable density. This is expected to reduce demand for water, thus leaving water in rivers and streams for fish and wildlife habitats. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

e. List any invasive animal species known to be on or near the site.

This is a non-project action. Amendments to the zone code will apply throughout the County and is not site specific.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This is a non-project action that will not require any type of energy. However, the proposed Special Use section of the zone code will give the County the ability regulate various types of energy facility uses. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

This is a non-project action. Amendments to the zone code will apply throughout the County. The proposed non-project action includes provisions regulating the development of solar energy. Solar Energy Facilities shall not be allowed on properties zoned Agriculture with Comprehensive Plan designations of Agricultural Resource or Forest Resources. Solar Energy Facilities shall not be allowed on sites or portions of sites with an existing average slope greater than 7-percent. The amendments to the zone code also includes height restrictions and setbacks related to solar energy development.

c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

This is a non-project action. No energy conservation measures are proposed in conjunction with the proposed code amendment. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

7. Environmental health

a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

This is a non-project action. Amendments to the zone code will apply throughout the County.

1. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations. **Describe any known or possible contamination at the site from present or past uses.**

   This is a non-project action. Amendments to the zone code will apply throughout the County.

2. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

   This is a non-project action. Amendments to the zone code will apply throughout the County.

3. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

   This is a non-project action and does not involve storage, use or production of toxic or hazardous chemicals. Proposed changes to the zone code limit the zones in which certain uses that may involve storage, use or production of toxic or hazardous chemicals are permitted. Such uses include acid manufacturing and explosive manufacturing and storage. Future project-level actions will be subject to applicable code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

4. **Describe special emergency services that might be required.**

   This is a non-project action. No special emergency services will be required as part of this non-project action. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

5. **Proposed measures to reduce or control environmental health hazards, if any.**

   This is a non-project action. Amendments to the zone code will apply throughout the County. The revised zone code proposes to remove from certain zones and regulate uses of potential contamination through revisions to the District Use chart and the Special Use section of the code.

b. **Noise**

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

   This is a non-project action. Amendments to the zone code will apply throughout the County. A wide variety of noise sources exists, especially within the industrial areas, roads and urban areas.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

   This is a non-project action. Amendments to the zone code will apply throughout the County. None of the proposed changes to the zone code modify existing provisions regulating noise. Future project-level actions will be subject to existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

3. **Proposed measures to reduce or control noise impacts, if any:**

This is a non-project action. Proposed changes to the zone code include noise limitations for energy facilities.

Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

8. Land and shoreline use

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

This is a non-project action. Amendments to the zone code will apply throughout the County.

The county covers approximately 5,315 sq-miles area with a variety of uses. Over 57% of the land in Okanogan County is owned by Federal and State Agencies. Over 20% of Okanogan County is within the boundaries of the Colville Indian Reservation and therefore, outside of the direct planning and permitting authority of the County with the exception of deeded fee lands. Of the remaining less than 23% of the land mass, it is estimated that 5% is not suitable for development due to topography and other critical area features. The land use includes five land use designations: Rural, Neighborhood Commercial Center, Agricultural Resource, Forest Resource, and Mineral Resource.

Colville Reservation is designated for the Colville Indian Reservation area. (Source: Okanogan County Comprehensive Plan, December, 2021).

The proposed changes to the zone code affect land uses throughout the County in a variety of ways, including replacing the Rural 1 (R1) zone with Rural 2 (R2) zone as well as updating the types of uses that are permitted, unpermitted and conditional in zones throughout the County.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

This is a non-project action. Amendments to the zone code will apply throughout the County. This Zone Code revision does not modify or limit existing resource lands, or agricultural uses and activities. Future project-level actions will be subject to existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

   This is a non-project action. Amendments to the zone code will apply throughout the County. The Zone Code updates will not affect any working farm or forest land normal business operations.

c. Describe any structures on the site.

This is a non-project action. Amendments to the zone code will apply throughout the County.

d. Will any structures be demolished? If so, what?

This is a non-project action. Amendments to the zone code will apply throughout the County. There will be no demolishing of structures resulting from this non-project action. None of the proposed changes impact existing code provisions relating to demolition. Future project-level actions will be subject to existing code provisions, as applicable, and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

e. What is the current zoning classification of the site?

This is a non-project action. Amendments to the zone code will apply throughout the County. Okanogan County has multiple zoning designations shown in the Okanogan County zone code.

f. What is the current comprehensive plan designation of the site?

This is a non-project action. Amendments to the zone code will apply throughout the County. The county has multiple land use designations as discussed in subsection 8a above.

g. If applicable, what is the current shoreline master program designation of the site?

This is a non-project action. Amendments to the zone code will apply throughout the County. The county has multiple shoreline designations: Aquatic, Conservancy, Natural, Rural, Shoreline residential and Urban conservancy. The County SMP recently went through a periodic review update.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This is a non-project action. Amendments to the zone code will apply throughout the County. There are various types of critical areas throughout the county: wetlands, fish and wildlife habitat areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas.

i. Approximately how many people would reside or work in the completed project?

This is a non-project action.

Approximately how many people would the completed project displace?

This is a non-project action. There will be no people displaced as a result of this non-project action.

j. Proposed measures to avoid or reduce displacement impacts, if any.

This is a non-project action and does not result in displacement. Therefore, no measures related to displacement are proposed in conjunction with the proposed code amendment. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Intent of this code amendment is to bring consistency between the adopted Comprehensive Plan and the development regulations and the zoning map. Code updates include replacing the Rural 1 (R1) zone (OCC 17A.040) with Rural 2 (R2) zone. This will also result in a map change to change the zoning designation of all the properties currently designated R1 to R2. In addition, the Rural 1 zone change to Rural 2 will support the health department requirement of a two acre minimum lot size to maintain a well head protection zone and meet onsite septic system requirements. This revision also addresses legal available water and special uses. The revisions to the code will reduce land available for development and thus are anticipated to reduce environmental impacts associated with development in the County.

Land use in the County is described in the Comprehensive Plan FEIS, which is incorporated herein by reference.

l. **Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

This is a non-project action. There is no change of any agricultural and forest lands of long-term commercial significance proposed in this non-project action. Therefore, no measures are proposed to reduce or control impacts to agricultural or forest lands of long-term significance. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

9. Housing

a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

This is a non-project action. No additional housing units will be provided through this non-project action.

b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

This is a non-project action. No housing units are eliminated as a result of this non-project action. The revisions to the code will reduce land available for development.

c. **Proposed measures to reduce or control housing impacts, if any:**

This is a non-project action. No measures to reduce or control housing impacts are proposed. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

10. Aesthetics

Find help answering aesthetics questions[1]

a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

This is a non-project action. There are no structures proposed with this non-project action. None of the proposed changes to the zone code modify existing provisions regulating structure height.

Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

[1] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics

b. What views in the immediate vicinity would be altered or obstructed?

This is a non-project action. No views will be altered or obstructed as a result of this non-project action. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

c. Proposed measures to reduce or control aesthetic impacts, if any:

This is a non-project action. There will be no aesthetic impacts resulting from this non-project action, and thus no measures to reduce or control aesthetic impacts are proposed. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This is a non-project action. There will be no light or glare produced with this non-project action. None of the proposed changes to the zone code modify existing provisions regulating glare. Future project-level actions will be subject to applicable code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This is a non-project action. There will be no light or glare produced with this non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

d. This is a non-project action and is not affected by off-site sources of light or glare.
Proposed measures to reduce or control light and glare impacts, if any:

This is a non-project action. There will be no light or glare impacts resulting from this non-project action, and thus no measures to reduce or control light and glare impacts are proposed. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

This is a non-project action. Amendments to the zone code will apply throughout the County. Section 3.9 of the Comprehensive Plan FEIS describes recreational opportunities in Okanogan County and is incorporated herein by reference. The county has recreational

opportunities in its parks, trails, lakes, and river. The North Okanogan includes Many Lakes Region on the west side of the Okanogan River and the Okanogan Highlands on the east side. The Methow Valley, located in the western portion of the County, is a destination for cross-country ski trails, snowmobile parks, mountain biking, fishing, camping, hiking etc. The Colville Indian Reservation, located in the southeast corner of the county also offers festivals and recreational opportunities.

b. Would the proposed project displace any existing recreational uses? If so, describe.

This is a non-project action. This non-project action will not displace any existing recreational uses. Future project-level actions will be subject to applicable code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

This is a non-project action. This non-project action will not displace any existing recreational uses and thus no measures to reduce or control impacts on recreation are proposed. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

This is a non-project action. Amendments to the zone code will apply throughout the County. Identification of any building, structure, or site on the national, state or local preservation register will be identified at the time of a site-specific project application.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

This is a non-project action. Amendments to the zone code will apply throughout the County. Future development applications and proposals may be subject to cultural and acarological assessments or surveys as determined at the time of application.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

This is a non-project action. At the time of a project-level application, applicants will be required to consult with the local tribes and may be subject to conduct a technical assessment or survey.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

This is a non-project action. Proposed measures to avoid, minimize or compete for loss, changes to, and disturbance to resources will be identified on a project-by-project basis during the development application review process. Potential impacts will be addressed at project-level review.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This is a non-project action. Amendments to the zone code will apply throughout the County. Transportation in Okanogan County is described in Section 3.6 of the Comprehensive Plan FEIS, which is incorporated herein by reference. Existing public roads/streets will not change as a result of this non-project action.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

This is a non-project action. Amendments to the zone code will apply throughout the County. Transportation in Okanogan County is described in Section 3.6 of the 2021 Comprehensive Plan EIS, which is incorporated herein by reference.

Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

This is a non-project action and does not necessitate new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

c. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

d. This is a non-project action and does not involve the use of water, rail or air transportation. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

This is a non-project action. There will not be any vehicular trips generated by this non-project action. Future project-level actions will be subject to applicable code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

e. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

This is a non-project action. Amendments to the zone code will not interfere or affect or be affected by the movement of agricultural or forest products. Future project-level actions will be subject to applicable code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

f. **Proposed measures to reduce or control transportation impacts, if any:**

This is a non-project action. This non-project action will not affect transportation, and therefore, not measures are proposed to reduce or control transportation impacts. Future project level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations, and will be evaluated in accordance with all applicable plans, policies, rules and regulations adopted as a basis for the exercise of substantive authority under SEPA to approve, condition or deny the proposed action.

15. Public services

a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

This is a non-project action and does not directly increase the need for public services. This non-project action limits the number of allowable units in certain zones, which is anticipated to limit demand for public services and to result in improved fire safety. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

b. **Proposed measures to reduce or control direct impacts on public services, if any.**

This is a non-project action. Amendments to the zone code will apply throughout the County. This non-project action is expected to improve fire safety and water availability.

16. Utilities

a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

This is a non-project action. Amendments to the zone code will apply throughout the County and is not site specific. Utility services varies throughout the County.

b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

This is a non-project action. There are no utilities proposed with this non-project action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

x 

Type name of signee: Chris Branch

Position and agency/organization: Chairman, Board of County Commissioners, Okanogan County

Date submitted: December 28, 2023

D. Supplemental sheet for nonproject actions

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed non-project action will not directly increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. The proposed zone code amendments do not include changes to existing code provisions that regulate discharges to water; air emissions; release of toxic or hazardous substances; or noise.

Code amendments may have an incidental impact on discharges to water; air emissions; release of toxic or hazardous substances; or noise to the extent that the amendments affect development patterns or accommodate growth. Anticipated impacts to air and water associated with population growth and development, in general, are discussed in the Comprehensive Plan FEIS, which is incorporated herein by reference.

Proposed changes to the District Use chart would permit certain uses in zones where they were previously unpermitted or conditional uses. The following uses are now permitted in the industrial zone: animal disposal, wind energy facilities, solar energy facilities, sanity landfill, aircraft salvage, auto parking lots and areas, auto storage, concrete batch plants, industrial use, and meat packing. The following uses are now permitted in the commercial zone: auto parking lots and areas, auto repair, auto sales, and event centers. The following uses are now permitted in the special review commercial zone: apiary, community center, and event center. Community centers are also now permitted in the neighborhood use zone, fruit stands are now permitted in the low density residential zone, feedlots are now permitted in the agricultural zone, and wineries are now permitted in the Rural-60 zone. Electric-vehicle charging stations are permitted in all zones.

Subsequent development consistent with these changes has the potential to contribute to discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. However, these changes are consistent with the Comprehensive Plan, the existing definition of the zone classification, and the underlying zoning. Future project-level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

The proposed changes also include changing certain previously unpermitted uses to conditional uses in certain zones. Subsequent development consistent with these changes has the potential to contribute to discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. However, any such

development would undergo a discretionary review process by the County and be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

- **Proposed measures to avoid or reduce such increases are:**

The proposed code amendment limits the number of allowable units in certain zones. It proposes to replace the Rural 1 zone with Rural 2 zone, which will result in larger lot sizes and reduced development. Reduction in development, generally, will have a corresponding reduction in discharges to water, emissions to air, and production of noise that would otherwise be associated with such development.

In the use chart, certain uses that may involve storage, use or production of toxic or hazardous chemicals have been eliminated from certain zones (e.g. acid manufacturing is eliminated from Rural 2, 5 and 20 zones). Elimination of uses that involve storage, use or production of toxic or hazardous chemicals from certain zones is anticipated to reduce the possibility of release from such unpermitted activities.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This is a non-project action and will not directly impact plants, animals, fish or marine life. Code amendments may have an incidental impact on plants, animals, and fish life to the extent that the amendments affect development patterns or accommodate growth. Anticipated impacts to plant and animal species associated with population growth and development, in general, are discussed in Section 3.5 of the Comprehensive Plan FEIS, which is incorporated herein by reference.

Proposed changes to the District Use chart would permit certain uses in zones where those activities were either previously unpermitted or were conditional uses, as identified in D.1 above. Subsequent development consistent with these changes has the potential to affect plants, animals, fish or marine life. However, these changes are consistent with the Comprehensive Plan, the existing definition of the zone classification, and the underlying zoning. Future project-level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

The proposed changes also include changing certain previously unpermitted uses to conditional uses in certain zones. Subsequent development consistent with these changes has the potential to affect plants, animals, fish or marine life. However, any such development would undergo a discretionary review process by the County and be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

All development in Okanogan County is required to comply with a number of regulations which have been crafted to reduce the environmental impacts of development. For example, fish and wildlife habitat areas are protected in the Okanogan critical areas ordinance ("CAO"). The proposed code amendments do not modify these provisions.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

The proposed code amendment limits the number of allowable units in certain zones. It proposes to replace the Rural 1 zone with Rural 2 zone, which will result in larger lot sizes and reduced development. Reduced density is also anticipated to help to conserve plants and animals, as well as fish by reducing demand for water.

3. **How would the proposal be likely to deplete energy or natural resources?**

The proposed non-project action will not directly deplete energy or natural resources. Proposed changes to the District Use chart would permit certain uses in zones where those activities were either previously unpermitted or were conditional uses, as identified in D.1 above. Subsequent development consistent with these changes has the potential to affect energy or natural resources. However, these changes are consistent with the Comprehensive Plan, the existing definition of the zone classification, and the underlying zoning. Future project-level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

The proposed changes also include changing certain previously unpermitted uses to conditional uses in certain zones. Subsequent development consistent with these changes has the potential to affect energy or natural resources. However, any such development would undergo a discretionary review process by the County and be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

- **Proposed measures to protect or conserve energy and natural resources are:**

The proposed Special Use section of the zone code gives the County the ability permit and regulate various types of energy facility uses, which are anticipated to contribute to energy generation in the County.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposed non-project action will not directly affect the environmentally sensitive areas or areas designated for governmental protection.

Environmentally sensitive areas, including wetlands, areas with critical recharging effect on potable water, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas are protected in the Okanogan CAO. The proposed code amendments do not modify these provisions. Future project-level development will be subject to such provisions, as applicable.

Anticipated impacts to environmentally sensitive areas associated with population growth and development, in general, are discussed in the 2021 Comprehensive Plan EIS, which is incorporated herein by reference. The proposed code amendment limits the number of allowable units in certain zones. It proposes to replace the Rural 1 zone with Rural 2 zone, which will result in larger lot sizes and reduced development

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

The proposed code amendment limits the number of allowable units in certain zones. It proposes to replace the Rural 1 zone with the Rural 2 zone, which will result in larger lot sizes and reduced development.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The code update will not affect shoreline use because the code amendments do not impact exiting provisions governing development or use in the shoreline. Future project-level development will be subject to such provisions, as applicable.

Land use under the code amendment will be consistent with existing plans. The code amendment is aimed to bring consistency between land use, Comprehensive Plan, and the zoning code.

The proposed code amendment limits the number of allowable units in certain zones. It proposes to replace the Rural 1 zone with the Rural 2 zone, which will result in larger lot sizes and reduced development. The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted.

Proposed changes to the District Use chart would permit certain uses in zones where those activities were either previously unpermitted or were conditional uses, as identified in D.1 above. These changes are consistent with the Comprehensive Plan, the existing definition of the zone classification, and the underlying zoning. Future project-level actions will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

The proposed changes also include changing certain previously unpermitted uses to conditional uses in certain zones. Subsequent development would undergo a discretionary review process by the County and be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.

The proposed code amendment clarifies the types of temporary events that do and do not require approval by the County. Temporary outdoor events are not anticipated to have long-term impacts to land use or other environmental considerations because of their temporary natures and small scale. Temporary outdoor events that are longer in duration or larger in scale or have greater potential for impact are subject to a discretionary permitting process, and such event shall be abated and all structures, signs and evidence of such use removed.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

  Proposed development regulations, review requirements, and the amended use chart in the zoning code aim to prevent incompatible uses, and regulate uses for compatibility. Shoreline uses will still be reviewed according to the county's shoreline regulations.

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

The code amendment will not directly increase demands on transportation or public services and utilities.

- **Proposed measures to reduce or respond to such demand(s) are:**

  Proposed updates that replace the Rural 1 zone with the Rural 2 zone will result in larger lot sizes. These changes are anticipated to limit development, which is anticipated to result in corresponding reduction in demand on transportation, public services (including water) and utilities.

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The amendments will be consistent with what local, state and federal agencies requirements in terms of environmental protection. The revisions to the code will reduce land available for development and thus are anticipated to reduce environmental impacts associated with development in the County.

OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT
PLANNING · GIS · NATURAL RESOURCES · OUTDOOR RECREATION
123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

STATE ENVIRONMENTAL POLICY ACT

Determination of Non-Significance

December 20, 2023

Lead agency: Okanogan County

Agency Contact:

Pete Palmer, Director
Okanogan County Planning & Development
123 5th Avenue North, #130
Okanogan, WA 98840
509-422-7060
spalmer@co.okanogan.wa.us

Agency File Number: Code Amendment 2023-1

Description of proposal: Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Intent of this code amendment is to bring consistency between the adopted Comprehensive Plan and the development regulations and the zoning map. Code updates include replacing the Rural 1 (R1) zone (OCC 17A.040) with Rural 2 (R2) zone. This will also result in a map change to change the zoning designation of all the properties currently designated R1 to R2. In addition, the Rural 1 zone change to Rural 2 will support the health department requirement of a two acre minimum lot size to maintain a well head protection zone and meet onsite septic system requirements.

This revision to the code will reduce land available for development.

The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities and solar energy facilities.

The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted.

Location of proposal: This is a non-site specific, non-project action. Codes will apply throughout the unincorporated Okanogan County, WA.

Name, phone, e-mail of applicant/proponent:

Okanogan County
Contact:
Chris Branch, Chairman
Board of County Commissioners
123 5th Avenue North
Okanogan, WA 98840
509-422-7100
cbranch@co.okanogan.wa.us

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The lead agency incorporates by reference the December 22, 2021 Final Environmental Impact Statement for Okanogan County Comprehensive Plan, which analyzed the potential impacts of the County's Comprehensive Plan. The Okanogan County Comprehensive Plan serves as the basis for this proposal to update the Okanogan County Code, Chapter 17A, Zoning. A copy of the proposed draft zoning code, the environmental checklist, this DNS, and the December 22, 2021 Final Environmental Impact Statement for Okanogan County Comprehensive Plan may be reviewed in the Office of Planning at the address listed above or on line at: www.okanogancounty.org

This determination is based on the findings and conclusions in the SEPA environmental checklist.

This DNS is not issued under WAC 197-11-340(2); however, the County has elected to provide a comment period on the DNS, which will end on January 11, 2024.

Name and Contact Information of Responsible Official:

Pete Palmer, Director
Okanogan County
Office of Planning & Development
123 5th Ave North, #130
Okanogan, WA 98840
509-422-7060
Spalmer@co.okanogan.wa.us

There is no administrative appeal of this threshold determination. OCC 14.04.220. Appeals of this DNS must be made in connection with an appeal of the County's final decision on the proposal.

Signature Pete Palmer

Pete Palmer, Director
Okanogan County Office of Planning & Development

Date 12/27/23

Name, phone, e-mail of applicant/proponent:

Okanogan County
Contact:
Chris Branch, Chairman
Board of County Commissioners
123 5th Avenue North
Okanogan, WA 98840
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cbranch@co.okanogan.wa.us

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Signature Pete Palmer

Pete Palmer, Director
Okanogan County Office of Planning & Development

Date 12/27/23

Code Section	Change	Remark
17.020.892 (Definitions added)	Added definition of Transmission Facility	PUD Comment for clarification
17.020.902	Added definition of Utility, High Impact	PUD Comment for clarification
17.020.903	Added definition of Utility, Low Impact	PUD Comment for clarification
17.020.831 (Definition clarified)	Clarification of definition -Solar Energy	PUD Comment for clarification
17.170.110 (C) (Neighborhood Use – Special Provisions)	Corrected Reference under 17.190.110	Mazama Advisory Committee Comment
17.170.110 (D) (Neighborhood Use – Special Provisions)	Corrected Reference under 17.190.110	Mazama Advisory Committee Comment
17.220.010 (District Use Chart)	Gravel Pits & Quarries 3 acres or larger revert back to current requirements under 17A of a CUP in R2 and R5 designations	
17.255.040 (Electric Vehicle Charging Stations)	Added I (1-3) requiring verification from Local Electrical Utility Provider	PUD Comment for coordination
17.255.050 (Energy Facilities)	Added I, J, K to protect habitat areas	WDFW Comment for protection of habitat areas and coordination
17.255.050 (Energy Facilities)	Added L (1-3)	PUD Comment for coordination

	charging stations, and high & low impact utilities.	
17.270.040 Nightly Rental Conditions	Codified existing regulations pertaining to annual renewal, unified business identifier, public health permit, and display of address. Added tents and other mobile or temporary units as structures that are not allowed to be used as overnight accommodations. Defined overnight occupancy. Added factors for evaluating compatibility. Added parking provision. Added Operating in violation of chapter.	
17.300 Airport Safety	Changed title to Airport Safety and Overlay. Took section 17A.301 Airport Safety Overlay and combined that section with the Airport Safety (17A.300). No changes were made to the text of either section.	Combined section 300 and 301 into one section.
17.310 Conditional Use Permit	Removed reference of Board of Adjustment and replaced with hearings examiner.	
17.310.120	Removed Section – Administrative Conditional Use Permits	
17.320 Variances	Removed reference to Board of Adjustment and replaced with hearings examiner.	
17.330 Legal Pre-Existing Uses & Lots	Changed title to: Legal Pre-Existing Non-Conforming Uses and Lots	
Replaced "Planning Commission" and "Board of Adjustment" with "Hearings Examiner" throughout code	Clean Up	

Code Section	Change	Remark
Title of Code, Chapter 17A	Title Changed to Title 17	
17.010 General Provisions	Various corrections and reorganization.	Moved some sections of the General Provisions around to make it flow better. Some text was corrected for better understanding but did not change the meaning or requirement of what existed in prior version of zone code.
17.010.140 Water Availability	This section removed what currently existed and replaced it with current regulatory requirements of State Law. First, this section incorporates the applicable minimum instream flow rule for each Water Resource Inventory Area (WAC 173-548; WAC 173-549). Second, this section incorporates Judge Rawson's 2021 Court Ruling about proving legal available water under RCW 19.27 when applying for a building permit. Third, this section incorporates the requirements of RCW 90.94.020 related to collection of fees on behalf of the Department of Ecology on permit exempt wells at the building permit stage.	The purpose of these changes was to codify the County's practice for evaluating water availability under existing statutory and regulatory requirements, and judicial orders. Fee collection is not a change; it is just being codified into code. Fee collection has been done for years by the County as required by RCW 90.94.020.
17.020 Definitions	Added the following definitions: Contiguous, Cryptocurrency mining operations, Electric Vehicle Charging Stations, Energy Facilities, Hemp, Multifamily, Permit Exempt Well, Public Utility, Public Utility Service, Solar Energy Facilities and/or system commercial or community, Wind Energy Facilities. Removed the following definitions: Binding Site Plan, Limited Division, Industrial Hemp.	Definitions no longer used were removed. Definitions needed to support text in code (both old and new). Definitions moved to better flow in alphabetical order.

	Moved: Cannabis processing facility, Cannabis production facility, Cannabis retail facility.	
17.030 Minimum Requirement Designation	Added wording pertaining to properties also being subject to Tribal regulations.	The minimum requirement designation zones properties on the Colville Indian Reservation.
17.040 Rural 1 (R1) Designation	Changed to Rural 2 (R2) designation	2 acres minimum required under WAC 246-272A-0234(6) and Okanogan Health District Onsite Sewage Disposal Regulation.
17.040.060 (B) Density	Removed maximum multi-family dwelling per acre limitation; density will instead be determined by health district standards.	Density for multi-family dwellings will now be determined on a case-by-case basis based on safety & health standards.
17.040.080 Height	Moved into Density and Height Chart; no changes made to limitations unless otherwise noted.	
17.040.090 Lot Coverage	Removed statement that "lot coverage is not applicable" and added limitation that maximum lot coverage is 35% of the total lot area.	A maximum lot coverage was added to keep development in harmony with the rural characteristics of this designation and to accommodate health standards for onsite systems and well head protection areas.
17.050.060 Rural 5 (R5) Designation Density	Removed maximum multi-family dwelling per acre limitation; instead, density will be determined by health district standards.	Density for multi-family dwellings will now be determined on a case-by-case basis based on safety & health standards.
17.050.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	
17.040.090 Lot coverage	Removed statement that "lot coverage is not applicable" and added limitation that maximum lot coverage is 35% of single-family development and all other development at 40% maximum coverage.	A maximum lot coverage was added to keep development in harmony with the rural characteristics of this designation and to accommodate health standards for onsite systems and well head protection areas.
17.050.110 Special Provisions	Removed; no longer allows for limited divisions that deviate from lot area and width requirements	
17.060.060 Rural 20 (R20) Designation Density	Removed maximum multi-family dwelling per acre limitation; instead density will be determined by health district standards.	Density for multi-family dwellings will now be determined on a case-by-case basis based on safety & health standards.

17.060.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.060.090 Lot Coverage	Removed statement that "lot coverage is not applicable" and added maximum lot coverage is 35%	
17.060.110 Special Provisions	Removed; no longer allows for limited divisions that deviate from lot area and width requirements	
17.065.040(B2) Rural 160 (R160) Accessory Use	Removed exception allowing for accessory dwellings on non-conforming lots due to hardship	
17.065.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.070.040 Agriculture (AG) Accessory Uses	Added RV Park when accessory to the primary use	
17.070.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.080.080 Agriculture Residential (AR) Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.090.080 Suburban Residential (SR) Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.100.080 Commercial (C) Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.

17.110.080 Industrial (IN) Height	Added reference to Density & Height Chart	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.120.080 Airport Development (AD) Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.130.040 B2 Methow Review District Accessory Use	Removed exception allowing for accessory dwellings on non-conforming lots due to hardship	
17.130.060 E Density	Removed exception allowing for accessory dwellings on non-conforming lots due to hardship	
17.130.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	
17.140.040 (2) Rural Residential (RR) Accessory Uses	Removed exception allowing for accessory dwellings on non-conforming lots due to hardship	
17.140.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.150.040 (2) Low Density Residential (LDR) Accessory Uses	Removed exception allowing for accessory dwellings on non-conforming lots due to hardship	
17.150.080 Height	Moved into Density and Height Chart no changes made to limitations unless otherwise noted.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.160.060 Urban Residential (UR) Density	Added to sentence. "Density restrictions are as follows" *when adequate public infrastructure is available.* Removed (C)	

17.160.080 Height	Added reference to Density and Height Chart and moved limitations into Density and Height Chart.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.170.080 Neighborhood Use (UN) Height	Added reference to Density and Height Chart and moved limitations into Density and Height Chart.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.180.080 Neighborhood Commercial (NC) Height	Added reference to Density and Height Chart and moved limitations into Density and Height Chart.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.190.080 Special Review Commercial (SRC) Height	Added reference to Density and Height Chart and moved limitations into Density and Height Chart.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.200.090 Planned Development (PD) Development Standards	Replaced existing water availability requirement with reference to OCC 17.010.140 (D) Water Availability	
17.200.090 (P) Development Standards	Removed	
17.220.020 Density & Height Chart	New Chart Added – text pertaining to density and height was moved from each designation to this chart.	The purpose of this change was organizational and to facilitate easier understanding of density and heigh limitations throughout all zones by consolidating these limitations into a single section.
17.230.030 Temporary Use Permits Application Requirements	Removed 1st paragraph; Added A (1-4), B (1-3), C (1-6), D (1-4), E (1-9) identifying applicable permitting requirements for temporary outdoor events and festivals, regulations applicable to temporary outdoor events and festivals, and addressing violations.	
17.255 Special Uses	New section to address uses that were not previously addressed by the OCC, such as solar, wind, energy, cryptocurrency, electric vehicle	Such uses, due to their nature, are deemed to require specific regulations to meet health, safety, and general welfare. See Engrossed Second Substitute Senate Bill 5116, clean energy transformation act of 2019.

RED & BLUE RECOMMENDATION

Subject to additional changes prompted by comment provided at the upcoming hearing, the Planning Director recommends the following:

1. Planning Commission recommends that the BOCC adopt the proposed amendments shown in Attachment C, which consists of the Staff's initial proposal for amendments to the zoning code summarized in Attachment A as modified to incorporate additional changes summarized in Attachment B. .
2. Additionally, Planning Commission recommends approval and adoption of the revised Official Okanogan County Zone Map showing the Rural 1 designation change to Rural 2.

Zoning

Okanogan County Code Title 17

Final Draft ~~12/26/2023~~ 2/9/24
Adopted on

By: Okanogan County
Office of Planning and Development

Okanogan County Code – Title 17
ZONING

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Chapter 17.010
GENERAL PROVISIONS

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17.010.010 Short title

This title shall be known as the "Okanogan County Zoning Code" and may also be referred to as the "Zone Code".

17.010.020 Repealer

Okanogan County Code, Title 17 "Zoning", including any and all associated ordinances amending such code, are repealed.

17.010.030 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 OCC 17.340 "Amendment of Zoning Code".

17.010.040 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 this Title, 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 OCC 17.350 "Appeals".

A. Zoning Adjustor: The administrator is the authorized zoning adjustor pursuant to RCW 36.70.200, and in this capacity shall decide on administrative orders in

accordance with OCC 17.310 "Conditional Use Permits" and OCC 17.320 "Variances".

17.010.050 State Environmental Policy Act coordination

All proposed actions shall be reviewed for their consistency with SEPA, Chapter 43.21C RCW, SEPA Guidelines, Chapter 197-11 WAC, and the OCC 14.04 "Environmental Policy". Mitigation of significant adverse impacts may be required, as a condition of project and/or land use approvals.

17.010.060 Relationship to subdivision and platting

Any proposed subdivision or platting action under OCC Title 16 "Subdivisions" 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.

17.010.070 Compliance

A. Hereafter, no building or structure shall be erected, reconstructed, enlarged, or relocated, and no building, structure or premises shall be used except in compliance with the provisions of this title and then only after securing all required site analysis and permit approvals (including conditional use permits) 17.
    1. Site Analysis: A site analysis application shall be processed as a zoning permit, as an administrative process in accordance with OCC Title 20 "Development Permit Procedures and Administration", and shall be used for the purpose of reviewing various development requests in order to declare whether the development is consistent with this code. The site analysis application shall be submitted for the purpose of requesting approval of a development proposal. The site analysis application may also be used for the purpose of seeking clarification of land use regulations (for informational purposes). The Planning Department may charge an application fee if so adopted by the Board of Okanogan County Commissioners as part of Okanogan County's fee schedule. The site analysis application incorporates consistency review for other regulations administered by the Okanogan County Planning Department, including but not limited to OCC Title 14 "Environment", OCC 15.08 "Floodplain Management", OCC Title 16 "Subdivisions", OCC Title 17 Zoning, OCC 18.05 "Development Agreements", as well as applicable State and Federal regulations including but not limited to Title 36 RCW, Title 58 RCW, Title 90 RCW and Title 173 WAC
        i. Upon site analysis and zone permit approval, an applicant may apply for a permit with Okanogan County Public Health to build an on-site sewage system in conformance with OCC 13.08. The permit for on-site sewage system shall expire if the construction in accordance with the zone permit is not executed within three years of approval.

B. Any building, structure or use lawfully existing at the time of passage of this title,

although not in compliance therewith, may be maintained as provided for in OCC 17.330 "Legal Pre-existing Uses and Lots"

C. The issuance of any permit or license by any department or agency of Okanogan 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.
D. Temporary emergency facilities (OCC 17.020.860) are exempt from complying with the terms of this Title.

1717.010.080 Interpretations

Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 calendar days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. The administrator's decision shall be in keeping with the spirit and intent of this title.

A. Upon application, the administrator may determine that a use not specifically named in the allowed uses of a district shall be included among the allowed uses if the use is the same general type, and is similar in nature, to the allowed uses. Said use shall be consistent with the intent, goals and policies contained within the comprehensive plan.
B. Whenever this code imposes greater restrictions than are imposed or required by other provisions of law or regulation, then the provisions of this code shall control.

17.010.090 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, OCC 14.04 "Environmental Policy" or OCC 14.12 "Critical Areas".

17.010.100 Establishment of zone districts and zone map

A. Zone districts: Zones districts for all of unincorporated Okanogan County shall be established, modified, and amended as provided in Chapter 36.70 RCW and Title 17 of Okanogan County Code and shall implement the goals, policies of the Okanogan County comprehensive plan. The following zone districts are established for the unincorporated boundaries of Okanogan County: Minimum Requirement (MR), Rural 2 (R2), Rural 5 (R5), Rural 20 (R20), Rural 160 (R160), Agriculture (AG), Agricultural Residential (AR), Suburban Residential (SR), Commercial (C), Industrial (IN), Airport Development (AD), Methow Review District (MRD), Methow Review District Valley Floor 12,500 (MRD VF12,500), Methow Review District Valley Floor 1 (MRD VF1), Methow Review District Valley Floor 5 (MRD VF5), Methow Review District Uplands 20 (MRD UL20), Rural Residential (RR), Low Density Residential (LDR), Urban Residential (UR),

Neighborhood Use (NU), Special Review Commercial (SRC), Neighborhood Commercial (NC), Planned Unit Development (PUD), Planned Destination Resort (PDR). Also established for the unincorporated boundaries of Okanogan County is Airport Safety and Overlay.

B. Zone map: The zoning districts established by this title are defined as shown on Okanogan County's official zoning maps, together with all the explanatory material thereon, are adopted by reference and declared to be a part of this title.
   1. The official zoning maps shall be maintained in electronic form and depicted in various formats and scales as appropriate to the need. The official zoning maps maintained by Okanogan County shall be the final authority as to the current zoning status of land.
   2. When changes are made to zone district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been approved by the Board of Okanogan County Commissioners. No changes shall be made to the official zoning map except in conformity with the procedures set forth in this title.

C. Zone district boundaries: Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning maps, the following rules shall apply:
   1. Boundaries indicated as approximately following the boundaries or centerlines of streets, highways, or alleys shall be construed to follow such boundaries or centerlines;
   2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
   3. Boundaries indicated as approximately following city limits or similar areas shall be construed as following city limits or similar areas;
   4. Boundaries indicated as approximately following the boundaries or centerlines of railroad lines shall be construed to be construed to follow such boundaries or centerlines (midway between the main tracks);
   5. Boundaries indicated as following floodplains, floodways and other flood prone areas, steep slopes, critical areas or shorelines shall be construed to follow such floodplains, floodways and other flood prone areas, steep slopes, critical areas or shorelines;
   6. Boundaries indicated as approximately following centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
   7. Boundaries indicated as parallel to, or extensions of, features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the map;
   8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the administrator shall interpret the zoning district boundaries. The interpretation of the administrator may be appealed in accordance with the provisions of this title, OCC 17.350 "Appeals".
   9. At the time of adoption of this Title, and associated zone map, it is the intent

of Okanogan County for all zone boundaries to follow property lines, wherever possible. From time to time, individual property owners may pursue boundary line adjustments, in accordance with OCC Title 16, which may result in zone boundary lines which do not follow property lines. There is no additional requirement of the landowner to submit application for a rezone, in accordance with this Title, in order to reconcile zone boundaries with the adjustment of property lines.

17.010.110 Deviation from minimum zoning standards

Modifications to density and minimum lot size beyond that which is identified within the "density" and or "minimum lot size" section of individual zone district chapters may be permitted if approved through a variance process (OCC 17.320).

17.010.120 Notification periods

Any notification period established under the authority of this title, which expires on a county recognized non-business day, shall be extended to the close of business of the next county business day.

17.010.130 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.

17.010.140 Water Availability

A. Scope of water availability analysis:
   1. A potable water availability analysis is required for subdivisions (chapters 16.20 and 16.24 OCC) and short plat subdivisions (chapter 16.12 OCC).
   2. A potable water availability analysis is required for any of the following approvals to the extent that the use proposed necessitates potable water:
      a) Variance (chapter 17.320 OCC);
      b) Shoreline Substantial Development Permit (OCC 14.15.500);
      c) Shoreline Conditional Use Permit (OCC 14.15.520);
      d) Temporary Use Permit (chapter 17.230 OCC);
      e) Conditional Use Permit (chapter 17.310 OCC);
      f) Planned Development (chapter 17.200 OCC);
      g) Building Permits (OCC 15.02.030);
      h) Floodplain Development Permit (OCC 15.08.060);
      i) Planned Destination Resorts (chapter 17.210 OCC);
      j) Site Analysis for Development Proposal (OCC 17.010.070 A.1).
   3. An applicant for an approval identified under OCC 17.010.140 A.1 or 2 must demonstrate water supply that is legally available and physically adequate to serve the proposed use.
   4. The County's approval of any permit applications that are not subject to an analysis of potable water availability pursuant to OCC 17.010.140 A.1 or 2

may not be relied upon by the applicant or any successor in interest as an assurance, warranty or guarantee water is physically adequate or legally available to support any subsequent applications requiring potable water.

B. Water availability determinations for subdivisions and short plat subdivisions are subject to the following standards, as applicable:
   1. Water sources and facilities adequate for fire protection purposes shall be provided in all subdivisions. Fire protection requirements shall be as delineated in Okanogan County Fire Code and/or International Building Code standards for fire protection. Fire flow shall be determined in accordance with a nationally recognized standard such as the National Fire Protection Association (NFPA) or the Uniform Fire Code.
   2. Documentation of water adequacy in WRIAs 50, 51, 52, and 60 for subdivision or short plat subdivision approvals may be in the following forms:
      a) Verification from an approved Group B or Two-Party Public Water System with capacity to serve the proposed use stating its commitment to provide adequate potable water to the new connection(s) and that doing so will not exceed limits imposed upon the system by any state or local regulation.
      b) Verification from a Group A Public Water System with capacity to serve the proposed use stating its commitment to provide adequate potable water to the new connection(s) and that doing so will not exceed limits imposed upon the system by any state or local regulation.
      c) Documentation from the Washington State Department of Ecology of an issued water right permit or certificate for uninterruptible potable water with an annual and instantaneous quantity sufficient to serve the proposed use. An application for a water right is not acceptable proof of adequate potable water.
      d) Statement of intent to use a permit-exempt well for domestic use, subject to the following requirements:
         i. The applicant must provide documentation of the legal right to use the permit-exempt well to serve the subject property; and
         ii. The applicant must provide a well report showing physical availability of water in a quantity sufficient to serve the proposed use.
   3. Documentation of water adequacy in WRIA 49 for subdivision or short plat subdivisions may be in the forms identified in OCC 17.010.140B.2 (a)-(c). Subdivision and short plat subdivision applicants in WRIA 49 may rely upon permit-exempt wells to demonstrate water adequacy, subject to the following requirements:
      a) The applicant must provide documentation of the legal right to use the permit-exempt well to serve the subject property;
      b) The applicant must provide a well report showing physical availability of water in a quantity sufficient to serve the proposed use;

c) Permit-exempt withdrawals for domestic use shall not withdraw more than 5,000 gallons of water per day, whether for group or single use, in accordance with RCW 90.44.050;
d) Permit-exempt withdrawals for domestic use shall not withdraw more than an annual average of 3,000 gallons of water per day per connection; and
e) The applicant must pay a fee of five hundred dollars, in addition to the fees required under OCC 16.12.020, 16.20.030, 16.24.020, and 16.24.040, as applicable.

4. Documentation of water adequacy in WRIA 48 for subdivisions may be in the forms identified in OCC 17.010.140 B.2(a) - (c). Subdivision and short plat subdivision applicants in WRIA 48 may not rely upon permit-exempt wells to demonstrate water adequacy.

C. Water availability determinations for approvals identified in OCC 17.010.140 A.2 are subject to the following standards, as applicable:
1. Documentation of water adequacy in WRIAs 50, 51, 52 and 60 may be in the form of documentation identified in OCC 17.010.140 B.2 (a)-(d).
2. Documentation of water adequacy in WRIA 49 may be in the following forms:
a) Documentation identified in OCC 17.010.140 B.2(a)-(c) or OCC 17.010.140 B.3; or
b) Declaration of intent to use a permit-exempt well that was constructed before January 19, 2018, subject to the following limitations and requirements:
i. The applicant must provide documentation of the legal right to use the permit-exempt well to serve the subject property;
ii. The applicant must provide a well report showing physical availability of water in a quantity sufficient to serve the proposed use;
iii. The applicant must demonstrate that the well was dug in accordance with the provisions of chapter 18.104 RCW; and
iv. Permit-exempt withdrawals for domestic use shall not be allowed to withdraw more than 5,000 gallons of water a day, whether for group or single use, in accordance with RCW 90.44.050.
3. Documentation of water adequacy in WRIA 48 may be in the following forms:
a) Documentation identified in OCC 17.010.140B.2(a)-(c).
b) Documentation identified in OCC 17.010.140C.2(b).
c) Declaration of intent to use a permit-exempt well for domestic use subject to the following limitations and requirements:
i. The applicant must provide documentation of the legal right to use the permit-exempt well to serve the subject property;
ii. The applicant must provide a well report showing physical availability of water in a quantity sufficient to serve the proposed use;
iii. The well may not be hydraulically connected to closed surface waters identified under WAC 173-548;

iv. Permit-exempt withdrawals for domestic use shall not be allowed to withdraw more than 5,000 gallons of water a day, whether for group or single use, in accordance with RCW 90.44.050;

v. The proposed use must be a single-domestic use. Accessory dwellings or other structures that are normal accessory uses customary and incidental to a single family home will be considered part of the single-domestic use to which they are an accessory, but only to the extent that such accessory dwellings and other structures are not used or authorized for commercial purposes, including nightly rentals as defined in OCC 17.20.645.

vi. Water must be available under the reservation in WAC 173-548-030 for single-domestic and stock-use.

Chapter 17.020
DEFINITIONS

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17.020.005 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.

17.020.010 Abatement of zoning violation
"Abatement of zoning violation" means the termination of a zoning violation by reasonable and lawful means in order that a building, structure, premises, land or portion thereof shall be made to comply with this code.

17.020.015 Accessory building
"Accessory building" means a building which is subordinate to a primary building and is located on the same lot or within the same project area as the primary building. Accessory dwellings are defined separately by this Chapter.

17.020.020 Accessory use
"Accessory use" means a building, area, structure, use, or any part thereof, which is ancillary to the primary use of the main building, structure or use on the same lot.

17.020.025 Acid manufacturing
"Acid manufacturing" means an industrial enterprise and associated facilities in which the primary goal is the manufacture and/or processing of acid.

17.020.030 Acre
"Acre" means a measurement of land surface area containing 43,560 square feet.

17.020.035 Administrator
"Administrator" means the Okanogan County office of planning and development director or the director's designee.

17.020.040 Adult care facility
"Adult care facility" means a group home intended for the long-term care of resident adults. The facility may or may not provide medical care and nursing staff.

17.020.045 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.

17.020.050 Agricultural Commodity Storage
Storage for agricultural product's to be sold or processed at a later time.

17.020.055 Agricultural related industry
"Agricultural related industry" means those industrial uses directly related to the sorting, grading, packaging, storage, of agricultural products and/or physical or chemical alteration of agricultural products. Such industries include, but are not limited to: cold storage plants, controlled atmosphere, produce packing and processing facilities, and their accessory uses.

17.020.060 Agriculture
"Agriculture," pertaining to farming, means the tilling of the soil, the raising of crops, forestry, horticulture, gardening, keeping or raising of livestock and poultry and any agricultural industry or business such as dairies, nurseries, wholesale greenhouses or similar uses. Farming industrial hemp is agriculture. Farming cannabis, cannabis products, and cannabis operations are not agriculture; they are defined separately by this Chapter.

17.020.065 Air cargo terminal
"Air cargo terminal" means an airport building with facilities for receiving and distribution of express, freight, or mail carried by aircraft.

17.020.070 Air passenger services
"Air passenger services" means that portion of an airport dedicated to passenger check-in and ticketing, cargo handling, and distribution of passenger to appropriate terminals.

17.020.075 Aircraft fuel pump and fuel storage
"Aircraft fuel pump and fuel storage" means fuel stations, located within and accessory to an airport or airstrip, and dedicated to the use of aircraft.

17.020.080 Aircraft hangars
"Aircraft hangars" means a covered and usually enclosed area for housing and repairing aircraft.

17.020.085 Aircraft sales, repair, service
"Aircraft sales, repair, service" means a facility dedicated to the commercial sales, repair, and/or service of aircraft.

17.020.090 Aircraft salvage
"Aircraft salvage" means a parcel and/or facility used for the commercial storage, collection, processing, purchase, sale, or abandonment of aircraft and aircraft equipment.

17.020.095 Airport
"Airport" means a runway, usually intended for commercial use, along with associated facilities which may include but is not limited to supply and maintenance of aircraft, fuel service for aircraft, flight instruction, charter or air freight service, passenger and cargo service, agricultural services including but not limited to herbicide or pesticide application, except for airstrips as defined by this Chapter.

17.020.100 Airport clear zone
"Airport clear zone" means that area surrounding an airport to be clear of obstructions per Federal Aviation Administration Regulations.

17.020.105 Airstrip
"Airstrip" means a runway without normal airport facilities (except facilities for storage, supply, and maintenance of aircraft) which is maintained for private and/or occasional use.

17.020.110 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.

17.020.115 Animal disposal facility
"Animal disposal facility" means a commercial disposal or composting facility used for the purpose of fowl and/or dead animal reduction.

17.020.120 Apiary Farm
"Apiary Farm" means a farm where bees are kept, including a collection of hives or colonies of bees kept for their honey. Such farms may include facilities and equipment used for the purpose of processing honey.

17.020.125 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.

17.020.130 Auto parking lots and areas
"Auto parking lot" means any area designed and used for parking motor vehicles including dedicated parking lots, garages, private driveways, and designated areas of public streets. An auto parking lot and area is usually accessory to another use and/or structure.

17.020.135 Auto parking lots and areas, commercial
"Auto parking lot, commercial" means any area meeting the definition of auto parking lots and areas which also include parking fees such as parking for lease or rent on an hourly, daily or monthly basis.

17.020.140 Auto rental service
"Auto rental service" means a commercial business in which the primary objective is renting motor vehicles for short-term use.

17.020.145 Auto repair

"Auto repair" means a commercial facility used for the repair of motor vehicles. Such facility includes mechanics workshop, associated storage areas, and office(s).

17.020.150 Auto sales
"Auto sales" means a facility used for the purpose of retail sales of motor vehicles. Such facilities may include in-door and out-door vehicle storage areas, offices, and auto repair facilities.

17.020.155 Auto storage
"Auto storage" means areas dedicated for the storage of motor vehicles. Auto storage areas may be either in-door or outdoor areas.

17.020.160 Auto towing operation
"Auto towing operation" means a commercial business which the primary goal is to provide equipment for off-site towing of motor vehicles. Auto towing facilities may include on-site areas dedicated to the storage of motor vehicles, office space, and areas used for the repair and maintenance of auto towing equipment and vehicles.

17.020.165 Auto wrecking yard
"Auto 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.

17.020.170 Average adjacent grade
"Average adjacent grade" means the average finished ground level taken along the perimeter of all exterior walls of a building for the purpose of calculating building height.

17.020.175 Bank
"Bank" means an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

17.020.180 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.

17.020.185 Bed and breakfast
"Bed and breakfast" means an owner-occupied single-family dwelling in which 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 17.260 OCC for specific regulations.

17.020.190 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.

17.020.200 Board

"Board" means the Okanogan County board of county commissioners.

17.020.205 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.

17.020.210 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.

17.020.215 Cannabis processing facility

Cannabis processing facility means a facility used for the purpose of processing cannabis into useable cannabis and cannabis-infused products, and packaging and labeling of cannabis and cannabis-infused products for sale to cannabis retailers. Cannabis processing facilities are similar in character to agricultural sorting, grading, and packing facilities. Legal processing activities are consistent with RCW 69.50.101(v) and WAC 314-55-077 as administered by Washington State Liquor Control Board.

17.020.216 Cannabis production facility

Cannabis production facility means a facility used for growing cannabis for the purpose of selling the cannabis products to cannabis processors and other cannabis producers. Production includes growth, harvest, trim, dry, cure, and packaging of cannabis for sale. Sale may include cannabis products, plants, seeds, and plant tissue culture. Cannabis production facilities are separated into indoor and outdoor facilities which are similar in character to indoor nursery or greenhouse facilities, or outdoor field crops. Legal production activities are consistent with RCW 69.50.101(w) and WAC 314-55-075 as administered by Washington State Liquor Control Board.

17.020.217 Cannabis retail store

Cannabis retail store means a commercial establishment used for the sale of useable cannabis, cannabis-infused products, and cannabis paraphernalia and rendering services incidental to the sale of such goods. Cannabis retail stores are similar in character to agricultural fruit and vegetable stands, or retail stores and gift shops. Legal retailers are consistent with RCW 69.50.101(y) and WAC 314-55-079 as administered by Washington State Liquor Control Board.

17.020.218 Cellular communication tower

A cell site or cell tower is a cellular telephone site where antennae and electronic communications equipment are placed, usually on a radio mast, tower or other high place, to create a cell (or adjacent cells) in a cellular network. The elevated structure typically supports antennae, and one or more sets of transmitter/receivers transceivers, digital signal processors, control electronics, a GPS receiver for timing (for CDMA2000/IS-95 or GSM systems), primary and backup electrical power sources, and sheltering. In accordance with RCW 43.21C.030(2)(c), towers below 60-feet exempt from SEPA review.

17.020.220 Cement, lime, gypsum manufacturers

"Cement, lime, gypsum manufacturers" an industrial facility dedicated to the processing of raw material for the manufacture of cement, lime, and/or gypsum for purpose of distribution and sale. Such facilities are usually located within a quarry where the raw materials are mined.

17.020.225 Church

"Church" means a building and/or facility used by on organization of religious believers for the purpose of religious worship.

17.020.230 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.

17.020.235 Communication facility, commercial

"Commercial communication facility" means a commercial 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. Facilities may include but are not limited to towers, antenna, equipment shelters, and backup power utilities.

17.020.240 Community advisory committee

"Community advisory committee" means a citizen advisory committee 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.

17.020.245 Community center, grange hall, etc.
"Community center, grange hall, etc." means a building and associated facilities used by people from a particular community for organized meetings, social, educational, or recreational activities, and various special events.

17.020.250 Compost manufacturer
"Compost manufacturer" means an industrial facility and associated buildings and equipment used of the purpose processing and manufacturing compost for sale for agricultural purposes.

17.020.255 Concrete batch plant
"Concrete batch plant" means a device that combines various ingredients to form concrete. Some of these inputs include sand, water, aggregate (rocks, gravel, etc.), fly ash, potash, and cement. There are two types of concrete plants: ready mix plants (combines all ingredients except for water at the concrete plant) and central mix plants (combines some or all of the above ingredients (including water) at a central location). A concrete plant can have a variety of parts and accessories, including but not limited to: mixers (either tilt-up or horizontal or in some cases both), cement batchers, aggregate batchers, conveyors, radial stackers, aggregate bins, cement bins, heaters, chillers, cement silos, batch plant controls, and dust collectors (to minimize environmental pollution).

17.020.260 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 17.310 OCC).

17.020.265 Condominium
"Condominium" means that which is defined by RCW 64.34.020(10).

17.020.266 Contiguous
"Contiguous" means two or more lots or buildings are next to each other. Contiguous parcel means parcels which abut, adjoin or otherwise touch each other at more than one point along a common boundary.

17.020.270 Crematory, cemetery, funeral home
"Crematory, cemetery, funeral home" means Facilities used for the maintenance and preservation of dead people. More specifically, crematory means an establishment containing such a furnace for cremating dead people; a cemetery means a place where dead people are buried; and a funeral home (funeral parlor) means an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

17.020.275 Critical areas
"Critical areas" means those critical areas as defined by OCC 14.12 "Critical Areas".

17.020.276 Cryptocurrency mining operations
"Cryptocurrency mining operations" means the operation of specialized computer equipment for the primary purpose of mining one (1) or more blockchain based cryptocurrencies such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware; high density load (HDL) electricity use; a high energy use intensity (EUI) where the operating square footage as determined by the utility is above two hundred fifty (250) kWh/ft2/year and with a high load factor in addition to the use of equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

17.020.280 Dairy farm
"Dairy farm" means a type of farm that produces milk and milk products.

17.020.285 Day care facility
"Day care facility" 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 pre-kindergartens when not a part of a public or parochial school, and programs covering after-school care for school children.

17.020.290 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.

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

A. For residential uses: the number of dwelling units per unit of land area, such as DU/Acre.

17.020.300 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.

17.020.305 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.

17.020.310 Drive-in movie theater
"Drive-in movie theater" means a place where people can watch movies outdoors while sitting in their cars.

17.020.315 Dwelling unit
"Dwelling unit" means one or more rooms designed for occupancy by a person or persons for living purposes, containing permanent facilities for living, sleeping, eating, cooking, and sanitation. A dwelling unit includes a kitchen and bathroom.

17.020.320 Dwelling, accessory
A single "dwelling unit" used as an accessory use to the primary residential or commercial or agricultural use of the property. Common examples of an accessory dwelling unit include but not limited to guest house, caretakers home, mother-in-law home, or a form of employee housing. An accessory dwelling may be attached or detached from the associated primary use/structure (primary residence, retail store, office, etc.).

17.020.325 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.

17.020.330 Dwelling, multiple-family
"Multiple-family dwelling" means a building containing two or more dwelling units on a single lot, detached, or attached, which may include accessory use facilities such as an office, laundry and recreational facilities used by the occupants, and off-street parking.

17.020.335 Dwelling, single-family
A building containing one dwelling unit on a single lot, detached, or attached, which may include accessory use facilities such as an office, laundry and recreational facilities used by the occupants, and off-street parking. A single-family dwelling is commonly referred to as a home, residence, or single-family residence. A single-family dwelling may be attached to an accessory dwelling unit or to other single-family dwellings as part of a zero-lot-line development.

"Dwelling, single family detached" means a free-standing dwelling unit designed for or occupied exclusively by one family that is not adjoined by any other dwelling units.

17.020.340 Earth station

"Earth station" means a terrestrial station with facilities including satellite dishes designed for communication with spacecraft and earth-orbit satellites. They may include other types of communication facilities, provided that cellular communication towers are not included.

17.020.341 Electric vehicle charging stations

"Electric vehicle charging station" or "EV charging station" means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. Charging stations are as follows:

A. Level 1 is considered slow charging. It requires a 15- or 20-amp breaker on a 120-volt AC circuit and standard outlet. This level of charging can fully recharge an EV between eight and 32 hours and a plug-in hybrid vehicle (PHEV) between three and 15 hours
B. Level 2 is considered medium charging. It requires a 40-amp to 100-amp breaker on a 240-volt AC circuit. This level of charging can fully recharge an EV between four and six hours and a PHEV between one and two hours.
C. Level 3 is considered fast charging. It requires a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery. Charging time ranges from 25 to 40 minutes for EVs and less than 20 minutes for PHEVs.

17.020.343 Emergency shelter

"Emergency shelter" means any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

17.020.344 Energy facilities

"Energy facility" means an energy plant or transmission facilities. Energy plants include the following facilities together with their associated facilities:

A. Any nuclear power facility where the primary purpose is to produce and sell electricity;
B. Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;
C. Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

D. Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;
E. Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and
F. Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities.

The following are excluded from this definition:

A. Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and
B. Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

17.020.345 Evaporation ponds

"Evaporation ponds" means artificial ponds, which usually support agricultural processing activities, with very large surface areas that are designed to efficiently evaporate water by sunlight and exposure to the ambient temperatures.

17.020.350 Event centers

A permanent facility used primarily to host various events, each of which occurs in a temporary capacity. An event center may be an indoor (including but not limited to halls, stadiums, auditoriums) or outdoor facility. Examples of recreational events typically operated within an event center include but not limited to rodeos, races, fairs, concerts, conferences, and auctions. Accessory functions include but not limited to overnight camping, concessions, retail sales, vendors, food and beverage service, and workshops. An event center incudes the primary event area along with accessory infrastructure including but not limited to offices, booths, roads, parking areas, bathrooms, various buildings, campgrounds, fencing, utilities and utility buildings.

17.020.353 Exempt well

See "Permit exempt well" under OCC 17.020.672.

17.020.355 Exercise clubs, swimming pools

"Exercise clubs, swimming pools" means a commercial facility used for the purpose of providing recreational opportunities such as but not limited to exercise equipment, tennis, basketball, racquetball, volleyball, swimming pools, all of which may be located indoors or outdoors. Such facilities may be open to the general public while others may be exclusive to members of a club or other type of organization.

17.020.360 Explosive manufacture or storage
"Explosive manufacture or storage" means an industrial facility, large or small, used for the purpose of manufacture or storage of explosive materials.

17.020.365 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.

17.020.370 Farm
"Farm" means property used for raising all crops, feeding and caring for livestock, ranges and pastures. The definition of a farm does not include cannabis operations.

17.020.375 Farmworker housing
A single-family dwelling, multi-family dwelling, group dwelling, or other similar living space provided for employees, and their families, of a farm. Some farmworker housing is seasonal temporary housing while other forms of farmworker housing are designed for permanent occupancy.

17.020.380 Feedlot
"Feedlot" means an area used for the purpose of feeding large numbers of livestock. The area is used to stable or otherwise confine livestock. Numbers of livestock which qualify as a feedlot, and duration of livestock confined on-site, is determined by current definition of a "concentrated animal feeding operation" as defined and regulated by the Washington State Department of Ecology. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. This shall not be interpreted to include dairy operations with a Washington State grade A license.

17.020.385 Fence
"Fence" means a barrier for the purpose of enclosing space or separating lots. Fences are not structures for the purposes of this code.

17.020.390 Fertilizer manufacturer
"Fertilizer manufacturer" means an industrial facility and associated buildings and equipment used of the purpose processing and manufacturing fertilizer for sale.

17.020.395 Flood hazard area
"Flood hazard area" means those areas defined as "floodplain" in accordance with OCC 14.12 "Critical Areas".

17.020.400 Floodplain
"Floodplain" means those areas defined as "floodplain" in accordance with OCC 14.12 "Critical Areas".

17.020.405 Floodplain, 100-year
"100-year floodplain" means those areas defined as "Frequently flooded areas" in accordance with OCC 14.12 "Critical Areas".

17.020.410 Floodway
"Floodway" means that area defined as a "floodway" in accordance with OCC 14.12 "Critical Areas".

17.020.415 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.

17.020.420 Florist, retail
"Florist, retail" means a business which sells and grows flowers and ornamental plants.

17.020.425 Florist, wholesale/floriculture
"Florist, wholesale/floriculture" means a business which sells and grows flowers and ornamental plants in large amounts to other businesses rather than to individual customers.

17.020.430 Food store (retail)
"Food store (retail)" means a commercial business, and associated building(s) or room(s), where food items are sold to customers for their own use.

17.020.435 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.

17.020.440 Fruit stand
"Fruit stand" means a structure used seasonally for marketing fresh fruits/vegetables, dairy products and other agricultural products, and may include those uses accessory to the operation of the fruit stand (i.e. offices, storage space, parking areas, etc.).

17.020.445 Golf course
"Golf course" means an area of land laid out for golf with a series holes (usually 9 or 18 holes) each including a tee, fairway, and putting green and often one or more natural or artificial hazards. Golf courses include associate club house, some retail space, areas for carts and golf equipment, and maintenance facilities.

17.020.450 Government services
"Government services" means those services necessary to carry out governmental functions including but not limited to law enforcement, courts, administrative services and offices, etc.

17.020.455 Gravel pits and quarries
"Gravel pits and quarries" means land from which sand, gravel or quarried rock is extracted, but does not include extraction of metals, minerals or fossil fuels (see definition of Mining in this Chapter).

17.020.460 Height, building
"Building height" means the average height of all sides of a structure, measured from average adjacent grade (see "average adjacent grade" in this Chapter) to the highest point of the roof.

17.020.465 Helipad
"Helipad" means a designated touchdown spot for private and/or occasional use by helicopters without normal heliport facilities (except facilities for storage, supply, and maintenance of aircraft).

17.020.470 Heliport
"Heliport" means helicopter landing sites, usually intended for commercial use, along with associated facilities which may include but is not limited to supply and maintenance of aircraft, fuel service for aircraft, flight instruction, charter or air freight service, passenger and cargo service, agricultural services including but not limited to herbicide or pesticide application, except for helipads as defined in this Chapter.

17.020.471 Hemp
"Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

17.020.475 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 those persons residing on the premises plus nonresident employees. Home occupations must comply with OCC 17.280.

17.020.480 Horticultural services
"Horticultural services" means a business or governmental service which the primary goal is it advises the public and/or customers on techniques and the science of growing fruits, vegetables, and flowers.

17.020.485 Hospital
"Hospital" means an institution specializing in medical examination and treatment of human patients, giving clinical, temporary and emergency services of a medical or surgical nature to human patients, and provision for keeping such patients overnight on the premises.

17.020.490 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 non-guests as well as guests.

17.020.495 Impound yard
"Impound yard" means a designated area used to collect and contain motor vehicles. A commercial impound yard is usually licensed by Washington State Patrol and associated with an auto towing operation.

17.020.500 Industrial
"Industrial" means activity and facilities used for the purpose of manufacturing, processing, assembly, fabrication, processing, bulk handling, storage, warehousing, storage, distribution, shipping, heavy trucking activity, and other related uses. Activities possess potential for nuisance or hazard components or place exceptional demands upon public facilities and services.

17.020.505 Industrial, Light
"Light industrial" means an industrial use 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, pre-milled 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.

17.020.510 Inns, lodges and guest ranches
"Inns, lodges and guest ranches" means establishments containing multiple lodging units or tourist accommodations 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.

17.020.515 Kennel, commercial
"Commercial kennel" means an establishment or place, other than an animal or veterinary hospital or clinic, where dogs and/or cats are commercially boarded over-night. This definition includes non-profit animal shelters.

17.020.520 Kennel, private
"Private kennel" means the dwelling unit, or residential accessory structure, used for the purpose of housing and/or breeding dogs and/or cats primarily for personal recreational use, including but not limited to 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. A private kennel would be consistent with the standards of OCC 17.280 "Home Occupations".

17.020.525 Laundromats
"Laundromats" means a place that has machines for commercial washing and drying clothes, towels, sheets, etc.

17.020.530 Legal pre-existing lot
A lot legally created before the effective date of this chapter, including lots which fail to meet the lot size or lot width requirements of the zone district in which it is located.

17.020.535 Legal pre-existing structure
A structure legally existing at the effective date of this chapter, including structures that could not be built under the terms of this code or any amendment thereto but does not include structures which have been abandoned or permitted by conditional use permit.

17.020.540 Legal pre-existing use
Any use of land or structure which began legally prior to the effective date of this chapter, including uses which conflict with the provisions of this code, or any amendment thereto, but does not include uses which have been abandoned or granted a conditional use permit.

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17.020.550 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. Lodging units are typically within a structure intended for transient use such as hotels, motels, inns, lodges, or nightly rentals. A lodging unit, as opposed to a lodge, is not a stand-alone structure.

17.020.555 Lot
"Lot" means a fractional part of subdivided lands having fixed boundaries. The term includes tracts.

17.020.560 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.

17.020.565 Lot width
"Lot width" means the horizontal distance between the side lot lines of a lot, measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback. For irregularly shaped lots, such as panhandle lots, the lot width shall be measured at the nearest point to the front lot line where the minimum width for the zone can be achieved.

17.020.570 Lot, corner
"Corner lot" means a lot situated at the intersection of two or more streets.

17.020.575 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.

17.020.580 Manufactured home park
"Manufactured home park" means a parcel of land designed, developed and improved to accommodate two or more manufactured homes. Pads or spaces are generally leased or rented, and the period of occupancy generally extends beyond 30 days. This definition does not include farmworker housing or accessory dwellings.

17.020.585 Manufactured home sales and facilities
"Manufactured home sales and facilities" means a facility used for the purpose of retail sales of manufactures home. Such facilities may include out-door storage areas, and associated offices, administrative and employee areas.

17.020.605 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).

17.020.610 Meat packing plant
"Meat packing plant" means Handling, slaughtering, processing, packaging, and distribution of animals such as cattle, pigs, sheep and other livestock, primarily for the production of meat for human consumption, but may also produce a variety of by-products including hides, feathers, dried blood, and fat and protein meals such as meat & bone meal.

17.020.615 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.

17.020.620 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.

17.020.625 Mini-storage
"Mini-storage" means commercial storage bins/lockers/rooms for rent for lease to the general public. Such commercial storage facilities are generally within an enclosed building, although this definition also encompasses covered outdoor storage of autos, boats, recreational vehicles, equipment, etc. This definition includes maxi-storage units for larger items such as RV's, etc.

17.020.630 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.

17.020.635 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.

17.020.640 Motorized vehicle track (commercial)
A commercial motorized vehicle track is a track which has been constructed for the purpose of accommodating organized racing events (cars, trucks, motorcycles, etc.) for commercial purposes and where there is a fee for admissions. Accessory track facilities may include but are not limited to commercial venders, food service, ticket booths, bleachers and/or seating areas, announcers shack, and parking areas.

17.020.641 Multifamily Unit
See 17.020.330, Dwelling, multiple-family.

17.020.645 Nightly rental
"Nightly rental" means a dwelling unit or accessory dwelling unit used as a tourist accommodation which accommodates the traveling public for short-term stays of 30 days or less.

17.020.650 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.

17.020.655 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.

17.020.660 Open space
"Open Space" means land within or related to a development which remains mostly undeveloped except for agriculture, and/or historical/architectural preservation, and/or wildlife habitat and/or recreation, and/or other similar uses. Improvements including but not limited to trails and accessory structures may be allowed within these areas. This definition does not imply consistency with open space open space or current use tax programs in accordance with RCW 84.33, RCW 84.34, OCC 14.08, or OCC 14.09.

17.020.665 Open space, common
"Common open space" means open space as defined by this Chapter which is owned in common by fee simple interest of multiple lots within of the same development, not individually owned. This definition does not imply consistency with open space open space or current use tax programs in accordance with RCW 84.33, RCW 84.34, OCC 14.08, or OCC 14.09.

17.020.670 Orchard
"Orchard" means an area used for the growth of fruit trees for purposes of commercial agricultural production.

17.020.671 Parking facilities
Parking facilities mean parking lots or other off-street areas for the parking of vehicles, including areas below or above the surface of streets.

17.020.672 Permit exempt well
A permit exempt well is a well system serving water for domestic, lawn or non-commercial garden, industrial, and/or stock watering uses without a permit from Ecology and as limited by RCW 90.44.050.

17.020.675 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.

17.020.680 Petroleum bulk plant
"Petroleum bulk plant" means a wholesale receiving and distributing facility for petroleum products; includes storage tanks, warehouses, railroad sidings, truck loading racks, and related elements. Also known as bulk terminal.

17.020.685 Petroleum service station
"Petroleum service station" means a place with fuel pumps and associated below ground fuel tanks used for the commercial sale of fuel for motor vehicles. Petroleum service stations may include small retail stores, and facilities for offering water and air for motor vehicles.

17.020.690 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 in accordance with OCC 17.210.

17.020.695 Planned unit development (PUD)
"Planned unit development (PUD)" means a development project which the land is rezoned in order to allow a variety of housing types and/or 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 be required by the underlying zone, all of which is specified by within a development agreement. Planned unit development standards contain requirements in addition to those of the standard zoning and subdivision. Planned unit developments are consistent with Okanogan County's Comprehensive Plan.

17.020.700 Portable
"Portable" means capable of being carried or moved about, not permanently affixed to the ground.

17.020.705 Private club/lodge
"private club/lodge" means a building and associated facilities used for the exclusive use of the members of an organized club, fraternity, or other social organization for purposes of holding organized meetings, social, educational, recreational activities, and various special events.

17.020.710 Professional building
"Professional building" means a structure used for the purpose of providing multiple offices, and associated facilities, for various commercial businesses, consultants, practitioners, etc.

17.020.713 Project
"Project" for exempt well purposes is any division of land by short plat, subdivision or segregation of lands for the purposes of development after the adoption of RCW 90.44.050 consistent with the Court decision in Campbell and Gwinn which occurs at one time or as part of a common scheme or plan. In such cases the limitations of RCW 90.44.50 are applicable to all properties within the "project".

17.020.715 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.

17.020.720 Propane/natural gas storage tanks (commercial)
"Propane/natural gas storage tanks (commercial)" means a place or facility used for the purpose of keeping propane and/or natural gas within bulk storage tanks and smaller

storage tanks for sale of gas products.

17.020.722 Public utility
A public utility is a company that operates as a public-service corporation, and provides essential services to the public such as electricity, telephone service, natural gas, water or postal services. The public utility is typically regulated by the national, state or local government.

17.020.723 Public utility service
"Public utility services" means those services necessary to carry out public utility functions including but not limited to infrastructure, substations, maintenance shops, satellite offices, lay down yards, etc.

17.020.725 Recreation site, high-intensity
Areas with built facilities or results in a modification of the area. High-intensity recreation sites include but not limited to ball fields, parks, public access points, marinas are examples of high-intensity recreation.

17.020.730 Recreation site, low-intensity
Areas that do not accommodate large concentrations of people and do not include developed facilities other than trails, interpretive signs, and similar amenities.

17.020.735 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.

17.020.740 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.

17.020.745 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.

17.020.750 Restaurants and cafes
"Restaurants and cafes" means a place where meals and refreshments may be purchased. Such establishments include seating areas for customers, and cooking areas.

17.020.755 Retail store or gift shop
"Retail store or gift shop" means a commercial business, and associated building(s) or room(s), where items are sold to customers for their own use.

17.020.760 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.

17.020.765 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.

17.020.770 Sanitary landfill
"Sanitary landfill" means a place where waste materials are buried between layers of earth.

17.020.775 Sawmill and pulp mill (commercial)
"Sawmill and pulp mill (commercial)" means a commercial mill where timber or logs or pulp are sawed into lumber or boards.

17.020.780 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.

17.020.785 School, Private
"Private school" is a non-public school conducting a program consisting of kindergarten and at least grade one or any of all grades one through 12. This is including but not limited to those schools that have a Conditional Use Permit with Okanogan County.

17.020.786 School, Public
"Public schools" means the common schools as referred to in Article IX of the state Constitution, including charter schools established under chapter 28A.710 RCW, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense. This is including but not limited to those schools that have a Conditional Use Permit with Okanogan County.

17.020.790 Seasonal
"Seasonal" means a temporary use, the duration of which is related to an identifiable climatic, cultural or recreational period (i.e., summer, winter, fall, spring, Christmas, ski season).

17.020.795 Septic lagoon
A manmade lined pond and associated pump facility used for the purpose storing septage, biosolids and further defined by WAC 173-308-080 as "Surface impoundment" which means a facility or part of a facility which is a natural topographic depression,

man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

17.020.800 Setback
"Setback" means the required distance between a structure and a property line, another structure, shoreline, ordinary high water mark, wetland boundary, or other similar feature. The setback width is measured along the slope of the land and is perpendicular to that feature requiring the setback. For example, a 25-foot property line setback would prohibit structures within 25-feet of the property line.

17.020.805 Shooting ranges
"Shooting ranges" means commercial facilities, indoor and/or outdoor, which are used for the purpose of using firearms for target practice or competition.

17.020.810 Shoreline
"Shoreline" means any shoreline environment as designated by Okanogan County's Shoreline Master Program (OCC 14.15).

17.020.815 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.

17.020.820 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.

17.020.825 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.

17.020.830 Slaughter house
"Slaughter house" means a facility and associated structure(s) where animals are butchered and prepared for food.

17.020.831 Solar energy facilities and/or system, commercial or community
"Solar energy facilities or system, commercial or community" means any device or assembly of devices that (A) is ground installed and (B) uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside. The primary purpose of the facility is for sale of electricity, not generated by the local electric utility.

17.020.835 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.

17.020.840 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.

17.020.845 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.

17.020.850 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.

17.020.855 Temporary
"Temporary" means a use or permit having a specific, short-term duration (see "Seasonal" as defined by this Chapter).

17.020.860 Temporary emergency facilities
"Temporary emergency facilities" means those facilities which are used for a temporary duration for the purpose of accommodating emergency services and disaster relief during emergency/disaster situations which threaten public health and safety.

17.020.865 Temporary use
"Temporary use" means a use that is limited in scope, duration and frequency.

17.020.870 Tourist accommodation
"Tourist accommodation" means overnight lodging for the traveling public, which includes but is not limited to bed and breakfasts, campgrounds, guest ranch, hotels/motels, inns and lodges, nightly rentals, RV parks.

17.020.875 Tract
"Tract" means a lot as defined by this Chapter.

17.020.880 Transient tourist accommodation
"Transient tourist accommodation," 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.

17.020.885 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.

17.020.890 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.

17.020.892 Transmission Facility
"Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal energy regulatory commission.

17.020.895 Underlying zone
"Underlying zone" means a zoning district (as designated within this Title) which is applied directly to the land as identified on the official zoning map.

17.020.900 Use
"Use" means the legal enjoyment of property that consists in its employment, exercise, or practice.

17.020.902 Utility, High Impact
"Utility, High Impact" means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. High impact public utilities shall include, but are not limited to, generating and switching stations, substations.

17.020.903 Utility, Low Impact
"Utility, Low Impact" means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure.

17.020.905 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.

17.020.910 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.

17.020.915 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.

17.020.920 Wetlands
"Wetlands" means areas as defined as "wetlands" by OCC 14.12 "Critical Areas".

17.020.925 Wholesale establishment
"Wholesale establishment" means a business which things in large amounts to other businesses rather than to individual customers.

17.020.929, Wind energy facilities
"Wind energy facilities" means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

17.020.930 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.

17.020.935 Winery
"Winery" means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) for the purpose of making wine. A winery may include a tasting room, food and beverage service, places of public/private assembly, retail sales area, and live entertainment.

17.020.940 Zoning adjustor
"Zoning adjustor" means the individual designated and appointed by the board of county commissioners to decide administrative variance and conditional use permits as set forth in this Title and pursuant to RCW 36.70.200.

Chapter 17.030
MINIMUM REQUIREMENT (MR)

Sections:

17.030.010 Purpose of classification
17.030.020 Permitted uses
17.030.030 Conditional uses
17.030.040 Accessory uses
17.030.050 Lot area and width
17.030.060 Density
17.030.070 Property line setbacks
17.030.080 Height
17.030.090 Lot coverage
17.030.100 Parking
17.030.110 Special provisions

17.030.010 Purpose of classification

The purpose of the minimum requirement district is to maintain zone controls within the exterior boundary of the Colville Indian Reservation, that portion of which is located within Okanogan County. All land use activities within the boundaries of the Colville Indian Reservation within Okanogan County shall be required to abide by the Intergovernmental land use planning agreement. The Colville Indian Reservation may have additional requirements in additional to minimum requirements in this zoning district.

17.030.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.030.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.030.040 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. Accessory dwelling units;
C. Farm-worker housing;
D. Bed and breakfasts.

17.030.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is one acre.
B. Minimum lot width is 100 feet.

17.030.060 Density

Density restrictions are as follows:

A. Maximum of one single-family dwelling unit per two acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.
B. Maximum of five multi-family dwelling units, or mobile home park units (located within a permitted mobile home park), per acre.
C. The density of RV parks, campgrounds, hotels, motels, etc. shall be determined by Okanogan County health district standards for on-site treatment.

17.030.070 Property line setbacks

A. All permitted structures shall have the following property line 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: for structures greater than 35 feet in height, property line setbacks shall be a minimum of one foot horizontal for every one foot of vertical height. Example: A 65-foot tall structure shall be required to be set back 65 feet from all property lines. If a waiver from adjacent property owner(s) are provided, the standard setback in this section (OCC 17.030.070(A)) applies.
C. Structures located on a lot which is adjacent to railroad facilities, and the structure is accessory to a designated railroad loading facility, shall be exempt from the setback along the property line bordering railroad property and/or railroad right-of-way.

17.030.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020. 17

17.030.090 Lot coverage

Lot coverage is not applicable (see required setbacks in OCC 17.030.070).

17.030.100 Parking

Parking requirements area as indicated in Chapter 17.240 OCC.

Chapter 17.040
RURAL 2 (R2)

Sections:

17.040.010 Purpose of classification
17.040.020 Permitted uses
17.040.030 Conditional uses
17.040.040 Accessory uses
17.040.050 Lot area and width
17.040.060 Density
17.040.070 Property line setbacks
17.040.080 Height
17.040.090 Lot coverage
17.040.100 Parking
17.040.110 Special provisions

17.040.010 Purpose of classification

The purpose of the Rural 2 district is to provide a wide range of rural/high-density compatible development options, , and be consistent with Okanogan County's comprehensive plan.

17.040.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.040.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.040.040 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. Accessory dwelling units;
C. Farm-worker housing;
D. Bed and breakfasts.

17.040.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is two acres.
B. Minimum lot width is 100 feet.

17.040.060 Density

Density restrictions are as follows:

A. Maximum of one single-family dwelling unit per two acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.

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

17.040.070 Property line setbacks

A. All permitted structures shall have the following property line 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: for structures greater than 35 feet in height, property line setbacks shall be a minimum of one foot horizontal for every one foot of vertical height. Example: A 65-foot tall structure shall be required to be set back 65 feet from all property lines. If a waiver from adjacent property owner(s) are provided, the standard setback in this section (OCC 17.040.070(A)) applies.

C. Structures located on a lot which is adjacent to railroad facilities, and the structure is accessory to a designated railroad loading facility, shall be exempt from the setback along the property line bordering railroad property and/or railroad right-of-way.

17.040.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020.

17

17.040.090 Lot coverage

17

Maximum lot coverage is 35 percent of the total lot area

17.040.100 Parking

Parking requirements area as indicated in Chapter 17.240 OCC.

17.040.110 Special Provisions (Reserved)

Chapter 17.050
RURAL 5 (R5)

Sections:

17.050.010 Purpose of classification
17.050.020 Permitted uses
17.050.030 Conditional uses
17.050.040 Accessory uses
17.050.050 Lot area and width
17.050.060 Density
17.050.070 Property line setbacks
17.050.080 Height
17.050.090 Lot coverage
17.050.100 Parking
17.050.110 Special provisions

17.050.010 Purpose of classification

The purpose of the Rural 5 district is to provide a wide range of rural/low-density compatible development options, an adequate inventory of land for residential and other rural uses, and be consistent with Okanogan County's comprehensive plan.

17.050.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.050.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.050.040 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. Accessory dwelling units;
C. Farm-worker housing;
D. Bed and breakfasts.

17.050.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is five acres.
B. Minimum lot width is 100 feet.

17.050.060 Density

Density restrictions are as follows:

A. Maximum of one single-family dwelling unit per five acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.

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

17.050.070 Property line setbacks

A. All permitted structures shall have the following property line 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: for structures greater than 35 feet in height, property line setbacks shall be a minimum of one foot horizontal for every one foot of vertical height. Example: A 65-foot tall structure shall be required to be set back 65 feet from all property lines. If a waiver from adjacent property owner(s) are provided, the standard setback in this section (OCC 17.050.070(A)) applies.
C. Structures located on a lot which is adjacent to railroad facilities, and the structure is accessory to a designated railroad loading facility, shall be exempt from the setback along the property line bordering railroad property and/or railroad right-of-way.

17.050.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020.

17

17.050.090 Lot coverage

Lot coverage

1. Single-family development: maximum lot coverage is 35 percent;
2. All other development: maximum lot coverage is 40 percent.

(also see required setbacks in OCC 17.050.070).

17.050.100 Parking

Parking requirements area as indicated in Chapter 17.240 OCC.

17A.050.110 Special Provisions

(Reserved)

1717

Chapter 17.060
RURAL 20 (R20)

Sections:

17.060.010 Purpose of classification
17.060.020 Permitted uses
17.060.030 Conditional uses
17.060.040 Accessory uses
17.060.050 Lot area and width
17.060.060 Density
17.060.070 Property line setbacks
17.060.080 Height
17.060.090 Lot coverage
17.060.100 Parking
17.060.110 Special provisions

17.060.010 Purpose of classification

The purpose of the Rural 20 district is to provide a wide range of rural/low-density compatible development options, an adequate inventory of land for residential and other rural uses such as farming and rural activities while retaining rural character and be consistent with Okanogan County's comprehensive plan.

17.060.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.060.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.060.040 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. Accessory dwelling units;
C. Farm-worker housing;
D. Bed and breakfasts.

17.060.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 20 acres or one thirty-second of a section. Minimum lot width is 100 feet.

17.060.060 Density

Density restrictions are as follows:

A. Maximum of one single-family dwelling unit per 20 acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so

long as adequate provisions for water and septic are permitted by Okanogan County Public Health.

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

17.060.070 Property line setbacks

A. All permitted structures shall have the following required property line 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: for structures greater than 35 feet in height, property line setbacks shall be a minimum of one foot horizontal for every one foot of vertical height. Example: A 65-foot tall structure shall be required to be set back 65 feet from all property lines. If a waiver from adjacent property owner(s) are provided, the standard setback in this section (OCC 17.060.070(A)) applies.

C. Structures located on a lot which is adjacent to railroad facilities, and the structure is accessory to a designated railroad loading facility, shall be exempt from the setback along the property line bordering railroad property and/or railroad right-of-way.

17.060.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020.

17

17.060.090 Lot coverage

Lot coverage is 35 percent (also see required setbacks in OCC 17.060.070).

17.060.100 Parking

Parking requirements area as indicated in Chapter 17.240 OCC.

17.060.110 Special Provisions

(Reserved)

1717

Chapter 17.065
RURAL 160 (R160)

Sections:

17.065.010 Purpose of classification.
17.065.020 Permitted uses.
17.065.030 Conditional uses.
17.065.040 Accessory uses.
17.065.050 Lot area and width.
17.065.060 Density.
17.065.070 Property line setbacks.
17.065.080 Height.
17.065.090 Lot coverage.
17.065.100 Parking

17.065.010 Purpose of classification

The purpose of the Rural 160 district is to provide rural/low-density development options which are consistent with Okanogan County's comprehensive plan.

17.065.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.065.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.065.040 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. Accessory dwelling units:
    1. On lots which meet or exceed the minimum lot size requirement of the district, one additional attached or detached dwelling is allowed. The accessory dwelling must be 1,500 square feet or less and must be located no further than 400 feet from the primary dwelling or structure.
    2. No more than one accessory dwelling shall be located on any lot.
C. Farmworker housing:
    1. A single-family dwelling, multifamily dwelling, group dwelling, or other similar living space provided for employees, and their families, of a farm. Some farmworker housing is seasonal temporary housing while other forms of farmworker housing are designed for permanent occupancy. Farmworker housing will be subject to the availability of a legal water supply.
D. Bed and breakfasts:
    1. Bed and Breakfast shall only be allowed in an existing single-family dwelling that does not create a new water use on the parcel.
E. Guest Ranch:

1. Guest Ranches shall only be allowed in existing dwellings and only if they do not create a new use of water on the parcel.

F. Dry Structures:
   1. Structures (cabins, garages, shops or storage structures) that do not require a use of water (dry structures) may be allowed under a conditional use permit.

17.065.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 160 acres.
B. Minimum lot width is 500 feet.

17.065.060 Density

Density restrictions are as follows:

A. Maximum of one single-family dwelling unit per 160 acres, with an allowance for a second unit per OCC 17.065.040(B).

17.065.070 Property line setbacks

A. All permitted structures shall have the following required property line setbacks:
   1. Front: minimum is 25 feet;
   2. Side: minimum is 25 feet;
   3. Rear: minimum is 25 feet.
B. Manufacturing, commercial, or industrial structures: for structures greater than 35 feet in height, property line setbacks shall be a minimum of one foot horizontal for every one foot of vertical height. Example: A 65-foot tall structure shall be required to be set back 65 feet from all property lines. If a waiver from adjacent property owner(s) is provided, the standard setback in this section (subsection A of this section) applies.

17.065.080 Height

Height restrictions are as follows:

Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020. 17

17.065.090 Lot coverage

Lot coverage is not applicable (see required setbacks in OCC 17.065.070).

17.065.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

Chapter 17.070
AGRICULTURE (AG)

Sections:

17.070.010 Purpose of classification
17.070.020 Permitted uses
17.070.030 Conditional uses
17.070.040 Accessory uses

17.070.050 Lot area and width
17.070.060 Density
17.070.070 Property line setbacks
17.070.080 Height
17.070.090 Lot coverage
17.070.100 Parking
17.070.110 Special provisions

17.070.010 Purpose of classification
The purpose of the Agriculture district is to provide agricultural production and related development options within agricultural areas, and preserve agricultural land, which are consistent with Okanogan County's comprehensive plan.

17.070.020 Permitted uses
Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.070.030 Conditional uses
Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.070.040 Accessory uses
Accessory uses are as follows:

A. Normal accessory uses customary (for example barn, sheds and seasonal worker cabins, RV park when accessory to a primary use) and incidental to the permitted and/or conditional use of the property;
B. Accessory dwelling units;
C. Home occupations;
D. Bed and breakfasts.

17.070.050 Lot area and width
Lot area and width requirements are as follows:

A. The minimum lot area is 20 acres.
B. The minimum lot width is 100 feet.

17.070.060 Density
Density restrictions are as follows:

A. Maximum of one dwelling unit per 20 acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.

17.070.070 Property line setbacks
All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 50 feet.
B. Side: minimum is 50 feet.
C. Rear: minimum is 50 feet.

17.070.080 Height
Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020.

17.070.090 Lot coverage
Lot coverage is not applicable (see required setbacks in OCC 17.070.070).

17.070.100 Parking
Parking requirements are as indicated in Chapter 17.240 OCC.

17.070.110 Special Provisions
Reserved

Chapter 17.080
AGRICULTURAL RESIDENTIAL (AR)

Sections:

17.080.010 Purpose of classification
17.080.020 Permitted uses
17.080.030 Conditional uses
17.080.040 Accessory uses
17.080.050 Lot area and width
17.080.060 Density
17.080.070 Property line setbacks
17.080.080 Height
17.080.090 Lot coverage
17.080.100 Parking
17.080.110 Special provisions

17.080.010 Purpose of classification

The purpose of the agricultural residential district is to provide a mixture of rural/high-density and agricultural development options which are consistent with Okanogan County's comprehensive plan.

17.080.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.080.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.080.040 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. Accessory dwelling units;
C. Home occupations;
D. Bed and breakfasts.

17.080.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is two acres.
B. The minimum lot width is 100 feet.

17.080.060 Density

Density restrictions are as follows:

A. Maximum of one dwelling unit per two acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.

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

17.080.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 25 feet.
B. Side: minimum is 25 feet.
C. Rear: minimum is 25 feet.
D. Structures located on a lot which is adjacent to railroad facilities, and the structure is accessory to a designated railroad loading facility, shall be exempt from the setback along the property line bordering railroad property and/or right-of-way.

17.080.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet except as noted in OCC 17.220.020.

17.080.090 Lot coverage

Maximum lot coverage is 20 percent.

17.080.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.080.110 Special Provisions

Reserved

Chapter 17.090
SUBURBAN RESIDENTIAL (SR)

Sections:

17.090.010 Purpose of classification
17.090.020 Permitted uses
17.090.030 Conditional uses
17.090.040 Accessory uses
17.090.050 Lot area and width
17.090.060 Density
17.090.070 Property line setbacks
17.090.080 Height
17.090.090 Lot coverage
17.090.100 Parking
17.090.110 Special provisions

17.090.010 Purpose of classification

The purpose of this district is to provide rural/high-density residential and other compatible development options which are consistent with Okanogan County's comprehensive plan.

17.090.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.090.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.090.040 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. Accessory dwelling units;
C. Home occupations;
D. Bed and breakfasts.

17.090.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is one-fifth acre (8,712square feet).
B. Minimum lot width is 50 feet.

17.090.060 Density

Density restrictions are as follows:

A. Maximum of one dwelling unit per one-fifth acre (5DU's/Acre), except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.

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

17.090.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 25 feet.
B. Side: minimum is five feet.
C. Rear: minimum is 25 feet.

17.090.080 Height

Height restrictions are as follows:

A. Maximum height is 35 feet except as noted in OCC 17.220.020.

17.090.090 Lot coverage

Lot coverage restrictions are as follows:

A. Maximum lot coverage is 40 percent.

17.090.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.090.110 Special Provisions

Reserved

Chapter 17.100
COMMERCIAL (C)

Sections:

17.100.010 Purpose of classification
17.100.020 Permitted uses
17.100.030 Conditional uses
17.100.040 Accessory uses
17.100.050 Lot area and width
17.100.060 Density
17.100.070 Property line setbacks
17.100.080 Height
17.100.090 Lot coverage
17.100.100 Parking
17.100.110 Special provisions

17.100.010 Purpose of classification

The purpose of this district is to provide for commercial development options which are consistent with Okanogan County's comprehensive plan.

17.100.020 Permitted uses

Permitted uses are as indicted on the district use chart (see Chapter 17.220 OCC).

17.100.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.100.040 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. One attached or detached dwelling unit for employee housing or the private use of the business owner shall be permitted on the same site as the business.

17.100.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 5,000 square feet.
B. The minimum lot width is 50 feet.

17.100.060 Density

Reserved

17.100.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: none;
B. Side: none, except minimum is 10 feet when abutting a residential or agricultural district;

C. Rear: none, except minimum is 25 feet when abutting a residential or agricultural district.

17.100.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 65 feet, except as noted in OCC 17.220.020.

17.100.090 Lot coverage

Lot coverage is not applicable.

17.100.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.100.110 Special provisions

Reserved

Chapter 17.110
INDUSTRIAL (IN)

Sections:

17.110.010 Purpose of classification
17.110.020 Permitted uses
17.110.030 Conditional uses
17.110.040 Accessory uses
17.110.050 Lot area and width
17.110.060 Density
17.110.070 Property line setbacks
17.110.080 Height
17.110.090 Lot coverage
17.110.100 Parking
17.110.110 Special provisions

17.110.010 Purpose of classification

The purpose of this district is to provide development options, within industrial areas, which are consistent with Okanogan County's comprehensive plan.

17.110.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.110.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.110.040 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. One attached or detached dwelling unit for employee housing, and/or the manager, and/or the night watchman shall be permitted on the same site as the business.

17.110.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 10,000 square feet.
B. The minimum lot width is 50 feet.

17.110.060 Density

Density restrictions are as follows:

A. Maximum floor area equals lot area, subject to setbacks in OCC 17.110.070.

17.110.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: 25 feet;

B. Side: none, except minimum is 25 feet when abutting a residential or agricultural land district;
C. Rear: none, except minimum is 25 feet when abutting a residential or agricultural district.

17.110.080 Height
Height restrictions are as follows:
A. Maximum height is 65 feet, except as noted in OCC 17.220.020.

17.110.090 Lot coverage
Lot coverage restrictions are as follows:
A. Maximum lot coverage is 70 percent.

17.110.100 Parking
Parking requirements are as indicated in Chapter 17.240 OCC.

17.110.110 Special provisions
Reserved

Chapter 17.120
AIRPORT DEVELOPMENT (AD)

Sections:

17.120.010 Purpose of classification
17.120.020 Permitted uses
17.120.030 Conditional uses
17.120.040 Accessory uses
17.120.050 Lot area and width
17.120.060 Density
17.120.070 Property line setbacks
17.120.080 Height
17.120.090 Lot coverage
17.120.100 Parking
17.120.110 Special provisions

17.120.010 Purpose of classification

The purpose of this district is to provide industrial and commercial development options which are consistent with Okanogan County's comprehensive plan and which support continued use of airport facilities.

17.120.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.120.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.120.040 Accessory uses

Accessory uses are as follows:

A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property.

17.120.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 10,000 square feet.
B. The minimum lot width is 50 feet.

17.120.060 Density

Density restrictions are as follows:

A. Maximum floor area equals lot area.

17.120.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 10 feet except when facing outward on the perimeter of the airport district, in which instance the setback shall be a minimum of 25 feet;

B. Side: minimum is 10 feet except when abutting a residential or agricultural land district, in which instance the setback shall be a minimum of 25 feet;
C. Rear: none, except minimum is 25 feet when abutting the perimeter of the airport district.

17.120.080 Height

Height restrictions are as follows:

A. Maximum height is 65 feet, and according to OCC 17.220.020.

17.120.090 Lot coverage

Lot coverage restrictions are as follows:

A. Maximum lot coverage is 70 percent.

17.120.100 Parking

Parking requirements are as indicted in Chapter 17.240 OCC.

17.120.110 Special provisions

A. No use shall be permitted within this district which creates electrical interference with navigational signals or radio communications between the airport and aircraft.
B. Any use which would foster an increased bird population and thereby increase the likelihood of a bird strike problem shall provide a waste management/bird control plan as part of their development proposal.
C. There shall be no emission of smoke, fly ash, dust, vapor, gases or other forms of air pollution that may conflict with any present or planned operations of the airport.
D. All uses within the airport development district shall be directly served by safe and usable access, as determined by the county department of public works.
E. Building materials shall not produce glare which may conflict with any present or planned operation of the airport.
F. Storage of flammable substances such as fuel or petroleum products shall be in conformance with current laws. Mobile aviation fuel trucks and lubricating oil shall be permitted.
G. A site plan review and approval is required prior to the development and operation of any use.
H. Those uses not specifically identified in the district use chart as allowed or allowed by conditional use permit, but which are similar uses, shall only be allowed by the administrator subject to the provisions of Chapter 17.220 OCC if they are related to air transportation.
I. Signs shall be indirectly illuminated, made of non-glare materials, and be no larger than 32 square feet.
J. Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project into the runway, taxiway or approach zone or areas.

Chapter 17.130
METHOW REVIEW DISTRICT (MRD)

Sections:

17.130.010 Purpose of classification
17.130.020 Permitted uses
17.130.030 Conditional uses
17.130.040 Accessory uses
17.130.050 Lot area and width
17.130.060 Density
17.130.070 Property line setbacks
17.130.080 Height
17.130.090 Lot coverage
17.130.100 Parking
17.130.110 Special provisions

17.130.010 Purpose of classification

District Purpose: The purpose of this district is to provide rural development options which are consistent with Okanogan County's comprehensive plan, including the Methow Valley More Completely Planned Area.

17.130.020 Permitted uses

Indicated on the district use chart (see OCC 17.220).

17.130.030 Conditional uses

Indicated on the district use chart (see OCC 17.220).

17.130.040 Accessory uses

A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property.
B. Accessory dwelling units:
    1. On lots which meet or exceed the minimum lot size requirement of the district, one additional attached or detached accessory dwelling unit is allowed. The accessory dwelling unit must be 1500 square feet or less and must be located no further than 100 feet from the primary dwelling or structure in MRD VF5 and MRD VF1, and no further than 400 feet in MRD UL20. No clustering is required in MRD VF12,500.
    2. 17No more than one accessory dwelling unit shall be located on any lot.

17.130.050 Lot area and width

A. MRD UL20.
    1. Minimum lot area is 20 acres.
    2. When the height of structures for permitted manufacturing, commercial, and industrial uses exceed 35 feet minimum lot area is 20 acres. These structures cannot be placed on lots that are less than minimum size.
    3. Minimum lot width is 100 feet.

B. MRD VF5.
   1. Minimum lot area is five acres.
   2. When the height of structures for permitted manufacturing, commercial, and industrial uses exceeds 35 feet minimum lot area is five acres. These structures cannot be placed on lots that are less than minimum size.
   3. Minimum lot width is 100 feet.

C. MRD VF1.
   1. Minimum lot area is one acre.
   2. When the structures for permitted manufacturing, commercial, and industrial uses exceed 35 feet minimum lot area is five acres.
   3. Minimum lot width is 100 feet.

D. MRD VF12,500.
   1. Minimum lot area is 12,500 square feet.
   2. When the structures for permitted manufacturing, commercial, and industrial uses exceed 35 feet minimum lot area is five acres.
   3. Minimum lot width is 100 feet.

17.130.060 Density

A. MRD UL20.
   1. Maximum of one dwelling unit per 20 acres with an allowance for a second unit per OCC 17.130.040(B).

B. MRD VF5.
   1. Maximum of one dwelling unit per five acres with an allowance for a second unit per OCC 17.130.040(B).

C. MRD VF1.
   1. Maximum of one dwelling unit per acre.

D. MRD VF12,500.
   1. Maximum of one dwelling unit per 12,500 square feet.

E. General Density Requirements: This subsections applies to subsections A through D of this section (OCC 17.130.060 Density).

17.130.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. MRD UL20.
   1. Front: minimum is 50 feet;
   2. Side: minimum is 50 feet;
   3. Rear: minimum is 50 feet;
   4. 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).

B. MRD VF5.
   1. Front: minimum is 25 feet;
   2. Side: minimum is 25 feet;
   3. Rear: minimum is 25 feet;

4. 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).

C. MRD VF1.
   1. Front: minimum is 25 feet;
   2. Side: minimum is 15 feet;
   3. Rear: minimum is 25 feet;
   4. 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).

D. MRD VF12,500.
   1. Front: minimum is 25 feet;
   2. Side: minimum is 5 feet;
   3. Rear: minimum is 25 feet;
   4. 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).

17.130.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet, except as noted in OCC 17.220.020.

17.130.090 Lot coverage

A. MRD UL20.
   1. Single-family development: maximum lot coverage is 5 percent;
   2. All other development: maximum lot coverage is 10 percent.

B. MRD VF5.
   1. Single-family development: maximum lot coverage is 10 percent;
   2. All other development: maximum lot coverage is 40 percent.

C. MRD VF1.
   1. Single-family development: maximum lot coverage is 30 percent;
   2. All other development: maximum lot coverage is 40 percent.

D. MRD VF12,500.
   1. Single-family development: maximum lot coverage is 35 percent;
   2. All other development: maximum lot coverage is 40 percent.

17.130.100 Parking

As indicated in Chapter 17.240 OCC.

17.130.110 Special provisions

A. Multifamily dwellings and mobile home parks are allowed by Conditional Use Permits only on lots which meet or exceed the minimum lot size requirement of the of the zone (see OCC 17.130.050 OCC), which supersedes OCC 17.330.010 "Legal pre-existing lots".

B. Inns, lodges or guest ranches, campgrounds, and RV parks, all of which are defined within the "Definitions" chapter of this Title (OCC 17.020), shall be approved by Conditional Use Permit only on lots which meet or exceed the minimum lot size of this zone (see OCC 17.130.050 OCC), which supersedes OCC 17.330.010 "Legal pre-existing lots", and shall incorporate the following additional design standards:

1. Intensity: For the purposes of this section, one equivalent residential unit (dwelling unit) shall equal a lodging unit with or without kitchen facilities, containing four or fewer rental bedrooms, or a maximum of 10 occupants. The number of camping spaces cannot exceed the number allowable by Okanogan County health district on-site sewage standards.
2. Signage: Only indirectly illuminated signs made of natural materials are allowed.
3. Setback for Intensive Uses: Setback from property line of adjacent residential properties for residential structures, campsites, and other areas of intense use shall be 75 feet.
4. Screening of parking areas within 100 feet of the property line of adjacent residential properties shall be required.
5. Light and Glare: Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site residents. No exterior light with a direct source visible from a neighboring property shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Holiday lighting is exempt from these requirements.

C. Construction in Flood Hazard Areas: No structures for human habitation shall be constructed or placed in the 100-year floodplain.

Chapter 17.140
RURAL RESIDENTIAL (RR)

Sections:

17.140.010 Purpose of classification
17.140.020 Permitted uses
17.140.030 Conditional uses
17.140.040 Accessory uses
17.140.050 Lot area and width
17.140.060 Density
17.140.070 Property line setbacks
17.140.080 Height
17.140.090 Lot coverage
17.140.100 Parking
17.140.110 Special provisions
17.140.120 Signs

17.140.010 Purpose of classification

The purpose of this district is to preserve the residential character and rural aspects of rural residential areas and provide rural/low-density development options compatible with residential areas which are consistent with Okanogan County's comprehensive plan, including the Methow Valley More Completely Planned Area Sub-Unit A.

17.140.020 Permitted uses

Permitted uses are as indicated on the district use chart, Chapter 17.220 OCC.

17.140.030 Conditional uses

Conditional uses are as indicated on the district use chart, Chapter 17.220 OCC.

17.140.040 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. Accessory dwellings:
    1. On lots which meet or exceed the minimum lot size requirement of the district, one additional attached or detached accessory dwelling is allowed. The accessory dwelling unit must be 1500 square feet or less and must be located no further than one hundred feet from the primary dwelling unit or structure.
    2. 17No more than one accessory dwelling unit shall be located on any lot.

17.140.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is five acres.
B. The minimum lot width is 100 feet.

17.140.060 Density

Density restrictions are as follows:

A. Maximum of one dwelling unit per five acres, provided that accessory dwelling units may be permitted subject to provisions of OCC 17.140.040(B).

17.140.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 25 feet;
B. Side: minimum is 25 feet;
C. Rear: minimum is 25 feet;
D. Commercial structures: Property line setbacks from all property lines shall not be less than two feet horizontal for every one foot vertical height; or, the setback established in this section, whichever is greater.

17.140.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet, except as noted in OCC 17.220.020.

17.140.090 Lot coverage

Lot coverage restrictions are as follows:

A. Single-family uses: maximum lot coverage is 10 percent.
B. Conditional uses and all other permitted use types exclusive of single-family uses: maximum lot coverage is 40 percent.

17.140.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.140.110 Special provisions

A. Inns, lodges or guest ranches, campgrounds, and RV parks, all of which are defined within the "Definitions" chapter of this Title (OCC 17.020), shall be approved by Conditional Use Permit only on lots which meet or exceed the minimum lot size of this zone (see OCC 17.140.050), which supersedes OCC 17.330.010 "Legal pre-existing lots", and shall incorporate the following additional design standards:
    1. Intensity: For the purposes of this section, one equivalent residential unit (dwelling unit) shall equal a lodging unit with or without kitchen facilities, containing four or fewer rental bedrooms, or a maximum of 10 occupants. The number of camping spaces cannot exceed the number allowable by Okanogan County health district on-site sewage standards.
    2. Signage: Only indirectly illuminated signs made of natural materials are allowed.
    3. Setback for Intensive Uses: Setback from property line of adjacent residential properties for residential structures, campsites, and other areas of intense use shall be 75 feet.

4. Screening of parking areas within 100 feet of the property line of adjacent residential properties shall be required.
5. Light and Glare: Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site residents. No exterior light with a direct source visible from a neighboring property shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Holiday lighting is exempt from these requirements.

B. Construction in Flood Hazard Areas: No structures for human habitation shall be constructed or placed in the 100-year floodplain.

C. Airport-related uses. Notwithstanding general provisions of this code to the contrary, in areas of this district platted for residential (noncommercial) airport-related uses, the following uses are allowed outright, and do not require a conditional use permit:
   1. Aircraft hangars and noncommercial airport-related service structures in areas platted for residential (noncommercial) airport-related uses. With respect to individual residential lots within such plat, such structures shall be set back no less than 10 feet from the taxiway serving such residential lots, and shall comply in all other respects with lot coverage restrictions pertinent to this district.
   2. Aircraft fuel pumps and fuel storage; provided, that any such fuel pumps and/or fuel storage facilities shall comply with all state and federal laws and regulations regarding such facilities.

D. Pre-application consultation with the local advisory committee or other entity established by the county, and the office of planning and development is mandatory for all uses requiring a conditional use permit (Chapter 17.310 OCC) or planned unit development (Chapter 17.200 OCC) for approval.
   1. Within 14 days of receiving a request for pre-application consultation, the office of planning and development will set a meeting date, time and place for the pre-application consultation. The purpose of the meeting is to assist the applicant in identification of site development and design considerations and suggest potential solutions where possible. The local review board or other entity established by the county shall base its comments and recommendations on guidelines established pursuant to the county comprehensive plan. These comments and recommendations shall be provided to the applicant and the office of planning and development within 7 days of the pre-application consultation meeting.
   2. The request for a pre-application consultation shall vest the applicant to the existing regulations, so long as the applicant submits a completed application to the office of planning and development within 30 days of the request for a pre-application consultation or within 7 days of the pre-application consultation, whichever is later.

17.140.120 Signs

Any sign advertising a business or organization not located on the parcel containing the business or organization is prohibited except those signs erected by the state of Washington or Okanogan County.

Chapter 17.150
LOW DENSITY RESIDENTIAL (LDR)

Sections:

17.150.010 Purpose of classification
17.150.020 Permitted uses
17.150.030 Conditional uses
17.150.040 Accessory uses
17.150.050 Lot area and width
17.150.060 Density
17.150.070 Property line setbacks
17.150.080 Height
17.150.090 Lot coverage
17.150.100 Parking
17.150.110 Special provisions
17.150.120 Signs

17.150.010 Purpose of classification

The purpose of this district is to provide rural/low-density development options including low density residential developments which are consistent with Okanogan County's comprehensive plan, including the Methow valley more Completely Planned Area Sub-Unit A.

17.150.020 Permitted uses

Permitted uses are as indicated on the district use chart, Chapter 17.220 OCC.

17.150.030 Conditional uses

Conditional uses are as indicated on the district use chart, Chapter 17.220 OCC.

17.150.040 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. Accessory dwellings:
    1. On lots which meet or exceed the minimum lot size requirement of the district, one additional attached or detached accessory dwelling is allowed. The accessory dwelling must be 1500 square feet or less and must be located no further than 400 feet from the primary dwelling or structure.
    2. 17No more than one accessory dwelling shall be located on any lot.

17.150.050 Lot area and width

Lot area and width requirements are as follows:

A. Minimum lot area is 20 acres.
B. Minimum lot width is 100 feet.

17.150.060 Density

Density restrictions are as follows:

A. Maximum of one dwelling unit per 20 acres, provided that accessory dwelling units may be permitted subject to provisions of OCC 17.150.040(B).

17.150.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 50 feet.
B. Side: minimum is 50 feet.
C. Rear: minimum is 50 feet.
D. Commercial structures: property line setbacks from all property lines shall not be less than two feet horizontal for every one foot vertical height; or, the setback established in this section, whichever is greater.

17.150.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 35 feet, except as noted in OCC 17.220.020.

17.150.090 Lot coverage

Lot coverage restrictions are as follows:

A. Single-family uses: maximum lot coverage is five percent.
B. Conditional uses and all other permitted use types exclusive of single-family uses: maximum lot coverage is 10 percent.

17.150.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.150.110 Special provisions

A. Multifamily dwellings and manufactured home parks are allowed by Conditional Use Permits only on lots which meet or exceed the minimum lot size requirement of the of the zone (see OCC 17.150.050 OCC).
B. Inns, lodges or guest ranches, campgrounds, and RV parks, all of which are defined within the "Definitions" chapter of this Title (OCC 17.020), shall be approved by Conditional Use Permit only on lots which meet or exceed the minimum lot size requirement of the of this zone (see OCC 17.150.050 OCC), which supersedes OCC 17.330.010 "Legal pre-existing lots", and shall incorporate the following additional design standards:
    1. Intensity: For the purposes of this section, one equivalent residential unit (dwelling unit) shall equal a lodging unit with or without kitchen facilities, containing four or fewer rental bedrooms, or a maximum of 10 occupants. The number of camping spaces cannot exceed the number allowable by Okanogan County health district on-site sewage standards.
    2. Signage: Only indirectly illuminated signs made of natural materials are allowed.

3. Setback for Intensive Uses: Setback from property line of adjacent residential properties for residential structures, campsites, and other areas of intense use shall be 75 feet.
4. Screening of parking areas within 100 feet of the property line of adjacent residential properties shall be required.
5. Light and Glare: Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site residents. No exterior light with a direct source visible from a neighboring property shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Holiday lighting is exempt from these requirements.

C. Construction in Flood Hazard Areas: No structures for human habitation shall be constructed or placed in the 100-year flood.

D. Airport-related uses. Notwithstanding general provisions of this code to the contrary, in areas of this district platted for residential (noncommercial) airport-related uses, the following uses are allowed outright, and do not require a conditional use permit.
1. Aircraft hangars and noncommercial airport-related service structures in areas platted for residential (noncommercial) airport-related uses. With respect to individual residential lots within such plat, such structures shall be set back no less than 10 feet from the taxiway serving such residential lots, and shall comply in all other respects with lot coverage restrictions pertinent to this district.
2. Aircraft fuel pumps and fuel storage; provided, that any such fuel pumps and/or fuel storage facilities shall comply with all state and federal laws and regulations regarding such facilities.

E. Pre-application consultation with the local advisory committee or other entity established by the county, and the office of planning and development is mandatory for all uses requiring a conditional use permit (Chapter 17.310 OCC) or planned unit development (Chapter 17.200 OCC) for approval.
1. Within 14 days of receiving a request for pre-application consultation, the office of planning and development will set a meeting date, time and place for the pre-application consultation. The purpose of the meeting is to assist the applicant in identification of site development and design considerations and suggest potential solutions where possible. The local review board or other entity established by the county shall base its comments and recommendations on guidelines established pursuant to the county comprehensive plan. These comments and recommendations shall be provided to the applicant and the office of planning and development within 7 days of the pre-application consultation meeting.
2. The request for a pre-application consultation shall vest the applicant to the existing regulations, so long as the applicant submits a completed application to the office of planning and development within 30 days of the request for a pre-application consultation or within 7 days of the pre-application consultation, whichever is later.

17.150.120 Signs

Any sign advertising a business or organization not located on the parcel containing the business or organization is prohibited except those signs erected by the state of Washington or Okanogan County.

Chapter 17.160
URBAN RESIDENTIAL (UR)

Sections:

17.160.010 Purpose of classification
17.160.020 Permitted uses
17.160.030 Conditional uses
17.160.040 Accessory uses
17.160.050 Lot area and width
17.160.060 Density
17.160.070 Property line setbacks
17.160.080 Height
17.160.090 Lot coverage
17.160.100 Parking
17.160.110 Special provisions

17.160.010 Purpose of classification

The purpose of this district is to provide areas of high-density development options, near existing commercial areas, which are consistent with Okanogan County's comprehensive plan, including the Methow Valley More Completely Planned Area Sub-Unit A.

17.160.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.160.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.160.040 Accessory uses

Accessory uses are as follows:

A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property.

17.160.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 5,000 square feet.
B. The minimum lot width is 50 feet.

17.160.060 Density

Density restrictions are as follows when adequate public infrastructure is available:

A. Single-family: Maximum of 1 dwelling unit per 5,000 square feet;
B. Multifamily: Maximum of 1 dwelling unit per 3,600 square feet.

17.160.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: minimum is 15 feet;

B. Side: minimum is five feet;
C. Rear: minimum is 15 feet;

17.160.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 50 feet, except as noted in OCC 17.220.020.

17.160.090 Lot coverage

Lot coverage restrictions are as follows:

A. Maximum lot coverage is 45 percent.

17.160.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.160.110 Special provisions

A. Pre-application consultation with the local advisory committee or other entity established by the county, and the office of planning and development is mandatory for all uses requiring a conditional use permit (Chapter 17.310 OCC) or planned unit development (Chapter 17.200 OCC) for approval.
   1. Within 14 days of receiving a request for pre-application consultation, the office of planning and development will set a meeting date, time and place for the pre-application consultation. The purpose of the meeting is to assist the applicant in identification of site development and design considerations and suggest potential solutions where possible. The local review board or other entity established by the county shall base its comments and recommendations on guidelines established pursuant to the county comprehensive plan. These comments and recommendations shall be provided to the applicant and the office of planning and development within 7 days of the pre-application consultation meeting.
   2. The request for a pre-application consultation shall vest the applicant to the existing regulations, so long as the applicant submits a completed application to the office of planning and development within 30 days of the request for a pre-application consultation or within 7 days of the pre-application consultation, whichever is later.
B. Signs: See OCC 17.190.110(F).
C. Light and Glare: See OCC 17.190.110(D).
D. Construction in Flood Hazard Areas: No structures for human habitation shall be constructed or placed in the 100-year flood.

Chapter 17.170
NEIGHBORHOOD USE (NU)

Sections:

17.170.010 Purpose of classification
17.170.020 Permitted uses
17.170.030 Conditional uses
17.170.040 Accessory uses
17.170.050 Lot area and width
17.170.060 Density
17.170.070 Property line setbacks
17.170.080 Height
17.170.090 Lot coverage
17.170.100 Parking
17.170.110 Special provisions

17.170.010 Purpose of classification

The purpose of this district is to provide areas of commercial development, located near rural population centers, which are consistent with Okanogan County's comprehensive plan, including the Methow Valley More Completely Planned Area Sub-Unit A.

17.170.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.170.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.170.040 Accessory uses

Accessory uses are as follows:

A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property.

17.170.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 5,000 square feet.
B. The minimum lot width is 50 feet.

17.170.060 Density

A. Density restrictions are not applicable (see lot coverage, OCC 17.170.090).

17.170.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: none.
B. Side: none.
C. Rear: none.

17.170.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 50 feet, except as noted in OCC 17.220.020.

17.170.090 Lot coverage

Lot coverage restrictions are as follows:

A. Maximum lot coverage is 90 percent, subject to compliance with property line setbacks.

17.170.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.170.110 Special provisions

A. All residential units must be above the ground floor.

B. Pre-application consultation with the local advisory committee or other entity established by the county, and the office of planning and development is mandatory for all uses requiring a conditional use permit (Chapter 17.310 OCC) or planned unit development (Chapter 17.200 OCC) for approval.

1. Within 14 days of receiving a request for pre-application consultation, the office of planning and development will set a meeting date, time and place for the pre-application consultation. The purpose of the meeting is to assist the applicant in identification of site development and design considerations and suggest potential solutions where possible. The local review board or other entity established by the county shall base its comments and recommendations on guidelines established pursuant to the county comprehensive plan. These comments and recommendations shall be provided to the applicant and the office of planning and development within 7 days of the pre-application consultation meeting.
2. The request for a pre-application consultation shall vest the applicant to the existing regulations, so long as the applicant submits a completed application to the office of planning and development within 30 days of the request for a pre-application consultation or within 7 days of the pre-application consultation, whichever is later.

C. Signs: See OCC 17.190.110(E).

D. Light and Glare: See OCC 17.190.110(C).

E. Construction in Flood Hazard Areas: No structures for human habitation shall be constructed or placed in the 100-year flood.

Chapter 17.180
NEIGHBORHOOD COMMERCIAL (NC)

Sections:

17.180.010 Purpose of classification
17.180.020 Permitted uses
17.180.030 Conditional uses
17.180.040 Accessory uses
17.180.050 Lot area and width
17.180.060 Density
17.180.070 Property line setbacks
17.180.080 Height
17.180.090 Lot coverage
17.180.100 Parking
17.180.110 Special provisions

17.180.010 Purpose of classification

The purpose of this district is to provide areas of high-density and commercial development options, near and within existing unincorporated communities, which are consistent with Okanogan County's comprehensive plan.

17.180.020 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.180.030 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17.220 OCC).

17.180.040 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. Accessory dwelling units.

17.180.050 Lot area and width

Lot area and width requirements are as follows:

A. The minimum lot area is 5,000 square feet.
B. The minimum lot width is 50 feet.

17.180.060 Density

A. Density of residential and commercial development shall be determined by providing adequate water and septic service which must comply with regulations administered by Okanogan County Public Health.

17.180.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: none.
B. Side: none.
C. Rear: none.

17.180.080 Height

Height restrictions are as follows:

A. Maximum height for all uses in the zone shall be 50 feet, except as noted in OCC 17.220.020.

17.180.090 Lot coverage

Reserved.

17.180.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.180.110 Special provisions

A. Light and Glare: Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site properties. No exterior light with a direct source visible from a neighboring property shall be installed. Christmas lighting is exempt from these requirements.

Chapter 17.190
SPECIAL REVIEW COMMERCIAL (SRC)

Sections:

17.190.010 Purpose of classification
17.190.020 Permitted uses
17.190.030 Conditional uses
17.190.040 Accessory uses
17.190.050 Lot area and width
17.190.060 Density
17.190.070 Property line setbacks
17.190.080 Height
17.190.090 Lot coverage
17.190.100 Parking
17.190.110 Special provisions

17.190.010 Purpose of classification

The purpose of this district is to provide areas rural/high-density and commercial development options which are consistent with Okanogan County's comprehensive plan, and the Methow Review District More Completely Planned Area, Sub-Unit A.

17.190.020 Permitted uses

Permitted uses are as indicated on the district use chart, Chapter 17.220 OCC.

17.190.030 Conditional uses

Conditional uses are as indicated on the district use chart, Chapter 17.220 OCC.

17.190.040 Accessory uses

Accessory uses are as follows:

A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property.

17.190.050 Lot area and width

Lot area and width restrictions are as follows:

A. Minimum lot area is 5,000 square feet.
B. Minimum lot width is 50 feet.

17.190.060 Density

A. Density restrictions are not applicable (see lot coverage, OCC 17.190.090).

17.190.070 Property line setbacks

All permitted structures shall have the following required property line setbacks:

A. Front: none;
B. Side: none, except 10 feet when abutting a residential or agricultural district;
C. Rear: none, except a minimum of 25 feet when abutting a residential or agricultural district.

17.190.080 Height

Height restrictions are as follows:

A. Maximum height is 35 feet and in accordance with OCC 17.220.020.

17.190.090 Lot coverage

Lot coverage restrictions are as follows:

A. Maximum lot coverage is 50 percent, subject to compliance with required property line setbacks.

17.190.100 Parking

Parking requirements are as indicated in Chapter 17.240 OCC.

17.190.110 Special provisions

A. Residences on second floor. Dwelling units shall be located only on the second floor of structures within this zone.

B. Construction in Flood Hazard Areas: No structures for human habitation shall be constructed or placed in the 100-year flood.

C. Light and Glare. Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site residents. No exterior light with a direct source visible from a neighboring property shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Christmas lighting is exempt from these requirements.

D. Pre-application consultation with the local advisory committee or other entity established by the county, and the office of planning and development is mandatory for all uses requiring a conditional use permit (Chapter 17.310 OCC) or planned unit development (Chapter 17.200 OCC) for approval.

1. Within 14 days of receiving a request for pre-application consultation, the office of planning and development will set a meeting date, time and place for the pre-application consultation. The purpose of the meeting is to assist the applicant in identification of site development and design considerations and suggest potential solutions where possible. The local review board or other entity established by the county shall base its comments and recommendations on guidelines established pursuant to the county comprehensive plan. These comments and recommendations shall be provided to the applicant and the office of planning and development within 7 days of the pre-application consultation meeting.
2. The request for a pre-application consultation shall vest the applicant to the existing regulations, so long as the applicant submits a completed application to the office of planning and development within 30 days of the request for a pre-application consultation or within 7 days of the pre-application consultation, whichever is later.

E. Signs: No signs shall be erected within this zone which do not comply with the regulations contained herein.

1. Design and Materials. Signs shall be constructed from wood or natural appearing materials and colors. No fluorescent materials or reflective materials shall be allowed except for official signs for public safety. Signs should be reflective of the natural forest and rustic theme and may include the uses of wrought iron.
2. Allowed Public Signs. The following signs, which are generally public in nature, are allowed outright:
    a) Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental law or regulation.
    b) A bulletin board, either one or two-sided with no face exceeding 20 square feet in display area, associated with any church, museum, library, school or similar public use; provided, that the top of such sign is less than eight feet high and meets all other provisions of this chapter.
    c) Directional signs indicating ingress or egress where display area does not exceed three square feet.
    d) Banners, not exceeding 30 square feet in area, or sandwich boards not exceeding 12 square feet in area, displayed by nonprofit or community organizations are not required to be displayed on the premises of the business or organization. Signs may be displayed for a maximum of two periods not exceeding 14 days total within any calendar year.
3. Allowed Private and Residential Signs. The following signs, which are primarily private and residential in nature, are allowed outright:
    a) Mailbox and address signs displaying address numbers shall not exceed two square feet of area. An additional sign not exceeding two square feet is allowed to display a name associated with the dwelling.
    b) Window signs not exceeding 25 percent of the individual window area and a maximum total area of four square feet.
    c) A single sign, not exceeding 24 square feet in area, mounted between posts, at a height not exceeding 20 feet above grade, displaying the name of a farm.
    d) An agricultural products sign, allowed at each street frontage, advertising products grown on or produced at the subject property. Signs shall be erected for a period not exceeding 10 days prior to the availability of the products for sale and removed when the products are no longer available for purchase. The maximum sign area shall not exceed 10 square feet for each face of a single or two-faced sign.
    e) Garage sale signs on site and off site not to exceed three square feet per sign face and placed no more than two days before the sale and removed within one day after the sale.
    f) Election signs; provided, that they are removed within seven days after the final election for the named candidate or election issue. No election signs are allowed in public right-of-way.

g) For sale, rent or lease signs are allowed only on property being sold or rented. One sign not exceeding eight square feet is allowed on each street frontage. Such sign shall be removed within seven days after sale, rental, or lease of the property.
h) Signs relating to trespassing and hunting, each sign not exceeding four square feet of area.
i) Residential developments of five parcels or more may have a single freestanding identification sign with a maximum sign area of 10 square feet.
j) Multifamily residential developments of 10 or more may have a sign with a maximum sign area of 24 square feet at one vehicular entrance on each street frontage.
k) Home occupations may have a single or two-sided sign that identifies the service provided. Such sign shall not exceed six square feet.

4. Allowed Commercial Signs. The following commercial signs are allowed:
   a) Facade Signs.
      i. Buildings may have one facade sign for each tenant not more than 12 square feet with dimensions not to exceed six feet in length or three feet in height.
      ii. Facade signs shall be located less than 20 feet above grade.
   b) Directory Sign. A single directory sign, combining the name of the commercial complex and the individual names of businesses located within is allowed, provided no other facade signs on the building exceed 20 square feet. Maximum sign area of this directory is 48 square feet.
   c) Freestanding Signs. No more than one freestanding sign shall be allowed per building. The sign shall not exceed 32 square feet on any single surface nor a total of 64 square feet if two-sided. Maximum height shall not exceed 12 feet above the natural grade. Setbacks for signs will be a minimum of five feet from walkways and 10 feet from curb cuts.
      i. No signs shall be allowed in the shoreline area as described by the Okanogan County shoreline master program.
      ii. A freestanding identification sign combining the name of the commercial complex and the individual names of businesses located within if there are more than two businesses or tenants, with a maximum sign area of 40 square feet on any single surface and a total of 40 square feet if two-sided. No individual tenant freestanding signs may be erected on the same property that contains this freestanding sign.
   d) Canopy or Awning Signs. Instead of a facade sign, one canopy sign is permitted per principal business, not exceeding 20 square feet per tenant, provided the lowest point of the awning or canopy is at least eight feet above the sidewalk. TUsehe sign shall not be higher than the eave line or parapet of the principal building and the awning shall have a dark background if lit from behind.

e) Projecting Signs. A business is allowed one projecting sign that will be supported by the facade of the building. Signs can project over the walkway provided they are at least eight feet above the walk. If walkways are covered, the sign can be hung from a roof beam provided it meets the other requirements for projecting signs. Projecting signs must not be more than four feet from building facade and a minimum of eight feet from the walkway grade and not be higher than the eave line or parapet of the building. Maximum allowable square footage is not to exceed eight square feet for a building identification sign.

f) Sandwich Board Signs. One non-illuminated sandwich board sign with each face not exceeding 12 square feet in area is allowed per business. Sign shall be a minimum of 39 inches high and a maximum of 48 inches high.

g) Window Signs. One window sign not exceeding eight square feet in area is allowed.

5. Prohibited Signs. The following signs are prohibited:
   a) No sign, except for a traffic regulatory or informational sign, shall use the words "Stop", "Caution", or "Danger", or shall incorporate red, amber or green light resembling traffic signals or shall resemble "Stop" or "Yield" signs or shape or color.
   b) Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs that sparkle or twinkle in the sunlight.
   c) Billboards, streamers, pennants, ribbons, spinners, or other similar devices shall not be constructed, posted, or erected in any zone.
   d) Any sign advertising a business or organization not located on the parcel containing the business or organization is prohibited except those signs erected by the state of Washington.
6. Historical and Interpretive Signs. Signs that do not advertise a product, community directory signs and general information signs shall conform to style and design as detailed in guidelines published by the local review board, or other entity established by the county, and office of planning and development.
7. Illumination Standards. The following standards apply to lighting of signs:
   a) Signs, except for facade signs, may only be illuminated externally by light sources shielded so that the lamp is not visible from adjacent properties or the public right-of-way.
   b) Lights illuminating signs shall project illumination toward the face of the sign.
   c) No sign may flash, rotate, have motorized parts, or have exposed electrical wires.
   d) No sign shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business.

e) A facade sign may be internally illuminated provided that:
    i. The background does not emit light.
    ii. The background constitutes a minimum of 80 percent of the sign area.
    iii. The illumination source is shielded.

8. Nonconforming Signs. Any sign which does not conform to the regulations herein and which lawfully existed at the time of adoption of the ordinance codified in this chapter may continue unchanged. Said sign cannot be enlarged, reworded, redesigned or altered in any way except to conform to the requirements of this chapter.

Chapter 17.200
PLANNED DEVELOPMENT (PD)

Sections:

17.200.010 District Purpose
17.200.020 Effect on allowed uses.
17.200.030 Minimum area, maximum density, open space, height and setbacks.
17.200.040 Specific Requirements for Methow Review District
17.200.050 Clustering Requirements
17.200.060 Individually owned open space standards.
17.200.070 Common open space standards.
17.200.080 Underground utilities
17.200.090 Planned development standards.
17 200.100 Preapplication consultation.
17.200.110 Application for planned development (PD).
17.200.120 Board of county commissioner's action.
17.200.130 Final plan-Submittal.
17.200.140 Final plan and program requirements.
17.200.150 Final plan review and board action.
17.200.160 Building permits.
17.200.170 Modifications to development plan and program.
17.200.180 Final planned development-Action on nondevelopment

17.200.010 District Purpose

The purpose of the planned development district is to enhance and diversify development opportunities in Okanogan County by:

A. Encouraging flexibility in the design of land use activities so that they are conducive to a more creative approach to development which will result in a more efficient, aesthetic and environmentally responsive use of the land;
B. Encouraging creativity in the design and placement of buildings, clustering, use of required open spaces, provision of on-site circulation facilities, off-street parking, landscaping and other site design elements that better utilize the potentials of special features, such as sensitive fish and wildlife habitats, geography, topography, vegetation, drainage features, size or shape, etc.;
C. Facilitating the provision of cost efficient and adequate public improvements, such as streets and utilities;
D. Minimizing and/or mitigating the impacts of development on valuable natural resources and unique natural features such as agricultural soils, critical areas including wetlands, areas of critical recharging effect on aquifers used for potable water, fish and wildlife conservation areas, frequently flooded areas and geologically hazardous areas and resource lands including agriculture, forest and mineral lands;
E. Encouraging the incorporation of public access to public recreational opportunities as a part of development activities;
F. Encourage non-motorized transportation systems within and adjacent to PDs;

G. It is further the intent of this chapter that it is applicable to all types of land uses, including, residential, commercial, industrial and any "mixture" of these land use categories. (Ord. 94-10 § 2, 1994).

17.200.020 Effect on allowed uses

The rezoning of an area to a "Planned Development" (PD) has the effect of altering the type of allowed uses, the intensity of uses, setbacks, and a number of other regulatory and defined uses, processed, and procedures that may be applicable to the underlying zoning. Mixed use PDs may include residential, commercial, agricultural, and other uses, and may have additional requirements as may be needed and necessary to ensure appropriate integration into the surrounding community. The planned development review process allows for flexible interpretation of the zoning regulations, while at the same time requiring strict review for compliance with the provisions of the comprehensive plan(s). As well, mitigation for identified impacts may be required. This process may create a preplanned area, which has differences from that which is normally found in the underlying zone. Those uses, which are allowed within PDs, must be supported or identified within the comprehensive plan, the appropriate sub-area plan(s), and any modifications made thereto. Mitigation may be required for those impacts which can be defined or expected from the establishment of the PD. Impacts may be in the form of economic impacts from commercial uses, visual impacts to the surrounding area, an expected change to community character, etc. Mitigation may include, but is not limited to, strict design review of structures, landscaping, off-site traffic impacts, signage, etc. (Ord. 2007-4 § 2, 2007; Ord. 94-10 § 2, 1994).

17.200.030 Minimum area, maximum density, open space, height and setbacks.

A planned development is an alternative to traditional subdivision, and may serve as an alternative method to fulfill the requirements of subdivision set forth in Chapter 58.17 RCW, which allows and encourages clustered or common structures, shared access roads and utilities, increased provision of open space and protection of significant environment features to produce a more economical and environmentally sensitive development.

A. Specifications.
    1. In Methow Review District 5 (MRD 5) and Methow Review District 20 (MRD 20), Rural Residential and Low-Density Residential zone districts, Rural Residential and Low-Density Residential zone districts, planned developments shall require twice the minimum lot area of the underlying district.
    2. In Methow Review District 1 (MRD 1), Methow Review District 12,500 (MRD 12,500), a minimum lot area of five acres is required.
    3. In the minimum requirement district and agricultural residential, a minimum lot area of 10 acres is required.

4. Residential density for all planned developments is allowed at 150 percent of the density of the underlying district.

5. Incentive Features. The maximum residential density can be earned only when incentive features totaling 50 percent or more are part of the planned development design. The residential density may, in no case, exceed 200 percent of the density in the underlying district.

Number	Incentive Feature	%
1	90% or more of total acreage in open space	5%
2	50% or more of total acreage dedicated to conservation open space	5%
3	75% or more of total acreage dedicated to conservation open space	15%
4	Innovative water conservation measures	5%
5	Innovative road design/shared access	5%
6	Architectural design/rural character	5%
7	Prohibit wood burning devices (not including pellet stoves)	10%
8	Wildlife and vegetative enhancement (screening, planting, feeding program)	5%
9	Conservation easement(s) given to a public agency or nonprofit organization established for these purposes	10%
10	Wildfire protection design measures (e.g., noncombustible roofing materials, planting low-growing native species that are less flammable, electrical services underground, good access for emergency vehicles, etc.)	5%
11	Innovative energy conservation (solar, transportation etc.)	5%
12	60% or more of the PD property has been assembled from parcels which are substandard lots (i.e., assembled from lots less than current minimum lot size)	20%
13	PD is served by sanitary sewer system	10%
14	PD includes provisions for multi-use trails (except trails for vehicles with internal-combustion-powered engines)	5%
15	Innovative visual screening (For non-single-family residential structures, parking is not visible from any public road or public vantage point)	5%
16	Open space abuts adjacent dedicated open space (minimum abutment 200 feet)	10%

6. Open space shall be at least 75 percent of the PD which may be comprised of 50 percent individually owned open space and 50 percent common open space, except in minimum requirement district and agricultural-residential district where the amount of open space shall be recommended by the planning commission and approved by the board of county commissioners but in no case shall be less that 50 percent of the parcel area.
7. Maximum building height = 35 feet.
8. Perimeter setbacks for the PD shall be the same as the underlying district or 50 feet, whichever is greater.

B. During review of planned developments the planning commission shall recommend incentive density bonus based on their determination of the merit of the incentive features listed in (A)(5) above.
In the approval of any planned development, the board of county commissioners shall determine, based on the record and the planning commission recommendation, the merit of the incentive feature proposed, the final incentive density bonus granted.
C. Employee Housing. Mixed use and commercial PDs shall have one employee housing unit for each 30 rentable units or each 5,000 square feet (aggregate) of commercial structures. Required employee housing will not be counted against density requirements. (Ord. 94-10 § 2, 1994).

17.200.040 Specific requirements for Methow Review District

The following requirements apply as part of the approval of all planned developments in the Methow Review District:

A. Class B water systems shall include segregation of domestic and irrigation supply lines including an in line water meter to certify curtailment of irrigation usage in periods of critical instream flows;
B. Lawn areas needing irrigation shall be limited to 3,000 square feet immediately surrounding residential buildings;
C. Water flow restriction devices shall be included in all buildings.
D. Fences be made deer passable where appropriate. (Ord. 94-10 § 2, 1994).

17.200.050 Clustering requirements

A. The zone(s) of influence is the area of concentrated human impact within the PD. The zone of influence together with impervious surfaces shall not be considered open space. The main access road where outside and not contiguous with the zone of influence may be considered open space.
B. To accomplish tight clustering, up to 25 percent (50 percent within the minimum requirement and agricultural-residential zoning districts) of the total area of the PD may be designated as zone(s) of influence. The boundary of a zone of influence shall be linear or convex. Structures within the zone of influence must be a minimum of 50 feet from the outer boundary of the zone of influence. Where geographic, topographic or natural resource constraints exist, concave boundaries or an increase of five percent may be permitted at the recommendation of the office of planning and development and at the discretion of the planning commission.
C. The number of separate zones of influence shall be determined by the following table:
    1. Ten to 20 acres: one zone of influence.
    2. Twenty-one to 100 acres: two zones of influence.
    3. One additional zone of influence per 100 acres thereafter. (Ord. 2008-8 § 2, 2008; Ord. 94-10 § 2, 1994).

17.200.060 Individually owned open space standards.

A. Up to 50 percent of the open space within the development may be privately owned.
B. Privately owned open space in a planned development shall meet the following standards:
    1. Privately owned open space must be retained or restored to its native state or used for agricultural or recreational purposes, e.g., part of an organized trail system or used as designated conservation open space.
    2. Suitable weed control and revegetation plans and programs must be provided for in privately owned open space.
    3. No accessory structures allowed within privately owned open space, except for structures appurtenant to utilities or structures approved by the Department of Fish and Wildlife, and structures of historical/architectural preservation significance. (Ord. 94-10 § 2, 1994).

17.200.070 Common open space standards

A. Fifty percent of the open space within the development is required to be owned in common (undivided interest), therefor up to 50 percent may be privately owned.
B. Common open space in a planned development district shall meet the following standards:
    1. The location, shape, size and character of the open space must be suitable for its intended use within the planned development;
    2. Common open space must be retained or restored to its native state or used for agricultural or recreational purposes, e.g., part of an organized trail system or used as designated conservation open space. The uses authorized for common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography and number and type of dwelling units to be provided; and
    3. Common open space must be managed for its intended use. Common open space to be retained or restored to its natural condition, must provide suitable weed control and revegetation plans and programs. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized and must conserve and enhance the natural features of the common open space.
C. The development schedule, which is part of the development plan, must coordinate improvement of common open space, construction of buildings, structures and improvements for recreational purposes, and the construction of residential dwellings in the planned development.

D. The preliminary development plan and program shall include a provision such as plat notes, which assures permanent retention and maintenance of the common open space in a planned development. Such assurance may be in the form of restrictive covenants within the planned development, and/or in any other form or by any other method approved by the board as being practical and legally sufficient to assure the permanent retention and maintenance of the common open space.
   All legal documents necessary to implement this requirement (typically in the form of conditions, covenants and restrictions) shall be filed by the applicant with the final development plan and program, and shall be subject to approval as to form by the prosecuting attorney. All such plans and programs shall contain provisions whereby the county is granted the right to enforce the permanent retention and maintenance of the common open space, and further that in the event the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan and program, the county may at its option, cause necessary maintenance to be performed and assess the costs thereof to the owners of the property within the planned development.
E. No common open space may be put to any other use than as specified in the approved final development plan unless the development plan has been modified to permit such other use pursuant to OCC 17 200.170.

17.200.080 Underground utilities

In any planned development all electrical lines, telephone facilities, and other wiring conduits and similar facilities shall be placed underground unless this requirement is waived by the board. Such a waiver must be based on the physical constraints of the site and/or technical difficulties with such underground installations.

17.200.090 Planned development standards

The following minimum requirements apply to planned developments. Applicant may be required to provide analysis, by professionals with documented expertise, of the following items:

A. Soils and Geology. Planned development applications shall show, where lands within the site have high frost heave potential or are subject to slippage as determined by the Soil Conservation Service soils capability rating, that the development has been planned so that the improvements will not be subject to geologic hazards, landslides, or soil conditions that would damage such improvements or cause environmental degradation.
B. Drainage. Planned development applications shall show that the development has been planned so historical surface flow patterns (100-year floodplain if known) and runoff amounts will be maintained in a manner that will preserve the natural character of the area and prevent property damage of a type generally attributed to increased runoff rate, velocity increases, unplanned ponding, or storm runoff.

C. Erosion. Planned development applications shall show slopes which are greater than 30 percent and/or are highly erodible as determined by Soil Conservation Service soils capability rating. The erosion plan shall include road systems and shall show that the development has been planned so that a minimum amount of natural vegetation and soil cover is disturbed, that adequate provision is made for recontouring and soil stabilization and that cuts and fills are designed to minimize erosion. Additionally, all disturbed soils shall be revegetated and road systems shall be designed to minimize the necessity for cuts and fills.

D. Water Availability. Planned development applications shall submit appropriate documentation for compliance with OCC 17.010.140, Water availability.

E. Waste Treatment. Planned development applications shall show that on-site sewage treatment systems are adequate to accommodate the volume and composition of sewage expected to be generated by the proposed use, that the on-site sewage disposal system will be properly maintained and designed to prevent overloading or any other failure which could cause the discharge of inadequately processed effluent that would measurably degrade the quality of the receiving water below applicable water quality standards or below the existing water quality whichever is higher. On-site sewage disposal shall meet the Okanogan County sewage disposal regulations, the Department of Social and Health Services and the Washington State Department of Ecology standards.

F. Wildlife. Planned development applications shall show that the development has been planned, in conjunction with the Washington State Department of Wildlife, to mitigate significant adverse impact on wildlife habitat including but not limited to deer wintering areas, migration corridors, fawning sites, nesting grounds, commercial and game fish spawning areas, breeding areas, etc.

G. Agricultural Compatibility. Planned development applications shall show that the development has been planned to minimize the loss of the lands within the proposed PD that are designated agricultural land of long term commercial significance (see GMA Resource Lands Designation). To assure proper management of agricultural lands dedicated as open space, a management plan shall be incorporated into the homeowner's covenants. The application shall also show that the proposed development does not have an adverse affect on adjacent agricultural lands of long term commercial significance. Habitable structures within the planned development shall be set back a minimum 100 feet from adjacent agricultural properties.

H. Visual Impacts. Planned development applications shall show that design and construction standards will minimize the aesthetic impact of the proposal on the site. The application shall include provisions which assure that no artificial lighting is directed off-site. The application shall also describe what steps are being taken to maintain integrity of the terrain (native vegetation, plantings, streams) and to maintain architectural and building clusters compatible with the surrounding area.

I. Archaeological and Historical Features. Planned development applications shall show that any development located on or near a historical or archaeological site is consistent with and would not destroy or have an adverse affect on the historical or archaeological site.

J. County Fiscal Impact. Applications shall estimate the cost to the county for the new services and facilities which will be required to support the specific needs of development. Services and facilities that shall be reviewed include: schools, roads, law enforcement, junior taxing districts and general government services. A description shall be included to show whether or not the indicated staging of the development will generate services or facility demand in advance of the fiscal and physical ability of the county or the county districts to provide them. If such an increase in services is projected, an acceptable means for providing such services must be furnished.

K. Reduction of Nonconforming Uses. Planned development applications shall show that the development will result in the upgrading or elimination of existing nonconforming uses and structures which occur on the subject property. (Structures or buildings designated as historical by state of Washington may be granted a wavier of this provision by the Hearing Examiner.)

L. Critical Areas. Show that critical areas regulations have been addressed.

M. Transportation. Applicant shall show that the development is planned to meet the design standards of Subdivisions, OCC Title 16 and Okanogan County road and street standards and guidelines for development and, if applicable, Washington state highway standards.

N. Employee Housing. Applicant shall show that the requirements for employee housing are met (see OCC 17.200.030(A)(3). Employee housing shall be located on-site and integrated with other housing provided by the project.

O. Utilities. Applicant shall show how utilities will be provided to the development. Applicant shall provide electricity to the development. The county may find that alternative, nonconventional power sources are practical upon written evidence presented by the applicant. Utilities shall be underground, including but not limited to, electricity, communications and street lighting. Where topography, soil, or other conditions make underground installation impractical and written evidence is presented by the supplier of the utility, the county may waive the requirement for underground utilities.

17.200.100 Preapplication consultation

A. Preapplication consultation with county departments and resource agencies is mandatory for planned development projects. Upon receiving a request for preapplication consultation, the administrator will request a meeting with the appropriate county and resource agencies and the applicant. The purpose of this meeting is to assist the applicant in identification of site constraints and suggest potential solutions where possible.

17.200.110 Application for planned development

Application, Hearing, Evaluation Criteria and Decision. Upon completion of the mandatory consultation, the preliminary PD request will proceed upon receipt of 12 copies of the following:

A. Application.

1. The applicant shall submit a completed PD rezone application.

2. The application shall be accompanied by a development site plan which includes the following:
   a) A dimensional map, drawn to a scale of not less than one inch equals 100 feet; except, for applications of more than 40 acres, a scale drawing of the entire site shall be included with an insert drawing that delineates the areas of primary development activities at the above mentioned scale or as prearranged with the administrator or designee. The dimensional map sheet shall include a vicinity map at a reduced scale showing the proposed development in relation to existing landmarks (e.g., state or county roads, towns, etc.);
   b) Boundaries of the site;
   c) Names and dimensions of all existing and proposed roads serving, adjacent to or lying within one quarter mile of the site of the proposed property;
   d) Proposed zones of influence and/or approximate footprints of proposed buildings; together will proposed footprints of commercial buildings;
   e) Proposed location and dimension of common open space and privately owned open space;
   f) Proposed public dedications;
   g) Location, dimension and schematic design of off-street parking facilities, showing points of ingress and egress from the site;
   h) Location of major physical features, such as drainage ways, canals, and shorelines;
   i) Location of known critical areas including fish and wildlife habitat conservation areas, wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas;
   j) Existing topographic contours for the entire site utilizing the best information available, such as, USGS maps or Department of Transportation maps (utility and roadway corridors may use plan profile instead of contours except where erosion control measures are required). For large development sites, contour intervals of not more than five feet, together with identification of existing drainage and of vegetation shall be provided for the area including and adjacent to actual development activities for a distance of 250 feet.
   k) Proposed land uses, densities and building types and sizes;
   l) Pedestrian and vehicular circulation pattern;
   m) Location and type of all existing and proposed recreational improvements, if any;
   n) Conceptual landscape plan;
   o) Conceptual utility plans, including utility easements; and
   p) Snow removal/storage/water quality protection plan.
3. A written program that includes an explanation of the density of development proposed and open space provisions together with the following:
   a) A description in a concise statement of the general public benefit that will result from the development of the proposed project. Benefits to be described may include but are not limited to:

i. Increased open space;
ii. Special wildlife or recreation benefits resulting from innovative or optional development techniques;
iii. The creation of compatible multiple use projects that include residential, commercial and/or industrial; and
iv. The development of perimeter transition with surrounding land uses.

b) Additional written information shall provide a detailed evaluation and/or analysis of the following:
i. Proposed ownership pattern;
ii. Proposed covenants, conditions and restrictions (CC&Rs) including, operation and maintenance proposal (i.e., condominiums, home owner association, co-op, time share or other);
iii. General timetable of development (describe project phasing if applicable);
iv. Description of existing and/or proposed community and recreational facilities;
v. Water supply system; (including proposed water conservation measures where necessary).
vi. Wastewater disposal system;
vii. Geophysical characteristics (i.e., soils, slope, drainage and areas of erosion);
viii. Temporary and permanent erosion control plan (including cross sections and site plans that meet the performance standards in OCC 17.200.090(C));
ix. Compatibility with existing land uses;
x. Visual impacts, existing and proposed landscaping, and identification of view corridors;
xi. Description of known archaeological and historical features;
xii. Air quality considerations and mitigation measures (e.g., dust suppression);
xiii. Traffic circulation elements (both on- and off-site including required improvements and right-of-way dedications);
xiv. Utility installations (all utilities, including power) shall be underground, except, where site constraints prohibit such installations and such change is approved by the Hearing Examiner);
xv. Noise considerations and mitigation measures (e.g., vegetative buffers); and
xvi. Specifications regarding how the planned development application has been designed to mitigate significant adverse impact on fish and wildlife habitat conservation areas including but not limited to critical deer wintering areas, spring ranges, fawning sites, nesting grounds, commercial and game fish spawning areas, breeding areas etc.;
xvii. Noxious weed control plan.

B. Agency Review.
   1. The administrator shall distribute copies of the application to the agencies which are potentially affected by the proposed development, are determined to have relevant expertise, or who request notification.
   2. Agencies involved in the review of the proposed project application shall be allowed 21 days from the postmarked date on the notice from the county in which to comment on the project. The administrator may extend the comment period up to 15 days at the request of a reviewing agency for unique, complex or unusually large project proposals. Any reviewing agency which comments upon the proposed development or which requests such status, shall be noted in the files as a party of record and Okanogan County will attempt to provide copies of all reports, meeting minutes, notice of meetings, and decisions involving the proposal.
   3. Lack of comment by an agency with the time period specified by these provisions shall be construed as lack of objection to the proposal. Any consulted agency that fails to submit a response in the time period specified by these provisions shall thereafter waive the option of alleging any defects relative to compliance with this chapter.

C. Hearing.
   1. The application for a planned development shall be noticed and heard by the Hearing Examiner in a time and manner provided for in OCC 16.20.040 and Chapter 36.70 RCW; and
   2. The Hearing Examiner may continue the hearing to a time, date, and place certain if they determine that additional information is required.

D. Evaluation Criteria.
   1. At the public hearing, the Hearing Examiner shall consider all relevant evidence to determine the adequacy of the preliminary plan, including consideration of OCC 17.02.030, 17.200.010, 17.200.030, and 17.200.110 (A)(2) and (3), together with any information developed as part of the SEPA review of the proposal, and any input received from reviewing agencies;
   2. When, in the opinion of the Hearing Examiner, the review of the preliminary application indicates the presence of significant adverse impacts, the Hearing Examiner shall recommend the imposition of conditions, or performance standards designed to mitigate the adverse impacts. If, in the opinion of the Hearing Examiner, impacts cannot be mitigated sufficiently to assure maintenance of the public health, safety and welfare, and/or the applicable comprehensive planning goals are not met, they may recommend disapproval of the application;
   3. The Hearing Examiner shall recommend posting of a bond or acceptable surety in an amount equal to at least 120 percent of the estimated cost of the required improvements in the following circumstances:
      a) When the proposal calls for construction or alteration of roads, utilities or other improvements for which a public agency would have responsibility for completion should the applicant fail to make adequate installation;
      b) When required improvements will not be completed at the time of final plan approval. A bond may also be required to assure site restoration in

the event a partially completed project is abandoned. Bonding may be adjusted to meet the phasing schedule. Bonds shall be filed with the Okanogan County department of public works; and

4. If the PD is to be developed in phases, the Hearing Examiner shall ensure that open space and facilities proposed for the entire development be developed or committed in proportion to the number of dwelling units to be constructed in each phase.

E. Decision.
   1. The Hearing Examiner shall recommend that the preliminary planned development be approved, conditionally approved, or disapproved. Conditions of approval shall be precisely recited in the planning commission's report;
   2. Not later than 14 days following conclusion of the hearing, the Hearing Examiner shall submit its written report and recommendations to the board of county commissioners.

17.200.120 Board of county commissioner's action.

Preliminary Application. Upon receipt of the Hearing Examiner's recommendation, the board shall, at its next public meeting, set the date for the public hearing at which the board shall consider the Hearing Examiner's recommendations.

A. The board shall decide whether the public use and interest will be served by approving the preliminary planned development.
B. The board, after reviewing the recommendations of the Hearing Examiner, public testimony and accompanying reports, recommendations and documentations, and any other relevant evidence presented to it, shall either approve, conditionally approve, refer to the Hearing Examiner for further review and recommendation, or disapprove the preliminary planned development. The board's action shall include findings of fact and conclusions leading to the decision.
C. In the event the board approves or conditionally approves the preliminary application, such approval shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern. Approval of the preliminary application shall constitute authorization for the applicant to develop the streets, utilities and such other infrastructure improvements in accordance with construction drawings approved by the Okanogan County public works department and with landscaping and/or weed control. (Ord. 94-10 § 2, 1994).

17.200.130 Final plan-Submittal

Within three years from the date of the approval by the board of the preliminary planned development, the applicant shall file an application for approval of the final development plan of the proposed planned development with the administrator. An applicant who files a written request with the board at least 30 days before the expiration of the three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final planned development within the three-year period. The board may grant additional extensions upon petition by the applicant which

demonstrates extraordinary hardship as determined by the board. If the application for approval of the final development plan is not filed within three years or within the extended time period, if any, the approval of the preliminary planned development shall be void. (Ord. 94-10 § 2, 1994).

17.200.140 Final plan and program requirements.

The elements of the final development plan and program shall be as follows:

A. Plan Elements.
   1. A topographical base map prepared by a registered architect, landscape architect, land surveyor or engineer drawn to a scale of not less than one inch to 100 feet with proposed contours shown at one- to five-foot intervals within 250 feet of the major construction activities, unless prior approval for a change in scale is approved by the administrator;
   2. Boundary survey by a licensed land surveyor including location, with the names of all existing and proposed streets, public ways, railroad and utility rights-of-way, parks or other open spaces within the development, in accordance with Subdivisions, OCC Title 16;
   3. Existing on-site or sanitary sewer systems, water wells or mains and other underground facilities within and adjacent to the development and their certified capacities;
   4. Proposed on-site or sanitary sewer systems or other waste disposal facilities, water mains and other underground utilities;
   5. The approved preliminary planned development plan;
   6. Community facilities plan, if applicable;
   7. Location and amount of open space;
   8. Traffic management plan;
   9. A final landscape plan that includes: planting and irrigation plan, location and dimension of walks, trails, easements, or permitted access to public lands or areas, and/or their relationship to the Okanogan County comprehensive plan;
   10. Location, arrangement, number and dimensions of truck loading and unloading spaces and docks, if applicable;
   11. Location, arrangement, number and dimensions of auto garages and parking spaces, width of aisles, bays and angles of parking;
   12. Preliminary plans, elevations of typical buildings and/or structures, indicating general height, bulk, number of dwelling units; and
   13. Approximate location, height and materials of all walls, fences and screen plantings.

B. Program Elements.
   1. Tables showing total number of acres, distribution of area by use, percent designated for each dwelling, type of off-street parking, streets, parks, playgrounds, schools and open spaces;
   2. Tables indicating overall densities and density by dwelling types and proposal for limitation of density;
   3. Restrictive covenants with backup authority for Okanogan County, including those relating to retention and maintenance of common open space; and

4. Estimated development timetable (with phasing plan; if applicable) including commencement and completion dates for all buildings, structures and required improvements. (Ord. 94-10 § 2, 1994).

17.200.150 Final plan review and board action

A. The administrator shall determine that all the requirements of subsection B of this section are satisfied, that the final development plan is substantially consistent with the preliminary planned development and any additional conditions approved by the board have been fulfilled.
B. The board shall, at its next public meeting or any continued meeting, determine:
   1. Whether the final development plan is consistent with the preliminary application along with the conditions imposed;
   2. Whether the bond, if there be one, assures the completion of improvements; and
   3. Whether the requirements of state law and this title have been satisfied by the developer.

   The board shall thereupon take action to approve, refer to the Hearing Examiner for further review and recommendation, or disapprove the proposed final plan. if the board approves the plan, the applicant shall provide a reproducible copy of the final plan with any required changes and applicant signatures on stable base mylar polyester film, or equivalent approved material for signature of the same parties who are authorized to approve final plats pursuant to OCC Title 16. The original will then be returned to the applicant to be submitted to the county treasurer for signature. One copy on paper shall be submitted to the county office of planning and development.
C. The final approved document, including the detailed map, all terms and conditions of approval and articles of incorporation of any homeowner's association or like entity created, shall be filed with the Okanogan County auditor.
D. The terms and conditions of the PD as approved, including the plan features contained on the detailed PD map or related final plan map approved by the board, shall constitute limitations on the use and design of the site which shall be enforced by any and all means included in Chapter 17.360 OCC.
E. Approval by the board of the final development plan shall constitute authorization for the applicant, successors or assignees of the applicant to develop the site following issuance of appropriate permits by the county in accordance with the development plan and any conditions imposed by the board. (Ord. 94-10 § 2, 1994).

17.200.160 Building permits

Issuance after Final Plan Approval. Building permits shall be issued for construction only in accordance with the plan and program elements of the PD after final approval by the board of county commissioners. (Ord. 94-10 § 2, 1994).

17.200.170 Modifications to development plan and program.

A. Minor Modifications. Applications for a minor modification of a final development plan and program shall include the minor shifting of the location of buildings, streets, public or private rights-of-way and easements, parks or other features of the plan, the consolidation of lots, minor shifting of lot lines, and all other changes deemed minor by the planning director which do not materially affect the intent of the plan, but shall not include those changes which decrease the total amount of dedicated open space below a level required under the original approval of the final development plan. Minor modifications shall be approved by the planning director. A revised plat shall be filed with the Okanogan County auditor.
B. Intermediate Modifications. Applications for intermediate modifications of a final development plan and program shall include changes in the location of lots, changes in the location of uses, changes in use from residential to tourist-residential, transfers of density or use from one location or lot to another, decreases in the total amount of dedicated open space to a level less than the original approval of the final development plan, and changes to the zones of influence under OCC 17.200.050. Intermediate changes to a final development plan and program shall be reviewed by the Hearing Examiner at a public hearing, upon public notice as provided for in RCW 58.17.090. Intermediate modifications shall be approved by the planning director upon recommendation by the Hearing Examiner. A revised plat shall be filed with the Okanogan County auditor.
C. Major Modifications. Applications for major modifications of a final development plan and program shall include those changes not deemed a minor or intermediate modification by the planning director. All applications for major modifications shall be processed as if such application were an original application for a planned development and shall be submitted to the Hearing Examiner, hearings held and recommendations made to the board of county commissioners for approval or denial. (Ord. 2002-1 § 2, 2002; Ord. 94-10 § 2, 1994).

17.200.180 Final planned development-Action on nondevelopment.

If, within five years after the granting of final approval of a planned development, building permits have not been issued pursuant to the approved project, the Hearing Examiner shall review on its own motion the grant of such planned development at a public hearing after giving written notice of such hearing to all persons claiming any right, title or interest of record in and to the affected property and adjacent property owners. Notice shall be given at least 20 days prior to such hearing, and after otherwise giving notice of such hearing as required by this title. Hearings shall be held at times and in a manner prescribed by this title and may be continued as provided therein. The Hearing Examiner shall determine whether the continued existence of the planned development is in the public interest, and such determination shall be based on the criteria specified in OCC 17.02.030 and 17.200.010. The Hearing Examiner shall adopt a motion which shall recommend to the board of county commissioners that the final planned development be continued or extinguished. (Ord. 94-10 § 2, 1994).

17.200.190 Damaged building restoration

Replacement or reconstruction of any building or improvements to buildings damaged or destroyed shall substantially conform to the originally approved planned development. (Ord. 94-10 § 2, 1994).

Chapter 17.210
PLANNED DESTINATION RESORT (PDR)

Sections:

17.210.010 District purpose
17.210.020 Uses allowed
17.210.030 General requirements
17.210.040 Pre-application consultation
17.210.050 Application for planned destination resort
17.210.060 Processing of application for PDR
17.210.070 Board of county commissioner's review and decision
17.210.080 Final development plan submittal requirements
17.210.090 Procedure for review of a final development plan – phased development
17.210.100 Procedure for modification of a final development plan
17.210.110 Violation of terms of approval

17.210.010 District purpose

A. The purpose of the PDR zone is to enhance and diversify the recreational opportunities in Okanogan County through the development of destination resorts that complement the natural and cultural attractiveness of the area without significant adverse effects to environmental and natural features, cultural or historic resources and their settings, and other significant resources. The PDR zone provides for the development of destination resorts as recreational developments which provide visitor-oriented accommodations and recreational facilities for resort visitors and residents, consistent with the comprehensive plan. The PDR zone is only appropriate for those commercial, residential and/or visitor accommodations which are part of a destination resort facility. It is the intent of this chapter to establish standards and procedures for developing large scale destination resorts, while ensuring that all applicable land use requirements are achieved and available resources are used productively and efficiently.

B. Further, it is the intent of the PDR zone that the value of important natural features and systems shall be preserved and/or enhanced.
   1. The necessary habitat of threatened or endangered species as listed on the federal register shall be protected so as not to diminish the necessary features of that habitat.
   2. Natural features such as streams, rivers, riparian vegetation within 100 feet of streams, and significant wetlands shall be protected consistent with shoreline, SEPA, critical areas regulations, etc.
   3. Key wildlife habitat and critical wildlife habitat areas shall be protected so as not to diminish the necessary features of that habitat.

C. The rezoning of a property or properties to a PDR zone has the effect of replacing all existing zoning ordinance regulations on the property with use and intensity allowances contained in the planned destination resort approval by action of the board of county commissioners.

17.210.020 Uses allowed

A. Principal Uses. The following uses shall be permitted outright as principal uses, provided they are part of, and are intended to serve persons at, a destination resort approved pursuant to this chapter:
   1. Visitor-oriented accommodations designed to provide for the needs of visitors to the resort, including the following uses:
      a) Overnight lodging, including lodges, hotels, motels, bed and breakfast facilities, time-share units, campgrounds and similar transient lodging facilities,
      b) Convention and conference facilities and meeting rooms,
      c) Retreat centers,
      d) Special studies centers,
      e) Restaurants, lounges and similar eating and drinking establishments, and
      f) Other visitor-oriented accommodations compatible with the purposes of this chapter;
   2. Developed recreational facilities designed to provide for the needs of visitors and residents of the resort, including the following uses:
      a) Golf courses, driving ranges, clubhouses and academies,
      b) Indoor and outdoor spas and swimming pools,
      c) Indoor and outdoor tennis and other sport courts,
      d) Recreational, health facilities and fitness facilities,
      e) Downhill ski facilities including lift stations and gondolas,
      f) Equestrian facilities,
      g) Wildlife observation shelters,
      h) Theaters and amphitheaters,
      i) Fishing facilities,
      j) Walkways, bike paths, jogging paths, nordic and alpine ski trails, equestrian and other athletic and recreation trails,
      k) Marinas, boat launches, swimming floats, and other water dependent facilities compatible with the purpose of this chapter and with the Okanogan County shoreline master program, and
      l) Other recreational facilities compatible with the purposes of this chapter;
   3. Residential:
      a) Single-family dwellings,
      b) Duplexes and other multifamily dwellings,
      c) Condominiums,
      d) Townhouses,
      e) Timeshare projects,
      f) Sufficient residential units for necessary full-time and seasonal employees, and
      g) Other residential dwellings compatible with the purposes of this chapter;
   4. Commercial services and specialty shops designed to provide for visitors of the resort, including the following uses:
      a) Specialty shops such as clothing stores, bookstores, specialty food shops, state-licensed liquor stores, sport shops and photo developing shops,

b) Restaurants and taverns,
c) Gift shops,
d) Barbershops/beauty salons,
e) Automobile service stations,
f) Craft and art studios and galleries,
g) Real estate and other professional offices,
h) Grocery stores,
i) Laundromat and laundry facilities,
j) Licensed day care facilities, and
k) Other commercial services which provide for the needs of resort visitors and are compatible with the purposes of this chapter; provided, however, that all commercial uses within the approved PDR shall meet the following conditions:
    i. Such commercial uses shall be within the approved boundaries of the PDR,
    ii. Such commercial uses shall be oriented to the resort and located away from or screened from highways or other major roadways, and
    iii. Such commercial uses shall be limited to those uses necessary or desirable to serve the needs of resort visitors in that their primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort, or the use is necessary or desirable for operation, maintenance or promotion of the destination resort;

5. Permitted uses may be combined within a mixed use building where permitted commercial uses are located with visitor-oriented accommodations and/or residential dwellings in the same or adjoining buildings;
6. Open space areas:
    a) Wildlife areas,
    b) Natural areas,
    c) Trails,
    d) Parks,
    e) Lakes, rivers and streams,
    f) Golf courses,
    g) Landscaped setbacks,
    h) Pasture and agricultural lands,
    i) Any land which is not part of the area used for an accessory use to visitor-oriented accommodations, developed recreational facilities or residential dwellings, and
    j) Other open space areas compatible with the purposes of this chapter.

B. Accessory Uses. The following uses shall be permitted outright as accessory to a destination resort or to principal uses located therein:
1. Transportation, including roads and parking, and utility facilities;
2. Emergency medical facilities;
3. Storage structures and areas;
4. Kennels as a service for resort guests only;

5. Heliports providing emergency services to the destination resort only and not for the general purpose of providing tours;
6. Ticket booths;
7. Public facilities, such as police and fire stations, and similar uses;
8. Facilities necessary for public safety and utility service within the destination resort or the county, notwithstanding any limiting provision of this subsection to the contrary; and
9. Other uses which are compatible with the purposes of the chapter.

C. Conditional Uses. The following uses may be approved as conditional uses subject to the provisions for conditional uses in this zoning title:
1. Helicopter skiing or other operations and facilities not otherwise allowed by subsection B(5) of this section.

D. Prohibited Uses. All uses not included above as principal, accessory or conditional uses, are prohibited in the PDR zone.

17.210.030 General requirements

In addition to accomplishing the purpose of the PDR established in OCC 17.210.010, development in a PDR zone shall meet the following requirements:

A. The minimum size for a PDR shall be 640 acres, at least 50 percent of which shall be in one contiguous parcel;

B. The maximum density for a PDR shall be three and one-half dwelling units per acre. For the purposes of calculating the density of a PDR, each two units of transient tourist accommodations (those accommodations without kitchen facilities or fixtures) shall equal one dwelling unit. Dormitory-style seasonal employee housing shall not be included in the calculation of residential density;

C. At least 60 percent of the total acreage included in the development shall be dedicated to and maintained as permanent open space as defined by OCC 17.210.020(A)(6), and/or recreational areas, excluding required streets and parking areas. The amount of site coverage shall be recommended by the Hearing Examiner and approved by the board of county commissioners.

D. The method of calculating the ratio of permanent residential units to visitor-oriented dwelling units is as follows:
1. The ratio of permanent residential units to visitor-oriented dwelling units shall not exceed two and one-half to one. For purposes of this section, "visitor oriented dwelling units" are those units, whether a single-family house, townhouse, condominium or transient tourist accommodations, which are made regularly available to the traveling public for stays of limited duration. Dormitory housing for seasonal employees shall be provided as required in any permit or approval, but shall not be included in calculating this ratio.
2. The developer is required to provide, in the final development plan, an enforceable program that adequately demonstrates this ratio will not be exceeded at any time in the development of the project.
3. This ratio shall not affect the calculation of maximum density set forth in OCC 17.210.030(B).

E. No building permit or building occupancy permit shall be issued for any structure or use to be located within PDR zone unless the structure and use complies with the requirements of the final plan and program and this section.
F. The PDR shall provide public transit proposals which satisfy public transportation demands generated by the planned destination resort.
G. No structures or uses, except those which are necessary for maintenance, shall be permitted within areas designated as buffer areas. Buffer areas shall contain natural vegetation, fences, berms and landscaped areas as indicated in the applicable preliminary or final plan and program.
H. Any additional requirements of the final approval shall be met during that review process.

17.210.040 Pre-application consultation

A. An applicant may request an informal review of a PDR prior to submittal of an application. Upon receiving a request for an informal review, the administrator will request a meeting with the appropriate county and resource agencies and the developer. The purpose of this meeting is to assist the developer in identification of site constraints and suggest potential solutions where possible.

17.210.050 Application for planned destination resort

A rezone to a PDR designation requires submittal of a rezone application. This application shall be reviewed in two steps 1) a preliminary development plan and program for the entire development, together with the rezone application, and 2) a final development plan for the entire development, or for each individual phase of the PDR. The preliminary development plan and program and rezone application shall include sufficient schematic or concept information to permit a comprehensive review of the entire development.

A. The actual rezone of the property will occur upon approval of the preliminary development plan and program and rezone by the board of county commissioners, and shall include, where appropriate, conditions to be satisfied by the final development plan or plans. The final development plan shall be in greater detail to permit a determination that the final development plan conforms with the preliminary development plan and program and rezone approval.
B. Upon submittal of a complete application, the preliminary PDR rezone request will proceed as follows:
    1. The applicant shall submit a complete PDR rezone application requesting a change of zone to planned destination resort;
    2. The rezone application shall be accompanied by a preliminary development plan and program (hereinafter referred to jointly as the "rezone application") which includes the following information:
        a) A development site plan which includes one or more scale drawings of the existing conditions on the entire site, at a scale to be prearranged with the administrator or designee, and which shall include the following:
            i. A vicinity map at a reduced scale showing the proposed development in relation to existing landmarks (e.g., state or county roads, towns, etc.),

ii. Boundaries of the site,
iii. Names and dimensions of all existing roads serving, adjacent to or lying within one-quarter mile of the site of the proposed development,
iv. Location of major physiographic features, such as railroads, drainageways, canals and shorelines,
v. Existing topographic contours, at intervals of not more than five feet, for the entire site, using the best information available, such as USGS maps or highway department maps, within the immediate vicinity (250 feet plus) of development activities. Contours should be shown together with existing drainage and identification of significant vegetation,
vi. Important natural features of the site, including habitat of threatened or endangered species as listed on state or federal government registers, streams, rivers, riparian vegetation within 100 feet of streams and significant wetlands shall be protected consistent with shoreline, SEPA, critical areas regulations, etc.,

b) One or more site plan sheets showing in concept form the following:
i. The location and number of acres reserved as open space as defined in OCC 17.210.020(A)(6), along with a conceptual landscape plan showing areas of preservation, removal and restoration of vegetation,
ii. Major pedestrian, equestrian, bicycle trails, ski trails, and any other recreational systems,
iii. The number and general location of off-street parking facilities, showing points of ingress to and egress from the site, as well as proposed roads and pedestrian and vehicular circulation patterns,
iv. Proposed land uses, densities, and building limit lines, building type, height and bulk,
v. Proposed public dedications,
vi. Proposed utility systems (i.e., water, wastewater, storm and power),
vii. Snow removal/storage/water quality protection plan,

c) A written program that includes an explanation of the density of development proposed and open space provisions together with the following:
i. A description in a concise statement of the general public benefit that will result from the development of the proposed project. Benefits to be described may include, but are not limited to:
(A) Increased usable open space,
(B) Special wildlife or recreation benefits resulting from innovative or optional development techniques,
(C) The creation of compatible multiple use projects that include uses authorized by this chapter and,
(D) The development of perimeter transition with surrounding land uses,

ii. Additional written information shall provide a detailed evaluation and/or analysis of the following (note: some of the following information may be a part of project SEPA compliance documentation):
(A) Proposed ownership pattern,
(B) Operation and maintenance proposal (i.e., condominiums, home owner association, co-op, time share or other),
(C) A written explanation of the timetable for development, with the projected build-out date, describing the phases of project development. If the developer requests approval of phase I concurrent with the preliminary development plan, the requirements of OCC 17.210.090 must be met,
(D) Description of existing and/or proposed community and recreational facilities,
(E) Water supply system,
(F) Wastewater disposal system,
(G) Geophysical characteristics (i.e., soils, slope, drainage and erosion control),
(H) An explanation of how the project has been sited or designed to avoid or minimize adverse effects or conflicts with adjacent uses. The application shall explain how proposed open space areas will avoid or minimize adverse effects or conflicts,
(I) Visual impacts, existing and proposed landscaping, and identification of view corridors, provided, however, the planning administrator may require graphic or other visual exhibits to supplement this information,
(J) Description of known archaeological and historical features,
(K) Air quality considerations and mitigation measures (e.g., dust suppression),
(L) Traffic circulation elements (both on- and off-site including required improvements and right-of-way dedications),
(M) Utility installations (all utilities, including power) shall be underground, except where site constraints prohibit such installations and such change is approved by the Hearing Examiner),
(N) Noise considerations and mitigation measures (e.g., vegetative buffers), and
(O) Information as to employee housing to be provided,

iii. An environmental evaluation of the site and the surroundings prepared in accordance with the State Environmental Policy Act (SEPA) and at the direction of the responsible official.

17.210.060 Processing of application for PDR

An application for a PDR shall require a quasi-judicial review process in accordance with OCC Title 20 "Development Permit Procedures and Administration". The Hearing Examiner approves or denies an application. The Board of Okanogan County Commissioners perfect approval of the application by approving an amendment to the County zone map and by approving the final development plan.

A. When the proposal calls for construction or alteration of roads, utilities or other improvements for which the public agencies would have responsibility for completion should the applicant fail to make adequate installation, and when such required improvements will not be completed at the time of final development plan approval, the administrator shall recommend that the Hearing Examiner require a bond or acceptable surety indemnifying the required improvements in an amount at least equal to 120 percent of the estimated cost of the required improvements. A bond may also be required to assure site restoration in the event a partially completed project is abandoned. Bonding may be adjusted to meet the schedule of phased development. Bonds shall be filed with the Okanogan County department of public works prior to the board making a decision on the final development plan.

17.210.070 Board of county commissioner's review and decision

A. In the event the board approves or conditionally approves the rezone application, such approval shall give the applicant the right to proceed with submission of a final development plan for one or more phases of the development, and such approval shall also be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation patterns.
B. Approval of the rezone application shall constitute authorization for the applicant to develop streets, utilities, and other such infrastructure improvements in accordance with construction drawings and permits approved by the Okanogan County public works department.
C. Upon approval of the rezone application, the county zoning map shall be changed to indicate the designation of the subject property as PDR with reference to the specific ordinance that defines the terms of approval.

17.210.080 Final development plan submittal requirements

The final development plan submittal shall include the following:

A. A map or maps, prepared under the direction of a land surveyor or civil engineer drawn to a scale or scales acceptable to the administrator, for the entire PDR or phase being requested for approval with proposed contours shown at one to five foot intervals within 150 feet of the major construction activities. In addition, the administrator may require a scale model, illustrative renderings or perspective drawings. The maps will include the following:
    1. Locations, with the names of all existing and proposed streets, public ways, railroad and utility rights-of-way, parks or other open spaces, and all land uses within 500 feet of the boundary of the development,

2. Existing on-site or sanitary sewer systems, water wells or mains, and other underground facilities within and adjacent to the development, and their certified capacities,
3. Proposed on-site or sanitary sewer systems or other waste disposal facilities, water mains and other underground utilities,
4. Preliminary subdivision plan,
5. Proposed land use site plan including on-site or public recreation facilities or areas, if any,
6. Community facilities plan,
7. Location and amount of open space as defined in OCC 17.210.020(A)(6),
8. Traffic flow plan,
9. A landscape plan as defined in OCC 17.210.050(B)(2)(b)(i),
10. Location, arrangement, number and dimensions of truck loading and unloading spaces and docks,
11. Location, arrangement, number and dimensions of auto garages and parking spaces, width of aisles, bays and angles of parking,
12. Preliminary plans, elevations of typical buildings and/or structures, indicating general height, bulk, square footages, number of dwelling units and provisions for employee housing,
13. Approximate location, height and materials of all walls, fences and screen plantings,
14. A narrative as to the details of compliance of the proposed final development plan with the approved rezone application;

B. Proposed covenants, conditions and restrictions which shall include, at a minimum, provisions for:
1. Use, improvement and maintenance of all common open space areas which may be accomplished through a homeowners, or business owners' association,
2. The availability of private security patrol,
3. Architectural control over all residential dwellings and the establishment of a residential design review committee,
4. Limitations on the nature and extent of individual business signage so that all commercial uses are publicized as an integral part of the resort and are oriented toward the resort,
5. Dimensional standards for all residential dwellings, and
6. The ability of the county to enforce those provisions which are designated as a requirement for approval of the preliminary plan, and which may not be amended without board of county commissioners approval. Such designated portions of the preliminary plan shall be considered a part of the zoning requirements of this chapter and non-enforcement shall not result in waiver of the right to subsequently enforce.

17.210.090 Procedure for review of a final development plan – phased development

A. A destination resort authorized pursuant to this chapter may be developed in phases. The applicant shall within 18 months from the date of the approval by the board of the rezone application, file a final development plan of one or more of the phases of the proposed destination resort with the administrator; provided, that the hearing examiner may, upon request of the applicant, grant an extension for the filing of the final development plan of up to 24 additional months with annual review and additional conditions if deemed necessary. If the final development plan is not filed within 18 months or within the extended time period, if any, the hearing examiner may rescind approval of the rezone application following a 30-day appeal period after notification to the applicant of record of the hearing examiner's proposed action.

The addition of property to a PDR zone, which addition is less than five percent of the total acreage in the PDR zone as originally proposed, and which does not result in any significant alteration to the approved PDR, shall not require referral to the hearing examiner, but shall be considered by the board as part of its review of the final development plan. The board's review of such addition of property to a PDR zone shall consist of determining conformance with the requirements of OCC 17.210.010 through 17.210.030.

1. The administrator shall review the final development plan to determine that all requirements of OCC 17.210.080 are satisfied, and that the final development plan is in substantial compliance with the rezone application as approved by the hearing examiner. The administrator shall then forward the proposed final development plan to the board, together with the conclusions from the administrator's review.
2. The board shall, at its next public meeting or any continued meeting determine:
   a) Whether the final development plan is substantially consistent with the rezone application as approved by the board; and
   b) Whether any conditions of approval required to be satisfied prior to approval of the final development plan have been fulfilled, or alternatively, whether the bond assures the completion of improvements.

   The board shall thereupon take action to approve, refer to the Hearing Examiner for further review and recommendation, or disapprove the proposed final development plan. If the board approves the final development plan, the developer shall submit the original reproducible copy on stable base mylar polyester film or equivalent approved material, to be signed by the same parties who are authorized to sign final plats, pursuant to OCC Title 16. One additional copy which may be of paper, shall be submitted to the county office of planning and development.
3. The final development plan, including all terms and conditions of approval, shall be filed with the Okanogan County auditor.

4. The terms and conditions of the final development plan, including the map approved by the board, shall constitute limitations on the use, design and structures on the site which shall be enforced by any and all means included in Chapter 17.360 OCC, provided, that the applicant may enter into an agreement with the county, executed concomitantly with and as consideration for approval of the final development plan, by which the applicant agrees to develop, maintain and/or use the area within the PDR as specified in the final development plan.
5. Approval by the board of the final development plan shall constitute authorization for the applicant, its heirs, successors, grantees or assignees of the applicant to develop the site in accordance with the final development plan and any conditions imposed by the board.
6. Authorization for a PDR shall expire if construction of the first phase of development as described in the final development plan is not commenced within two years of the date the final development plan is approved or if the project is abandoned. Time extensions or scheduled modifications may be granted by the board in up to 18-month increments and with additional conditions if deemed appropriate following review by the Hearing Examiner.
7. After approval of the final development plan, building permits shall be issued for construction only in accordance with the final development plan as approved by the board of county commissioners. The facilities and accommodations described in the final development plan shall be physically provided or financially assured prior to the closures of sales, rental or lease of any residential dwellings to the general public, except that the developer may sell undeveloped land to sub-developers or builders for the purposes of constructing the commercial, recreational or residential facilities required by this chapter; provided, that all purchasers shall agree to abide by the conditions of the approval of the PDR.

B. If a proposed resort is to be developed in phases, each phase shall be described in the preliminary development plan. The phasing shall meet the following requirements:
   1. The first phase shall include the following as minimum requirements:
      a) At least 75 separate rentable units for visitor-oriented lodging; and
      b) Visitor-oriented eating establishments for at least 100 persons and meeting rooms which provide seating for approximately 100 persons.
   2. Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of this chapter.
   3. All phases of the destination resort taken cumulatively shall meet the minimum requirements of OCC 17.210.030.
   4. Each phase may include two or more distinct noncontiguous areas within the PDR zone.
   5. All subsequent development of any property zoned PDR shall be in substantial conformance with the preliminary development plan.

17.210.100 Procedure for modification of a final development plan

A. Applications for major modifications in the final development plan must be submitted to the hearing examiner as a quasi-judicial application and review process in accordance with OCC 17.210.060 and OCC Title 20 "Development Permit Procedures and Administration".

B. Minor modifications to the final development plan may be approved by the administrator as an administrative review process in accordance with OCC Title 20 "Development Permit Procedures and Administration". Such changes are ones that would not materially affect the findings and conclusions of the board on the preliminary development plan, such as, but not limited to, minor shifting of the location of buildings, proposed streets, public or private ways between easements, parks or other features of the plan; minor changes in densities so long as overall densities as described in the preliminary development plan are maintained; or minor changes in building height or bulk. Changes of boundaries of the PDR zone or changes in land use beyond the range of uses contemplated in the rezone application shall not be considered minor changes.

17.210.110 Violation of terms of approval

Deviation from any condition shown on the approved final development plan, without prior compliance with OCC 17.210.100, shall constitute a violation of this title and shall be punishable and enforceable in the manner provided for in Chapter 17.360 OCC.

Chapter 17.220
DISTRICT USE, DENSITY, AND HEIGHT CHART

Sections:

17.220.010 District use chart
17.220.020 Density and height chart

17.220.010 District use chart

The following chart indicates uses which are permitted or allowed by conditional use permit. The list is not exhaustive of potential allowed uses nor does the list imply these uses will be approved.

A. Should there be a conflict between the district use chart and the text of the zoning district, the text of zoning district shall take precedence.

B. In the case of similar uses not specifically mentioned by name, the administrator may determine if the proposed use is similar to a use that is listed within this chapter and may therefore be permitted in the same manner as the similar use.

C. Uses that are both specifically defined, and then generally categorized by a similar related use, shall be required to meet the requirement of a specific line item. An example is that a gravel pit may be considered "industrial" but is regulated as a "gravel pit" because it is specifically defined.
Each permitted and conditional use identified by this Chapter is subject to additional limitations and/or regulations identified within the text of individual zones found in this Title.

Table 17.220.010: District Use Chart

LEGEND P – Permitted through site analysis (OCC 17.010.060) C - Conditional Use Permit (OCC 17.310) PD – Planned Development Not Permitted	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Acid manufacturing	C								C									
Adult care facility	P	P	P	P	C		P	C		C	C		C	C	P		P	P
Agricultural related industry	P	P	P	C	C	P		P	P	C	P				C		P	P
Air cargo terminal	P	C[1]	C[1]			C[2]			C		C	P						
Air passenger services	C	C[1]	C[1]						C		C	P					C	C
Aircraft fuel pumps and fuel storage	C	C[3]	C[3]	C[2,3]	C[2,3]	C[2]			C		C	P					C[3]	
Aircraft hangars	P	C[4]	C[3]	C[2,3]	C	C[2]			C		C[3]	P					C[3]	C[2,3]

LEGEND P – Permitted through site analysis (OCC 17.010.060) C - Conditional Use Permit (OCC 17.310) PD – Planned Development Not Permitted	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Aircraft sales, repair, service	P	C[4]	C[4]			C		P	C			P						
Aircraft salvage	C	C	C			C[5]		C	C		C	C						
Airports	C	C[3]	C[3]			C[2]			C		C	P						
Airstrips	P	C[4]	C[4]	C[4]	C[4]	C[2]					C[4]	P			P		C[4]	C[4]
Animal disposal facility	C	C	C			C		C	P		C							
Apiary farms (bee farms)	P	P	P	P	P	P				P	P				P	P	P	P
Asphalt batch plant – permanent	C	C	C						C		C[4]							
Asphalt batch plant – temporary[6]	C	C	C	C	C	C		C	C		C[7]						C	C
Auto parking lots and areas, commercial	P	C	C					P	P		C	P			P	P		
Auto rental service	P	C[5]	C[5]					P	P	C		P				P		
Auto repair	C	C[8]	C[8]					P	P		C	C			C	C		
Auto sales (commercial)	P	C[5]	C[5]					P			C				C	C		
Auto storage: over five vehicles (disabled vehicles)									P									
Auto towing operation (with auto storage)	C	C	C					C	P		C				C	C		
Auto wrecking operation	C	C	C					C	C		C							
Banks	P	P						P	P		P			P	P	P		
Cannabis Operations[9]:																		
Production facility – outdoor		C	C	C	C	C		C	C		C						C	C
Production facility – indoor		C	C	C	C	C		C	C		C				C		C	C
Processing facility		C	C	C	C	C	C	C	C		C				C		C	C
Retail stores		C	C	C		C	C	C	C		C				C		C	C
Cellular communication tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

LEGEND P – Permitted through site analysis (OCC 17.010.060) C - Conditional Use Permit (OCC 17.310) PD – Planned Development Not Permitted	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Cellular communication tower (under 60-feet)	P	C	P	P	C	P	C	P	P	P	P		C	P	P	P	C	C
Cement, lime, gypsum manufacturers	C	C	C			C[10]			C		C[7]							
Churches/ places of worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Communication facility, (commercial)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Communication facility, commercial (tower and accessory structures under 60-feet)	P	C	C	P	P	P	C	P	P	P	P	P	C	P	P	P	C	C
Community center, grange halls, etc.	P	P	P	P	C	C	C	P	P	C	C	C	C	C	P	C	C	C
Compost manufacturer	P	C	C	P	C	P		P	P	C	P						C	C
Concrete batch plants – permanent	C	C	C						P		C[7]							
Concrete batch plants – temporary[6]	C	C	C	C	C				P		C[7]						C	C
Crematory, cemetery, funeral home	C	C	C	C	C						C						C	C
Cryptocurrency operations								C	C							C		
Dairy farms	P	C	C	P	P	P				C	P						C	P
Day care facilities	P	P	P	P	C	P	P	C	C	C	C		C	C	P		P	P
Drive-in movies	C	C	C	C				P			C							
Dwellings:																		
Accessory	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P
Farmworker	P	P	P	P	C	P	P	P		P	P		P	P	P	P	P	P
Multifamily	P	C	C	C			P			C	C		P	P	P	P	C	C
Single-family	P	P	P	P	P	P	P			P	P	P[5]	P	P	P	P	P	P
Earth Stations	C	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Electric vehicle charging stations[11]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

LEGEND P – Permitted through site analysis (OCC 17.010.060) C - Conditional Use Permit (OCC 17.310) PD – Planned Development Not Permitted	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Energy facilities (see wind and solar energy facilities as separate uses)	C							C	C			C						
Wind energy facilities	C			C	C				P		C							
Solar energy facilities and/or system, commercial or community	C	C	C	C	C				P		C						C	C
Evaporation ponds	P	P	P	P	C	P	P	P	P	P	C	C	C	C	C	C	C	C
Event Centers	C	C	C	C	C	C	C	P	C	C	C	C	C	C	P	P	C	C
Exercise clubs, indoor swimming pools with clubs	P	C	C				C	P		C	C	P		C	C	P		
Explosive manufacture or storage (storage other than for farm use)	C				C				C		C							
Farms	P	P	P	P	P	P				P	P			C			P	P
Feedlots	C	C	C	C	C	P				C	C							
Fertilizer manufacture	C	C[10]	C[10]	C[10]		C			P									
Florist, retail	P	P	P	P	C	P	C	P	P	P	C	P	C	P	P	P	C	C
Florist, wholesale/floriculture	P	P	P	P	C	P		P	P	P	C				P	P	C	C
Food store (retail)	P	C	C	C			C	P		C	C			P	P	P	C	C
Fruit, vegetable, agriculture, dairy product stand	P	P	P	P	P	P	P	P		P	C			P	P	P	P	P
Golf courses	C	C	C	C	C		C			C	C				C		C	C
Government services:																		
Infrastructure, wastewater treatment plants, substations, pump stations	C	C	C	C	C	C	C	C	P	C	C	P	C	C	C	C	C	C
Emergency vehicle facilities, police, fire	P	P	P	P	C	C	C	C	P	C	C	P	C	C	P	C	C	C
Maintenance shops, warehouses (also see professional buildings)	P	C	C	C	C	C		C	P	C	C	P		C	C		C	C
Gravel pits & quarries under three acres	P	C	C	C	C	C			C		C							C[5]

LEGEND P – Permitted through site analysis (OCC 17.010.060) C - Conditional Use Permit (OCC 17.310) PD – Planned Development Not Permitted	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Gravel pits & quarries three acres or larger	C	C	C	C	C	C			C		C							C[5]
Helipad	P	P	P	P	C	C	C	C	C	C	C	P			P		C	C
Heliport	C	C	C	C	C	C		C	C		C	P					C	C
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Horticultural services	P	P	P	P	P	P				P	P				P		P	P
Hospital	P	C	C					P	C		C			C	C	P	C	C
Impound yard	C	C	C					C	P		C				P	C		
Industrial	C	C	C	C					C		C	C			C			
Industrial, light	P	C	C					C	P	C	C	P			P	C		
Industrial Hemp	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Kennels (commercial)	C	C	C	C	C	C			P	C	C	C			C		C	C
Laundromats	P	C	C					P		C	C			P	P	P		
Manufactured home parks	C	C	C	C			C			C	C		C		C	C		C
Manufactured home sales facilities	P	C	C	C				C										
Marina[12]	P	P	P	P		P	P	P	P	C	C		P	P		P	C	C
Meat packing plant	P	C	C			C			P		C				P			
Medical/dental clinic	P	P	P				C	P	C		C		C	P	P	P		
Mining	C	C	C	C	C	C			C		C							
Mini-storage	P	P	P	P	C			P	P	C	C	P			P			
Motorized vehicle track/facilities (commercial)	C	C	C	C							C				C			
Nurseries	P	P	P	P	C	P		P		P	P				P		P	P
Orchards	P	P	P	P	P	P	P			P	P				P		P	P
Parking facilities [13]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Petroleum service stations	P	C	C	C		C		C	C		C	P		C	C	C		
Petroleum bulk plant, except petroleum products	C	C	C					P	P		C	P			C			

LEGEND P – Permitted through site analysis (OCC 17.010.060) C - Conditional Use Permit (OCC 17.310) PD – Planned Development Not Permitted	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
stored for private use or agricultural use																		
Private clubs, fraternal lodges, country clubs	P	C	C	C			C	P		C	C			C	C	P	C	C
Professional buildings (offices)	P	C	C					P	P	C	C	P		P	P	P		
Public utility services:																		
Infrastructure, substations	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C
Maintenance shops, satellite office space, laydown yards	P	C	C	C	C	C		C	P	C	C	C		C	C		C	C
Propane/natural gas storage tanks (commercial)	C	C	C					C	C		C	C		C	C	C		
Recreation site (high-intensity)	P	P	P	C	C		C	P		C	C	C		C	C	C	C	C
Recreation site (low-intensity)	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P
Recycling collection center	C	C	C	C			C	C	P	C	C			C	P	C	C	C
Recycling processing center	C	C	C	C				C	P		C				C			
Restaurants, cafes, etc.	P	C	C	C			C	P	C	C	C	C	P	P	P	P		
Retail stores or gift shops	P	P	P	P			C	P	C	C	C	P	C	P	P	P		
Salvage (junk) yards	C	C	C					C	C		C	C						
Sanitary landfills	C	C	C	C					C		C							
Sawmills, portable (commercial)	P	C	C	C	C	C			P		C					C		C
Sawmills and pulp mills (commercial)	C	C	C						P						C			
Schools	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Septic Lagoon			C	C		C			C		C[7]						C	C
Shooting ranges	C	C	C	C	C	C			C		C							
Slaughterhouses	C	C	C	C		C		C	P		C							
Solid waste transfer station	C	C	C	C	C	C			C		C						C	C

LEGEND	Minimum Requirement (MR)	Rural 2 (R2)	Rural 5 (R5)	Rural 20 (R20)	Rural 160 (R160)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
P – Permitted through site analysis (OCC 17.010.060)																		
C - Conditional Use Permit (OCC 17.310)																		
PD – Planned Development																		
Not Permitted																		
Tourist accommodations:																		
Bed and breakfasts[14]	P	P	P	P	C	P	P	C	C	P	C		P	P	P	P	P	P
Campgrounds[15]	C	C	C	C	C	C	C			C	C	C	C	C	C	C	C	C
Guest Ranch	C	C	C	C	C	C	C	C		C	C		C	C	C	C	C	C
Hotels/Motels[15]	P	C	C	C			C	P				C			C			
Inns and lodges[15]	P	C	C	C			C	P		C	C		P		C	P		C
Nightly rentals[16]	P	P	P	P		P	P	P	P	P	PD	C	C	C	P	C	PD	PD
RV parks[15]	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C
Veterinarian clinics[17]	P	P	P	P	C	P		P		P	C			C	C		C	C
Wholesale establishments	P	C	C	C				P	P	C		P			C	C		
Winery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

1. For personal and non-commercial purposes in R2 and R5 zones;
2. For agricultural distributions and purposes only in Ag zone.
3. For personal use aircrafts only and when lot size is 5 acres or more
4. For personal use aircrafts only for emergency purposes including public facilities
5. For existing/permitted uses only
6. See OCC 17.020.855 for definition of temporary.
7. Permitted on conditional use only in MRD Valley Floor 5 and MRD Uplands 20
8. May be allowed for personal auto repairs and not to exceed five (5) automobiles at any given time; variance process applies
9. In accordance with Chapter 17.290 OCC
10. Allowed as accessory to agricultural use
11. Commercial electric vehicle charging facilities are allowed only in C, IN and NU zones.
12. According to Shoreline Master Program OCC 14.15.360 Table 11
13. Commercial parking facilities are allowed only in C, IN and NU zones. In Ag zone, parking facilities are allowed to support agriculture use only
14. Subject to regulations contained within Chapter 17.260 OCC "Bed and Breakfast."
15. Allowed only on lots which meet or exceed the minimum lot size requirement of the zoning district, and when complies with Okanogan County Health District standards for on-site treatment
16. Subject to regulations contained within Chapter 17.270 OCC "Nightly Rentals"
17. Where veterinarian clinics are allowed, boarding kennels and stables may be included as accessory uses to a clinic.

17.220.020 Density and height chart

The following chart indicates maximum residential density and height allowed in the zoning districts. Any uses shall be in accordance with 17.220.010. Whenever there is a

conflict between OCC 17.220.010 and OCC 17.220.020 for uses to be allowed, allowed use under OCC 17.220.010 shall supersede.

Table 17.220.020: Density and height chart

Zoning Districts	Density (dwelling unit/acre)	Height (feet)
Minimum Requirement (MR)[1, 2]	1/2	35
Rural 2 (R2)[1, 2]		
Rural 5 (R5)[1, 2]	1/5	35
Rural 20 (R20)[1, 2]	1/20	35
Appurtenances and decorative nonstructural architectural components on roofs of single- and multiple-family dwelling units and on roofs of accessory buildings except accessory agricultural buildings		50
Agricultural uses (except as identified below)		65
Other uses[3, 4] as allowed in 17.22.010 and 17.030.080 (D), 17.040.080 (D), 17.050.080 (D), 17.060.080 (D) respectively		65[4]
Agricultural commodity storage; grain elevators; private communication towers; single-family residential windmills; water tanks		100
Electric transmission and distribution towers and poles		150
Communications facilities (commercial and public agency radio and TV, microwave or other antennas for transmitting and receiving)		200
Rural 160 (R160)[1, 2]	1/160	35
Appurtenances and decorative nonstructural architectural components on roofs of single- and multiple-family dwelling units and on roofs of accessory buildings, except accessory agricultural buildings.		50
Agricultural uses (except as identified below)		65
Other uses[3, 4] as allowed in 17.22.010 and 17.065.080 (D)		65[4]
Agricultural commodity storage; grain elevators; private communication towers; single-family residential windmills; water tanks		100
Electric transmission and distribution towers and poles		150
Communications facilities (commercial and public agency radio and TV, microwave or other antennas for transmitting and receiving)		200
Agricultural (AG)	1/20	35
Appurtenances and decorative nonstructural architectural components on roofs of single-family dwelling units and on roofs of accessory agricultural buildings		50
Agricultural uses (except as identified below)		65
Agricultural wind machines; barns and silos; church steeples, spires, belfries, cupolas, and domes; crosses and other religious and civic monuments; fire towers; fruit and vegetable packing facilities; gas holders or other similar structures; hose towers; petroleum storage tanks; school auditoriums and theaters		65[4]
Amateur radio poles or antennas; grain elevators; single-family residential windmills; water tanks		100
Electric transmission and distribution towers and poles		150
Communications facilities (commercial and public agency radio and TV, microwave or other antennas for transmitting and receiving)		200

Suburban Residential (SR) [1, 2]	5/1	35
Commercial (C)	NA	65
Agricultural commodity storage; amateur radio poles or antennas; water tanks		100
Electric transmission and distribution towers and poles		150
Communications facilities (commercial and public agency radio and TV, microwave or other antennas for transmitting and receiving)		200
Industrial (IN)	NA	65[5]
Agricultural Residential (AR) [1, 2]	1/2	35
Appurtenances and decorative nonstructural architectural components on roofs of single- and multiple-family dwelling units and on roofs of accessory buildings, except agricultural buildings; parapet walls		50
Agricultural uses (except as identified below)		65
Agricultural wind machines; barns; church steeples, spires, belfries, cupolas, and domes; crosses and other religious and civic monuments; elevator penthouses; fire towers; fruit and vegetable packing facilities; hose towers; school auditoriums and theaters		65[4]
Agricultural commodity storage; amateur radio poles or antennas; grain elevators; private communication poles or antennas; single-family residential windmills; water tanks		100
Electric transmission and distribution towers and poles		150
Communications facilities (commercial and public agency radio and TV, microwave or other antennas for transmitting and receiving)		200
Methow Review District (MRD)	Multiple densities, See OCC 17.130.060	35
MRD UL20	1/20	
MRD VF5	1/5	
MRD VF1	1/1	
MRD VF12,500	1/12,500 sq-ft	
Appurtenances and decorative nonstructural architectural components on roofs of single-family dwelling units, multifamily dwelling units, inns, lodges and on roofs of accessory agricultural buildings		50
Agricultural wind machines; barns, hay storage sheds; church steeples, spires, belfries, cupolas, and domes; county administrative and criminal justice buildings; drive-in movie theater screens; elevator penthouses; fire towers; fruit and vegetable packing facilities; gas holders or other similar structures; hose towers; parapet walls; performing arts centers (theaters, community centers, sports facilities and complexes); petroleum storage tanks; school auditoriums and theaters		65
Amateur radio poles or antennas; grain elevators; agricultural commodity storage; private communication poles or antennas; single-family residential windmills; water tanks		100
Electric transmission and distribution towers and poles		150
Communication facilities (commercial or public agency radio and TV, microwave or other antennas for transmitting and receiving)		200
Airport Development (AD)	NA	65[6]

Air traffic control towers; communication facilities (amateur radio poles or antennas, commercial or public agency radio and TV, microwave or other antennas for transmitting and receiving); fire towers; hose towers. However, no obstruction (structural or natural) shall extend into the transitional, approach, horizontal or conical surfaces of the runway, unless the structure is absolutely essential to the operation of the airport (see safety standards in OCC 17.300)		100
Urban Residential (UR)		50
Single-family	1/5,000 sq-ft	
Multi-family	1/3,600 sq-ft	
Church steeples, spires, belfries, cupolas, and domes; elevator penthouses; fire towers; hose towers; parapet walls; school auditoriums and theaters		65
Neighborhood Use (NU)	NA	50
Church steeples, spires, belfries, cupolas, and domes; elevator penthouses; fire towers; hose towers; parapet walls; school auditoriums and theaters		65
Performing arts centers (theaters, community centers, sports facilities and complexes)		100
Neighborhood Commercial (NC)	Determined by adequate water and septic service administered by Okanogan County Public Health	50
Church steeples, spires, belfries, cupolas, and domes; elevator penthouses; fire towers; hose towers; parapet walls; school auditoriums; theaters; and their accessory buildings		65
Agricultural commodity storage and performing arts centers (theaters, community centers, sports facilities and complexes)		100
Special Review Commercial (SRC)	NA	35
Commercial parking garages; hotels/motels; inns and lodges		50
Rural Residential (RR)	1/5	35[7]
Appurtenances and decorative nonstructural architectural components on roofs of single-family dwelling units, inns, lodges and on roofs of accessory agricultural buildings; crosses and other religious or civic monuments		50
Barns, and hay storage sheds; church steeples, spires, belfries, cupolas and domes; county administrative and criminal justice buildings; fire towers; fruit and vegetable packing facilities; gas holders or other similar structures; hose towers; parapet walls; performing arts centers (theaters, community centers, sports facilities and complexes); school auditoriums and theaters		65
Agricultural commodity storage; amateur radio poles or antennas; private communication poles or antennas; single-family residential windmills, water tanks		100
Electric transmission and distribution towers and poles		150
Communication facilities (commercial or public agency radio and TV, microwave or other antennas for transmitting and receiving)		200
Low Density Residential (LDR)[8]	1/20	35
Appurtenances and decorative nonstructural architectural components on roofs of single-family dwelling units, multifamily dwelling units, inns, lodges and on roofs of		50

	accessory agricultural buildings; crosses and other religious or civic monuments		
	Barns, hay storage sheds; church steeples, spires, belfries, cupolas, and domes; county administrative and criminal justice buildings; fire towers; fruit and vegetable packing facilities; hose towers; parapet walls; school auditoriums and theaters		65
	Agricultural commodity storage, amateur radio poles or antennas; agricultural wind machines; grain elevators; private communication poles or antennas; single-family residential windmills; water tanks		100
	Electric transmission and distribution towers and poles		150
	Communication facilities (commercial or public agency radio and TV, microwave or other antennas for transmitting and receiving)		200

1. One single-family dwelling unit and one accessory dwelling may be permitted on a lot so long as adequate provisions for water and septic are permitted by Okanogan County Public Health.
2. The density of RV parks, campgrounds, etc. shall be determined by Okanogan County health district standards for on-site treatment.
3. Agricultural wind machines; aircraft hangars; asphalt or concrete batch plants; barns; 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 for R2 and R5 zones, and 20 acres or larger for R20 and R160 zones; if the structures exceed 35 feet in height. See lot area and width in each relevant zoning district per OCC 17)
4. Unless otherwise limited by condition of a conditional use permit, PUD, , as identified in the district use chart
5. Unless the manufacturing process requires a taller structure
6. No obstruction (structural or natural) shall extend into the transitional, approach, horizontal or conical surfaces of the runway (see safety standards in OCC 17.300)
7. When the height of structures for permitted uses exceeds 35 feet, minimum lot area shall be five acres. These structures cannot be placed on lots that are less than the minimum size
8. Accessory dwelling units may be permitted subject to provisions of OCC 17.150.040(B)

Chapter 17.230
TEMPORARY USE PERMITS

Sections:

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17.230.020 Required
17.230.030 Application requirements
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17.230.010 Purpose and intent

The purpose of this chapter is to ensure that certain uses, of a limited scope, duration and frequency, are allowed to operate on a short-term basis. These temporary uses shall be conducted so they do not have long-term impacts upon permitted uses, the character of the area in which they are proposed to be located, and people living and working in the area. The intent of this chapter is to defined these uses and identify standards and criteria for governing their scope, duration and frequency.

17.230.020 Required

A temporary use permit issued under provisions of this chapter is required to conduct a use limited in scope, duration and frequency as defined herein. Temporary use permits (TUP) shall be required for:

A. Those uses specifically identified and described within the temporary uses section of this title; and
B. Uses not listed herein, but are determined by the administrator to be limited in scope, duration and frequency and similar to those otherwise permitted in a zone, and which are typical and reasonable in the zone.

17.230.030 Application requirements

A. Temporary Outdoor Events
    1. Temporary Outdoor Event: A temporary outdoor event is generally defined as any musical, cultural, or social outdoors event which occurs less than four (4) weeks, cumulatively, out of any 12-month period and which attracts 100 or more people in any one (1) day. For the purposes of this section, each week during which the temporary festival operates for two or more days shall be considered a full week.
    2. The following temporary outdoor events are permitted and are exempt from an approval process provided that the requirements below are met:
        a) Garage or yard sales conducted on the premises of a residential dwelling subject to the following:
            a. Event does not last no longer than 3 days in duration

b. Limited to 3 events per year at any location.
c. Must be completely removed at the end of each event.

b) Rummage sales, outdoor sales and other fund-raising activities sponsored by schools, places of worship or other nonprofit organizations. Such uses shall not occur on a site for more than thirty (30) days in any one (1) calendar year;
c) Outdoor arts and crafts shows and exhibits on public park and/or school property;
d) Neighborhood association meetings or picnics on property owned by the association or its members;
e) One sales office for the purpose of selling lots or homes within a subdivision constructed on the site of a subdivision prior to final plat approval which may operate until all of the lots have been developed and sold;
f) Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, not more than four (4) times during any one (1) calendar year;
g) Estate sales held on the property of the deceased;
h) Christmas tree sales limited to no more than thirty (30) days of site occupation and operation in only one (1) year period. Merchandise displays may only occupy parking stalls which are in excess of parking requirements;
i) Temporary stands for the sale of fireworks may require state, local, or federal permits, and shall be subject to rules and regulations administered by the Fire District and/or Fire Marshal;
j) Running, walking and biking events associated with charitable or community events;
    a. Hay rides, corn mazes, square dances, pony rides, barrel riding, and harvest social gatherings; and
    b. Vending or similar uses subject to the following:
    c. Written authorization by the property owner
    d. No longer than 3 days in duration
    e. No more than 3 events per year.
    f. Must be completely removed at the end of each event.
    g. Subject to other regulations and permit requirements of OCC.
k) Similar uses as determined by the Planning Director pursuant to OCC.

3. The following temporary outdoor events are subject to a temporary use permit and review:
    a) Outdoor art craft shows and exhibits not exceeding three (3) days and not located on public park and/or school property;
    b) Circuses, carnivals, street fairs and similar transient amusement enterprises, limited to not more than thirty (30) days of site occupation and operation in any one (1) calendar year;
    c) Rummage and other outdoor sales sponsored by schools, places of worship or other nonprofit organizations occurring more than thirty (30) days in any one (1) calendar year;

d) Charitable or community events, not exceeding seven (7) days in duration and not more than four (4) times in any one (1) calendar year;
e) Overflow off-site parking, not exceeding seven (7) days in duration and not more than four (4) times in any one (1) calendar year;
f) Auctions, not exceeding three (3) days and not located on public park and/or school property; and
g) Outdoor art craft shows and exhibits exceeding three (3) days and not located on public park and/or school property;
h) Circuses, carnivals, street fairs and similar transient amusement enterprises, more than thirty (30) days of site occupation and operation in any one (1) calendar year;
i) Charitable or community events exceeding seven (7) days in duration or occurring more than four (4) times per year for any single property;
j) Overflow off-site parking, exceeding seven (7) days in duration or more than four (4) times in any one (1) calendar year;
k) Auctions, exceeding three (3) days or held more than four (4) times in any one (1) calendar year on the site of any legally established nonresidential use; and
l) Similar uses as determined by the Administrative Official pursuant to OCC.

4. Temporary outdoor events are subject to the following regulations:
   a) No temporary outdoor events shall be permitted on public rights-of-way, unless right-of-way permit is authorized by Okanogan County Public Works or the Department of Transportation.
   b) Approval of temporary outdoor events is subject to written permission of the property owner on which the use is to be located;
   c) The Planning Director may apply additional conditions to any permit for a temporary outdoor event in order to:
      a. Ensure compliance with the intent of the Zoning Code;
      b. Ensure that such outdoor event is not detrimental to neighboring properties and the community as a whole; and
      c. Ensure compliance with the Uniform Building Code and Uniform Fire Code;
   d) Within three (3) days after termination of the conditional use permit for any temporary outdoor events, such event shall be abated and all structures, signs and evidence of such use removed. The Planning Director may require a cash bond be posted by the applicant upon application to defray the cost of cleanup and repair of the property should the applicant fail to do so; and

B. Violations: In addition to any other remedy provided by this chapter, at any time when such temporary outdoor event is operated in violation of required conditions of this section or a conditional or temporary use permit, or otherwise found to constitute a nuisance, the County may revoke the conditional or temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the Planning Director, the violation poses a life, health, or safety threat, the use

permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal.Temporary Festivals

1. Temporary Festival: A temporary festival is generally defined as any musical, cultural, or social event conducted at an indoor or outdoor site or facility that is of a duration of more than four (4) weeks cumulatively out of any 12-month period, and attracts one hundred (100) or more people however in the case of a music festival or an event where there is alcohol service the number of people will be fifty (50), in any one (1) day. For the purposes of this section, each week during which the temporary festival operates for two or more days shall be considered a full week.
2. Violations: In addition to any other remedy provided by this chapter, at any time when such temporary festival is operated in violation of required conditions of this section or a temporary use permit, or otherwise found to constitute a nuisance, the County may revoke the temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the Planning Director, the violation poses a life, health, or safety threat, the use permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal. Decisions of the planning director may be appealed in accordance with the "administrative appeals" chapter of Okanogan County Code (Chapter 2.67 OCC).
3. Festival Campgrounds associated with Temporary Festivals may also be provided. Temporary Festival Campgrounds may also be provided, provided that they are secondary to the primary use, and shall be subject to a temporary use permit. A conditional use permit for a temporary Festival Campground associated with a Temporary Festival may be issued to the operator of the Temporary Festival not more than once per year for a single event and for a duration not to exceed seven (7) consecutive days. Festival Campgrounds shall be subject to the performance standards specified in OCC.

C. Application Requirements: Applications shall be filed with Okanogan County's office of planning and development. Supplemental materials may be needed depending on the scope of the specific Outdoor Event or Festival temporary use. A complete application includes the following:
   1. Application Fee. As identified by Okanogan County's fee schedule.
   2. Application Form. The application form shall identify the type of event, tax parcel number, physical address, and signature of the applicant.
   3. Consent and Authorization. The landowner shall consent to terms and conditions of the festival permit by signing the land use permit application form or signing a consent form identifying an authorized agent of the landowner. The landowner is ultimately responsible for compliance with the terms and conditions of the temporary use permit.
   4. Project Description. The project description should include the following information:
      a) A description explaining the type of event, purpose, activities (music, seminars, classes, etc.), duration (dates of operation), maximum number

of attendees, hours of daily operation, security, type of food service, type of alcoholic beverages, facilities, restrooms, solid waste and wastewater disposal, outdoor burning; and

b) Description of compliance with regulations in 17.230.030 E; and

c) Description of expected impacts to the surrounding area, if any, which may be caused as a result of the event. Describe voluntary mitigation measures, if any, to offset such expected impacts (i.e., traffic control, security, dust control, etc.).

5. Site Plan. The site plan should be drawn to scale and include the following information:
   a) Areas of activities, special events, vendors, facilities, eating areas, camping areas, etc.; and
   b) Parking areas and access roads (internal and external) for ingress and egress connecting to a public road; and
   c) Improvements such as structures, shelters, stages, restrooms, wells; and
   d) Natural features (lakes, rivers, streams, wetlands, etc.). (Ord. 2014-15 Att. C, 2014).
6. In case of uncontrollable delays (wildfire, emergency) in a Temporary outdoor event or festival; organizers are required to amend the temporary use permit with the corrected dates at the Okanogan County Planning Department. Permits not exercised within one hundred eighty (180) days of issuance shall be null and void.

D. Review Process: Applications shall be filed a minimum of 60 days prior to the first day of operation but may be submitted in advance, up to one year prior to operation of said event. Additional time may be needed for complex event or festival applications (subsection 4 of this section). Okanogan County is not bound to expedite applications which are not submitted in a timely manner. Approval is not guaranteed. The application review process shall be conducted in the following manner:
   1. Verification. An application shall be accompanied by verification of compliance with the conditions identified by this chapter prior to the granting of any temporary outdoor event or festival permit.
   2. Circulation. An application shall be circulated to various agencies for their review and input in order to determine whether the standard conditions identified by this chapter are appropriate for the specific application or whether additional conditions should be considered.
   3. Review. Within five working days, the office of planning shall inform the applicant whether the application is complete or whether additional information must be submitted. The office of planning and development shall review the application for compliance with the terms and conditions of this chapter. The planning director, or designee, may require additional conditions in order to offset impacts not contemplated by this chapter.
   4. Approval and Denial. Within 21 calendar days from the date of verification of a complete application (subsection 3 of this section), the office of planning and development shall either approve or deny the application. The permit may be denied by the planning director if impacts of the specific event or

festival are unable to be offset by imposition of appropriate conditions. Denial does not entitle the applicant to a refund.

E. Temporary Outdoor Events and Festivals are subject to but not limited to the following regulations. The following conditions are typical for large festivals or events and may be required for any festival or event. Additional conditions may be required in order to mitigate impacts identified during the application review process. The permit shall identify each condition which is required for operation of the festival or event.
   1. Security. If alcoholic beverages are available to guests then security shall be required at the point of service. Security person(s) shall be an agent(s) of the event organizer, clearly identified through uniform, badge, armband, or similar insignia, who has the immediate capability of summoning law enforcement or medical assistance in the event of an emergency. Security stationed at any location where alcohol is served will be familiar with the regulations controlling the sale and service of alcohol.
   2. Emergency First Aid. Adequate provisions shall be made for administering emergency first aid. Adequate provisions include but are not limited to:
      a) A reliable means of communication shall be available at all times for purposes of calling an ambulance or other emergency services.
      b) An emergency first aid station shall be available on site to all attendees and employees at all times and shall include a first aid kit containing a minimum of sterile bandages for control of bleeding. At least one agent of the event organizer shall have a current CPR and first aid card. Such agent may also serve as a security person (subsection A of this section).
      c) Comply with "Rules and Regulations of the Okanogan County Health District for Outdoor Events, Section First Aid."
   3. Noxious Weed Control. The spread of noxious weeds shall be controlled. Prior to the event, noxious weeds shall be eradicated along on-site and off-site access roads and within all parking areas. The applicant shall have established a weed control plan, approved by the noxious weed department prior to submission. This requirement may be satisfied by requesting an on-site inspection or consultation with the Okanogan County noxious weed department prior to issuance of the permit.
   4. Dust Control. Throughout the duration of the event, dust from roadways or other disturbed areas must be controlled to prevent dust from drifting onto adjoining properties where residential structures are located, or if the site is located in proximity to livestock, tree fruit, or row crops. Dust from roadways must be adequately controlled if it interferes with the visibility of motorist and pedestrian traffic.
   5. Access and Parking Areas. The event shall designate parking areas of sufficient size to accommodate the size of the event, which should include approximately one vehicle space per every three guests.
      a) A minimum of two percent, and no less than one, of the parking spaces shall be designated for handicap parking and shall be located nearest to the event concessions areas.
      b) All primary access roads shall be kept clear from vehicle parking.

c) All parking spaces and access lanes shall be located so that any vehicle is able to enter or exit the event at any time.
d) Signs shall be clearly posted in order to direct traffic to and from designated parking areas.
e) Primary access roads shall be open for emergency service vehicles (police, ambulance, fire, etc.) at all times.

6. Fire Safety. If campfires or bonfires are allowed on site, the event organizer will inform any attendees who light a fire that they must have immediately available fire suppression equipment of no less than a five-gallon bucket full of water and a shovel.
7. Sanitary Conditions. Adequate and sanitary services must be available to guests for water, food, solid waste disposal, and sewage disposal in compliance with "Rules and Regulations of the Okanogan County Health District for Outdoor Events, Sections Water, Food, Solid Waste Disposal, and Sewage Disposal." Also, the following provisions must be met:
   a) All persons serving food to the public shall have a valid food handlers permit issued by Okanogan County public health.
   b) Drinking water must be available to the public at all times and must be provided from a legal source.
   c) Sanitary restrooms must be available to the public at all times.
   d) Wastewater must be disposed of in a legal and approved manner.
   e) Solid waste must be disposed of in a legal manner. Collection areas and garbage cans must be clearly marked and placed in various locations throughout the event area.
8. Maximum Admissions. No more persons shall be admitted to the festival at any given time than stated in the permit issued.
9. Those "outdoor music festivals" as defined by RCW 70.108.020 shall comply with the provisions of Chapter 70.108 RCW as administered by Okanogan County public health. (Ord. 2014-15 Att. C, 2014).

17.230.040 Temporary uses

The following uses shall be considered allowed temporary uses subject to all conditions found herein, as well as all other applicable state and county requirements. This is not a comprehensive list but may also include any other use that is deemed consistent with the purpose and intent of this chapter as determined by the administrator.

Use	Description	Conditions
Agricultural products stand	Stand not accessory to the existing use on the parcel on which it is located; may be owned and operated by person or persons not owning the property on which it is located	•Limited to a maximum of four consecutive weeks per year •Display and storage area no larger than 200 square feet •Signage limited to 30 square feet
Asphalt batching operation	Preparation of asphalt as part of construction or maintenance	•Limited to time necessary for construction or maintenance of project; maximum of 21 consecutive days from the commencement of operation •Requires a Department of Ecology air quality permit and water quality permit

Christmas tree lots	An area of a lot generally cordoned off with a variety of Christmas trees in an orderly arrangement for the purpose of viewing and purchasing by private parties	•Limited to Thanksgiving through Christmas
Concrete batching operation	Preparation of concrete as part of construction or maintenance	•Limited to time necessary for construction or maintenance of project; maximum of 21 consecutive days from the commencement of operation •Requires a Department of Ecology air quality permit and water quality permit
Construction offices	Mobile homes, modular homes, or portable units for office or project caretaker's quarters Example: an on-site trailer used as an office by the foreman of the construction job (Walmart)	•Limited to the duration of the immediate construction project
Contractor equipment and supplies storage	A fenced area or portable storage facility located on a site on which construction is occurring, for the sole purpose of storing tools, supplies and equipment necessary for construction Storage of tools, supplies, and equipment for construction occurring on a different site is prohibited	•The equipment, supplies and tools shall only be for the construction occurring on that site •The equipment, supplies and tools shall either be screened in from public view or totally contained in an enclosed storage facility on the site
Disaster and emergency operations •medical facilities •heliports and helipads •communications facilities •base and "spike" camps	A flood, fire, earthquake, disease outbreak, or other similar catastrophic event, which reaches a level of severity that requires the intervention and/or mobilization of state or federal agencies enlisted in response	•Permit shall expire after demobilization that occurs when the disaster or emergency has ceased
Farmworker housing	Structures placed for the use by an employer for employees hired and working as seasonal or migrant workers on a farm or orchard	•Temporary farmworker housing is limited to late spring through fall occupancy, as minimal or no heating or insulation is used on the construction of the temporary housing units
Emergency Shelters	A facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.	Permit shall expire after the emergency has ceased.
Fireworks stands	Generally, a booth with a countertop, not more than 80 square feet, capable of being closed up to secure the contents when not vending	•Limited to June 14th through July 5th
Mobile car crushing facility	A commercial, portable crushing facility capable of being moved from location to location, to crush inoperative vehicles, whose remains are then transported to a commercial car recycling facility	•Limited to 21 days on any one site •Requires Washington State Patrol review and approval •Requires containment of all glass and hazardous materials
Mobile medical testing facilities	A medical/dental lab, set up in a mobile home-type structure that is moved from site to site, offering specific testing using specialized equipment not generally available in the area, and generally at the request of a local medical or dental facility	•Limited to 10 days •Must be adjunct to an existing authorized medical or dental facility located within the county
Sawmill, portable (noncommercial)	See definition of "sawmill, portable" in OCC 17.020.780	•Lumber produced must be used on-site •May be operated for only the amount of time necessary to accomplish the immediate project
Single-family dwellings associated with the construction of a primary residence	An existing residence that will be moved or demolished upon completion of the new residence; sometimes travel trailers or mobile homes are brought to the site to be used as a temporary residence	•Limited to the life of the building permit or upon final approval for occupancy of the new residence
Special event camping	Camping limited to a week before, during, and after a special event, such as the Omak Stampede	•Not applicable to this chapter. Permitted as a festival in accordance with OCC 5.25 "Assemblies and Festivals".

17.230.050 Potential conditions of approval

The types of conditions which the administrator may impose on a temporary use permit shall include, but are not limited to:

A. Specifying the duration of time within which the action shall begin and be completed.
B. Specifying the exact locations of activities or structures as a means of minimizing hazards to life, limb, property damage, environmental impacts (erosion, landslide, etc.), traffic impacts, and protection of neighboring property owners' private property rights.
C. Mitigating nuisance-generating features such as noise, colors, air pollution, wastes, vibration, traffic, physical hazards, off-site light glare, etc.
D. Specifying the hours of operation.
E. Specifying the appropriate signage.
F. That all other applicable state and local agency regulations and requirements (i.e., the health department, building department, WSDOE, etc.) are complied with.

17.230.060 Standards and criteria

The administrator shall consider the following standards and criteria in evaluating temporary use permits:

A. That proposed projects are evaluated as to ensure that they are temporary in nature and do not have long-term impacts to adjacent properties;
B. That proposed projects are evaluated as to ensure the public's general health, safety, and welfare;
C. That the proposal is limited in scope, duration and frequency;
D. That the proposed temporary use is compatible with surrounding, pre-existing uses.

17.230.070 Extension

Continuance of a temporary use beyond the specified time permitted shall require application for a conditional use permit. One extension may be applied for and granted if the administrator deems that reasonable circumstances beyond the control of the applicant are just cause. If granted, the extension may not be greater than 50 percent of the original approval time.

17.230.080 Approval

In addition to the administrative review process of OCC Title 20 "Development Permit Procedures and Administration", the administrator shall complete written findings, pursuant to the intent of this chapter, documenting the considerations given in denying or approving with conditions of approval.

17.230.090 Revocation

In the event complaints are received and deemed valid by the administrator that an operating temporary use is not in conformance with the provisions of this section, the permit may be revoked, or the administrator may place additional conditions thereon in accordance with OCC 17.230.100.

17.230.100 Additional conditions of approval

If deemed necessary by the administrator, additional conditions of approval may be added to an existing permitted temporary use to keep the temporary use in compliance with the purpose and intent of this chapter.

Chapter 17.240
OFF-STREET PARKING AND LOADING

Sections:

17.240.010 Artificial lighting
17.240.020 Off-street parking – Nonresidential structures
17.240.030 Off-street parking – Residential structures
17.240.040 Off-street parking – Hotels, motels, inns and lodges
17.240.050 Off-street parking – Dormitory-type housing
17.240.060 Off-street parking – Space size
17.240.070 Parking areas – Snow storage and removal
17.240.080 Deviations

17.240.010 Artificial lighting

Light and Glare: Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site properties. No exterior light with a direct source visible from a neighboring property shall be installed.

A. Christmas lighting is exempt from these requirements.
B. Emergency camps, such as emergency fire camps, are exempt from this Section.

17.240.020 Off-street parking – Nonresidential structures

The minimum number of off-street parking spaces for nonresidential floor area shall be as follows:

A. For commercial: one parking space per 250 square feet;
B. For industrial (light manufacturing, manufacturing or warehouse): one space per 300 square feet;
C. For office: one parking space per 200 square feet.
D. Where it can be demonstrated that fewer parking spaces are needed for the proposed use, these requirements may be reduced by the approval authority. The applicant shall bear the responsibility of providing information necessary to make such a determination.

17.240.030 Off-street parking – Residential structures

For all residential structures, two parking spaces are required per dwelling unit.

17.240.040 Off-street parking – Hotels, motels, inns and lodges

For hotels, motels, inns and lodges, one parking space is required per rental unit or bedroom, plus commercial and/or office standards identified by OCC 17.240.020 in order to account for employee parking and other business related activity.

17.240.050 Off-street parking – Dormitory-type housing

For dormitory-type housing, one parking space is required for every four sleeping spaces provided.

17.240.060 Off-street parking – Space size

Up to 25 percent of all required parking spaces may be sized and signed for compact vehicles.

17.240.070 Parking areas – Snow storage and removal

Parking areas shall be designed to facilitate necessary snow storage and removal operations.

17.240.080 Deviations

The Administrator may approve deviations to the strict adherence to this chapter on a case-by-case basis. Deviations shall only be granted as a reduction to the amount of required parking and only in situations where the applicant, developer, or landowner has adequately demonstrated that strict adherence to this chapter will cause unnecessary hardship. Also, approval shall be granted only if an adequate amount of parking is provided and is found to be sufficient for the project and any associated activity.

Chapter 17.250
SETBACK REGULATIONS

Sections:

17.250.010 Purpose and intent
17.250.020 Architectural features
17.250.030 Corner lots
17.250.040 Half-streets
17.250.050 Side designations

17.250.010 Purpose and intent

The purpose of this chapter is to provide clarifications on setbacks for uses that are not defined in each zoning districts or other sections of this code.

17.250.020 Architectural features

Roof Eaves, Chimneys, Balcony Rails and Other Features. Roof eaves, chimneys, balcony rails and other architectural features, etc., may extend into the required setback areas up to a maximum of two feet.

17.250.030 Corner lots

Corner Lots. Both road frontages on a corner lot are subject to the required front property line setback of the zone.

17.250.040 Half-streets

Half-Streets. In an area adjacent to a half street and where there is reason to believe or there is a plan for necessary additional right-of-way, and such right-of-way should be dedicated, acquired or otherwise come from the subject property, structures shall be set back from the half-street a distance sufficient to provide for the additional half-street in addition to the normal setback requirement.

17.250.050 Side designations

Front, rear, and side property line setbacks sometimes require differing setback distances. For this reason, each is defined as:

A. Front property line: That line which is marked by the road frontage, point of access, and by frontage to a body of water. A lot may have more than one front property line.
B. Rear property line: That lot line which is opposite from the front property line. Some lots may not have a rear property line, which is usually the case for corner lots.
C. Side property line: Those property lines extending between the front and rear property lines.

Chapter 17.255
SPECIAL USES

Sections:

17.255.010 Purpose
17.255.020 Use standards
17.255.030 Cryptocurrency operations
17.255.040 Electric vehicle charging stations
17.255.050 Energy facilities
17.255.060 Solar energy facilities
17.255.070 High and low impact utilities
17.255.080 Unclassified use permit

17.255.010 Purpose

The purpose of this chapter is to provide zoning and land use regulations pursuant to state law, and the County's authority to regulate land use activities within the unincorporated areas for various uses as identified here. All such uses, due to their nature, are deemed to require specific regulations to meet health, safety, and general welfare. This chapter also provides review criteria for uses that are not classified in the Okanogan County Code.

17.255.020 Use standards

A. All uses shall comply with OCC 17.010.140 Water Availability
B. Uses shall be allowed according to the district use chart, OCC 17.220

17.255.030 Cryptocurrency mining operations

All cryptocurrency mining operations, server farms, and/or data centers where allowed by the district use chart shall meet the following standards unless otherwise regulated within this code:

A. Application for a business license shall be processed as an administrative approval without public notice.
B. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is only allowed in the industrial zones as long as the unit is new, pre-engineered and certified by the Department of Labor and Industries.
C. Prior to approving the business license, the applicant shall provide written verification from the local electrical utility provider stating the following:
    1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the local utility provider;
    2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use; and
    3. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

D. Prior to any cryptocurrency mining, server farms, and/or data centers, a copy of the Washington State Department of Labor and Industries electrical permit and written verification that the electrical work has passed a final inspection shall be provided to the County and the local utility provider.
E. All cryptocurrency mining operations, server farms, and/or data centers, including all ancillary equipment/operations for purposes such as cooling, shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding properties and not cause the dissemination of dust, smoke, glare, heat, vibration or noise in excess of the maximum environmental noise level established by County Code or Chapter 173-60 WAC beyond the property line or affecting adjacent buildings. Violation of these established noise levels will result in revocation of a county business license pursuant to County Code or any other applicable penalties.
F. No facade shall have more than twenty percent (20%) of the area exposed with apparatus (e.g., vents, fans, HVAC systems, etc.).
G. Any use or activity producing air, noise, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
H. Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted.
I. Noise emanating from a use or activity which exceeds the maximum permissible noise levels set forth in WAC 173-60-040 shall not be permitted. Exemptions to the maximum permissible noise levels cited in this chapter shall be as enumerated in WAC 173-60-050, Maximum Environmental Noise Levels Exemptions.

17.255.040 Electric vehicle charging stations

This section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages allowed by the district use chart.

A. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted as an accessory use to any principal use. However, only a private battery charging station is permitted in a residential zone.
B. Number. No minimum number of charging spaces is required.
C. Minimum Parking Requirements. When provided, spaces shall be standard stall size. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.
D. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
E. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.

F. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility requirements of WAC 51-50-005.
G. Lighting. Where charging equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.
H. 040Notification. Information on the charging station, identifying voltage and amperage levels, and any time of use, fees, or safety information.
I. Prior to approving the business license or approving a development that includes a residential electric vehicle charger, the applicant shall provide written verification from the local electrical utility provider stating the following:
    1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the local utility provider;
    2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use; and
    3. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

17.255.050 Energy facilities

Commercial energy facilities e.g. wind, solar, geothermal energy facilities are reviewed and approved through Washington State Energy Facility Site Evaluation Council. Such facilities shall also be in compliance with all other applicable county requirements, such as the critical areas ordinance, environmental review regulations, and building code requirements.

The following standards shall apply for wind energy facilities:

A. Setbacks. All setback distances established in this section shall be measured from the closest point of the tower to the closest point of an existing and permitted residence (home).
    1. Minimum, Nonwaivable Residential Setbacks. Wind energy turbine towers shall be sited a minimum of 1.1 times the height of the wind turbine generator away from existing residential structures, measured from the ground to the maximum extent of the turbine blade, regardless of whether the residential structure owner consents to the location.
    2. Residential Visual and Aesthetic Setbacks. Visual and aesthetic setbacks are imposed to address wholly local concerns regarding the visual and aesthetic impacts of wind turbine generators. For all nonconsenting, nonparticipating landowners, commercial wind energy turbine towers shall be set back a minimum distance of four times the maximum height of the turbine, measured to the blade tip at its maximum elevation, from the nonparticipating landowner's residence. In view of the low density, rural/agricultural nature of the zoning districts deemed to be suitable for commercial wind energy facilities, the minimum residential structure visual and aesthetic standard shall

be considered sufficient to address any visual and aesthetic impacts.

3. State Noise Standard Compliance. During operations, the project shall comply with applicable state noise standards.
4. Setbacks from Nonparticipating Property Lines. There shall be a minimum distance of 1.1 times the height of the wind turbine generator away from the property line of any nonparticipating landowner, measured from the ground to the maximum extent of the turbine blade.

5. Public roads to be utilized by the applicant shall be identified in the permit application. A qualified third party engineer shall document road conditions prior to construction and again within thirty days after construction is complete or as weather permits. The applicant shall enter into a county road use agreement for the repair of damage to public roads resulting from project activities after construction.

B. Height limits shall be subject to standards imposed by the FAA, transmission towers, and wind data collecting devices such as anemometers.
C. Site Access and Traffic Management. Prior to commencement of construction, the applicant shall provide the department with a construction-phase traffic management plan
   1. Ingress and egress points shall be located and improved (if needed) in order to assure adequate capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic.
   2. All applicable governmental permits or approvals shall have been obtained, including access or driveway permits to state or county roads (if needed), construction within state or county highways, and overweight or oversize loads.
   3. All-weather access roads (including graveled roads), suitable to handle emergency equipment, shall be provided to within one hundred fifty feet of any built structure or surface activity area.

D. Noise. The facility shall maintain sound levels at project boundaries that are under the maximum levels for the adjacent receiving properties based on the receiving properties' designation for noise abatement in accordance with state regulations. The facility shall at all times comply with applicable noise control regulations adopted by the Washington Department of Ecology and WAC 173-60-040.

E. Air Quality. All applicable air emission permits shall be obtained and all conditions complied with. The applicant shall revegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with county road standards for dust control and erosion. The applicant shall maintain a water truck on site during construction for dust suppression.

F. Vegetation and Wildlife Construction Limitations. Based upon the information provided under SEPA requirements, the applicant shall limit construction disturbance by flagging sensitive areas and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided. The applicant shall develop a reseeding/restoration and weed management plan in consultation with the Okanogan County Noxious Weed program.

G. Overhead Electrical Transmission and Collector Lines. Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines or such other commonly accepted industry or regulatory standards.

H. The applicant shall develop and maintain an on-site health and safety plan that informs employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, and first aid techniques.

I. All energy facilities must comply with any applicable critical area standards found in OCC 14.12. Additionally, energy facilities that will impact fish and wildlife habitat areas including but not limited to priority habitat areas, must comply with the protection and mitigation requirements found in the Washington Department of Fish and Wildlife Wind Power Guidelines, published in April 2009 or as amended hereafter.

    1. In the event a energy facility proponent chooses to utilize the fee-in-lieu option offered by the WDFW Wind Power Guidelines, a qualifying entity must be identified as the recipient of the funds. The qualifying recipient must be a bona fide and verifiable conservation organization with a specialization or focus on land and habitat conservation. A binding agreement executed by the energy facility proponent and the recipient shall be presented to Okanogan County Planning and Development department in advance of any land use application hearing demonstrating that the requirements in the WDFW Wind Power Guidelines have been satisfied.

J. WDFW shall provide a written approval of the terms and conditions of the fee-in-lieu agreement prior to any public hearings required for the energy facility.
All energy facilities that will impact Okanogan County fish and wildlife habitat areas, including but not limited to WDFW Priority Habitats and Species (PHS) areas, must comply with the protection and mitigation requirements found in the Washington Department of Fish and Wildlife Wind and Solar Power Guidelines, as amended, and Management Recommendations for Washington's Priority Habitats: Shrubsteppe, published in 2011, updated 2020, or as amended hereafter (referred to as, *PHS Management Recommendations for Shrubsteppe*).

K. All energy facilities are restricted in locations where Biodiversity Areas and Corridors (BACs) occur that are identified by WDFW's Priority Habitats and Species (PHS) program, as amended.

L. Prior to approving the business license, the applicant shall provide written verification from the local electrical utility provider stating the following:

1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the local utility provider;
2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use; and
3. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

17.255.060 Solar energy facilities

A. Solar Energy Facilities shall not be allowed on properties zoned Agriculture with a Comprehensive Plan designations of Agricultural Resource or Forest Resources.
B. Solar Energy Facilities shall not be allowed on sites or portions of sites with an existing average slope greater than 7-percent. Each solar energy facility submitted for permit consideration shall include a full topographic survey of the site with 2-foot contour intervals. The topographic survey shall delineate all portions of the site greater than 7-percent slope.
C. Maximum structure height for the solar array shall be 20-feet as measured from the highest existing native grade below each panel.
D. Setbacks for solar energy facilities shall comply with the standard setbacks of the underlying zoning classification. Additionally, in no case shall any component of a solar energy facility be constructed within 100-feet of any off-site residence.
E. Prior to approving the business license, the applicant shall provide written verification from the local electrical utility provider stating the following:
    i. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the local electrical utility provider;
    ii. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use; and
    iii. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
F. Solar Energy Facilities shall incorporate glare reducing materials. Glare reducing materials shall be maintained over the life of the solar energy facility project. In all instances, no fugitive glare shall be permitted to emit onto adjacent properties and/or rights-of-way. Additional glare analyses may be required when a solar energy facility may have the potential to affect flight paths of military operations. These requests will typically, although not exclusively, be made by the United States Department of Defense
G. Any lighting incorporated into the design of a solar energy facility shall be designed to provide full cutoff shielding and shall not emit off-site glare.
H. The applicant for any solar energy facility is required to enter into a Development Agreement with Okanogan County pursuant to OCC 18.05 concurrently with the

land use applications for the solar energy facility. The purpose of the development agreement is to ensure that the decommissioning/ reclamation of the site is adequately addressed pursuant to the following:

1. A decommissioning and reclamation plan shall be prepared and submitted with the initial application for a new solar energy facility.
2. Decommissioning/reclamation of a solar energy facility shall be completed within three (3) years of the date that power production is deemed to have ceased or after the facility has ceased to produce power for a period of 12 consecutive months at any time during the life of the facility.
3. All non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three (3) feet below grade shall be removed.
4. All fences, graveled areas and access roads shall be removed unless landowner agreement to retain is presented, in writing, in which the property owner agrees for these elements to remain.
5. The property shall be restored to a condition reasonably similar to its condition prior to development of the solar energy facility. Restoration/reclamation conditions must comply with the Stormwater Management Manual for Eastern Washington in effect at the time of reclamation.
6. The developer or owner of the solar energy facility is responsible for the decommissioning, the development agreement shall transfer to any future operator or owner of the site.
7. Decommissioning/reclamation cost estimates, which shall be updated every five (5) years from the establishment and submittal of the Security, shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements:
    a. All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site;
    b. All costs associated with full reclamation of the facility site, including removal of non-native soils, fences, and constructed access roads;
    c. All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be materially similar to the condition it was before construction;
    d. All decommissioning/reclamation activity management, site supervision, site safety costs;
    e. Any other costs, including administrative costs, associated with the decommissioning and reclamation of the facility site; and
    f. The estimated date of submission of the Security to Okanogan County.
8. Prior to issuance of any grading or building permits, an irrevocable standby letter of credit, bond, or alternate form of Security in an amount sufficient to fund the estimated decommissioning/reclamation costs required by this Code. The Security shall:
    a. Name the Board of County Commissioners of Okanogan County as the sole beneficiary of the letter of credit;
    b. Be issued by an A-rated financial institution based upon a rating

provided by S&P, Moody's, Fitch, AM Best, or other rating agency with similar credentials.

c. Include an automatic extension provision or "evergreen clause"; and
d. Be "bankruptcy remote," meaning the Security will be unaffected by the bankruptcy of the solar energy facility operator.
e. Okanogan County, in its sole discretion, may approve alternative forms of Security such as, but not limited to: bonds, letters of credit, or other securities, if it finds that such alternative forms will provide an assurance of the availability of financial resources for decommissioning/ reclamation that equals or exceeds that provided by the form required herein.
f. Okanogan County, at its sole discretion, may also approve modified terms and timing of the bond amounts based on the lifecycle stage of the solar energy facility

9. The developer or owner of the solar energy facility will include in the Development Agreement the plan for disposal of any damaged or decommissioned components. Various Solar Energy Facility components are considered a form of toxic, hazardous electronic of "e-waste," therefore disposal of solar energy facility components will not be acceptable within Okanogan County

I. Damaged and Repair: Any Solar Energy Facility that is damaged by the elements or vandalism shall be required to submit applicable building permit applications (if any required) within one year of the date the damage was first observed. Damage and repair do not qualify as decommissioned or abandoned unless the duration of the cessation of power production meets the requirements of OCC (H) above.

17.255.070 High and low impact utilities

The following minimum criteria shall apply to public utility uses:

A. The use shall be fenced.
B. The use shall be landscaped with site obstructing shrubs or trees.
C. The minimum lot size in the district that a utility use is located in may be waived on a finding that the waiver will not result in noise or other detrimental effects to adjacent properties.
   1. When the minimum lot size is waived, a note shall be placed on the face of the plat that states that the parcel is not a building site other than for a permitted public utility use. The requirement for verification of adequate provisions for domestic water and sewage disposal may be waived.
   2. When the minimum lot size is waived, a notice to title shall be recorded with the Okanogan County auditor stating that the parcel is not an allowable building site other than for a permitted utility use.

17.255.080 Unclassified uses

A. In the event that a proposed use is not listed in the district use chart or there is ambiguity as to if a proposed use meets the definition of a use defined by the Okanogan County Code, an applicant may request an interpretation of the zoning

code by the Administrator to determine if a proposed use not specifically listed is either allowed, allowed as an accessory use, allowed as a conditional use or prohibited, utilizing the criteria in subsection (B) of this section.

B. Criteria for Unclassified Uses. In order to make a determination that an unclassified use is permitted, conditionally permitted, or accessory, the Administrator must find that the use is:
   1. In keeping with the purpose and intent of the zoning district as described in the Okanogan County Comprehensive Plan.
   2. Compatible with other permitted, accessory or conditional uses in the zoning district including, but not limited to, being similar in nature to and no more intense than a specifically listed permitted, conditional or accessory use.
   3. Compatible in an alternative zoning district that is more appropriate for the proposed use. Evaluation should include, but not be limited to, traffic, access, noise, odor, smoke, vibrations, parking, outdoor storage, and adjacent use or zoning buffers.

Chapter 17.260
BED AND BREAKFASTS

Sections:

17.260.010 Purpose and intent
17.260.020 Standards
17.260.030 Outward appearance
17.260.040 Signs
17.260.050 Health code applicability
17.260.060 Occupancy of residential units
17.260.070 Guest bedrooms
17.260.080 Health inspection
17.260.090 Retail sales
17.260.100 Guest parking
17.260.110 Cooking facilities
17.260.120 Food service
17.260.130 Permit required
17.260.140 Conditions of approval

17.260.010 Purpose and intent

The purpose of this section is to promote recreational tourism and accommodations throughout Okanogan County in a manner which allows homeowners to use their private residences to serve as transient accommodations as alternatives to hotels/motels. It is the further intent of this section to benefit the public by allowing bed and breakfasts as authorized by WAC 246-215 Subpart C – Bed and Breakfast Operations.

17.260.020 Standards

Bed and breakfast facilities shall be subject to the following standards.

17.260.030 Outward appearance

The outward appearance of a single-family residence shall be retained.

17.260.040 Signs

No more than two signs shall be provided on the premises. The signs shall not exceed six square feet in area (each) and any sign lighting shall be indirectly illuminated, downcast, and shielded from neighboring properties.

17.260.050 Health code applicability

All bed and breakfast facilities shall comply with WAC 246-215 Subpart C – Bed and Breakfast Operations. The owner or operator shall possess, and keep valid at all times, the appropriate bed and breakfast permit from Okanogan County Public Health or transient accommodation permit from Washington State Department of Health. At no time shall the bed and breakfast operate without a valid permit.

17.260.060 Occupancy of residential units
The residential unit shall be occupied by the owner or manager of the business.

17.260.070 Guest bedrooms
A maximum of eight bedrooms shall be provided for guests.

17.260.080 Health inspection
Bed and breakfast facilities may be subject to an on-site inspection prior to operation to assure compliance with planning and health district standards.

17.260.090 Retail sales
All retail sales of merchandise or other services shall be an accessory use and shall not overshadow the primary bed and breakfast use of the property. For this reason, all retail sales shall be limited to no more than a total of 100 square feet anywhere on the same property as the bed and breakfast.

17.260.100 Guest parking
All guest parking shall be provided off-street and shall be a minimum of 1 space per guest room, or the minimum number of spaces identified by OCC 17.240 "Off-Street Parking and Loading", whichever is greater.

17.260.110 Cooking facilities
Neither cooking facilities in the guest rooms nor auxiliary kitchens shall be allowed for the use of guests.

17.260.120 Food service
Bed and breakfast facilities shall provide food service which meets the criteria of WAC 246-215-Part 9-Subpart C "Bed and Breakfast Operations".

17.260.130 Permit required
A permit issued under provisions of this chapter is required in order to operate a bed and breakfast. See OCC 17.220 "District Use Chart" for specific permit requirements. An application fee may be required as adopted by Okanogan County's fee schedule.

17.260.140 Conditions of approval
A bed and breakfast permit, or conditional use permit, may include conditions which are specific to the individual permit. Those conditions must be consistent with this chapter and other applicable land use regulations administered by Okanogan County, including but not limited to Zoning, Critical Areas, and the Shoreline Master Program.

A. A conditional use permit may strike or amend conditions in this chapter, but only if specifically proposed by the original application or as the result of a finding from the permitting authority (i.e. administrator, hearing examiner) so long as such a finding would mitigate a specific impact.

Chapter 17.270
NIGHTLY RENTALS

Sections:

17.270.010 Purpose
17.270.020 License required
17.270.030 Permit approval
17.270.040 Conditions
17.270.050 Legal preexisting uses
17.270.060 Severability

17.270.010 Purpose

The purpose of this chapter is to ensure that nightly rentals observe the legal requirements of other transient tourist accommodations so that they compete fairly for commerce, and to preserve the residential character of the areas in which they are located. (Ord. 2018-6 (Att. A), 2018; Ord. 2016-4 § 1 (Att. A), 2016).

17.270.020 License required

A license is required, in addition to the requirements of Chapter 17.220 OCC, District Use Chart, in order for any landowner to operate a nightly rental. See Chapter 5.06 OCC for license requirements. See Chapter 17.220 OCC, District Use Chart, in order to determine whether a conditional use permit is required. (Ord. 2018-6 (Att. A), 2018; Ord. 2016-4 § 1 (Att. A), 2016).

17.270.030 Permit approval

A. Where a conditional use permit for a nightly rental is required, such permit shall include conditions which are specific to the individual permit. Those conditions must be consistent with this chapter.
B. A conditional use permit for a nightly rental may include additional conditions which are not specifically identified by this chapter. (Ord. 2018-6 (Att. A), 2018).

17.270.040 Conditions

A. The following conditions shall be required for the operation of all nightly rentals. These conditions shall be required for the approval of all nightly rental permits:
    1. Appearance. The outward appearance of a single-family residence shall be retained.
    2. Occupancy and operation of a nightly rental shall be in a manner that is compatible with the surrounding neighborhood character. Factors upon which compatibility will be judged include but are not limited to noise, traffic, light, and glare.
B. The following conditions, in addition to those also identified in subsection A of this section, shall be required for the operation of all nightly rentals within areas designated by Okanogan County's comprehensive plan as the Methow Valley More Completely Planned Area or Methow Valley More Completely Planned Area Sub-Unit A. These conditions shall be required for the approval of all nightly rental permits:

1. Annual Renewal: Nightly Rental Permits must be renewed annually prior to the anniversary date of original issuance of the permit. A nightly rental permit is not automatically transferable as part of the sale of property. A permit application from the new property owner must be approved to continue as a transient tourist accommodation.
2. Unified business identifier: The owner of the nightly rental shall provide a valid Washington State unified business identifier (UBI) number for taxation purposes, along with supporting information validating registration of the specific nightly rental. At no time shall the nightly rental operate without a valid unified business identifier.
3. Public Health permit: The owner or operator shall possess, and keep valid at all times, an overnight transient accommodation permit (OTA permit) from Okanogan County Public Health to operate the facility. At no time shall the nightly rental operate without a valid OTA permit from Okanogan County Public Health
4. Only one dwelling unit may be rented per owner. Each property owner may rent only one nightly rental regardless of the number of properties owned. A nightly rental permit is required for a single dwelling on a lot of record or for a second dwelling on a lot of minimum size for the zone in which it is located. For a second dwelling on a parcel to be rented as a transient tourist accommodation, the owner must live in the main residence. No permit shall be issued to the holder of an existing bed and breakfast license for a nightly rental structure on the same property. In no case shall the primary dwelling and the accessory dwelling be rented at the same time.
5. Signs. All owners or operators must display and maintain the address of the residence so that it is clearly visible from the street or access road. The rental must also display and maintain an additional sign outside identifying the property. No more than one sign shall be provided on the premises. The sign shall be made of wood, stone, or natural materials similar in appearance, not exceeding two square feet in area and, if illuminated, shall be indirectly illuminated.
6. Mobile homes, travel trailers, recreational vehicles, tent, or other temporary or mobile unit shall not be used for residential transient tourist accommodations (nightly rentals). A modular home may be used as a nightly rental when its owner is in possession of a valid building permit.
7. The maximum number of individuals served by a single nightly rental is 10 and according to the following:
    a) For purposes of this section, occupancy after ten p.m. and before seven a.m. is considered overnight occupancy and all nightly rental uses must fully comply with the overnight occupancy limitations found within this section.
8. Exception. Operation of a nightly rental within a planned development or planned unit development is exempt from the conditions imposed by this section so long as nightly rentals were approved as a permitted use within the specific planned development or planned unit development. (Ord. 2018-6 (Att. A), 2018; Ord. 2016-4 § 1 (Att. A), 2016).

9. Factors upon which compatibility will be evaluated include but are not limited to noise, traffic, light and glare, and safety.
10. Parking for nightly rental occupants shall not be within the setbacks (other than driveways) and/or easements and shall be in compliance with OCC 17.240.
11. If a short-term rental use is operating in violation of the existing codes, the rental must immediately cease all operation.

17.270.050 Legal preexisting uses

Nightly rentals that are not in compliance with Chapter 17.220 OCC, District Use Chart, but were legally operating prior to September 6, 2005, may continue in operation in accordance with Chapter 17.330 OCC, Legal Preexisting Uses and Lots, except they will be required to comply with the license requirements in Chapter 5.06 OCC, Nightly Rentals. (Ord. 2018-6 (Att. A), 2018).

17.270.060 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. 2018-6 (Att. A), 2018).

Chapter 17.280
HOME OCCUPATIONS

Sections:

17.270.010 Purpose and intent
17.270.020 Performance standards
17.270.030 Allowed uses
17.270.040 Enforcement
17.270.050 Compliance with other regulations

17.280.010 Purpose and intent

The purpose of this chapter is to provide limited business within homes and/or upon private property while minimizing the impacts to the character of neighborhoods. Home occupations are permitted as an accessory use to the primary residential use with compliance of the home occupation performance standards found herein.

17.280.020 Performance standards

A home occupation shall meet the following criteria:

A. Home occupations are an accessory use to the primary residential use of the subject property which is occupied by the manager and/or owner of the business.
B. There shall be no change in the outside appearance of the building or other visible evidence of conduct of the home business other than those activities permitted by this chapter.
C. No more than three persons that do not reside at the location of the home occupation may be working on-site simultaneously.
D. The conduct of the home occupation shall be in such a manner that no emission of noise, vibration, dust, glare, heat, smoke or odors shall occur that are out of the normal residential character of the property and the surrounding neighborhood.
E. Exterior indications of home occupations are limited to the permitted signage. Any other variation of the residential character of the property resulting from the home occupation is prohibited.
F. Two signs not exceeding twelve square feet each shall be allowed. Any vehicle signage used to supplement the allowed signage, except for typical vehicle door signage on vehicles used in the conduct of business, is prohibited.
G. The total space devoted to the home occupation shall not exceed 2,500 square feet which may be a combination of designated area(s) within the residence, out buildings, and outdoor storage as permitted by this chapter.
H. Outdoor storage of any kind related to the home occupation shall be limited to 250 square feet. Up to an additional 250 square feet of outdoor storage may be permitted so long as it is located within a perimeter fence. Fencing must be solid-walled, or of a similar sight obscuring design, and a minimum of 6 feet in height. All outdoor storage shall be limited to a maximum of eight feet in height. Vehicles and heavy equipment used primarily for purposes of the home occupation shall not count toward square footage limitations of outdoor storage.

I. Home occupations shall not generate materially greater traffic volumes that would normally be expected in the residential neighborhood or area in which it exists.
J. Designated off-street parking for a home occupation may include spaces with maneuvering area provided specifically for business use on the site which will accommodate all expected traffic.
K. Any outdoor lighting shall be downcast and shielded from neighboring properties.
L. Home occupations may be subject to an on-site inspection to assure compliance with all county regulations.
M. If a home occupation grows beyond the requirements of this chapter, then it shall be required to downsize until it can comply with the requirements, or relocate to a zoning district that permits such activities, or receive a permit for such use if such a permit is available (i.e. receive a conditional use permit if such a permit is available in the zone district as identified by OCC Title 17).

17.280.030 Allowed uses
Any use that the administrator determines to meet the above home occupation performance standards shall be considered an allowed use.

17.280.040 Enforcement
In the event the administrator determines that a home occupation is not in compliance with the provisions of this section, the owner of such business shall be subject to the enforcement provisions of Chapter 17.360 OCC.

17.280.050 Compliance with other regulations
Home occupations shall obtain all pertinent permits and licenses required by federal, state and local agencies and must meet all county requirements. All required permits and licenses shall be made available for the administrator to review, upon request.

Chapter 17.290
CANNABIS OPERATIONS

Sections:

17.290.010 Purpose and intent
17.290.020 Types of cannabis operations
17.290.030 Permit required
17.290.040 Conditions of approval
17.290.050 License – Washington State Liquor Board
17.290.060 Other permits
17.290.070 Industrial Hemp
17.290.080 Legal pre-existing cannabis operations
17.290.090 Right to Entry
17.290.100 Enforcement

17.290.010 Purpose and intent

The purpose of this chapter is to create review criteria and procedures for cannabis operations within Okanogan County. It is further the intent of this chapter to be consistent with regulations of Washington State and administered by Washington State Liquor and Cannabis Board, as they pertain to the authorization of licensed cannabis operations. (Ord. 2016-4 § 1 (Att. A), 2016).

17.290.020 Types of cannabis operations

Cannabis operations are categorized into three separate types of activities which are reflective of the cannabis industry. These categories are similar to those categories defined by Washington State and administered by Washington State Liquor and Cannabis Board. The categories are:

A. Cannabis processing (see OCC 17.020.215 for definition)
B. Cannabis production (see OCC 17.020.216 for definition)
    1. Indoor grow
    2. Outdoor grow
C. Cannabis retail (see OCC 17.020.217 for definition) (Ord. 2016-4 § 1 (Att. A), 2016).

17.290.030 Permit required

A permit issued under provisions of this chapter is required in order to operate a cannabis operation. See Chapter 17.220 OCC, District Use Chart, for specific permit requirements. Application for and/or issuance of a license from the State of Washington does not vest the activity under the Okanogan County Code for any type of cannabis operation.

A. The various types of cannabis operations may be subject to differing permit requirements. All within the same zone district, one category of cannabis operation may be outright permitted while another category may require a conditional use permit or not be permitted at all.
B. One application, and its associated permit, may include more than one type of cannabis operation so long as both operations are listed as a permitted or

conditional use by the district use chart (Chapter 17.220 OCC). For example, a permit may authorize cannabis production and cannabis processing on the same property. (Ord. 2016-4 § 1 (Att. A), 2016).

C. All cannabis producers and processors will register annually with the Okanogan County Office of Planning and Development. Application for annual registration will be made to the Okanogan County Office of Planning and Development upon a form to be furnished by the Director of Planning and Development requiring such information as may be reasonably related to the ownership, parcel, and/or conduct of such business. The fee for such application shall be established by resolution of the Okanogan County Board of County Commissioners.

D. Any parcel permitted for a cannabis operation must be under the control of the State License holder. The applicant will submit a copy of all deeds, leases, agreements, or recorded instruments indicating the license holder's interest, whether possessory or real, in the parcel on which a production and/or processing facility is located.

17.290.040 Conditions of approval

A permit or conditional use permit shall include the following conditions:

A. The project shall have a lawful source of water.
   1. From an irrigation district.
   2. If on a water right, that the use is within the approved limits of the water right certificate.
   3. If on an exempt well, that the total for any project (whether one user on one or more properties or more than one user on a single parcel) not exceed exempt well limits (maximum appropriation of 5,000 gpd, except within Water Resource Inventory Area 49 the maximum appropriation is 3,000 gpd) and must be consistent with instream flow rules for Water Resource Inventory Area 48 adopted in Washington Administrative Code 173-548 or other rules regulating permit exempt wells and daily withdrawal limits.

B. To ensure compliance, the conditions of approval shall include:
   1. Continued operations shall be in compliance with all Okanogan County Code provisions, state laws and regulations, and permit conditions of approval.
   2. The facility shall be in compliance with the following to the extent applicable to the agriculture activity:
      a) Fugitive dust: WAC 173-400-040(9)
      b) Visible emissions: WAC 173-400-040(2).
      c) Fugitive volatile organic compound (VOC) emissions: WAC 173-400-040(4).
      d) Odors: WAC 173-400-040(5)
         a. For the purpose of this section, Outdoor Grow Operations that meet the setback requirements of OCC 17.290.040(B)(9) shall be presumed to be in compliance with OCC 17.290.040(B)(2d).
         b. Indoor Grow Operations and Processor Facilities which are located within 1000 feet of the entities listed in 17.290.040(B4)(a thru f inclusive) must install and maintain adequate odor abatement/filtration systems.

e) Noise: In addition to compliance with OCC 9.16 Noise Disturbances the following will apply: WAC 173-58-080 and 173-60-010 to 173-60-120 including definitions: WAC 173-60-020 and 173-60-030, and maximum permissible noise levels: WAC 173-60-040.
f) Disposal of waste shall comply with WAC 314-55-097
g) Signage: Cannabis operations sited within 1000' of entities identified in 17.290.040(B4)(a thru f) are limited to no more than two separate signs identifying a facility by the licensee's business name or trade name.

Signs must be wall mounted to the building or permanent structure and are limited to six hundred square inches each in size. If illuminated, they shall be indirectly illuminated.

Safety, directional, State or county mandated signs do not count toward the above two-sign limit.

h) All lighting, including but not limited to grow lights, security lighting and illumination of signs, shall be downcast and shielded from the view of neighboring properties.
i) Adequate off-street parking shall be provided. (Ord. 2016-4 § 1 (Att. A), 2016)

3. Outdoor cannabis operations shall not be sited within 2000 feet of public and private schools, except a cannabis operation may be sited within 2000 feet of a public or private school, but in any event not less than 1000 feet, if the following exceptions apply:
   a) A topographical feature such as a ridgeline blocks the cannabis operation visually from the school
   b) A major topographical feature, such as a river lies between the cannabis operation and the school.
4. Cannabis processing facility (17.020.215) or Indoor Grow Cannabis Production Facility (17.020.216) must be sited a minimum of 100' from the perimeter of the grounds of any of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:
   a) Recreation center or facility
   b) Child care center
   c) Public park facilities other than those facilities used for youth recreation, such as a baseball diamond or basketball court
   d) Public transit center
   e) Library; or
   f) Any game arcade (where admission is not restricted to persons age twenty-one or older).

Indoor grows sited within 1000' of entities listed in 17.290.040(B4)(a thru f) are required to have sight-obscure windows.

5. No Cannabis production facility may be sited on a parcel less than 5 acres in size.
6. Required fencing (and all structures for cannabis production and processing) will adhere to the following property line setbacks:
    a. Front, minimum is 100 feet;
    b. Side, minimum is 100 feet;
    c. Rear, minimum is 100 feet;
7. Outdoor cannabis production operations must be fenced with an 8 ft. or higher sight-obscuring fence consistent with WAC 314-55-075. The fence must be fit for its intended use, kept in good repair, and made of materials that are neutral tones and alike in shape and color. The use of oriented strand board (OSB), repurposed materials (e.g., tires, fruit crates, rubbish, etc.), and non-permeable plastic material, is not allowed. Permitted types of fencing includes:
    a. Slated chain link fencing, or
    b. Wood fencing with approved black fabric covering, or
    c. Wood with sheet metal (tin sheets) of the same neutral tone color and nonreflective.
8. Addressing: The following addressing requirements must be met:
    a. Proof of legal access.
    b. A physical address must be applied for and obtained from Okanogan County Planning prior to the issuance of a permit or state license for cannabis operation.
    c. The physical address issued by Okanogan County Planning must match the address that is on the State issued Cannabis Operation license.
9. New Location or Expansion of Location:
   All expansions or relocation of cannabis operations must apply for all permits required and receive the proper approvals from both the local authority and State Liquor Cannabis Board prior to the expansion or relocation.
10. Upon notice of violation the county may direct compliance and upon failure to comply the permit may be suspended until necessary corrections are made or terminated upon failure to comply or repeated violations.
11. Appeals of any violation notice shall be to the hearing examiner.

17.290.050 License – Washington State Liquor & Cannabis Board

The owner of the cannabis operation shall provide a valid license issued by Washington State Liquor and Cannabis Board. At no time shall the cannabis operation operate without a valid license. (Ord. 2016-4 § 1 (Att. A), 2016).

17.290.060 Other permits

All other required permits must be obtained and maintained in good standing throughout the duration of the project. Associated permits may include but are not limited to building permits, shoreline permits, floodplain development permits, zoning or critical areas permits, access permits, etc. (Ord. 2016-4 § 1 (Att. A), 2016).

17.290.070 Industrial Hemp
Industrial Hemp must be located at least 10 miles from the nearest pre-existing 502 production operation. Likewise, a 502 production operation may not locate within 10 miles of an existing industrial hemp farm.

17.290.080 Legal Pre-Existing Cannabis Operations
Legally established cannabis operations in existence prior to the adoption date of this code are considered legal preexisting in accordance with Chapter 17.330 OCC. (Ord. 2016-4 § 1 (Att. A), 2016).

17.290.090 Right to Entry
All cannabis producers and processors will allow inspection of the site and facilities by Okanogan County personnel including law enforcement for compliance with all applicable state and local permits and licenses at any time during regular business hours without prior notice.

17.290.100 Enforcement
In the event that the Administrator determines that a cannabis operation is not in compliance with the provisions of this section, the owner of such business shall be subject to the enforcement provisions of Chapter 17.360 OCC. (Ord. 2016-4§ 1 (Att. A), 2016).

Chapter 17.300
AIRPORT SAFETY AND OVERLAY

Sections:

17.300.010 General purpose
17.300.020 Definitions
17.300.030 Airport zoning designations
17.300.035 Transition and approach zone dimensions
17.300.040 General prohibitions
17.300.045 Storage of flammable substances
17.300.050 Glare
17.300.060 Lighting
17.300.065 Air pollution
17.300.070 Height
17.300.075 Location of roadways
17.300.076 Extension of structures into transitional or approach surface of runway
17.300.080 Zone 1 Flight operations
17.300.090 Zone 2 Approach/departure
17.300.100 Zone 3 Transition
17.300.110 Zone 4 Passage
17.300.120 Zone 5 Airport affects area
17.300.130 Required setbacks
17.300.140 Site analysis requirements
17.300.150 Nonconforming lots
17.300.160 Nonconforming use in zoning district
17.300.170 Nonconforming structure
17.300.180 Abandonment
17.300.190 Unsafe buildings
17.300.200 Conflicting regulations
17.300.210 Violations and enforcement
17.300.220 Appeals

17.300.010 General purpose

The purpose of this chapter is to establish the Airport Safety Overlay zone which lie within the transition and approach zones surrounding an airport or landing field in order to protect the long term viability of general aviation airports as essential public facilities, and the health, welfare and safety of the aviation community, neighboring property owners and general public. Also, the district is intended to prevent the establishment of air space obstructions through height restrictions and other land use controls for the safety of persons airborne. This section shall be applied to lands where airports are classified by the Federal Aviation Administration as visual utility, non-precision and precision runways. Use requirements and standards of the underlying zone shall apply unless in conflict with provisions of this section. These goals will be met by encouraging compatible land uses, densities and reducing hazards in the vicinity of the affected environments of the Airport Safety and Overlay District.

A. This Chapter identifies zones, policies, recommendations, and regulations which

may be used by Okanogan County to evaluate whether the identified zones 1-5 should be adopted surrounding individual public airports. Adoption of these zones is not automatic and must be accomplished by ordinance of the Board Okanogan County Commissioners following completion of an open record public hearing.

B. Landowners and users of properties within this zoning district are obligated to follow the airport operations notification as described in section 17.300.140 "Site analysis requirements". The five zones within the District are impacted due to their proximity to airport operations by noise, vibrations, fumes, odors, lighting, and accident hazards. The airport operations notification is established to ensure long term viability of airport operations which preceded most non-agricultural development in the Airport Safety and Overlay District zoning.
C. Okanogan County is authorized to establish this zoning ordinance in accordance with RCW 14.08.290 (County airport districts authorized).
D. By enacting this policy, Okanogan County is recognizing the long term significance of airports to the public which include the following:
    1. Emergency response including airlift and search and rescue services
    2. Wildfire suppression
    3. Military operations
    4. Transportation
    5. Economic development
    6. Freight including mail services and commodities
    7. Recreational opportunities
    8. Crop management

17.300.020 Definitions

A. The following are definitions which apply to the administration of this Chapter, OCC 17.290 "Airport Safety and Overlay".
    1. Agriculture: "Agriculture," means the raising of livestock and crops, however excludes growing or storing cereal grains. See 17.300.020 "livestock" in this Section for more information. Also found in OCC 17.020.060 "agriculture".
    2. Airport: "Airport" means a public 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. Also found in OCC 17.020.095
    3. Airport elevation: "Airport elevation" means the highest point of an airport's useable runway area measured in feet above mean sea level.
    4. Airport affects area: "Airport affects area" means the area in such a relationship with an airport that both land uses and development can impact airport operations and those airport operations can impact land uses. This area requires regulation to ensure both adjacent land and airport users are safe.
    5. 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. Also found in OCC 17.020.125

6. Bird and wildlife attractant: "Bird and wildlife attractant" means a man-made structure or feature, including landscaping elements, that causes migratory waterfowl, raptors, large upland game birds, turkeys, wild canine predators, wild feline predators, or medium/big game animals to come to or linger in an area by providing a food source, nesting, bedding, or den sites to an extent that exceeds the level naturally occurring in the immediate vicinity.
7. Electrical interference: "Electrical interference" means anything which disrupts aircraft communications or navigational devices.
8. Encroachment: "Encroachment" means an action that diminishes the utility or viability of an existing use.
9. FAR Part 77: "FAR Part 77" means the part of Federal Aviation Regulations that deal with all objects affecting navigable airspace.
10. FAR Part 77 Surfaces: "FAR Part 77 Surfaces" means imaginary airspace surfaces established by FAA with relation to each runway in an airport. There are five types of surfaces: primary, approach, transitional, horizontal, and conical. Each type of imaginary airspace surface has unique protection afforded to them by FAA.
11. Federal Aviation Administration: "Federal Aviation Administration" means the U.S. Government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.
12. Federal Aviation Regulations (FAR): "Federal Aviation Regulations" means regulations formally issued by the FAA to regulate air commerce.
13. Glare: "Glare" means the reflection of the sun or other light sources from materials for structures and accessories that cause an obstruction of sight for pilots.
14. Hazardous materials: "Hazardous materials" means contents that are flammable, explosive, corrosive or toxic which pose a special concern to the extent that an aircraft accident could cause a release of the materials and thereby endanger people and property in the vicinity.
15. Helipad: "Helipad" means a small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters.
16. Heliport: "Heliport" means a facility used for operating, basing, housing, and maintaining helicopters.
17. Lighting: "Lighting" means any apparatus used for the purpose of increasing visibility, which may cause confusion for runway lighting or impair visibility for pilots.
18. Livestock: "Livestock" means animals kept for the purpose of collecting agricultural product. Examples include cattle, sheep, alpaca, and goat. Livestock excludes luxury or recreationally used animals such as horses, mules, miniature horses, and ponies, with the exception of breeding for the sale of offspring.
19. Navigational aid: "Navigational aid" means any visual or electronic device airborne or on the surface that provides point-to-point guidance information or

position data to aircraft in flight.

20. Noise sensitive facilities: "Noise sensitive facilities" means facilities that rely on comparatively quiet environments to ensure optimal success and include health and education.
21. Non-precision instrument runway: "Non-precision instrument runway" means a runway with an approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure.
22. Obstruction: "Obstruction" means any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceed the standards established in Subpart C of Federal Aviation Regulations Part 77 "Objects Affecting Navigable Airspace".
23. Persons: "Persons" means any resident, property owner, or user of properties in the Airport Safety and Overlay District.
24. Special function uses: "Special function uses" means uses that include children, elderly, the infirm, or other regarded as having comparatively little control over their own lives.
25. Traffic pattern: "Traffic pattern" means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach.
26. Tree: "Tree" means any tree, shrub, bush, or other greenery in the Airport Safety and Overlay District, defined as such to limit possible aircraft operation hazards.

17.300.030 Airport zoning designations

The following zones may be adopted by Okanogan County for administration of development regulation surrounding public airports which includes but is not limited to Anderson Field (Brewster), Dorothy Scott Field (Oroville), Legion Airport (Okanogan), Methow State Intercity Airport (near Winthrop), Omak Municipal Airport, Tonasket Municipal, and Twisp Airport.

A. Zone 1 "Flight Operations"
B. Zone 2 "Approach/Departure"
C. Zone 3 "Transition"
D. Zone 4 "Passage"
E. Zone 5 "Airport Affects Area"

17.300.035 Transition and approach zone dimensions

The dimensions of the transition and approach zones shall be determined by the current Federal Aviation Administration use classification and standards.

17.300.040 General prohibitions

General prohibitions are intended to prevent incompatible uses surrounding airport facilities for public safety and nuisance reasons. General prohibitions apply to all zones except Zone 5 and include storage of hazardous materials, noise sensitive facilities,

special function uses, electrical interference, critical obstruction of airspace, creation of bird or wildlife attractant hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intended to use airport facilities.

A. Storage of hazardous materials: Contents that are flammable, explosive, corrosive or toxic which pose a special concern to the extent that an aircraft accident could cause a release of the materials and thereby endanger people and property in the vicinity are prohibited. Examples of these uses incompatible with airport operations include the manufacturing of explosives, acid, compost, asphalt, cement, lime, gypsum, and fertilizer, and also commercial storage of propane, natural gases, petroleum, acid, lime, fertilizer, gypsum, wastewater, solid waste, or explosive contents.
B. Noise sensitive facilities: Facilities that rely on comparatively quiet environments to ensure optimal success and include health and education are prohibited. These include churches, schools, halls, stadiums, auditoriums, medical facilities, and campgrounds.
C. Concentration of special function uses: Uses that include children, elderly, the infirm, or other regarded as having comparatively little control over their own lives are prohibited. Examples include K-12 schools, daycare facilities, hospitals, nursing homes, convalescent centers and other similar uses.
D. Assembly of large groups. Uses such as schools, churches, auditoriums, etc., where large groups of people assemble shall not be allowed within the airport safety overlay.
E. Electrical interference: Electrical uses involving transmitting or receiving signals that could disrupt aircraft communications or navigations are prohibited. Examples include transmission lines, and wireless communication facilities, towers, or antennas.
F. Critical obstruction of airspace: No structure, tree, terrain, or land use may produce or encourage interference with critical airspace including excess smoke, dust, or heat plumes.
G. Creation of bird or wildlife attractant hazards: Activities that encourage wildlife, especially birds, into critical space utilized by aircraft operations and includes raising or storing cereal grains; golf courses; dairy farms; water storage, processing, or otherwise management facilities; waste management facilities; landfills; slaughterhouses; rendering plants; feedlots; septic lagoons and similar byproducts used for crop enhancement; fowl or dead animal reduction, composting, or disposal; creation of nesting habitat with the expectation of endangered species; and other wildlife attractants that cause hazards to flight are prohibited.

17.300.045 Storage of flammable substances

Storage of flammable substances such as fuel or petroleum products shall be in accordance with all current standards and regulations.

17.300.050 Glare

No uses or building materials may be permitted that have reflective surfaces which produce glare directed upward and interfere with the operations and safety of the airport

in Zones 1-4.

17.300.060 Lighting
Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project into the runway, taxiway or approach zone. Lighting accessories must obey height restrictions, must be directed downward, and may need to be partially shaded or covered to eliminate possible interference with airport operations in Zones 1-4. Examples of lighting hazards include flood lights, signage, or other accessory lighting. Lighting necessary for aircraft maneuvering is exempt from this requirement.

17.300.065 Air pollution
There shall be no emission of smoke, fly ash, dust, vapor, gases or other forms of air pollution that may conflict with any present or planned operations of the airport.

17.300.070 Height
No structure or tree shall exceed thirty-five ft (35 feet) in height in Zones 1-3. Terminal buildings, hangars, and navigational improvements are exceptions. For Zones 4 and 5, agricultural, commercial, and emergency service structural accessories shall not exceed 20:1ft slope (twenty feet horizontal to one foot vertical) for a horizontal distance of 4,000 ft (four thousand feet) from the center of the non-precision instrument runway centerline as defined by FAA as critical airspace.

17.300.075 Location of roadways
Roadways shall be located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between airport runway landing lights or result in glare or in any other way impair visibility in the vicinity of the landing or takeoff approach.

17.300.076 Extension of structures into transitional or approach surface of runway
No obstructions (structural or natural) shall extend into the transitional or approach surface of the runway.

17.300.080 Zone 1 Flight operations

A. Purpose: Zone 1 Flight Operations is the area directly surrounding the runway. The principle risk in this zone is from loss of directional control with landing or taking off from the runway. The purpose of this zone is to prevent conflicts that may result in an aircraft accident. Conflicts include animal attractants, electromagnetic interference, and critical airspace obstructions such as lighting, glare, tall trees, terrain, and structures. Airport operations greatly impact properties in this zone with noise, vibrations, lighting, fumes, and accident hazards.
B. Permitted uses: Permitted uses for Zone 1 Flight Operations are direct aviation related facilities including terminal buildings, hangars, navigational aids and aid improvements, landing strips, taxiways, aircraft sales, fuel storage/dispensing, offices, charter services, aviation research and development, aviation schools, roadways, parking areas, and storage yards; permitted agricultural uses includes

the raising of orchards, row crops, livestock feed, and grazing; police, emergency, and fire suppression services and buildings; irrigation systems; and underground utilities.

C. Conditional uses: Conditional uses for Zone 1 Flight Operations include gravel pits less than three acres; quarries and borrow pits less than three acres; mini storage; and low intensity recreational fields.

D. Density: Zone 1 Flight Operations density denies further subdivision of properties.

17.300.090 Zone 2 Approach/departure

A. Purpose: Zone 2 encompasses the area from the end of Zone 1 Flight Operations out diagonally to Zone 5 Airport Affects Area. The risk of accidents is greatest here because, on departure from the runway, aircraft are typically at full speed and on approach, are at low altitude preparing for landing. Due to its proximity to the runway, airport operations are in direct conflict with residential development. Airport operations greatly impact properties in this zone with noise, vibrations, lighting, and accident hazards.

B. Permitted uses: Permitted uses for Zone 2 include residential; direct aviation related facilities including navigational aids and aid improvements, taxiways, aircraft sales, charter services, aviation research and development, roadways, parking areas, and storage yards; permitted agricultural uses includes the raising of orchards, row crops, livestock feed, and grazing; agriculture storage, processing, and sales of products grown on the premises; irrigation systems; mini storage; underground utilities; warehousing and outdoor storage; florist retail and wholesale; food store; horticultural services; manufactured home sales facilities; quarries and borrow pits less than three acres; governmental buildings; and parking lots.

C. Conditional uses: Zone 2 conditional uses include offices; gravel pits; quarries and borrow pits three acres or larger; manufacturing (light and heavy); recycling collection centers, recycling processing centers; recreational fields; agricultural stands; shooting ranges; commercial kennels; private clubs; gift shops; cemeteries; laundromats; commercial saw mills (portable and stationary); automobile rentals, repair, wrecking, and towing; tourist accommodations of motels/hotels, inns and lodges, RV parks, aviation related campgrounds, bed and breakfasts, and nightly rentals.

D. Density: Zones 2 Approach/Departure densities allow subdivision of property for lots 5 (five) acres or larger. In City Expansion Areas, where water and sewer capacities are available, subdivision of property for residential purposes of lots smaller than 5 (five) acres is allowed if in accordance with Cluster Land Divisions (OCC Title 16) where the maximum density is determined by the performance based rating system.

17.300.100 Zone 3 Transition

A. Purpose: Zone 3 is the transitional area located between Zone 1 Flight Operations and Zone 4 Passage. Residential development is strictly limited and further subdivision of land is discouraged due to public health and safety

concerns. Noise from airport operations can be significant. In order to prevent public nuisance complaints, residential encroachment upon airport facilities is strongly discouraged, however, can be successfully managed with the aid of clustering and low density planned developments. Airport operations greatly impact properties in this zone with noise, lighting, and accident hazards.

B. Permitted uses: Permitted uses for Zone 3 are residential; direct aviation related facilities including terminal buildings, hangars, navigational aids and aid improvements, taxiways, aircraft sales, fuel storage/dispensing, offices, charter services, aviation research and development, aviation schools, roadways, parking areas, and storage yards; light manufacturing; mini storage; permitted agricultural uses includes the raising of orchards, row crops, livestock feed, and grazing; agriculture storage, processing, and sales of products; irrigation systems; underground utilities; warehousing and outdoor storage; florist retail and wholesale; food store; horticultural services; manufactured home sales facilities; commercial saw mills (portable and stationary); quarries and borrow pits less than three acres; governmental offices; parking lots; and automobile rentals, repair, wrecking, and towing.
C. Conditional uses: Zone 3 conditional uses include offices; gravel pits; quarries and borrow pits three acres or larger; heavy manufacturing; recycling collection centers, recycling processing centers; recreational fields; shooting ranges; commercial kennels; restaurants; banks; churches; bed and breakfast; campgrounds; private clubs; gift shops; cemeteries; laundromats; governmental infrastructure; tourist accommodations of motels/hotels, inns and lodges, RV parks, aviation related campgrounds, bed and breakfasts, and nightly rentals.
D. Density: Zone 3 densities allow a subdivision of property for lots 5 (five) acres or larger. In City Expansion Areas, where water and sewer capacities are available, subdivision of property for residential purposes of lots smaller than 5 (five) acres is allowed if in accordance with OCC Planned Development 17.200 where the maximum density is determined by the performance based rating system.

17.300.110 Zone 4 Passage

A. Purpose: Zone 4 is the safety zone directly before Zone 5, the outermost zone, and therefore requires less regulation because aircraft are flying at high altitudes in this area. The purpose of this zone is to promote compatible development while protecting airport operations. Zone 4 depends on underlying zoning for permitted and conditionally permitted uses. This zone implements height restrictions and general prohibitions in order to prevent visual or physical obstructions to critical airspace near airports. Airport operations impact properties in this zone to a lesser degree than Zones 1-3 with noise, lighting, and accident hazards.
B. Permitted uses: Permitted uses for Zone will be determined by the underlying zone.
C. Conditional uses: Zone 4 conditional uses will be determined by the underlying zone. General prohibitions and restrictions on glare, lighting, and height apply.
D. Density: Zone 4 density is determined by the underlying zoning.

17.300.120 Zone 5 Airport effects area

A. Purpose: Zone 5 contains the remaining airport environment where aircraft may fly as they approach or depart from the runway. Aircraft are at higher altitudes in this zone, which fosters a reduced risk of accidents. The purpose of this zone is to implement federal restrictions on structure height, the critical factor in securing safe airport operations in this zone. Default to underlying zoning for land use regulations except for height. Airport operations impact properties in this zone minimally with noise, lighting and accident hazards.
B. Permitted uses: Permitted uses in Zone 5 will be determined by the underlying zone. Height restrictions apply.
C. Conditional uses: Zone 5 conditional uses are determined by the underlying zoning. Height restrictions apply.
D. Density: Zone 5 density is determined by the underlying zoning.

17.300.130 Required setbacks

A. Setbacks apply to Zones 1-3; Zones 4 and 5 defaults to underlying zoning.
    1. Front: 35ft (thirty-five feet). Where parking is located, an additional 10 ft (ten feet) is required. Where property lines meet airport property boundaries, required setback is 45ft (forty-five feet). Sides and rear: 20 ft (twenty feet).
B. Development should be sited as far away from airport boundaries as is reasonably possible for the safety and comfort of neighboring residents and airport users
C. FAA requirements manage setbacks of buildings on airport properties.

17.300.140 Site analysis requirements

A. Purpose: A site analysis, processed as an administrative application in accordance with OCC Title 20 "Development Permit Procedures and Administration", is required with any new building permit or change in use of land. The purpose of this site analysis review is to inform applicants of the recommended criteria for proposals in the Airport Safety and Overlay District to protect the safety and welfare of the public while preserving the viability of airport facilities.
    1. The purpose of this review is to ensure all new or remodeled buildings, or change in use of land is compatible with the requirements in the Airport Safety and Overlay District by addressing possible interference hazards with airport operations in order to balance the needs of the general public and airport facilities. Conditions are applied as necessary for each new development or change in use.
    2. In addition to a site analysis, notification is required for the sale, or further development, or change in use of property. Property owners must inform prospective property purchasers, and similarly must have recorded against the title a notice at the time of a site analysis or sale stating the property is located within the Airport Safety and Overlay District.
B. Site analysis recommendations: The list below includes recommended criteria for the site analysis of proposals in the Airport Safety and Overlay District, however,

is not limited to these considerations. The administrator can apply other requirements in order to prevent incompatible uses in the District.

1. Orientation is outside of airport's usual traffic pattern or is parallel to the runway
2. Utilities and accessories do not interfere with airport operations
3. Proposal is not listed in OCC 17.300.130 General prohibitions of this Chapter
4. Glare is prevented
5. Lighting is directed away from traffic pattern and airport facility or shaded downward
6. Possible animal attractants are managed accordingly to prevent interference with airport operations
7. Open space is established in critical airport operations areas
8. Waste disposal practices are managed strictly which may include covering, containing, wetting, drying, or held in tanks until further removal
9. Plumes are screened, diverted, cooled, and/or filtered

C. Conditions:

1. Persons that may be affected acknowledge that airports are essential facilities to Okanogan County, and therefore accept impacts associated with operations which may include noise, lighting, vibration, and fumes. Persons agree impacts from airport operations will not negatively affect their proposed use and will not later create incompatibility between uses. Similarly, the proposed development or change in use will not conflict with airport operations and cause an accident hazard.
2. Persons affected accept that airport facilities are utilized by fire suppression services which can result in noise, lighting, vibrations, or fumes. This usage is legal, consistent with accepted customs and standards, conducted in a non-negligent manner, and protected by the Airport Safety and Overlay.
3. Persons affected accept that residential uses can be most greatly impacted in the Airport Safety and Overlay.
4. Persons affected accept their right to utilize their property for uses as described by OCC 17.300 "Airport Safety and Overlay" and OCC Code 17.220 "District Use Chart".
5. Persons shall acknowledge the designation of Airport Safety and Overlay District and use of the region as space critical to airport operations.

D. Notification

1. Notice requirements:
   a) To inform persons of the significant impact airport operations may have on properties adjacent to airport facilities or in Airport Safety and Overlay District where impact from airport operations is likely, an airport operations disclosure letter is required for the sale or, further development, or change in use of properties in Zones 1-3. Okanogan County Department of Planning and Development has a copy of this letter available upon request.
   b) A title notice must be recorded against any site analysis of properties in the Airport Safety and Overlay District. Information pertaining to this notice is available at the County Assessor's and Department of Planning and

Development offices.

2. Title notice
   a) Properties located in Zones 1-3 where impact to adjacent use can be significant: "Your property is located within Okanogan County's Airport Safety and Overlay District (OCC 17.300) designated Zones 1-3. You may be subjected to inconveniences or discomfort arising from airport operations which may include noise, vibrations, lighting, odors, and dust. Such operations are protected in this zoning district provided the operations are legal, consistent with accepted customs and standards, and conducted in a non-negligent manner.
   b) Properties located in Zone 4-5 where impact to adjacent use can be moderate to minimum: "Your property is located within Okanogan County's Airport Safety and Overlay zone district (OCC 17.300) designated Zone 4 or 5. You may be subjected to minor inconveniences or discomfort arising from airport operations which may include noise, lighting, and dust. Such operations are protected in this zoning district provided the operations are legal, consistent with accepted customs and standards, and conducted in a non-negligent manner. For more information pertaining to this zoning policy, see OCC 17.300.110 and OCC 17.300.120."
3. Administrator
   a) The administrator responsible for the review of site analysis in the Airport Safety and Overlay District is Okanogan County Director of Planning and Development. The Director may choose staff from the department to assist with or handle review as needed.

17.300.150 Nonconforming lots

A single-family dwelling and customary accessory buildings may be erected on any lot legally created before the effective date of this chapter. This provision shall apply even though such lot fails to meet the density requirements of the Airport Safety and Overlay District, providing the lot meets current health district requirements for water and sewer.

17.300.160 Nonconforming use in zoning district

Where lawful use of land within a zoning district exists at the effective date of adoption of this code, which is not permissible under the terms of this code, such use may be continued so long as it remains otherwise lawful.

17.300.170 Nonconforming structure

Where a lawful structure exists at the effective date of adoption of this code, that could not be built under the terms of this code, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No structure may be enlarged or altered in a way which increases its nonconformity without the issuance of a conditional use permit or variance.
B. Should such a structure be destroyed by any means, it may be replaced along existing foundation lines within one year. Should a structure be destroyed to an extent of more than 50 percent of its replacement cost at the time of destruction,

and not rebuilt within one year, it shall not be reconstructed except in conformity with the provisions of the Airport Safety and Overlay District.

C. Should such structure be moved any distance for any reason whatever, it shall thereafter conform to the general regulations for the district in which it is located after it is moved.

17.300.180 Abandonment

Any nonconforming use or nonconforming structure which is abandoned and/or discontinued for one year shall not be reconstructed except in conformity with the provisions of the Airport Safety and Overlay District.

17.300.190 Unsafe buildings

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety.

17.300.200 Conflicting regulations

Where conflict exists between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, the limitations or requirements set forth in this chapter shall govern and prevail.

17.300.210 Violations and enforcement

It shall be the duty of the Director of Okanogan County Planning and Development to administer and enforce the regulations prescribed in this chapter.

17.300.220 Appeals

Any person aggrieved, by any order, requirement, decision, or determination made by an administrative official or Hearing Examiner in the processing of any application made under this chapter or in the actual decision made as required by this chapter may submit an appeal in accordance with OCC 17.350 “Appeals”.

Chapter 17.310
CONDITIONAL USE PERMITS

Sections:

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17.310.010 Purpose

The purpose of the this Chapter is to authorize the use of conditional use permits in accordance with RCW 36.70, and implement a review process by which Okanogan County may determine whether a proposed use may be integrated into a community, which may be suitable only upon adoption of certain conditions. The following standards and criteria, and procedures apply to conditional use permits authorized by this Chapter, and those conditional use permits previously authorized by similar conditional use permit regulations adopted by Okanogan County but which may no longer be in effect. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.020 Authority

Okanogan County's Office of Planning and Development administers the provisions of this chapter, processes applications for conditional use permits including applications to amend or terminate such permits, and periodically monitors and inspects existing project sites permitted under the provisions of this chapter. The Office of Planning and Development shall prepare, and require the use of, such forms as are essential to the administration of this Chapter, and may issue such orders, requirements, decisions, or determinations concerning the application of this chapter.

A. The hearing examiner shall hear and decide all applications processed in accordance with this chapter, as a quasi-judicial process in accordance with OCC Title 20 "Development Permit Procedures and Administration", except for those applications which do not require a hearing or do not require involvement by the hearing examiner.
B. The zoning administrator is the authorized zoning adjustor pursuant to RCW 36.70.200, and in this capacity shall decide on administrative orders in accordance with this chapter and OCC Title 20 "Development Permit Procedures and Administration", which includes but is not limited to:

1. Administrative amendments authorized by this Chapter (see OCC 17.310.120(B)).
2. Administrative terminations authorized by this Chapter (see OCC 17.310.130(B)).

17.310.030 Applications

Applications shall be submitted to the Office of Planning and Development. A complete application includes:

A. Application fee as adopted by resolution and available at Okanogan County Planning which may include collection of application fees for other department and/or agencies.
B. Land Use Permit Application.
C. Project Description. A thorough narrative explaining the purpose and scope of the proposed activity. The project description should include a clear and thorough explanation of proposed uses which should include integration with existing uses. The description should explain type, if any, of construction and/or services needed to support the project including, but not limited to, structures, roads, parking lots, utilities and water systems, excavation, staging areas, etc. Identify phasing if phasing is proposed. The planning department may require additional information which further explains the scope of the proposal in order to adequately assess impacts to surrounding areas and/or communities. The scope of the project description will depend greatly on the nature of the proposal.
D. Site Plan. The site plan is a map, drawn to scale, which clearly represents existing conditions and depicts the proposed development activity and associated structures and other improvements. The site plan should be consistent with the project description and include but not be limited to structures, areas intended for a specific purpose, property lines, roads, easements, parking areas, access points and circulation patterns, wells, utilities and utility easements. Include location of critical areas such as lakes, rivers, and streams, wetlands, floodplains, steep slopes, etc. The scope of the site plan will depend greatly on the nature of the proposal.
E. SEPA Environmental Checklist. The SEPA environmental checklist is required only if the proposal is not categorically exempt in accordance with Chapter 14.04 OCC, Environmental Policy, and/or Chapter 197-11 WAC Part Nine, Categorical Exemptions (see OCC 17.310.040). (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.040 Environmental review

SEPA review and submission of a completed SEPA environmental checklist is required for those applications which are not exempt from review in accordance with Chapter 14.04 OCC, Environmental Policy, and/or Chapter 197-11 WAC Part Nine, Categorical Exemptions. When SEPA review is required, application review procedures and SEPA procedures shall run concurrently where possible. Concurrent processing includes consolidated publications, public and agency notifications and comment periods, and appeal procedures.

A. Previous SEPA review: If the SEPA responsible official determines that a previously adopted SEPA determination is adequate for the current proposal (WAC 197-11-600) then additional review shall not be required.
B. Terminations: Termination of a conditional use permit pursuant to OCC 17.310.130, shall not require SEPA review. (Ord. 2016-4 § 1 (Att. A), 2016)

17.310.050 Review process
The office of planning and development shall process complete applications for conditional use permits in accordance with OCC Title 20, Development Permit Procedures and Administration, as a quasi-judicial process. Following the submission of a complete application, the review process shall proceed including a comment period, notifications, publication, and preparation for the public hearing. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.060 Setting for hearing
The hearing examiner shall hear and decide all applications for conditional use permits, except for those applications which are processed administratively if such a process is authorized by this chapter. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.070 Standards and criteria
The hearing examiner shall consider the following standards and criteria in evaluating the conditional use permit:
A. That the conditions imposed are reasonably calculated to insure the proposed conditional use is and will remain compatible with the comprehensive plan, zoning for the subject area, other land use actions including but not limited to plats, planned developments, and other conditional use permits; and
B. That the proposed activity is and will remain compatible with current and future uses on the subject property; and
C. That such conditions are not unnecessarily onerous; and
D. That the proposed conditions will protect the public health, morals and general welfare. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.080 Compatibility
Those uses, activities, and structures shall be compatible and shall remain compatible with current and future permitted uses on the same property. For example, if future applications proposed a use other than what was permitted by the conditional use permit, then the proposed application may be approved only if it can be determined that the proposal is compatible or accessory to the conditional use permit. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.090 Potential conditions
The types of conditions which the hearing examiner may impose on a conditional use permit include, but are not limited to, and are shown herein only as examples and do not represent a comprehensive list:
A. Requiring a performance bond or acceptable surety in an amount and with conditions satisfactory to the hearing examiner, to assure the performance of

conditions imposed or the construction of improvements;

B. Specifying a time limit within which the action, shall be begun or completed or both;
C. Requiring an annual review of the issued permit to assure compliance with any imposed conditions;
D. Increasing the required lot size or lot dimensions;
E. Limiting the height or total lot coverage of buildings and impervious surfaces;
F. Specifying the number and location of vehicular access points to the property;
G. Specifying the street width;
H. Specifying the number of off-street parking or loading spaces;
I. Requiring suitable landscaping;
J. Specifying signage;
K. Specifying the exact locations of activities or structures as a means of minimizing hazards to life, limb, property damage, erosion, landslide or traffic;
L. Mitigating nuisance-generating features such as noise, colors, air pollution, wastes, vibration, traffic, physical hazards, off-site light glare, etc.;
M. Requiring structural features or equipment essential to accomplish the purpose set forth in subsection L of this section;
N. Specifying the hours of operation;
O. Insuring against imposing excessive demands upon public facilities and services.
P. Kennels, business or commercial, shall be appropriately conditioned as follows:
    1. The structure(s) housing the animals shall be adequately soundproofed to meet Chapter 173-60 WAC as determined by the noise levels during a period of normal operation for the number of animals to be kept;
    2. That compliance with noise standards for a commercial noise source as identified by WAC 173-60-040 shall be demonstrated by the applicant;
    3. The structure(s) and outside runs or areas housing the animals shall be not less than 200 feet from any dwelling other than the dwelling of the owner, and shall be no less than 50 feet to any property line of the subject site;
    4. Any permitted outside runs or areas shall be completely screened from view by sight-obscuring fencing or landscaping, or both, as determined by the hearing examiner, to serve as a visual and noise abatement buffer;
    5. All animals are to be housed within a structure and no outside boarding of animals is permitted between the hours of 10:00 p.m. and 6:00 a.m.;
    6. One off-street parking space shall be provided for each 10 animals kept on the premises;
    7. The permit shall be granted for a period not to exceed one year. At the end of such period an inspection shall be made of the premises to determine:
        a) Compliance with all the conditions of approval; and
        b) The advisability of renewing such permit;
    8. The applicant shall submit adequate information to aid the hearing examiner in determining that the preceding standards are satisfied prior to the public hearing;
    9. Additional conditions or safeguards as deemed necessary may be imposed by the hearing examiner for the protection of the health, safety and welfare of the nearby residences.

Q. Septic Lagoons include the following conditions of approval, or similar versions thereof, in addition to any conditions which are required through the review process:
    1. Construction, design, and management of the septic lagoon shall comply with WAC 173-308 "biosolids management" and WAC 173-350-330 "Surface Impoundments and Tanks".
    2. The septic lagoon shall be designed and constructed with an adequate leak detection system. Periodic reporting of leak detection activity shall be submitted to Okanogan County Office of Planning and Development and Washington State Department of Ecology.
    3. Nuisance odors for wastes or liquids shall be controlled by the use of aeration and Lime added to the liquids. It is the owner or operators responsibility to control nuisance odors in accordance with WAC 173-350-330(4) (iii) "Operating Standards".
    4. Security fencing shall be installed around the parameter of the septic lagoon and associated facilities.
    5. Security lighting, if any, shall be shielded or downcast so that no direct light from such lighting may enter nearby residential properties.
R. Nightly rentals: Applications for nightly rentals shall comply with the provisions of 17.270 OCC "Nightly Rentals". Additional conditions may be required in order to mitigate impacts identified during the review and hearing process.
S. Cannabis operations: Applications for cannabis operations shall comply with the provisions of 17.290 OCC "Cannabis Operations". Additional conditions may be required in order to mitigate impacts identified during the review and hearing process. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.100 Permit, operation

The final order of the hearing examiner is conclusive and authorizes immediate operation of the proposed activity, unless otherwise specified. All conditions of approval must be met prior to operation and throughout the duration of the project. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.110 Records

The conditional use permit application, evidence of notice, the record of proceedings and other material accepted as evidence and the written decision along with findings of facts and conclusions shall become a part of the official records of the hearing examiner and shall be retained in the office of planning and development. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.120 Amendments

Amendments to existing conditional use permits shall be processed in accordance with this section.

A. Amendments: All applications for amendments which are beyond the scope of an administrative amendment, as defined herein, shall be processed the same as a new application in accordance with this Chapter. Amendments may be narrowly

focused in order to amend only specific elements of the original permit without jeopardizing the integrity of the existing permitted operation.

B. Administrative amendments: The administrator may approve minor amendments to conditional use permits. Minor amendments shall be categorized as changes which only clarify the scope of the existing permit (i.e. clarification of accessory uses, definitions of uses, etc.) but does not expand the scope of the permit (i.e. expansion of project areas, inclusion of additional uses, changes to hours of operation, etc.). Applications for administrative amendments shall be processed by the Office of Planning and Development as an administrative process in accordance with OCC Title 20 "Development Permit Procedures and Administration". The administrator shall issue the final order which shall explain the scope of the amendment. Such order shall become part of the record and shall be filed accordingly. Notice of the amendment shall be transmitted immediately to the landowner. (Ord. 2016-4 § 1 (Att. A), 2016).

17.310.130 Termination

A. Termination: The permit may be terminated in whole or in part as a result of non-compliance with the terms or conditions of the permit and/or this Title. Such termination shall be approved only by order of the hearing examiner. The order shall include findings supporting the reason(s) for terminating the permit. Termination by non-compliance does not require an application or application fee.

B. Administrative termination: The termination of a permit may be approved by the administrator/zoning adjuster if all outstanding obligations have been resolved and/or completed and the termination has been requested by the landowner. Applications for termination by request shall be processed by the Office of Planning and Development and require an application fee in accordance with Okanogan County's fee schedule. (Ord. 2016-4 § 1 (Att. A), 2016).

Chapter 17.320
VARIANCES

Sections:

17.320.010 Purpose
17.320.020 Authority
17.320.030 Applications
17.320.040 Environmental review
17.320.050 Review process
17.320.060 Setting for hearing
17.320.070 Standards and criteria
17.320.080 Conditions
17.320.090 Permit, operation
17.320.100 Records
17.320.110 Administrative variances

17.320.010 Purpose

The purpose of the variance permit is to authorize the use of variances, in accordance with RCW 36.70, and implement a review process by which Okanogan County may determine whether strict interpretation of this Title deprives the public from reasonable use of property. The following standards and criteria, and procedures apply to variances authorized by this Chapter.

17.320.020 Authority

Okanogan County's Office of Planning and Development administers the provisions of this chapter and processes applications for variances. The Office of Planning and Development may prepare, and require the use of, such forms as are essential to the administration of this Chapter, and may issue such orders, requirements, decisions, or determinations concerning the application of this chapter.

A. The hearing examiner shall hear and decide all applications processed in accordance with this chapter, as a quasi-judicial process in accordance with OCC Title 20 "Development Permit Procedures and Administration", except for those applications which do not require a hearing or do not require involvement by the hearing examiner.
B. The zoning administrator is the authorized zoning adjustor pursuant to RCW 36.70.200, and in this capacity shall decide on administrative orders in accordance with this chapter and OCC Title 20 "Development Permit Procedures and Administration".

17.320.030 Applications

Applications shall be submitted to, and subsequently processed by, the Office of Planning and Development. A complete application includes:

A. Application Fee: As specified in Okanogan County's fee schedule which may include collection of application fees for other agencies.
B. Land Use Permit Application.

C. SEPA environmental checklist. The SEPA environmental checklist is required only if the proposal is not categorically exempt in accordance with OCC 14.04 "Environmental Policy" and/or WAC 197-11 Part Nine – Categorical Exemptions (see OCC 17.320.040).
D. Project description: A thorough narrative explaining the purpose and scope of the proposed activity and/or structure. The scope of the project description will depend greatly on the nature of proposal. The project description should explain, but not be limited to, the purpose for the variance, whether for the variance affects permitted uses or structure(s), and other elements relative to the project which may include use of structure(s), roads, utilities and systems, excavation, etc. The project description explains how the proposal is consistent with the standards and criteria section of this chapter (see OCC 17.320.070).
E. Site plan: The site plan is a map, drawn to scale, which clearly represents existing conditions and the proposed development activity and should be consistent with the project description. The scope of the site plan will depend greatly on the nature of proposal. The site plan should include but not be limited to existing and proposed structures, property lines, roads, easements, parking areas and access points and circulation patterns, wells, utilities. Include location of critical areas such as lakes, rivers, and streams, wetlands, floodplains, steep slopes, etc.

17.320.040 Environmental review
SEPA review, including submission of a completed SEPA environmental checklist, is required for those applications which are not exempt from review in accordance with OCC 14.04 "Environmental Policy" and/or WAC 197-11 Part Nine – Categorical Exemptions. When SEPA review is required, application and SEPA procedures shall run concurrently where possible. Concurrent processing includes consolidated publications, public and agency notifications, and appeal procedures.

A. Previous SEPA review: Pertaining to new applications and amendments of existing applications, if the SEPA responsible official determines that a previously adopted SEPA determination is adequate for the current proposal (WAC 197-11-600) then additional review shall not be required.

17.320.050 Review process
The Office of Planning and Development shall process complete applications for variances in accordance with OCC Title 20 "Development Permit Procedures and Administration" as a quasi-judicial process. Following the submission of a complete application, the review process shall proceed including a comment period, notifications, publication, and preparation for the public hearing.

17.320.060 Setting for hearing
The hearing examiner shall hear and decide all applications for variances, except for those applications which are processed administratively if such a process is authorized by this chapter.

17.320.070 Standards and criteria

Before any variance is granted by the hearing examiner, it shall be known that all the following criteria apply:

A. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zone in which the subject property is situated; and

B. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning code is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classifications; and

C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in which the subject property or improvements are situated; and

17.320.080 Conditions

Conditions may be required for the approval of a variance in order to mitigate any impacts which may result from the approval of the application. Any conditions imposed should be reasonably calculated to insure the proposal will remain consistent with the comprehensive plan and zoning for the subject area. Any conditions imposed should not be unnecessarily onerous.

17.320.090 Permit, operation

The final order of the hearing examiner is conclusive and authorizes immediate operation of the proposed activity, unless otherwise specified. All conditions of approval must be met prior to operation and throughout the duration of the project.

17.320.100 Records

The variance application, evidence of notice, the record of proceedings and other material accepted as evidence and the written decision along with findings of facts and conclusions shall become a part of the official records of the hearing examiner and shall be retained in the office of planning and development.

17.320.110 Administrative variances

The authorized zoning adjuster shall review and subsequently approve, approve with conditions, or deny, applications for administrative variances.

A. Applications for administrative variances shall be processed in accordance with administrative application procedures in accordance with OCC Title 20 "Development Permit Procedures and Administration":

B. The types of administrative variances which are authorized by this chapter include:

1. Property line setbacks. A deviation may be granted from the required front, side, or rear property line setback required by this Title upon a finding that the criteria of OCC 17.320.070 apply.

Chapter 17.330
LEGAL PRE-EXISTING NON-CONFORMING USES AND LOTS

Sections:

17.330.010 Legal pre-existing lots
17.330.020 Legal pre-existing use in zoning district
17.330.030 Legal pre-existing structure
17.330.040 Abandonment
17.330.050 Unsafe buildings

17.330.010 Legal pre-existing lots

A legal pre-existing lot may be used for single family dwellings, customary accessory buildings (including dwelling units), pre-existing uses, and agriculture and forestry where those uses are allowed by the zone in which the lot is located. Legal pre-existing lots which do not meet lot area and width requirements may not be reduced in size by use of the boundary line adjustment process (OCC 16.04.080) providing the lot meets current health district requirements for water and sewer.

17.330.020 Legal pre-existing use in zoning district

Where lawful use of land within a zoning district exists at the effective date of adoption of this code, which is not permissible under the terms of this code, such use may be continued so long as it remains otherwise lawful. A legal pre-existing use which is discontinued for three consecutive years shall be considered abandoned in accordance with this chapter.

17.330.030 Legal pre-existing structure

Where a lawful structure exists at the effective date of adoption of this code that could not be built under the terms of this code, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. A structure may be enlarged or altered so long as the alteration does not make the structure more out of compliance with this Title. For example, if a structure is located 15 feet from a property line which requires a 25 foot setback, then the addition may be constructed at 15 feet from the property line.
B. Should such a structure be destroyed by any means, in whole or in part, it may be replaced, or repaired, along existing foundation lines within three years, otherwise it shall be considered abandoned in accordance with this chapter.
    1. Similar manufactured homes vary in size and shape. Therefore, manufactured homes may be replaced by similar manufactured homes along a similar footprint. Example: a single-wide may be replaced with a different sized single-wide so long as it is placed in the same location, although it may follow a slightly different foundation line.
C. Should such structure be moved any distance for any reason whatever, it shall thereafter have to comply with the general regulations for the district in which it is located after it is moved.
D. For nightly rentals located within the boundary of the Methow Valley More Completely Planned Area as designated by the Okanogan County

Comprehensive Plan: Structures used as a nightly rental, but has not been permitted as a nightly rental before January 1, 2021, must comply with the OCC 17.270 "Nightly Rentals".

17.330.040 Abandonment

Any legal pre-existing use or nonconforming structure which is abandoned and/or discontinued for three consecutive years shall not be continued or reconstructed except in conformity with the provisions of this code.

A. Abandoned legal pre-existing uses and buildings may be subject to the abatement provisions of this code (see OCC 17.360.030).
B. When determining whether a use or structure has been abandoned, the administrator shall determine whether:
    1. Substantial progress has been made to use the structure or continue the use in a reasonable manner and timeframe; or
    2. The use or structure is a verified nuisance;
    3. The use or structure presents a detriment to public health, safety, or general welfare.

17.330.050 Unsafe buildings

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety.

Chapter 17.340
AMENDMENT OF ZONING CODE

Sections:

17.340.010 General
17.340.020 Purpose
17.340.030 Evaluation criteria
17.340.040 Initiation
17.340.050 Review process – determination
17.340.060 Applications
17.340.070 Environmental review
17.340.080 Public hearing not required – procedural amendments
17.340.090 Legislative review
17.340.100 Quasi-judicial review

17.3340.010 General
Any provisions of this Title, including the official zoning map, may be amended pursuant to Chapter 36.70 RCW by following the procedures in this chapter.

17.340.020 Purpose
The purpose of this chapter is to provide procedures whereby the objectives, goals and policies of the comprehensive plan may be implemented by change in the official controls provided by this Title.

17.340.030 Evaluation criteria
Amendments to this Title shall be evaluated on, but not limited to, the following criteria:

A. The amendment is necessary to resolve a public land use issue or problem.
B. The amendment is consistent with or supports the comprehensive plan and/or its goals and policies.
C. The amendment is consistent with goals of the Planning Enabling Act, RCW 36.70.
D. The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

17.340.040 Initiation
An amendment to the text of this Title or to the official zoning map may be initiated by:

A. The Board of Okanogan County Commissioners;
B. The Okanogan County Regional Planning Commission;
C. The Office of Planning and Development; or
D. By a member of the public who owns property within Okanogan County.

17.340.050 Review process – determination

Amendments to the text of this Title or the official zone map shall be processed as either a legislative or a quasi-judicial procedure in accordance with OCC Title 20 "Development Permit Procedures and Administration". Each amendment type may have separate review processes in accordance with this Chapter. The following criteria shall be used to determine whether an amendment is legislative or quasi-judicial.

A. Quasi-judicial: A proposal is quasi-judicial if the action is site specific (would not be generally applicable) and affects only one property, or group of adjoining properties under identical ownership. Quasi-judicial proposals are limited to rezones which would result in a change to the official zone map. This quasi-judicial application process is available for text amendments only if the applicant demonstrates that the amendment is site specific (would not be generally applicable) and would affect only one property, or group of adjoining properties under identical ownership.
B. Legislative: A proposal is legislative if the action is generally applicable and applies to a relatively large geographic area containing several property owners. Legislative proposals may include amendments to the text of this title or area-wide rezones which would result in a change to the official zone map.

17.340.060 Applications

Applications include the following items and shall be submitted to the Office of Planning and Development. Applications submitted by the public shall include the following items.

A. Application Fee: As specified in Okanogan County's fee schedule which may include collection of application fees for other agencies. This application item shall not be required for proposals initiated by Okanogan County.
B. Land Use Permit Application. This application item shall not be required for proposals initiated by Okanogan County.
C. SEPA environmental checklist. The SEPA environmental checklist is required only if the proposal is not categorically exempt in accordance with OCC 14.04 "Environmental Policy" and/or WAC 197-11 Part Nine – Categorical Exemptions.
D. Project description: A thorough narrative explaining the purpose and scope of the proposed amendment. The scope of the project description will depend greatly on the nature of proposal. The project description should explain how the proposal is consistent with the comprehensive plan and pertinent land use regulations administered by Okanogan County.
E. Vicinity map: The vicinity map is required for zone map amendments, rezones, and text amendments which impact specific geographic areas. The type of vicinity map will depend greatly on the nature of proposal.

17.340.070 Environmental review

SEPA review, including submission of a completed SEPA environmental checklist, is required for those applications which are not exempt from review in accordance with OCC 14.04 "Environmental Policy" and/or WAC 197-11 Part Nine – Categorical Exemptions. When SEPA review is required, application and SEPA procedures shall run concurrently where possible. Concurrent processing includes consolidated publications, public and agency notifications, and appeal procedures.

17.340.080 Public hearing not required – procedural amendments

In accordance with RCW 36.70.800, "[a]n amendment to the text of a zoning ordinance which does not impose, remove or modify any regulation theretofore existing and affecting the zoning status of land shall be processed in the same manner prescribed by this chapter for the adoption of an official control except that no public hearing shall be required either by the commission or the board".

A. Such amendments must be adopted by ordinance of the Board of Okanogan County Commissioners.
B. At the discretion of the Board of Okanogan County Commissioners, a public hearing may be required for proposals meeting the terms of this section.

17.340.090 Legislative review

A. Legislative amendments shall be processed by the Office of Planning and Development in accordance with the procedures outlined in this section and OCC Title 20 "Development Permit Procedures and Administration". Planning Commission: the Planning Commission shall conduct and open record public hearing for the proposal. The Planning Commission may order amendments to the proposal. From the record of the hearing, the Planning Commission shall make a recommendation to the Board of Commissioners.
B. Board of Commissioners: The record from the Planning Commission shall be transmitted to the Board of Commissioners. The Board of Commissioners shall conduct an open-record public hearing. As a result of the hearing, the Board of Commissioners may order that the proposed legislation is approved, denied, amended, or remanded for further consideration of specific issues. Legislation shall be approved by ordinance.
C. Effect: Legislation adopted by ordinance takes effect immediately and is thereby enforceable, unless otherwise specified.

17.340.100 Quasi-judicial review

A. Quasi-judicial rezones shall be processed by The Office of Planning and Development in accordance with the procedures outlined in this section and OCC Title 20 "Development Permit Procedures and Administration".
B. Effect: The decision of the hearing examiner takes effect immediately and is thereby enforceable, unless otherwise specified.
C. BOCC review and zone map amendment: The hearing examiner is unable to order changes to the official zone map. When a rezone is approved by the hearing examiner, the decision shall be presented to the Board of Okanogan County Commissioners during a closed-record public hearing. Amendments to the official zone map shall be adopted by ordinance of the Board of Okanogan County Commissioners, thereby perfecting the decision of the hearing examiner.

Chapter 17.350
APPEALS

Sections:

17.350.010 Appeals of administrative actions
17.350.020 Appeals of quasi-judicial actions
17.350.030 Appeals of legislative actions

17.350.010 Appeals of administrative actions

Decisions made by the administrator and/or Office of Planning and Development staff in the enforcement of the provisions of this Title may be appealed in accordance with OCC 2.67 Administrative Appeals.

17.350.020 Appeals of quasi-judicial actions

Appeals of the final decision of any quasi-judicial land use actions from the hearing examiner shall be submitted in accordance with OCC 2.65.

A. In those cases such as rezones or other similar instances where subsequent action is required by the Board of Okanogan County Commissioners, their actions will be based on the record and decision of the hearing examiner. The action of the Board of Okanogan County Commissioners shall not constitute a final decision for purposes of appeal in accordance with OCC 2.65.150.

17.350.030 Appeals of legislative actions

Appeals of the final decision of any legislative actions from the Board of Okanogan County Commissioners shall be submitted to Superior Court in accordance with RCW 36.32.330.

Chapter 17.360
ENFORCEMENT

Sections:

17.360.010 Generally
17.360.020 Misdemeanor
17.360.030 Abatement
17.360.040 Additional enforcement
17.360.050 Cost of enforcement action

17.360.010 Generally

No structure, lot or area of land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of this code.

17.360.020 Misdemeanor

It is unlawful for any person, firm, corporation or other organization whether as owner, lessee, subleasee or occupant to allow, use or maintain any building, structure, premises, land or portion thereof contrary to or in violation of any of the provisions of this code or its amendments. Each and every such violation or contrary act shall constitute a misdemeanor. Each misdemeanor may be punished by a maximum of 90 days in jail or a fine of $500.00 or by both such fine and imprisonment. There shall be an additional misdemeanor for each 30-day period during which the violation continues.

17.360.030 Abatement

All violations of this code are determined and declared to be detrimental to the public health, safety and welfare and public nuisances. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of this code shall be abated if provisions for their continuance made pursuant to this code are not satisfied. See OCC 17.020.010 for definition of "Abatement of zoning violation".

17.360.040 Additional enforcement

A. Okanogan County declares violation of an official control of the County with respect to land use regulations of the county Planning Department or County Health Department to be a nuisance per se as that term is defined in Chapter 7.48. RCW.
B. Upon identification of a violation of an official control identified above, the County Planning Director may issue a notice of violation to the property owner and occupant of the property on which the violation is alleged to occur.
C. Within 20 days of the date of certified receipt or personal service of the notice to the recipient (or any of them if more than one) may file an appeal with the County hearings examiner who shall note an open record public hearing concerning the merits of the allegation and shall issue a written decision in accordance with County provisions in OCC 2.65-120-140.

D. Upon a finding of the examiner upholding the allegation, or upon failure of the recipients, or one of them to file a timely appeal, the County Planning Director may issue an order to cease and desist and if necessary seek civil orders from the court to enforce the order as provided in chapter 7.48 RCW.
E. Notwithstanding the existence or use of any other remedy, the county prosecuting attorney may seek legal or equitable relief to enjoin any acts or practices and abate any conditions which constitute or will constitute a violation of this code or amendments to it. The prosecuting attorney, on behalf of Okanogan County, may collect the abatement work costs by use of all appropriate legal remedies.
F. The remedies herein are supplementary to any other remedies the County may have for such violations including remedies under Chapter 9, RCW.

17.360.050 Cost of enforcement action

In addition to costs and disbursements provided for by statute, the prevailing party in an action for abatement, a foreclosure action, or collection action under this code may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The prosecuting attorney shall seek such costs, interest and the reasonable attorney's fees on behalf of Okanogan County when the county is the party.

Okanogan County
Department of
Public Works
1234A Second Avenue South
Okanogan, WA 98840
(509) 422-7300 FAX (509) 422-7301

Josh Thomson P.E.
Director/County Engineer

Date: January 5, 2024

To: Rocky Robbins, Project Planner
Okanogan County Department of Planning and Development

From: Anna Randall, Engineering Department
Okanogan County Public Works Department

Subject: Okanogan County code Amendment 2023-1, Chapter 17A Zoning

- Okanogan County Publics Works has concerns regarding the proposed change to Okanogan County Code Chapter 17A, Zoning. Specifically, the change to the new R2 and R5 district for Gravel Pits over 3 acres. This use would change from a Conditional Use to Not Permitted within those two zones. Gravel Pits are a valuable resource for Okanogan County Public Works to build and maintain our transportation system. Access to the main transportation corridors of the county is necessary to facilitate the hauling of materials and to cut down on cost of transport and manufacture of material. These factors help control cost of public funds and allow our department to maintain more miles of road. By limiting areas of the county where new gravel pits can be permitted, the cost and accessibility to this resource will be detrimentally affected. Many of our existing sites are within these two zones. Would this change affect our ability to expand or even continue to operate?

Rocky Robbins

From: NC-Review <NC-Review@WSDOT.WA.GOV>
Sent: Tuesday, January 9, 2024 2:31 PM
To: Rocky Robbins
Cc: Darveshi, Shaun; Verellen, Clayton
Subject: RE: [EXTERNAL] Notice of Environmental Decision: Determination of Non-Significance

Rocky,

Thank you for giving WSDOT the opportunity to comment on the updates to the various County Codes. At this time WSDOT has no comment.

Clayton Verellen
Development Services
Transportation Engineer 3
North Central Region
2830 Euclid Ave.
Wenatchee, WA 98801
Office Phone: (509) 667-2909
VereCla@WSDOT.WA.GOV

Washington State Department of Transportation

From: Rocky Robbins <rrobbins@co.okanogan.wa.us>
Sent: Wednesday, December 27, 2023 4:56 PM
To: Thomson, Josh <jthomson@co.okanogan.wa.us>; Anna Randall <arandall@co.okanogan.wa.us>; Pati jo Weitman <pweitman@co.okanogan.wa.us>; Ardell Hedington <ahedington@co.okanogan.wa.us>; Lani McKee <lmckee@co.okanogan.wa.us>; mharr@co.okanogan.wa.us.; Disabled - Janet Nelson <jnelson@co.okanogan.wa.us>; Paul Budrow <pbudrow@co.okanogan.wa.us>; Dan Higbee <dhigbee@co.okanogan.wa.us>; Gene Wyllson <ghwyllson@co.okanogan.wa.us>; otidct@nvinet.com; mvid2019@centurytel.net; brad@okanoganirrigationdistrict.com; neal.oroville@nvinet.com; mayor.tonasket@nvinet.com; riversidetownhall@live.com; admin@omakcity.com; chrisj@methowsalmon.org; jerit@okpud.org; allena@okpud.org; crosepacoordinator@ecy.wa.gov; FormerOrchards@ecy.wa.gov; WDFWR2Planning@dfw.wa.gov; northeast.region@dnr.wa.gov; HOLT, JASA (DNR) <jasa.holt@dnr.wa.gov>; craign@okanogancd.org; Wardlaw, Dennis (DAHP) <dennis.wardlaw@dahp.wa.gov>; SEPA@dahp.wa.gov; NC-Review <NC-Review@WSDOT.WA.GOV>; ManzarN@wsdot.wa.gov; PlattsT@wsdot.wa.gov; Hayley.cohen.pln@colvilletribes.com; guy.moura@colvilletribes.com; melissa.ayvaz.hsy@colvilletribes.com; Phil_Rigdon@Yakama.com; smih@yakamafish-nsn.gov
Subject: [EXTERNAL] Notice of Environmental Decision: Determination of Non-Significance

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Notice of Environmental Decision: Determination of Non-Significance

Rocky Robbins

From: Abby Bange <abbybange@gmail.com>
Sent: Thursday, January 11, 2024 9:58 AM
To: Rocky Robbins
Subject: Zone Code Comments

Hi I would like the county to consider ADUs to increase potential for affordable housing in the valley on single family housing zones.

thanks

Abby

Rocky Robbins

From: V. OKelly <okelly8@gmail.com>
Sent: Wednesday, January 10, 2024 6:02 PM
To: Rocky Robbins
Subject: County planning guidelines

Rocky,

Please include a set amount of water to be set aside for the towns of Winthrop & Twisp (possibly other towns as needed) in order for water tankers to supply water to the residents whose water is being impaired and potentially impaired in the future due to the upstream and uphill development.

For example, Signal Hill between Winthrop and Twisp is being developed since the county agreed for the Signal Hill Ranch to be divided into 6 pieces. They have drilled 6 new wells up the hill from me and according to several hydrologists, they could impair not only my well but all of the wells below me. All of those lots up the hill should be included in the Thompson Creek drainage and closed for residential permits. The most recent wells are 500ft deep which could possibly place their source in the river table.

If you continue to allow more development, we will need to bring tankers of water to our homes and the only place to get "legal" water for tankers is from a municipality.

We cannot be tying up the courts with impairment lawsuits and the county should plan for sustainable water resources for the residents currently living here, especially full time residents.

Respectfully,
Virginia O'Kelly
Okanogan County Water Conservancy Board Member

Okanogan County
Department of
Public Works
1234A Second Avenue South
Okanogan, WA 98840
(509) 422-7300 FAX (509) 422-7301

Josh Thomson P.E.
Director/County Engineer

Date: January 17, 2024

To: Rocky Robbins, Project Planner
Okanogan County Department of Planning and Development

From: Josh Thomson, P.E., Okanogan County Public Works Director / County Engineer

Subject: Supplemental comment for Okanogan County code Amendment 2023-1, Chapter 17A Zoning

Okanogan County Publics Works has concerns regarding the proposed change to Okanogan County Code Chapter 17A, Zoning. Specifically, we are concerned with the change from a Conditional Use to Not Permitted within the new R2 and R5 district for Gravel Pits over 3 acres.

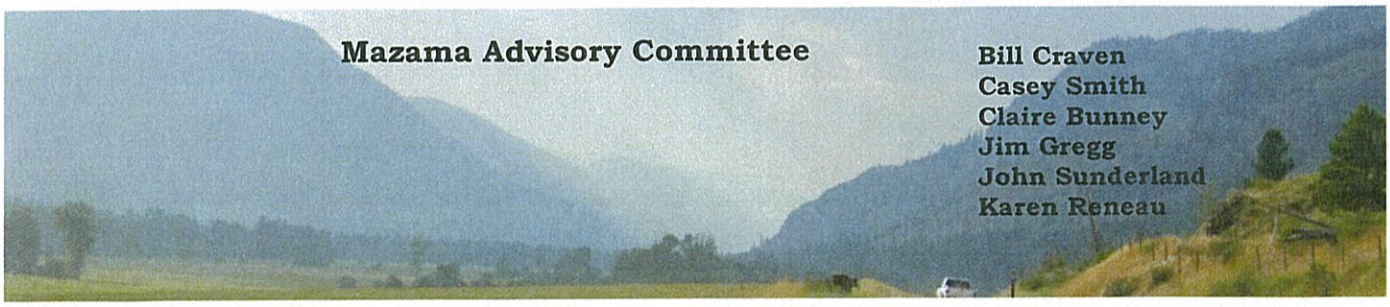
Okanogan County Public Works currently owns 15 permitted gravel pits over 3 acres, and has agreements to operate in and use an additional four, for a total of 19 county pits. Of these 19 pits, seven are in the proposed R2 zone (currently R1), eight are in R5, two in R20, one in MR, and one in MRD VF 5. This new change would not allow 15 of our current 19 pits. We are currently working on the geotechnical phase of permitting one additional pit that would not be allowed with the proposed zone code change. We are also looking into permitting at least two additional pits in the next few years, and almost all of the locations we have been looking would be prohibited by the proposed changes. Almost all of the Okanogan valley with close proximity to developed roads is in the R2 or R5 zones, making it nearly impossible to develop a gravel pit with good access and a reasonable haul cost.

While it may seem intuitive that a gravel pit over 3 acres doesn't fit on a 2-acre lot, or even a 5-acre lot, it is important to point out that the majority of lots in the R2 and R5 zones are not minimum size. The Okanogan County landfill is in an R1 zone, proposed to be R2. While there may be select areas within R2 and R5 zones that may not be appropriate for gravel pits, it is important to the citizens of this county that this use not be banned in all R2 and R5 zones.

Gravel Pits are a valuable resource for Okanogan County Public Works to build and maintain our transportation system. Access to the main transportation corridors of the county is necessary to facilitate the hauling of materials and to cut down on cost of transport and manufacture of material. These factors help control cost of public funds and allow our department to maintain more miles of road. By limiting areas of the county where new gravel pits can be permitted, the cost and accessibility to this resource will be detrimentally affected.

It is also unclear if this proposed change would affect our ability to expand or even continue to operate exiting permitted pits.

Okanogan County requests that the prohibition of gravel pits in R2 and R5 zones be reconsidered and changed to Conditional Use.



January 22, 2024

Ms. Rocky Robbins
Senior Planner
Okanogan County Office of Planning & Development
123 5th Avenue North, Suite 130
Okanogan, Washington 98840

Via email: RRobbins@co.okanogan.wa.us

Reference: Okanogan County Code Amendment 2023-1 Chapter 17A Zoning
Red Line Comments

Dear Rocky:

The Mazama Advisory Committee has reviewed the draft and makes the following comments for Okanogan County Planning Commission consideration:

Chapter 17.160 Urban Residential (UR)
This chapter allows for a maximum 50' Height restriction. Table 17.220.020 Density and Height Chart currently reflects two height restrictions in this Zone, one of which has been removed from the Chapter by red-line and should be removed from the chart.

Chapter 17.170 Neighborhood Use (NU)
This chapter allows for a maximum 50' height restriction for all uses. Table 17.220.020 Density and Height Chart currently reflects three height restrictions in this Zone, two of which have been removed from the Chapter by red-line and should be removed from the chart.

We note two irregularities in Chapter 17.170 NU: Sign regulations (17.170.110.C) refers to 'see OCC 17.190.110 (F)'; but it should refer to OCC 17.190.110(E); Light and glare regulations (17.170.110.D0 refers to 'see OCC 17.190.110(D)', but should refer to OCC 17.190.110(C).

Thank you for the opportunity to provide our comments on the red-line draft document for Chapter 17A Zoning changes.

Sincerely,
MAZAMA ADVISORY COMMITTEE

Claire Bunney
Committee Member

cc: Jim Gregg, Committee Chair

OKANOGAN HIGHLANDS ALLIANCE

P.O. Box 163, Tonasket, WA 98855
www.okanoganhighlands.org
ed@okanoganhighlands.org

25 January, 2024

Rocky Robbins
Sr. Planner, Okanogan County Office of Planning & Development,
123 5th Ave. N, Suite 130
Okanogan, WA 98840

comments submitted via email to rrobbins@co.okanogan.wa.us

Subject: This letter includes 1.) comments on the Washington State Environmental Policy Act (SEPA) Threshold Determination and SEPA Checklist for the Zoning Code Update and 2.) comments on the proposed amendments to Chapter 17A Zoning Code.

Dear Rocky Robbins, Okanogan County Planning Commission, and Okanogan County Board Commissioners,

The Okanogan Highlands Alliance (OHA) is a non-profit conservation organization based in Tonasket, Washington, with a geographic service area encompassing the area of the Okanogan Highlands east of Tonasket and west of the Kettle River Range in Okanogan County. We support education, restoration, and protection of the natural environment. We have special concern for water quality and quantity available to sustain resilient communities and ecosystems for current and future generations.

OHA appreciates the opportunity to comment. This letter includes 1.) OHA's comments on the Washington State Environmental Policy Act (SEPA) Threshold Determination and SEPA Checklist for the Zoning Code Update and 2.) OHA's comments on the proposed amendments to Chapter 17A Zoning Code. We appreciate the county having extended the comment period.

Comments on the SEPA Environmental Checklist and Threshold Determination

OHA's comments incorporate by reference the comments on the SEPA Environmental Checklist and Threshold Determination provided by Futurewise and the Methow Valley Citizen's Council (MVCC).

1. *The questions on the SEPA Environmental Checklist are inadequately answered.* Upon initial review of the SEPA Environmental Checklist, OHA noted with dismay that many of the questions were answered with "This is a non-project action" and had very limited, if any description of how the code update would affect a variety of issues including those related to erosion, water use, wildlife, among others. The SEPA Environmental Checklist instructions state explicitly that you may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. Several examples are described below.
    a. Question 1.g. The document should quantify the amount of impervious surfaces that could occur based on probable future project actions

b. Question 1.h. The document should address measures to control erosion that could occur based on probable impacts of future project actions
c. Question 2.a and 2.c. The document should address air emissions and measures to control those emissions that could occur based on probable impacts of future project actions
d. Question 3.a.4. The document should address water withdrawals or diversions that could occur based on probable impacts of future project actions.
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    i. Question 3.a.1. The list of rivers should include all major rivers in Okanogan County including the Okanogan and Similkameen.
    ii. Question 5.c. The document should address and describe migration routes for all species known to migrate in Okanogan County including Sandhill Cranes and other bird species.

2. *The Zoning Code Update **will** likely cause environmental impacts that should be evaluated in an EIS.*

Comments on Chapter 17A Zoning Code

Upon initial review of the proposed amendments to Chapter 17A Zoning Code, our concerns include:

1. The Water Availability language provides inadequate consideration of water availability for fire protection for permits listed in 17.10.140.A.2 a-j. Wildfire season is long, and preparing for and protecting structures from fire can demand large amounts of water (often from localized areas) at the driest times of the year. Yet the permit types listed in 17.10.140.A.2a-j, which includes building permits, do not require evidence of water availability for fire protection. In an area or neighborhood threatened by wildfire, we are concerned that emergency water needs will exceed the limitations set out by permit-exempt wells, will supersede other needs, and will result in harm to nearby and downstream people, wildlife, and plants.

2. 17.10.140.B.2-3 – in the proposed Zoning code, WRIA 48 does not allow permit-exempt wells as an option for permitting subdivisions. We suggest that this limitation holds for subdivisions throughout Okanogan County (including WRIA 48, 49, 50, 51, 52 and 60).

Thank you for considering these concerns. We also encourage the county to extend the comment period, due to the inaccuracy of the links initially provided in the legal notice, in order to provide us and others adequate time to fully understand and evaluate all of the proposed changes. Please include OHA on future opportunities to provide input and participate in issues related to this Zoning Code Update as well as others pertaining to the sustainability and prosperity of our community and the environment.

Sincerely,

Jen Weddle
OHA Co-Director

Sarah Kliegman
OHA Co-Director

State of Washington
DEPARTMENT OF FISH AND WILDLIFE REGION TWO
Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207
Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

January 25, 2024

Okanogan County Planning & Development
Attention: Rocky Robbins, Senior Planner
123 5th Avenue North, Suite 130
Okanogan WA, 98840

Dear Ms. Robbins,

SUBJECT: NOTICE OF ENVIRONMENTAL DECISION: DETERMINATION OF NON-SIGNIFICANCE, CODE AMENDMENT 2023-1 SEPA, CHAPTER 17A ZONING

On December 27, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from Okanogan County Planning and Development that they are accepting comments regarding the proposal referenced above. Thank you for the opportunity to comment on the SEPA determination of non-significance for the code amendment referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (RCW 77.04.012). WDFW recognizes Okanogan County's desire to establish development regulations for industrial wind and solar energy facilities and we offer the following recommendations for the following section of the Okanogan County Code (OCC) 17.255.050 Energy facilities. These changes could be included in an additional section that requires standards for all industrial energy facilities.

We encourage Okanogan County to add additional information (see suggested code language below) to avoid the siting of wind and solar energy facilities in Biodiversity Areas and Corridors (BACs). BACs are identified under WDFW's Priority Habitats and Species (PHS) program in both our PHS List and our PHS on the Web Map and we recommend that protective (low density, low intensity) zoning be applied to these locations to avoid loss of connectivity. We recently updated our PHS on the Web Map to include BACs in the Columbia Plateau. At these locations, we do not recommend allowing utility-scale solar and wind projects. Maps and more extensive information about the intended uses of BACs is available here: PHS Technical Report-Biodiversity Areas and Corridors Map (wa.gov), PHS User Guide - Biodiversity Areas and Corridors Map (wa.gov), and PHS At-a-Glance - Biodiversity Areas and Corridors Map (wa.gov).

We are pleased to see the requirement to comply with the protection and mitigation requirements in WDFW Wind Power Guidelines for solar energies that will impact fish and wildlife habitat areas in OCC 17.255.060 (H). However, we recommend replacing this with a standard under OCC.17.255.050 that will apply to all energy facilities, including wind and solar, as well as

adding additional WDFW documents. The suggested code, along with the suggested additional BAC language mentioned above, reads:

"17.255.050 Energy Facilities
A. All energy facilities that will impact Okanogan County fish and wildlife habitat areas, including but not limited to WDFW Priority Habitats and Species (PHS) areas, must comply with the protection and mitigation requirements found in the Washington Department of Fish and Wildlife Wind and Solar Power Guidelines, as amended, and Management Recommendations for Washington's Priority Habitats: Shrubsteppe, published in 2011, updated 2020, or as amended hereafter (referred to as, *PHS Management Recommendations for Shrubsteppe*).

B. All energy facilities are restricted in locations where Biodiversity Areas and Corridors (BACs) occur that are identified by WDFW's Priority Habitats and Species (PHS) program, as amended."

WDFW is in the process of updating the WDFW Wind Power Guidelines and publishing Solar Power Guidelines, likely to be released this year. Our *PHS Management Recommendation for Shrubsteppe* includes additional information helpful in addressing the permanent impacts of solar development. Information includes a protocol for quantifying and ranking shrubsteppe habitat to assist in siting development in the least impactful location. If impacts are unavoidable, then a mitigation ratio of at least 2:1 (e.g., 2 acres of protected shrubsteppe for every acre of lost shrubsteppe habitat) is recommended. WDFW also supports the inclusion of a fee-in-lieu mitigation option described in OCC 17.255.060 (H), subsections 1 and 2, and recommends extending this requirement to all energy facilities.

In June 2023, the Washington State University (WSU) Energy Program released a report to the Washington State Legislature titled Least-Conflict Solar Siting on the Columbia Plateau (WSU 2023). This report was prepared through a collaborative process that included groups representing farmland, ranchland, environmental conservation, and the solar industry. Its purpose was to identify areas where there would be the least amount of potential conflict in the siting of utility-scale solar development. Its two primary deliverables are (1) a map highlighting areas with the least amount of potential conflict, and (2) a compilation of the latest information on opportunities for co-location of solar and agriculture ("agrivoltaics"). Currently, these products do not include Okanogan County but will likely be included in the future as efforts to ensure least-conflict solar siting for solar projects expand around the state. We recommend you consider referencing Least-Conflict Solar Siting, as amended, in your zoning code to ensure the siting of solar projects minimize environmental conflicts., as well as conflicts with important farmlands and ranchlands.

While WDFW supports wind and solar development, we do so from a conservation perspective that seeks to protect WDFW Priority Habitats and Species. We appreciate Okanogan County's proactive effort to address wind and solar development in their County and offer our comments with an interest in siting wind and solar development in the least impactful locations for WDFW Priority Habitats and Species, consistent with Okanogan County's Critical Area Ordinance

requirements for Fish and Wildlife Habitat Conservation Areas (FWHCAs). WDFW also offers our technical assistance to Okanogan County and applicants through our review and comment on application materials to identify impacts and propose actions to avoid, minimize, and mitigate for unavoidable impacts (compensatory mitigation) to functions and values of WDFW Priority Habitats and Species and Okanogan County FWHCAs.

Thank you for the opportunity to comment on the Okanogan County Code Amendment 2023-1, Chapter 17A Zoning. WDFW staff are available to provide further technical assistance. If you have any questions, please contact me at 509-570-2354.

Sincerely,

Mallory Hirschler

Mallory Hirschler
WDFW Habitat Biologist

cc: Carmen Andonaegui, Region 2, Regional Habitat Program Manager
Amanda Barg, WDFW Region 2, Assistant Regional Habitat Program Manager
Michael Ritter, WDFW Lead Planner Solar and Wind Energy Development
Emily Grabowsky, WDFW Solar and Wind Energy Biologist
Michelle Huppert, WDFW Solar and Wind Energy Biologist
Kara Whittaker, WDFW Land Use Conservation and Policy Section Manager

References

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Management recommendations for Washington's priority habitats: Managing Shrubsteppe in Developing Landscapes. Washington Department of Fish and Wildlife, Olympia, Washington.

Washington State University Energy Program. 2023. Report to the Washington State Legislature: Least-Conflict Solar Siting on the Columbia Plateau. Olympia, Washington. http://www.energy.wsu.edu/RenewableEnergy/LeastConflictSolarSiting.aspx

1201 3rd Ave #2200
Seattle, Washington 98101
p. (206) 343-0681
futurewise.org

December 25, 2025

Rocky Robbins, Sr. Planner
Okanogan County Office of Planning & Development
123 5th Ave. N, Suite 130
Okanogan, Washington 98840

Dear Ms. Robbins:

Subject: Comments on the SEPA Threshold Determination (DNS) and SEPA Checklist for the Zoning Code Update.
Sent via email to: rrobbins@co.okanogan.wa.us;

Thank you and Okanogan County for the opportunity to comment on the Washington State Environment Policy Act (SEPA) Threshold Determination and SEPA Checklist for the Zoning Code Update. These comments are being submitted on behalf of Futurewise and MVCC.

We appreciate that the County extended the comment period to allow the public to effectively comment on the SEPA Determination of Nonsignificance (DNS) and the SEPA Checklist. Thank you.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has supporters throughout Washington State including Okanogan County.

Since 1976, MVCC has raised a strong community voice for the protection of the Methow Valley's natural environment and rural character. Because the Methow is interdependent with communities throughout the county and region, MVCC's advocacy encompasses policies and plans that impact a wider geography.

The court of appeals has identified the laws and regulations the County is required to follow for SEPA review of nonproject actions such as the adoption of the Zoning Code Update.

> An agency must make [a SEPA] threshold determination where, as here, the proposal is an "action"[3] and is not "categorically exempt."[4] Former WAC 197-11-310(1) (2003). The agency must use an

> environmental checklist to assist its analysis and must document its conclusion in a determination of significance or nonsignificance. Former WAC 197-11-315(1) (1995); WAC 197-11-340(1), -360(1).
>
> The agency must base its threshold determination on "information reasonably sufficient to evaluate the environmental impact of a proposal." WAC 197-11-335. In GMA planning, the agency should tailor the "scope and level of detail of environmental review" to fit the proposal's specifics. WAC 197-11-228(2)(a). Thus, for a nonproject action, such as a comprehensive plan amendment or rezone, the agency must address the probable impacts of any future project action the proposal would allow. ... see WAC 197-11-060(4)(c)-(d). The purpose of these rules is to ensure an agency fully discloses and carefully considers a proposal's environmental impacts before adopting it ....
>
> [3] See WAC 197-11-704(2)(b)(ii). Specifically, amendment 07-CPA-05 is a nonproject action because it involves "[t]he adoption or amendment of comprehensive land use plans or zoning ordinances." *Id.*
> [4] See RCW 43.21C.229, .450; WAC 197-11-305, -800 ....[1]

The SEPA checklist for the Zoning Code Update lacks information reasonably sufficient to evaluate the proposal's environmental impacts. Specific examples are identified below. The DNS should be withdrawn and an adequate EIS prepared.

Many of the Part B answers state that the question is not applicable and fail to include information on the impacts of the uses allowed by the Zoning Code Update and the Part D answers fail to include this required information.

As was documented above, the court of appeals has held that "for a nonproject action, such as a comprehensive plan amendment or rezone, the agency must address the probable impacts of any future project action the proposal would allow. WASH. STATE DEP'T OF ECOLOGY, supra, § 4.1, at 66; see WAC 197-11-060(4)(c)-(d)."[2] Unfortunately most of the answers to the Part B questions in the SEPA Checklist state that they are "[n]ot applicable" or "[t]he project is not site

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[1] *Spokane Cnty. v. E. Washington Growth Mgmt. Hearings Bd.*, 176 Wn. App. 555, 578 - 79, 309 P.3d 673, 684 - 85 (2013).
[2] *Spokane Cnty.*, 176 Wn. App. at 579, 309 P.3d at 684.

specific," or both.[3] But none of these questions consider the impacts of the future project actions the Zoning Code Update will allow.[4]

For example, the answer to Question B.3.b.1. is in part: "This is a non-project action. There will be no ground water withdrawals resulting from this non-project action."[5] Okanogan County had more permit-exempt wells drilled, 1,238, than any other county in the state between January 1, 2008 and September 4, 2014.[6] "There are many reasons for the large increase in [permit-exempt wells in] Okanagan County, including that it is the largest county in the state and nearly all growth is occurring in rural areas outside of municipal supplies."[7] Despite this clear evidence, the SEPA checklist did not disclose that the uses authorized by the zoning ordinance would withdrawal ground water. The answers to the Part D. Supplemental sheet for nonproject actions also does not disclose that the uses allowed by the zoning ordinance will withdraw ground water.[8]

The SEPA Checklist also does not disclose that in some parts of Okanogan County subject to the new zoning regulations all of the water is already allocated and in some areas more lots exist than can be served by ground water resources. For example, the instream flow rule for the Methow adopted water reservations for permit-exempt wells for "[s]ingle [d]omestic and [s]tock [u]se."[9] The Methow Watershed Council states that to their knowledge, this is the only non-interruptible water available in the Methow sub basin.[10] The bedrock deposits that underlie the aquifers subject to the instream flow rule "yield little water and are

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[3] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist pp. 3 – 19 (Dec. 28, 2023).
[4] *Id.*
[5] *Id.* p. 7.
[6] Tom Culhane and Dave Nazy, *Permit-Exempt Domestic Well Use in Washington State* p. 7 (Water Resources Program, Washington State Department of Ecology Olympia, Washington: Feb. 2015 Publication No. 15-11-006) last accessed on Jan. 22, 2024, at: https://fortress.wa.gov/ecy/publications/documents/1511006.pdf and enclosed at the link on page 7 of this letter with the filename: "1511006.pdf."
[7] *Id.* at p. 22.
[8] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist pp. 21 – 25 (Dec. 28, 2023).
[9] WAC 173-548-030(2).
[10] Methow Watershed Council Letter to the Okanogan County Commission Re: Okanogan Comprehensive Plan and watershed planning p. 1 (June 14, 2011) enclosed at the link on page 7 of this letter with the filename: "METHOW WATERSHED COUNCIL LETTER TO OKANOGAN COUNTY COMMISSION.pdf."

not considered a significant source of domestic water."[11] The Council has projected that:

> Assuming future build-out with no new parcels and existing parcel size regulations, 6 reaches would have water remaining in their reserves. The Lower Methow would exceed its reserve, leaving 1,092 presently existing parcels out of a total of 2,913 presently existing parcels unable to be supplied by a well.
>
> Assuming full build-out of all possible parcels under present zoning, 5 reaches would have water remaining in their reserve. The Upper Methow and Lower Methow would exceed their reserves. The Upper Methow would have 127 parcels unable to be supplied by permit-exempt wells out of a total of 1,948 possible parcels. The Lower Methow would have 24,313 parcels out of a total of 26,133 possible parcels unable to be supplied by wells.[12]

While we appreciate that the Board of County Commissioners have rezoned the much of the Lower Methow to Rural 5, this zone will still allow the creation of lots that cannot be served by the available water. While the revised water adequacy regulations in proposed Okanogan County Code 17.010.140 are improved, they do not clearly spell out what the "documentation of the legal right to use the permit-exempt well to serve the subject property" is.[13] This is important to clarify.

We could give many other examples of where project level impacts are ignored in the SEPA Checklist.[14] This violates SEPA.[15]

While some Part B and Part D answers acknowledge that there will be project actions that will be allowed by the Zoning Code Update, the answers fail to analyze the impacts of the uses allowed by the Zoning Code Update.

A similar SEPA violation is that some of the Part B and D answers acknowledge that there will be project actions that will be allowed by the Zoning Code Update,

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[11] Expert Testimony of Laura Strauss, Hydrogeologist p. 4 (May 6, 2014) enclosed at the link on page 7 of this letter with the filename: "Expert Testimony of Laura Strauss Hydrogeologist.pdf."
[12] Methow Watershed Council Letter to the Okanogan County Commission Re: Okanogan Comprehensive Plan and watershed planning p. 2 (June 14, 2011).
[13] Proposed Zoning Okanogan County Code Title 17 Final Draft pp. 5 -9 (12/26/2023).
[14] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist pp. 2 – 25 (Dec. 28, 2023).
[15] WAC 197-11-060(4)(c)-(d); *Spokane Cnty.*, 176 Wn. App. at 579, 309 P.3d at 684

the answers fail to analyze the impacts of these project actions.[16] For example, the question following Question B.14.4.b. asks:

> Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
>
> This is a non-project action and does not necessitate new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities. Future project-level actions will be subject to applicable existing code provisions and will be subject to environmental review to the extent required by SEPA and the SEPA implementing regulations.[17]

The subdivisions and residential and commercial developments allowed by the Zoning Code Update will require driveways that provide access onto state highways and county roads and the traffic generated by these uses and the driveways will have adverse impacts on the transportation system that may or not be mitigated. Some, especially subdivisions, will require new roads. None of these probable impacts are disclosed.[18]

Question D.6. totally ignores the new development authorized by the Zoning Code Update.[19] The "[p]roposed measures to reduce or respond to such demand(s)" following Question D.6 states that the change in R-1 to R-2 will reduce transportation demand, which is true.[20] However, the answer does not disclose that many commercial uses, including retail food stores, and light industrial and industrial uses will now be allowed in the Methow Review District (MRD) which will substantially increase transportation demand.[21]

As was documented above, the court of appeals has held that "for a nonproject action, such as a comprehensive plan amendment or rezone, the agency must address the probable impacts of any future project action the proposal would

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[16] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist pp. 4 – 24 (Dec. 28, 2023).
[17] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist p. 18 (Dec. 28, 2023).
[18] *Id.*
[19] *Id.* p. 25.
[20] *Id.*
[21] Proposed Zoning Okanogan County Code Title 17 Final Draft pp. 126 – 29 (12/26/2023) Proposed Table 17 .220.010: District Use Chart.

allow. WASH. STATE DEP'T OF ECOLOGY, supra, § 4.1, at 66; see WAC 197-11-060(4)(c)-(d)."[22] The failure of these questions to address the impacts of the project developments allowed by the proposed Zoning Code Update violates SEPA.

The SEPA Checklist for the Zoning Code Update relies on the comprehensive plan and the State Environment Policy Act (SEPA) environmental impact statement (EIS) for the comprehensive plan which is currently being appeal and the appeal was not disclose as SEPA requires.

The current Okanogan County Comprehensive Plan and the SEPA EIS for the comprehensive plan are currently under appeal in Okanogan County Superior Court Case No. 22-2-0007724 and State of Washington Court of Appeals Case No. 390594. The SEPA Checklist and DNS incorporates the Final Environmental Impact Statement for the Okanogan County Comprehensive Plan by reference.[23]

WAC 197-11-630(5), part of the binding SEPA regulations, provides "[i]f known, the adopting agency shall disclose in its adoption notice when the adopted document or proposal it addresses is the subject of a pending appeal or has been found inadequate on appeal." The county certainly knew of the appeal of the comprehensive plan and the SEPA EIS, but failed to disclose it in either the SEPA Checklist or the DNS.[24] This violates SEPA.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-853-6077 or email tim@futurewise.org.

Very Truly Yours,



Tim Trohimovich, AICP
Director of Planning & Law

---

[22] *Spokane Cnty.*, 176 Wn. App. at 579, 309 P.3d at 684.
[23] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist pp. 5 – 6, pp. 8 – 10, p. 14, p. 16, p. 18, pp. 21 – 23 (Dec. 28, 2023); State Environmental Policy Act Determination of Nonsignificance Code Amendment 2323-1 p. 2 (12/27/2023).
[24] Okanogan County Code Amendment 2023-1, Chapter 17 A Zoning SEPA Checklist pp. 5 – 6, pp. 8 – 10, p. 14, p. 16, p. 18, pp. 21 – 23 (Dec. 28, 2023); State Environmental Policy Act Determination of Nonsignificance Code Amendment 2323-1 p. 2 (12/27/2023).

Enclosures

The enclosures are available at this link:

Okanogan Cnty Zoning SEPA

END
SEPA
COMMENTS

PROJECT COMMENTS

OKANOGAN HIGHLANDS ALLIANCE

P.O. Box 163, Tonasket, WA 98855
www.okanoganhighlands.org
ed@okanoganhighlands.org

25 January, 2024

PROJECT ON PAGE 2

Rocky Robbins
Sr. Planner, Okanogan County Office of Planning & Development,
123 5th Ave. N, Suite 130
Okanogan, WA 98840

comments submitted via email to rrobbins@co.okanogan.wa.us

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    ii. Question 5.c. The document should address and describe migration routes for all species known to migrate in Okanogan County including Sandhill Cranes and other bird species.

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1. The Water Availability language provides inadequate consideration of water availability for fire protection for permits listed in 17.10.140.A.2 a-j. Wildfire season is long, and preparing for and protecting structures from fire can demand large amounts of water (often from localized areas) at the driest times of the year. Yet the permit types listed in 17.10.140.A.2a-j, which includes building permits, do not require evidence of water availability for fire protection. In an area or neighborhood threatened by wildfire, we are concerned that emergency water needs will exceed the limitations set out by permit-exempt wells, will supersede other needs, and will result in harm to nearby and downstream people, wildlife, and plants.

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Thank you for considering these concerns. We also encourage the county to extend the comment period, due to the inaccuracy of the links initially provided in the legal notice, in order to provide us and others adequate time to fully understand and evaluate all of the proposed changes. Please include OHA on future opportunities to provide input and participate in issues related to this Zoning Code Update as well as others pertaining to the sustainability and prosperity of our community and the environment.

Sincerely,

Jennifer S Weddle

Jen Weddle
OHA Co-Director

Sarah Kliegman

Sarah Kliegman
OHA Co-Director

Rocky Robbins

From: Scott and Joan Stluka <sjstluka@gmail.com>
Sent: Wednesday, January 31, 2024 10:23 AM
To: Rocky Robbins
Subject: Zoning and development

The Methow valley's economy is outdoor recreation. People come here (and spend money) to recreate in an unspoiled landscape. Every road, building, fence, sign takes a part of the unspoiledness away. Growth and development is never good. Visitors and people who live here do not want it.

Scott Stluka
Twisp

Sent from my iPhone

GENERAL OFFICE
OKANOGAN, WA 98840
P.O. BOX 912
(509) 422-3310
FAX 422-4020

OROVILLE, WA 98844
P.O. BOX 1969
(509) 476-2928
FAX 476-2445

BREWSTER, WA 98812
P.O. BOX 187
(509) 689-2502
FAX 689-3090

TONASKET, WA 98855
P.O. BOX 585
(509) 486-2131
FAX 486-1710

PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY

February 6, 2024

Okanogan County
Planning and Development Dept.
Attn: Rocky Robbins, Sr. Planner
123 5th Ave N Suite 130
Okanogan, WA 98840

Re: Comment Letter on Proposed Okanogan County Code, Chapter 17A, Zoning Amendments

Dear Ms. Robbins,

Thank you for the opportunity to comment on behalf of Public Utility District No. 1 of Okanogan County (District) regarding the proposed Okanogan County Code, Chapter 17A, zoning amendments.

The District has reviewed the proposed amendments and is submitting the following comments.

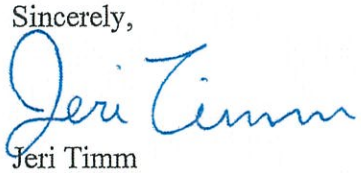
- The District supports the proposed language which prompts project proponents to obtain verification from the local utility that adequate capacity is available and that other electric utility concerns are addressed. These regulations are found in the cryptocurrency section 17.255.030(C)(1-3) and solar energy section 17.255.060(E)(i-iii). The District requests the addition of these same regulations to the commercial electric vehicle charging stations and energy facilities sections in Chapter 17.255 since the same concerns need to be addressed for those facilities. Due to the limited electrical capacity of our system and constraints on locating these facilities, an analysis must be conducted prior to siting. Further, the District recommends that residential customers also contact their local utility prior to installing individual electric vehicle chargers due to the same concerns.

- Proposed section 17.255.070 High and Low Impact Utilities is not defined. It is unclear who or what projects this section applies to. Further, the regulations listed are mitigation measures that would be better suited as requirements through a permit process, such as a Conditional Use Permit, if deemed applicable.
- The Definition of "Energy Facility" under proposed OCC 17.020.344 should include the definition of "Transmission Facilities" in addition to "Energy Plant" to match the definition in RCW 80.50.020 (29) (Transmission Facility). It appears that the proposed definitions of "Energy Facility" and "Energy Plant" are taken verbatim from subsections (13) and (14) of RCW 80.50.020. The addition of a "Transmission Facilities" definition would complete that definition section and clarify what facilities are subject to proposed OCC 17.255.050.
- Proposed Section 17.020.831 (Solar energy facilities and/or system, commercial or community) should clarify that the primary purpose of the facility is for sale of electricity, not generated by the local electric utility. This would clarify that the proposed rules under OCC 17.255.060 (Solar Energy facilities) apply to solar developers seeking to sell energy and capacity to our local electric utility providers, or have their power wheeled by the local electric utility.

The District appreciates the opportunity to provide these comments. Please contact me if you have any questions or would like to further discuss these concerns.

Thank you for your time.

Sincerely,



Jeri Timm
Director of Regulatory Affairs and Customer Service
Okanogan PUD
jerit@okpud.org
(509) 422-8425

CC: Steven N. Taylor, General Manager, Okanogan PUD

Rocky Robbins

From: Gail & James Brennan <onepine20@gmail.com>
Sent: Monday, February 12, 2024 1:16 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

Good morning,

Please include our comments on the Okanogan County Zoning Code Update. As long time residents of the County, we have tried to follow the process and while we appreciate the efforts Okanogan County has taken to update its Zoning Code, there are several shortcomings we hope would be addressed before a final updated Code is adopted.

WILDFIRE:
We currently live two miles south of Twisp but for 12 years, we lived on East Buttermilk Creek Rd. and experienced the ravages of wildfire first hand—forced to evacuate our home twice without knowing we would ever be able to return to a standing structure.

Given the history of wildfires in every corner of Okanogan County, we request that the County incorporate the recommendations put forth in the Okanogan County Wildfire Protection Plan. These recommendations make sense and should be an integral part of the Code protecting communities, homes, residents and first responders from the unpredictable and often tragic events resulting from a natural disaster that we will surely see revisiting areas in our County every fire season.

WATER:
The Water Availability requirements in OCC 17.010.140 are a good first step but should include requirements for permit-exempt wells in state law to protect senior water rights and instream flows. In all cases, Washington State water laws need to be followed.

LOWER VALLEY:
The new R2 zoning in the lower Methow Valley is too dense for unincorporated Okanogan County. It should be replaced with an R5 zone classification. In closed basins and upland areas of the lower Methow Valley, the R5 zoning should be changed to MRD20 or R20 because of lack of water and very high wildfire risk.

ALLOWED USES:
The District Use Chart needs to be consistent. Grocery stores, office buildings and other nonconforming commercial buildings should not be allowed outside of incorporated towns or Neighborhood Commercial zones throughout the Methow Valley Watershed. Keep the Methow Valley's unique rural heritage and its character intact and make use of local advisory groups in developing the future.

DEVELOPMENT:
The County should be careful in granting exemptions. All building lots need to demonstrate water availability to be both physically and legally available during the process of site analysis. This is land use planning 101 and will benefit both landowners, neighbors and neighborhoods in the long run.

All clearing, grading and road work needs to be put through a review and permitting process before work begins. Far too many roads to nowhere and too much damage to wetlands has been the result of not following this process.

There is too much ambiguity in the County's Zoning maps. The boundaries of the Methow Review Distrct, MVMCPA Sub Unit A as well ad other sub units on the Zoning map need to be accurately drawn and delineated.

Thank you for your time and consideration in reading these comments.

Sincerely,
James and Gail Brennan
816 Twisp Carlton Rd.
PO Box 176
Twisp, WA 98856

509-997-1448
onepine20@gmail.com

Rocky Robbins

From: Lynn Scharf <lynnscharf@protonmail.com>
Sent: Friday, February 9, 2024 2:55 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

Dear Ms. Robbins,

I am submitting comments for the Okanogan County Zone Code Update. I live a few miles south of Twisp, in the Methow Valley. I appreciate the delicate balance that Okanogan County maintains between rural community interests, water rights, and environmental resource conservation. I am a former volunteer for the National Park's Natural Sounds and Night Skies Division. I came in contact with the Division through natural sounds work but left with a profound appreciation for the night sky. Dark skies are hard to find and the lack of light pollution is one of the reasons I moved to Okanogan County, and specifically the Methow Valley. Please consider expanding the existing Light and Glare provisions to include all zones and applications in the Methow Valley watershed (within and without the current MRD). Thank you for receiving my comment and thank you for your work on behalf of Okanogan County.

Sincerely,
Lynn Scharf

Rocky Robbins

From: Mellana John <jmellana@seanet.com>
Sent: Friday, February 9, 2024 4:08 PM
To: Rocky Robbins
Subject: Comprehensive Plan Comments

Dear Ms. Robbins,

As a WUI resident within the upper Cub Creek drainage since 1995 (Uplands R20), first let me express my thanks to the county for many of the enhancements to the zoning code that have been made and are still being considered. The site analysis and water availability requirements are just a few of the improvements that come to mind, as are some changes as they affect our R20 zone.

I know you're seeing many parts of what follows from other residents, but nevertheless wanted you to see what matters to folks like ourselves who inhabit the "tip of the spear" when it comes to wildfire and related risks. The 2021 Cub2 fire was less than a mile away from us, and we still have the DNR dozer line going through our place as a frequent reminder of what it means to have been part of the western containment line for that event.

Two needed improvements are directly linked to that particular experience:

- Requiring two separate routes of egress for new subdivisions. This is a critical need both for homeowners, and for First Responders.

- Placing the County *Community Wildfire Protection Plan* recommendations into all relevant zoning areas, such as requiring "Firewise" principals or the verifiable adoption of similar fire safety measures.

Other Areas of Concern for Zoning:

- Revising the District Use Chart to prevent grocery stores, office buildings, and other incompatible commercia uses from being developed outside of incorporated towns or Neighborhood Commercial zones throughout the Methow valley watershed (within and outside the current Methow Review District (MRD).
- Limiting ridgetop building where the new building will interfere with the viewshed in the Methow Valley watershed (both within and outside the current MRD).
- Changing R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.
- Incorporating the recommendations from the Okanogan County Community Wildfire Protection Plan, such as adopting the WUI Building Code, or similar fire safe measures.

- Replacing the R2 zone with the R5 zone
- Positively addressing the insufficient protections for dark skies.
- Enacting protections for county residents from the undesirable impacts on viewsheds stemming from ridgetop developments
- Designating the dry uplands near Pateros for lower density (20-acres or larger lots), given the lack of available water and high wildfire risk in these areas.
- Thank you for requiring water adequate for fire protection when approving subdivisions, including the new Water Availability section. Still to be addressed is:
    - compliance with the state water codes
    - better protecting senior water rights holders and instream flows.

Sincerely,

John Mellana
jmellana@seanet.com

mobile: 206.954.2965

Rocky Robbins

From: D M <danamilani3@gmail.com>
Sent: Friday, February 9, 2024 7:37 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

I believe we need to limit water use by any and all means. To that end we need to limit development.
Ideally, a full stop on all new builds and agriculture. That won't happen so we need to seriously limit housing; new residential housing, multi unit housing, and all commercial and agricultural development.
This valley cannot sustain the numbers of people coming or the development this adds.

Thank you,

Dana Milani
danamilani3@gmail.com
(818) 324-3304

Rocky Robbins

From: Raechel Youngberg <raechel.youngberg@gmail.com>
Sent: Friday, February 9, 2024 8:41 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

Dear Planning Department,

I am writing to express my views on the proposed updates to the Okanogan County Zoning Code. While I appreciate the efforts to revise and modernize our county's zoning regulations, I believe that certain critical areas require further consideration to ensure the safety, sustainability, and well-being of our communities. Below are my comments and requests concerning the zoning code update.

Wildfire
I strongly urge the County to integrate the recommendations from the Okanogan County Community Wildfire Protection Plan into the updated zoning code. The current provisions fall short in safeguarding our communities, homes, residents, and first responders against wildfires. Adopting the Wildland Urban Interface (WUI) Building Code or similar fire-safe measures would significantly enhance our resilience to wildfire threats.

Dark Skies
The importance of preserving our night skies cannot be overstated. I request that the county broaden the existing Light and Glare provisions to encompass all zones and applications within the Methow Valley watershed, regardless of their current designation within the Methow Review District. This expansion is crucial for maintaining the natural beauty and ecological health of our region.

Water
I support the inclusion of the new Water Availability requirements as outlined in OCC 17.010.140. However, it is imperative that the County also incorporates the state law's stipulations for permit-exempt wells. This integration is essential to protect senior water rights holders and maintain instream flows, thereby ensuring compliance with state law and safeguarding our water resources.

Lower Valley
I propose replacing the R2 zoning designation with the R5 zone to reflect the unincorporated areas of Okanogan County's need for less dense development. Furthermore, for closed basins and upland areas in the lower valley, such as French Creek and McFarland Creek, I recommend changing the zoning from R5 to MRD20 or R20. These adjustments would address concerns about water availability and wildfire risk by promoting lower-density development.

Allowed Uses
The current revisions to the District Use Chart could drastically alter the rural character of the Methow Valley by permitting incompatible commercial developments outside incorporated towns or Neighborhood Commercial zones. I request a revision of these changes to ensure consistency and protect the valley's rural nature, based on comprehensive public consultation and input from advisory groups.

Development
I recommend the County enforce limitations on ridgetop building to prevent disruptions to the Methow Valley's viewshed. It is also crucial to require exempt segregations creating building lots to demonstrate the legal and physical availability of water, address fire safety, and ensure adequate access. Additionally, including a clearing and grading permit and review process in the zoning regulations would protect neighboring properties and the environment from potential damage.

Lastly, I urge the County to accurately depict the boundaries of the Methow Review District, MVMCPA Sub Unit A, and other relevant subunits on the zoning map. As well as to prioritize solar siting in areas identified as least conflict zones by the WSU Study on Least-Conflict Solar Siting on the Columbia Plateau (June 2023).

Thank you for considering my comments. I believe that by addressing these priorities, we can ensure that the Okanogan County Zoning Code update truly reflects the needs and values of our community, promoting a safer, more sustainable, and harmonious living environment for all residents.

Sincerely,

Raechel Youngberg
366 Twisp Carlton Road,
Carlton, WA 98814

Rocky Robbins

From: anna rose <annacasey528@gmail.com>
Sent: Saturday, February 10, 2024 9:23 AM
To: Rocky Robbins
Subject: Zone Code Update Comments

Hello,
I would like to ask the county to reassess the new zoning code updates. In particular, I am concerned with protecting senior water rights and in-stream flows, and ensuring that future development is planned to ensure residents will have adequate water access for their safety, even in drought years. The code update is an opportunity to improve planning in regards to ensuring that development is proportional to real water resource availability. This would mean requiring water resource studies with new subdivisions, and not reducing parcel size standards in closed watersheds.

As a farmer, I also want to name that changing the zoning from R20 to R5 in areas with access to irrigation will effectively make that land inaccessible for farming.

I would also like to request the County to revise the District Use Code to prevent commercial development like stores, gas stations and large buildings outside of town limits. We value our rural community, and allowing sprawl between existing towns, combined with the influx of new residents, could jeopardize the structure of our community.

Thank you,
Anna Rose
287 Twisp Winthrop Eastside rd
Twisp WA 98856

Rocky Robbins

From: marcia navajas <marcianavajas@gmail.com>
Sent: Saturday, February 10, 2024 10:41 AM
To: Rocky Robbins
Subject: Zone Code Update Comments

Thank you for the opportunity to provide comments. Most of my comments have to do with preserving the rural and beautiful qualities of the Methow Valley. It is these things that people come to enjoy and recreate in and thus provide an important income source with tourism.

1. Add the recommendations from the Okanogan County Community Wildfire Protection Plan such as adopting the WUI Building Code or similar fire safe measures. Wildfires destroy communities and insurance companies are dropping coverage after a wildfire, or refusing to provide coverage to home buyers. Everything needs to be done to protect homes from wildfire.
2. Expand current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed. Very bright outdoor light has been proven to interfere with seasonal bird migration. The Methow Valley is a flyway for all kinds of birds. Strong outdoor lights can be seen way beyond their intended area and detract from our ability to enjoy the night sky, not to mention a good night's sleep!
3. Change R5 (5 acre lots) Zoning in closed basins (French Creek and McFarland Creek)and in upland areas (near Pateros) of the lower Methow valley to MRD20 or R20. Water availability is a big concern as is wildfire risk.
4. I appreciate the change to R2 designation from 1 acre in unincorporated Okanogan County but R2 is still too dense. It will change forever the rural beauty of our county and promote sprawl, and it strains water resources. Please consider R5.
5. Revise the District Use Chart to prevent grocery stores, office buildings, and other incompatible commercial uses from being developed outside of incorporated towns or Neighborhood Commercial zones throughout the Methow Valley watershed. This will severely impact our rural area, impact traffic on roads that are not sufficient, and promote sprawl. People visit here to get away from this! Why ruin a big source of income for the Methow Valley: tourism and outdoor recreation to our beautiful area.
5. Limit ridgetop building where the new building will interfere with the viewshed in the Methow Valley watershed (within and outside the current MRD). Again why ruin an area that depends on tourism due to its beauty and rural character with sweeping views.
6. Exempt subdivisions need to be required to show that water is legally and physically available, that fire safety is addressed, and that the lots will have adequate access.
7. The County needs to include a clearing and grading permit and review process in the zoning regulations to protect the neighbors and the environment. We have already seen wetlands cleared, roads put in high erosion areas and other land degradations that negatively affect neighborhoods, property values and destroy sensitive areas or important wildlife areas.

Thanks again for the opportunity to comment and for considering these changes. It is important to protect the rural character of this county and especially the Methow Valley which relies on tourism and outdoor recreation.

Marcia Navajas
Winthrop, WA

Rocky Robbins

From: Maggie Coon <maggie@riversound.net>
Sent: Saturday, February 10, 2024 1:13 PM
To: Rocky Robbins
Cc: Andy Hover
Subject: Maggie Coon Zone Update Comments
Attachments: Maggie B. Coon comments on Okan County Zone Code REvision.pdf

Rocky - please find my comments below and attached in a PDF document. Thank you!

Maggie B. Coon
P.O. Box 1147
Twisp, WA. 98856
maggie@riversound.net

Rocky Robbins
Okanogan County Office of Planning and Development
Okanogan, WA. 98856

February 10 2024

Dear Rocky,

I am writing as a long time resident of the Twisp River Valley to provide comments on the Okanogan County Updated Zoning Code. I appreciate the complexity of this ongoing process and also its profound importance for the future of the Methow Valley and beyond.

In recent years, development pressures in the Methow Valley and elsewhere in Okanogan County have increased exponentially as more and more people discover the beauty and rural character of this place. Residents and visitors alike have a strong interest in maintaining the qualities we value while accommodating responsible growth. The proposed zone code revision takes some steps in the right direction. At the same time, there are a number of areas where significant improvement is essential to meet the future needs of this most special place.

Highlights of positive features:

— **Increased requirements for site analysis and permit approvals** on most building and on occupancy of new structures.

— **The requirement that development approval be contingent on clear demonstration of available water..** HOWEVER, THE LANGUAGE OF THIS PROVISION STILL DOES NOT FULLY COMPLY WITH STATE WATER CODES. This is key to ensuring the validity of senior water rights and instream flows.

— **Inclusion of a 160 acre zone in the Tunk Valley** in light of declining water availability

— **Prohibition of 5 mobile homes or multi-family units** in the R2, R5 and R20 zones.

Highlights of areas needing significant improvement:

— **Very limited attention to protection of dark skies and no provisions to address ridgetop development:** Both of these issues are ones which dramatically affect rural character. We have a great opportunity NOW to include protections in the zoning code before ve become like so many other rural places which wish they had acted sooner.

—**Allowance of numerous inappropriate uses outside incorporated towns or neighborhood commercial zones:** Many changes to allow uses are proposed in the district use chart where they do not belong: e.g. aircraft salvage, petroleum service stations,

commercial parking lots, office buildings, grocery stores and similar commercial uses. This is a radical change with potentially very serious consequences to local values and quality of life.

— **The absence of a clearing and grading ordinance:** The lack of accountability for clearing and grading activities is a glaring omission. Increasingly we here in the Methow Valley are witnessing incursions into wetlands and other sensitive locations without any oversight.

— **Inadequate protection of the lower Methow Valley from incompatible densities and uses:** Given extremely serious issues wi water availability, the R5 zone should replace the proposed R2 zone in the lower Methow Valley.

I thank you for your efforts on this process and appreciate the opportunity to comment

Maggie B. Coon
Twisp River resident
509 997 2669

Cc: Commissioner Andy Hover

Maggie B. Coon
P.O. Box 1147
Twisp, WA. 98856
maggie@riversound.net

Rocky Robbins
Okanogan County Office of Planning and Development
Okanogan, WA. 98856

February 10 2024

Dear Rocky,

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—**Allowance of numerous inappropriate uses outside incorporated towns or neighborhood commercial zones:** Many changes to allow uses are proposed in the district use chart where they do not belong: e.g. aircraft salvage, petroleum service stations, commercial parking lots, office buildings, grocery stores and similar commercial uses. This is a radical change with potentially very serious consequences to local values and quality of life.

— **The absence of a clearing and grading ordinance:** The lack of accountability for clearing and grading activities is a glaring omission. Increasingly we here in the Methow Valley are witnessing incursions into wetlands and other sensitive locations without any oversight.

— **Inadequate protection of the lower Methow Valley from incompatible densities and uses:** Given extremely serious issues with water availability, the R5 zone should replace the proposed R2 zone in the lower Methow Valley.

I thank you for your efforts on this process and appreciate the opportunity to comment,

Maggie B. Coon
Twisp River resident
509 997 2669

Cc: Commissioner Andy Hover

Rocky Robbins

From: Robert Naney <rnaney@gmail.com>
Sent: Saturday, February 10, 2024 4:53 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

Thank you for the opportunity to comment on the revised zoning code for Okanogan County. My comments relate mostly to the Methow Valley in which I have been a resident for nearly 40 years, arriving in October, 1984. During the late 1980s and early 1990s I participated in many meetings with the Washington Department of Fish and Wildlife (then Department of Game), the U. S. Forest Service, and Okanogan County on updates to the County plan, especially in the Methow Valley. Since then, I have commented on many of the revisions to the zoning codes and participated in the "neighborhood groups" in the early 2000s. It has been a long and arduous process. There have been many improvements to the proposed code since the initial drafts were prepared.

Following are some highlights of what I consider improvements in the proposed code. Now all structures are required to complete a site analysis. This will require a zone permit approval on most activities related to building or occupying structures. The new code requires a water availability analysis before most types of development can be approved. Also, the code now restricts developments for human habitation in the 100-year flood plain in the Methow Review District (MVRD). Additionally, the 5- and 20-acre requirements in the MVRD have been extended to below Gold Creek, replacing the previous 1-acre requirement.

There have been several catastrophic fires in the Methow Valley in the past 10 years where houses and firefighters' lives have been lost. The adoption of the wildlife-urban interface building code needs to be adopted as recommended by the Okanogan County Community Wildfire Protection Plan. There should also be a requirement for multiple access/escape routes for approved subdivisions and there should be legally and physically available water for fire safety.

I do have some concerns regarding some of the allowed uses proposed for the MVRD that are not compatible with maintaining the character of the Valley. These include aircraft salvage, petroleum service stations, commercial parking lots, office buildings, and grocery stores that may be allowed outside of existing cities and commercial areas. These operations should only be allowed within city or commercial areas.

Finally, I believe the lower Methow Valley in the French Creek and McFarland Creek basins and the dry uplands near Pateros warrant lower densities, i.e. minimum 20 acre lots because of a lack of water and high fire risk.

Thank you again for all the hard work of incorporation of many of my previous concerns. It is no easy task to develop a plan that makes everyone happy. You have made many improvements.

Robert H. Naney

Rocky Robbins

From: Sara Mounsey (via Google Docs) <sara.mounsey@gmail.com>
Sent: Saturday, February 10, 2024 6:50 PM
To: Rocky Robbins
Subject: Comments on Comprehensive Plan
Attachments: Comments on Comprehensive Plan.pdf

Sara Mounsey attached a document

Sara Mounsey (sara.mounsey@gmail.com) has attached the following document:
Learn more

Dear Rocky,
Thank you for sharing my comments with the Planning Commission. I appreciate the hard work and time spent on this important work.
Sara Mounsey
Twisp

Comments on Comprehensive Plan

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Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
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2/10/24

To Okanogan County Planning Commission:

Thank you for your hard work on updating the county's Comprehensive Plan. Some of the new measures to ensure water availability, increase minimum acreage requirements, and require site analysis are important components and appreciated. We recently completed a site analysis process and found it to be thorough, and appreciated the County's help.

A few changes I'd like to see include further work on the water availability section to ensure that it is in compliance with state water codes and aims to protect instream flows. With impending continued effects of climate change, special attention needs to be paid to water conservation with a specific goal of protecting instream flows.

Another addition I'd appreciate is assurance that the County will review and require clearing and grading requirements for compliance with regulations. In the past few years, I've watched with alarm as landowners upriver from my home cleared, graded, and dug in wetlands and in the floodplain adjacent to the Twisp River with no apparent recourse. This type of activity has significant impact on water storage & quality as well as wildlife.

I also feel strongly that the lower Methow Valley should be further protected from development that aligns with available water, specifically French Creek and McFarland Creek and the drylands near Pateros. These areas are not suitable for higher density development and should be zoned with 20 acres or larger lot sizes.

It is hopeful that the R1 zones have been modified to R2, but that size lot still is too small to be sustainable. Again, available water and access to other resources are too limited now..and will be even more limited as we face drought with more regularity. Please change the R2 zones to lower density.

Two other missing components are inclusion of a ridgetop ordinance banning development on ridgetops. This change could be a simple, but impactful way to preserve the rural character and beauty of the valley. Also, increased protection for dark skies would have significant impact to protect migratory birds and other wildlife who call this area home.

Thank you for your consideration of my comments.

Sara Mounsey
303 Twisp River Rd
Twisp, WA 98856

Rocky Robbins

From: BARBARA ZAROFF <zaroffbainbridge@msn.com>
Sent: Sunday, February 11, 2024 8:18 AM
To: Rocky Robbins
Subject: Zoning Code Comments

Thank-you for the opportunity to comment on the Okanogan County Zoning Code.

I have the following requests/comments:

- Would the County please incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan - the concern is that the proposed code doesn't sufficiently protect property and individuals - including first responders.
- Given that this is an issue through the Methow Valley - not only in particular zones - I would request that the County expand the provisions for light and glare to include all zones and applications.
- Please include the requirement that a potable water analysis be provided before subdivision or other development applications move forward. This would provide a basis for county staff to assess applications quickly and would provide up-front information for future property owners about what they can expect for their lots.
- Please include the new Water Availability requirements in OCC 17.010.140 and include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.
- In order to protect the rural character of the Valley, please specifically restrict commercial uses - grocery stores, office buildings, etc. - from being developed outside of the incorporated towns or Neighborhood Commercial zones.
- Please include a provision to limit ridgetop building in locations where the new building will interfere with the viewshed in the Methow Valley watershed.
- Require exempt subdivisions to demonstrate water availability, fire safety, and access. This will ensure that lots are not sited in dangerous or environmentally sensitive areas and that they have access to water.
- Site analysis (clearing and grading permits) should be required for all clearing and grading work. The lack of these requirements have resulted in significant damage to wetlands and riparian areas.

Thank-you,

Barbara Zaroff
71 Bear Creek Rd
Winthrop

Rocky Robbins

From: Brittany Aae <raven.aae@icloud.com>
Sent: Sunday, February 11, 2024 10:34 AM
To: Rocky Robbins
Subject: Zone Code Update Comments

Hello,

I'd like to submit a comment in support of the proposed expanded lighting regulations in all of the Methow Valley. Our dark skies are an intangible asset that we must conserve. Dark sky and light trespass ordinances help decrease incursions on one's privacy and peace, too.

Thanks,
Raven
Okanogan NF, Methow Valley

sent on the run

Rocky Robbins

From: Christine Estrada <grepgirl@gmail.com>
Sent: Sunday, February 11, 2024 11:44 AM
To: Rocky Robbins
Subject: Zone Code Update Comments

Hello!

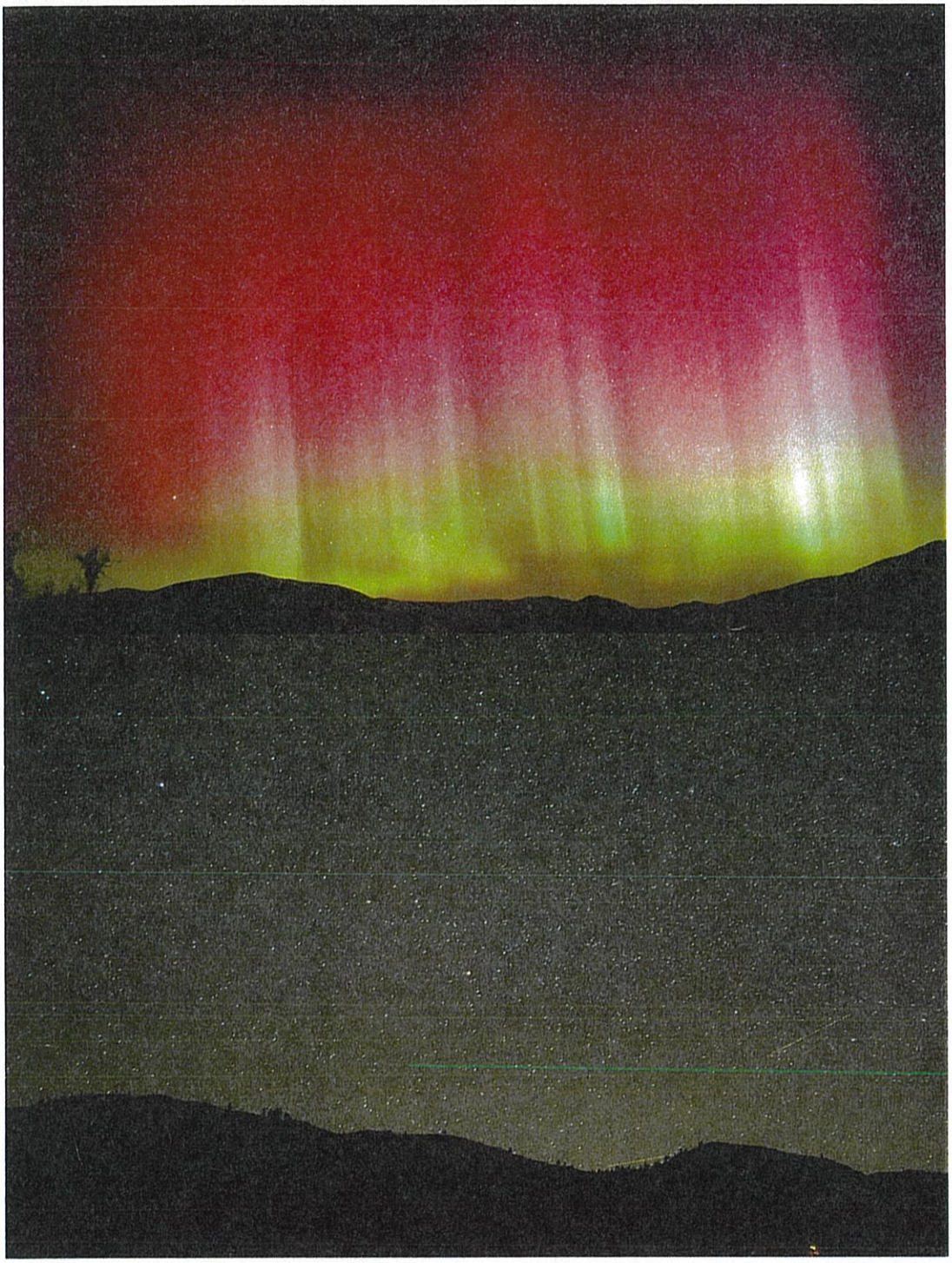
Okanogan County, especially the Methow, has some of the darkest skies in Washington State. I've always been so delighted that I can step right out my back door, especially in winter when the nights are long, and photograph and marvel at the night sky. Considering 80% of the country can no longer see the Milky Way due to light pollution, it's a rare and special gift and natural resource that we all enjoy here.

I would urge you to expand current provisions for Light and Glare to include all zones and applications in the Methow Valley watershed within and outside the current Methow Review District. Protecting our dark skies not only protects a valuable natural resource, but also minimizes light disruptions to the behavior and health of animals, plants, and humans.

The dark skies in my immediate home area have already been impacted this last year by a new lodging business with excessive, unnecessary, nighttime lighting. Residents many miles away now see a glow from the business where there once was a fully dark sky. Passing stronger provisions for maintaining our dark skies is essential to the county's rural character and helps to prevent such unfortunate impacts to our beautiful night sky.

Thank you!

- Christine Estrada
Methow Valley Resident and Night Sky Enthusiast



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✿ Christine ✿

Where in the Wild is Chris?

Rocky Robbins

From: Jack McLeod <jackmcl@gmail.com>
Sent: Sunday, February 11, 2024 12:07 PM
To: Rocky Robbins
Subject: Updating Zone Codes

Hi, I'm an Okanogan County resident with comments on zone code updates:

DARK SKIES
I care deeply about preserving our rare dark skies from excessive lighting.
Please apply the light and glare provisions that exist in some parts of the county to ALL areas of the Methow Valley watershed.

WILDFIRE
I live in the woods and have "firewised" our home but request the County to incorporate the Okanogan County Community Wildfire Protection Plan recommendations including the WUI Building Code or similar fire safe measures.

ALLOWED USES
Please revise the District Use Chart so grocery stores, office buildings, etc are not developed outside of incorporated commercial zones in the Methow Valley.

Sincerely,
Jack McLeod
254B Lost River Road
Mazama

To Okanogan County Commissioners Andy Hover, Chris Branch and Jon Neal:

My name is Colton Godbey Freels and I am a lifelong Okanogan County resident. Our family is in the ready mix concrete and sand and gravel business, servicing the Okanogan County area since 1947. I am writing this letter in opposition of the proposed changes to the Okanogan County Zoning designations and accompanying Zoning Code. The elimination of RR1 zoning, with the change to RR2 zoning will negatively impact every resident in Okanogan County. Furthermore, the zoning code, specifically Chapter 17.220 District Use, Density and Height Chart contains changes to current code to which I am protesting.

The change to the District Use chart in eliminating gravel pits and quarries three acres or larger in RR2 zoning will have a severe negative impact upon Okanogan County. Many of the current permitted pit sites in Okanogan County will fall into this zoning change, eliminating future expansion, which over the course of time, would drive the mining industry out of our county. Handicapping the mining industry in our area will not only eliminate jobs in our area, but will also drastically inflate costs of products currently available and needed for essential aspects of our current living. It is a simple matter of supply and demand. If availability of aggregate in our area becomes limited, out of necessity the price will dramatically increase. Products produced from gravel pits and quarries are used in a multitude of applications. These applications are not limited to but include, the building of City water systems for domestic drinking water including concrete water towers and necessary pipe bedding material. The construction of modern sewer systems which include concrete waste water treatment facilities. The construction of communications infrastructure requiring cellular towers, sitting on concrete bases. The construction of every road and bridge you traveled to get to work today. The construction of schools, hospitals/clinics, and affordable housing – all recent projects in the county. Our power is supplied by concrete dams which were built with concrete and periodically require additional updating and improvement. Our fish hatcheries and streams require concrete and rip rap quarry products to stabilize the stream banks and control flooding. In Okanogan county, the fruit industry is the primary driver of our economy. Concrete and sand/gravel production is essential to the agricultural industry. Every warehouse, packing line, shipping station and cold storage is constructed of concrete. Additionally, gravel in needed to build orchard roads and bin storage lots, to transport fruit and provide storage.

Each listed infrastructure not only requires aggregate for initial construction but also needs aggregate to improve and maintain over the lifetime of the system or structure. Gravel pits and quarries are essential to build a modern society and to maintain the current lifestyle of Okanogan county residents. Adopting a zoning change which would initially handicap existing aggregate sources and eventually eliminate gravel pits and quarries in our county would be detrimental to all citizens in our county. Please reconsider the zoning code for RR2 and allow gravel pits to fall under a county conditional use permit.

Sincerely,

Colton Godbey Freels

Okanogan Valley Concrete, Inc.

Rocky Robbins

From: krbevis@methownet.com
Sent: Sunday, February 11, 2024 1:39 PM
To: Rocky Robbins
Subject: comment on zoning rules

Greetings.
I am concerned about Dark Skies in the Methow. We have a wonderful dark ambience now, but could lose it easily. I want to submit this comment to the zoning change discussion.

Dark Skies

- **Request that the county expand current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed (within and outside the current Methow Review District).**

Thank you.

Ken Bevis
Twisp

Rocky Robbins

From: stuecklenj@gmail.com
Sent: Sunday, February 11, 2024 2:06 PM
To: Rocky Robbins
Subject: Comment on updated codes for Okanogan county

Please see the points below for my input on the new zoning changes to Okanogan county. Thank you for your time. I would put them into my own words, but I have a 16 month old...

-
- Request that the County incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan such as adopting the WUI Building Code or similar fire safe measures.
- Request the County to require exempt segregations creating building lots to show that water is legally and physically available, that fire safety is addressed, and that the lots will have adequate access.
- Support including the new Water Availability requirements in OCC 17.010.140, but ask the County to include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.
- Request that the County replace the R2 zone with the R5 zone.
- Request that the County include a clearing and grading permit and review process in the zoning regulations to protect the neighbors and the environment.
- Request the County to revise the District Use Chart to prevent grocery stores, office buildings, and other incompatible commercia luses from being developed outside of incorporated towns or Neighborhood Commercial zones throughout the Methow valley watershed (within and outside the current Methow Review District (MRD)). Let's encourage consistency!
- Request that the county expand current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed (within and outside the current MRD).
- Request that the County limit ridgetop building where the new building will interfere with the viewshed in the Methow Valley watershed (within and outside the current MRD).
- Request that the County change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.
- Request that the County accurately show the boundaries of the Methow Review District, MVMCPA Sub Unit A, and other Sub Units on the zoning map.
- Provide for solar siting in least conflict areas following the principles in the WSU Study Least-Conflict Solar Siting on the Columbia Plateau (June 2023).

Jess Ludmer
7 green meadow dr.
Winthrop, WA 98862
(509) 449-8559
Jessludmer@gmail.com

Rocky Robbins

From: Andrew Wyss <gotta287@yahoo.com>
Sent: Sunday, February 11, 2024 2:05 PM
To: Rocky Robbins
Subject: Public Comments for zoning code updates

Hello,

I'd like to put up for consideration adding a residential lighting ordinance similar to:

Chapter 17A.140
RURAL RESIDENTIAL (RR)

17A.140.110 Special provisions. B. Inns, lodges or guest ranches, campgrounds, and RV parks...

5. Light and Glare. Outdoor lighting, including street and parking lot lighting, shall be directed downward and shielded to minimize potential glare to motorists and off-site residents. No exterior light with a direct source visible from a neighboring property shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Holiday light is exempt from these requirements.

to other Okanogan County Zones such as Rural 20 (R20) and other Rural zones.

With the increasing availability of brighter, less expensive, wifi connected outdoor lights, a code update for all zones concerning light trespass and glare is necessary.

Thank you!

Andrew Wyss
509-986-9210

Rocky Robbins

From: jessica mcnamara <jessmcna@yahoo.com>
Sent: Sunday, February 11, 2024 2:14 PM
To: Rocky Robbins
Subject: Comments on Zoning Code Update

My main concerns in regard to the county's updated zoning are the following:

1. **The county is allowing exempt segregations to be adopted without adequate analysis.**
Currently thousands of acres of ranchland on upper North Pine Creek (and other parts of the Okanogan) are being platted into 20 acres lots with no protection for buyers or for the surrounding agricultural community
. For example, my neighbor has "exempted" his 633 acre property into 32 twenty acre lots. Aeneas Creek, important watershed for irrigation below, runs through it. He is logging it off, with only one main access point for the entire property. He intends to sell off the lots. Yet this project was easily approved by the Planning Dept.

Before approving these exempt segregations the county should require:
1. That sufficient water is legally and physically available
2. That all lots have legal access
3. That a site analysis be included
4. That fire safety be addressed
5. That the surrounding community (not just the immediate neighbors) be notified and allowed to comment.

2. **Upland areas--such as upper North Pine Creek--should not be designated Rural 5.**
Most of these properties are classified as Open Space Agriculture or Forest Land. They also have limited water availability, are wildfire prone with few roads, and are important for wildlife and the continuance of agriculture.
Zoning should be at least 40 acre agriculture usage or more, with the possibility of variances for scattered residential use.

Please consider my comments and those of others before approving the final zoning plan.

Sincerely,
Jessica McNamara
1177 North Pine Creek Rd.
Tonasket, WA

Rocky Robbins

From: Annette Frahm <annette@frahmcomm.com>
Sent: Sunday, February 11, 2024 2:19 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

I have a few comments on the proposed updates.

We are all worried about wildfires in this county. I would like you to incorporate recommendations from the Okanogan County Community Wildlife Protection Plan in the updated code.

We would like to be able to see the stars. Please expand your provisions for light and glare to include all of the Methow Valley.

Please help maintain the rural character of the valley by limiting building on ridge tops where it would affect our views.

I believe that commercial businesses belong in or near incorporated towns, not in rural, less developed areas of the county.

We need a clearing and grading permit and review process so we can protect wetlands and riparian areas before people apply for permits.

Annette Frahm
12 Chewuch Heights Rd
Winthrop, WA 98862

Rocky Robbins

From: Susan Crampton <methowgratitude@gmail.com>
Sent: Sunday, February 11, 2024 6:18 PM
To: Rocky Robbins
Cc: Susan Crampton
Subject: Zoning Code public comments

First of all, congratulations to County staff for getting all the way through a very complex update to the Zoning Code.

My public concerns in particular include Water Availability, Wildfire, Development and development densities, and other. My public concerns are in particular focused in the Methow Valley and the Methow Review District, while I recognize that attention to these issues would be very pertinent across all of Okanogan County.

Water Availability:
- Useful and worthwhile that this important category is revised to incorporate current information, regulatory and judicial updates.
- Useful and worthwhile that this important category is included at the beginning of the very long Zoning Code document.
- Essential that water availability "must demonstrate water supply that is legally available and physically adequate to serve the proposed use."
- "Exempt segregation" development must demonstrate legally and physically available water.
- Need to expand: address of water availability for adequate fire protection.
- Water availability has always been an issue of significant concern in dry Eastern Washington territory, has continued to increase in significance with increasing population, and now even more increased in significance with climate change, with this winter and low snowpack being a clear example of where attention must be focused.

Wildfire:
- Has always been an issue of significant concern in dry Eastern Washington territory, and now even more increased in significance with climate change, with the increase in fires in the last 20 years, and with this winter and low snowpack being a clear example of where attention must be focused.
- Further inclusion of wildfire protections are needed, for Wildland Urban Interface, and other.
- Please include the information and recommendations from the Okanogan County Wildfire Protection Plan.
- Wildfire attention and preparedness must be addressed.
- "Exempt segregation" development must be required to address wildfire safety, including ingress and egress.

Development and Rural Zoning Densities, in particular in the Methow Valley:
- Attention to the lower Valley and in particular the limited water availability is important.
- That some attention has been given to Lower Methow Valley development densities with R1 to R2 changes is a good outcome, but with low water availability and high wildfire risk, further attention is needed. Examples: R2 needs to be further changed to R5. R5 in closed basins needs to be changed to R20 or MRD20.
- Commercial uses are out of place and should not be allowed outside of incorporated towns.

Dark Skies in the Methow Valley and elsewhere in Okanogan County:
- Yes, please address and include this issue that we should not take for granted.

Ridgetop Building in particular in the Methow Valley:
- Yes, please address and limit Ridgetop building in the Methow Valley, consistent with the well-expressed interests of Methow Valley residents.

Thank you for the opportunity to make public comment on issues of public concern.

Sincerely,
Susan Crampton
Twisp, WA

Rocky Robbins

From: Peter Main <pmain@mainpc.com>
Sent: Sunday, February 11, 2024 2:43 PM
To: Rocky Robbins
Subject: Methow Valley Zoning Code Comments

Thank-you for the opportunity to comment on the Okanogan County Zoning Code.

I have the following requests/comments:

- Would the County please incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan - the concern is that the proposed code doesn't sufficiently protect property and individuals - including first responders.
- Given that this is an issue through the Methow Valley - not only in particular zones - I would request that the County expand the provisions for light and glare to include all zones and applications.
- Please include the requirement that a potable water analysis be provided before subdivision or other development applications move forward. This would provide a basis for county staff to assess applications quickly and would provide up-front information for future property owners about what they can expect for their lots.
- Please include the new Water Availability requirements in OCC 17.010.140 and include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.
- In order to protect the rural character of the Valley, please specifically restrict commercial uses - grocery stores, office buildings, etc. - from being developed outside of the incorporated towns or Neighborhood Commercial zones.
- Please include a provision to limit ridgetop building in locations where the new building will interfere with the viewshed in the Methow Valley watershed.
- Require exempt subdivisions to demonstrate water availability, fire safety, and access. This will ensure that lots are not sited in dangerous or environmentally sensitive areas and that they have access to water.
- Site analysis (clearing and grading permits) should be required for all clearing and grading work. The lack of these requirements have resulted in significant damage to wetlands and riparian areas.

Peter J Main
425-771-2222
Skype petemain1

Rocky Robbins

From: Mary Sharman <sharm@mydogdont.com>
Sent: Sunday, February 11, 2024 6:46 PM
To: Rocky Robbins
Subject: Zone Code Update Comments

We are writing to request some changes to the Okanogan Zone Code.

We have serious concerns about future water availability where we live in the Methow Valley. Because the climate is changing fairly rapidly, it's expected that in the coming years we will see less snow pack, and hotter, drier months of summer and fall. And subsequent diminishment of water for domestic and agricultural use as well as for the health of our forests. Consequentially because of long drought periods there will be more fires in a valley which has few ways out if residents need to evacuate.

So

We request that

- the County require exempt segregations creating building lots to show that water is physically and legally available, that fire safety is addressed and that the lots have adequate egress
- we support the new water availability requirements in OCC 17.010.140 but ask that the County include requirements for permit exempt wells in state law to protect senior water rights and instream flows.
- the County include a clearing and grading permit and review process in the zoning regulations to protect neighbors and the environment
- replace the R2 zone with R5. Current R2 zoning is too dense, considering general water availability
- revise the District Use Chart to prevent incompatible commercial uses from being developed outside of unincorporated towns, such as grocery stores, parking lots, gas stations etc
- The County expand current provisions for light and glare to include all zones in the Methow Valley watershed.
- The County change R5 zoning in closed basins and upland areas of the lower valley to MRD20 or R20

Thank you for your consideration

Mary Sharman
and Jerry Cole

1023 Burton St
PO Box 442
Twisp WA 98856

Rocky Robbins

From: Marina Skumanich <ninasku@gmail.com>
Sent: Sunday, February 11, 2024 7:04 PM
To: Rocky Robbins
Subject: Comments on OK County zoning code

To Whom It May Concern:

Please find here my comments on the revised Okanogan County zoning code:

I live in the Methow valley, and feel strongly that we in Okanogan county should be prioritizing a natural and ecological approach to land use planning and management. I have the following comments on the revised zoning code:

1) Uncontrolled lighting - especially the new version of super-bright LED lighting - has been proliferating around the county, at the expense of our quality of life. I strongly urge you to revise the proposal to ensure that Light and Glaire provisions don't just apply to certain zones and applications, but to all zones and applications - at the very least in the Methow Valley (though I believe this is important throughout the county). Our valley is a precious natural resource, and natural skies are an incredibly important amenity to residents and visitors alike. We CANNOT allow our skies to be polluted with careless, stray lighting.

2) Protecting the rural character:

a) I strongly urge you to address places in the proposed code revisions that would damage the rural character of our county. For example, the District Use Chart needs to be revised to ensure that we don't have all sorts of commercial development outside of the towns or already-zoned commercial areas! I have seen what unregulated development does to beautiful places. My grandmother lived on Camano Island in Western Washington, and the main road to that island from I-5 has gone from a lovely rural road to a long series of strip developments. We should not allow the same kind of ugly development in Okanogan County, and at the very least not in the Methow valley!

b) There needs to be a clearing and grading permit and review process in the zoning regulations to protect the neighbors and the environment. Here too I know first hand how much of an impact clearing and grading can have on neighbors and the environment - and I urge you to require this common-sense review PRIOR to problems occurring.

c) The proposed code revisions are allowing too much densification in the lower Methow valley - there is no good reason for that! This is and should stay a rural area, not filled with dense exurban developments. This is particularly the case given the water and wildfire issues we all face.

In conclusion: we have the great privilege of living in Okanogan County - we should ensure our county continues to enjoy the blessings of the natural and rural environment - which is what makes this place so special!

Thank you -

Marina Skumanich

Rocky Robbins

From: Susan Taylor <susan.taylor206@gmail.com>
Sent: Monday, February 12, 2024 7:44 AM
To: Rocky Robbins
Subject: Zone Code Update Comments

Hello,

I am writing to you to comment on the proposed zoning code changes. I'm particularly concerned about limitations to electric vehicle chargers. Footnote 11 to the District Use Chart is confusing to me as I'm not sure what a "commercial" charger is and whether that means a charger for a commercial vehicle or a charger that is simply operated by a third party, as most public chargers are. I drive an electric car and it's very difficult to find chargers in Okanogan County. Limiting all commercial chargers to C, IN and NU zones is overly restrictive. The restrictions in the footnote conflict with the strategy established in the 2040 Regional Transportation Plan for the Okanogan Region "to develop a robust electric vehicle charging network..." to support the region's environmental goals. Please consider restricting only Level 3 electric chargers, and even then I'd argue they should be permissible at least where petroleum service stations are permissible. Moreover, EV charging stations should be permitted as accessory uses in all zones where any commercial business is permitted - so this is all zones. B&Bs are permitted in rural zones for example.

Thank you for considering my comment.

Susan Taylor

OKANOGAN COUNTY FARM BUREAU

PO Box 1387, Tonasket WA 98855

February 12, 2024

Rocky Robbins, Sr. Planner
123 5th Avenue North, Suite 130
Okanogan, WA 98840

RE: Okanogan County Code Update of Title 17A- to Title 17 Zoning

Ms. Robbins:

On behalf of the Okanogan County Farm Bureau, I thank you for the opportunity to comment on the draft Zoning Code update. While we appreciate Okanogan County publishing the legal notice for the above-mentioned update on the County website, we would note we requested specific notice be provided to the Okanogan County Farm Bureau for any and all proposed amendments, revisions, or other alterations to the Comprehensive Plan and Development Regulations, including but not limited to the zoning code, subdivision code, critical areas ordinance, shoreline master program, watershed plans, etc. This request was made on February 23, 2023 pursuant to RCW 35.70A.035 as the Okanogan County Farm Bureau has a known interest in matters pertaining to land use planning and regulation. We do recognize Okanogan County does not fully plan under the Growth Management Act; however, in 1995 and 1997 the Washington State Legislature passed a series of regulatory reform bills to ensure organizations with known interest in land use issues be provided notice of proposed actions. The Okanogan County Farm Bureau has a long history of participating in the public process for these types of actions and, as a private organization with known interest in proposed land use controls, should have received reasonable notice of the Zoning Code Update as contemplated by statute.

The zone code is very focused on controls and regulations that have a potential to limit human possibilities for thriving. It is important to remind the county that zoning serves a certain purpose:

Zoning laws are municipal or local laws or regulations that govern how real property can and cannot be used in certain geographic areas. The primary purpose of zoning laws is to promote public, safety and welfare. They aim to minimize conflicts between incompatible land uses, protect property values, and ensure orderly and planned development. Zoning laws govern land use within specific areas or zones of a city, ensuring orderly development and land-use compatibility.

SEPA makes an important addition:

RCW 43.21C.010 Purposes. The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3)

to stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation. [2009 c 549 § 5095; 1971 ex.s. c 109 § 1.]

SEPA must work within these parameters:

To use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) create and maintain conditions under which human beings and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

NEPA also supports these goals:

§4321. Congressional declaration of purpose

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

The same priority is reflected on the federal level regarding land management:

36 CFR § 221.3 "Provide, so far as feasible, an even flow of national forest timber in order to facilitate the stabilization of communities and of opportunities for employment."

State RCW 36.70A.020 includes these points to encourage:

> (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
>
> (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

The current zoning code does not reflect an adequate balance towards resource use and permitting human creativity to provide the entrepreneurial context for a vibrate and growing economy. The tone and direction of the zone code is to limit growth and access to resources like water and renewable resources. It is the county's responsibility to maintain roads, improve roads and access as people develop within the county. The Methow (48) has adequate water to develop in the county

but efforts have been taken to remove access to it rather than improving how the water is used in the 2 cfs reservation. In the Okanogan Basin (49) the watershed plan Addendum was completed; which revealed that over the future planning horizon:

578 new dwellings will use permit exempt wells over the 20-year planning period resulting in 203 aft/y of consumptive use. The plan also identified 2,666-acre feet per year in surplus achievable through identified project implementation[1].

The assumption behind the zoning and land use attitude towards higher densities associated with the R-1 designation and multi-family dwelling units is water is so scarce that any unbridled access to water will impair senior water rights. Similarly, it is the county's obligation to improve water access to serve areas of development in the county[2] and facilitate growth of a rural resource economy that is based upon agriculture, wood products and mining. One can not maintain the rural nature of Okanogan without the human element participating in the use and management of its natural resources. Those who differ want a Monet painting that they can look at from a distance.

The zone code revision provides no information regarding the necessity for the changes to the existing zone code. The process for developing the revised zone code has not been transparent. The following issues need to addressed:

- Zoning regulations should not be written to cause existing uses of property to become non-conforming.
- The revisions should not put additional requirements on agriculture that substantially interferes with agriculture viability in Okanogan County
- Farms, orchards including ranching operations must be recognized in areas zoned R-1 and R-2 as there are such operations in the proposed zoning area
- Home occupations are permitted in the district use chart across all land uses. However, under accessory uses under each each use designation, home occupations are not consistently noted. Please make consistent.
- Home occupations require a conditional use permit. This is retrograde planning as it curtails the entrepreneur spirit of the county. Most home businesses are office, shop or services which in most cases have no impact. The only home businesses that potentially should require a conditional use permit are those that may affect the living environment of adjacent property owners. An example might be a body shop that includes body painting which vents the overspray and oders into the local environment exposing people to toxic emissions. In such cases, the business should be permitted if the environmental problem can be addressed. Thus, the association of a conditional use permit is pertinent.
- The words compatible and other comparable uses need to be removed. Consistency with the Okanogan Comprehensive Plan is sufficient. The concept that other uses not mentioned will be considered provided they are consistent with the intent of the comprehensive plan removes the subjectivity of the terms compatible and comparable.
- The proposed Zone code tends to not consider our custom and culture noted in NEPA and SEPA. Most important is our resource economy such as agriculture:

[1] WRIA 49 Watershed Plan Addendum pp.E-2 & E-4
[2] Ibid, p. 24

Zoning should not negatively or substantially interfere with Okanogan County AG based industry. Any possible or potential negative impacts associated with any new subdivision and developments, with new proposals submitted to Okanogan County Departments, located adjacent to AG based industries, those Ag based industries will be notified and reasonable mitigation measures will be developed, approved and implemented to prevent any interference to AG based industries.

- Due to urbanization conflicts with agriculture any parcels subdivided into multiple urban family development next to agriculture productive lands should be 100/100/100. Otherwise, setbacks are ok as noted in minimum requirements

The Planning Process has procedural violations:

1) Up to this point the Planning Commission has had no participation in developing the zone code revision. This was justified because of a lawsuit where a decision was made to resort to outside council. The planning commission is a research and fact-finding agency with authority to uncover the necessary information to inform planning recommendations.[3] The planning commission is being asked to adopt the zone code revision without specifics on the affecting lawsuit(s) nor has it had the opportunity to write the appropriate measures to address these factors or received public input on the zone code to make a decision.
2) Upon creation of a planning agency -also defined as a planning commission- it has their authority to engage in planning and accordingly must be both informed and write the zone code.[4] Based upon the planning commission authority, it may utilize legal council as part of their research in writing the zone code. This is necessary because planning is required to be a public process that includes engaging the planning commission as representatives of their districts who must also submit such plan to the public before it can recommend the zoning code or plan to the commissioners for approval.
3) It is observed that the planning commission has a vacancy where a person has applied for that position. The planning director has not recognized the application and has stated that under the circumstances a new planning member that is unexperienced will be a hindrance to the present planning effort. It should be noted that Vacancies occurring during an unexpired term shall be filled by appointment for the unexpired term[5]. Also, vacancies are to be filled from the same commissioner district as that of the vacating member. This implies that the county commissioner of the vacated district may take the initiative to bring that application to the Board of Commissioners[6].
4) The county has not been forthcoming in informing the public on the necessity for amending the existing zone code. It must identify conflicts, changes in law and responses to lawsuits[7]. Furthermore, the county has failed to provide substantive due process proving or illustrating 'harm' – which must be real and defined, not conceived. If implemented, the proposed county zone code is in violation of private property rights.
5) Okanogan County Planning Department personnel have failed to post any of the minutes or recorded videos of the Planning Commission meetings on the webpage for the public

[3] RCW 35.63.060 & 36.70.040
[4] RCW 36.70.050
[5] RCW 36.70.100
[6] RCW 36.70.080
[7] RCW 42.56.010 & 42.56.040 & RCW 36.70A.035

to review and educate themselves on the discussions revolving around the proposed zone code since May of 2023. Furthermore, pertinent and vital documents to this process –such as the redline working document and public hearing notice - have continually been edited and/or relocated to various pages on the county website almost weekly (sometimes daily) leading up to the submission of these comments. These actions by the Planning Department have stymied Okanogan County citizens from easily accessing public documents necessary for due diligence to provide thoughtful comment and input to the planning commission as required by law.

6) One of the purposes of planning goals regarding housing is:

> *(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*[8]

The current rezone amendment seeks to exclude R-1 designations and multi-family units which are necessary options to address the lack of affordable homes in potential city expansion areas and places in the county where water availability exists. It is wrong to exclude this from the zone code due to "water scarcity". Particularly in WRIA 49 the estimated population growth over the next 20 years is 573 new dwelling units with 203 af/y consumptive use.

Multi-family dwellings are also important for agriculture workers and should be allowed on agriculture related lands for this purpose.

7) Methow Vally Citizen Council and the Tribes do not have standing even though the court has granted standing. The tribes are limited by the federal fiduciary obligations to tribes as Sovereign Nations. They have a say over policies that affect those areas under their Sovereign control on a government-to-government coordination level but not in a public process. While the Methow Citizen Council is populated by county residents and claim standing they are a surrogate of Futurewise, their goals and agenda are identical.

This is the common goal:

Futurewise works throughout Washington State to encourage healthy equitable and opportunity-rich communities. and to protect our most valuable farmlands, forests, and water resources through wise land use policies and practices.

Essentially both groups believe they have the right view for land use planning. This perspective and their activism subvert local land use planning and local participation in comprehensive planning and zoning. The county governments are given stewardship over land use planning and are obligated to make this a public process not a court battle.

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[8] 36.70A.020 and Okanogan County Comprehensive Plan LU-1-3 p. 29

As to the proposed update to Okanogan County Code, Chapter 17A Zoning, we would like to offer the following comments.

1) 17.010.050 State Environmental Policy Act Coordination – We recognize many proposed actions are subject to SEPA review under RCW 43.21C and WAC 197-11; however, there are also a number of categorically exempt actions not subject to SEPA review. We suggest language be added to this section to read:

   "All proposed actions, unless otherwise categorically exempt, shall be reviewed for their consistency …"

2) 17.010.070(1) Compliance – The proposed language includes citations to applicable State and Federal standards and lists "Title 36 RCW, Title 58 RCW, Title 90 RCW, and Title 173 WAC." The citations are overly broad and should be significantly narrowed for consistency. The titles cited above include a number of provisions which have absolutely nothing to do with zoning or land use regulations. We suggest the section be amended to read:

   "… applicable State and Federal regulations including but not limited to Title 36.70 RCW, Title 36.70A RCW, Title 58.17 RCW, and Title 90.58 RCW."

   Further, we suggest elimination of the citation to Chapter 173 WAC for two reasons. First, the Washington Administrative Code represents agency rules and not statutory regulations for the Department of Ecology. Second, as written, the citation to Chapter 173 WAC would cover everything from pollution disclosure and underground artificial storage and recovery to the Quincy groundwater management subarea and zones which isn't even located in Okanogan County. At a minimum the specific rule sections that apply should be cited and NOT the entire administrative Chapter.

3) 17.10.080 Interpretations – We appreciate the flexibility provided by this section to allow the director to issue a written interpretation of the meaning or application of the provisions of the zoning code. We would suggest two additions be made to the proposed update to provide greater clarity to the public. First, we believe language should be added to require all written administrative interpretations be kept and made available to the public to avoid multiple requests related to the same or similar issue. In addition, a consolidated list of administrative decisions will ensure consistency in the decision-making process. Second, we believe there should be an appeal process associated with written administrative interpretations.

4) 17.010.110 Deviation from Minimum Zoning Standards – We support the use of the variance process when considering deviations from the density or minimum lot size requirements of an individual zone district. In reviewing Chapter 17.320 Variances, we would like to offer two additions to the proposed update. First, any variance request made in conjunction with another land use permit should be processed as a consolidated review to avoid duplication and/or confusion with multiple public notices. Second, variance requests related to minimum lot size requirements involving the creation of two or fewer

new lots should be processed under Section 17.320.110 Administrative Variances in conjunction with an application for short subdivision.

5) 17.010.140 Water Availability – We have identified two issues associated with this section. First, subsection (A)(2) should be amended to read:

" ... to the extent that the use proposed necessitates potable water or potable water is not already provided on the subject property."

Many of the permit applications listed under this subsection which would be subject to a water availability analysis may have existing legal water supply. For example, a building permit application for a shop can rely on existing potable water supply and should not be subject to a water availability analysis.

Second, subsection (C)(3)(v) is inconsistent with statutory and case law with regard to commercial uses. It has been well established that permit exempt uses listed under RCW 90.44.050 are separate exemptions and property owners may "stack" exempt uses on a single well subject to the withdrawal limitations established by law. Under RCW 90.44.050 single or group domestic withdrawals are subject to the 5,000 gpd limitation. Commercial and industrial uses are also allowed up to 5,000 gpd withdrawals as a separate permit exempt use. Furthermore, there is nothing in statute or case law that would prevent a single-family residence utilizing a single domestic withdrawal from being used as a nightly rental. This provision is arbitrary and capricious.

The water availability should be noted in county code Title 13 not in the zone code.

RCW 19.27.097 only requires each applicant for a building permit to provide evidence of an adequate water supply for the intended use of the building for a groundwater withdrawal. The requirement for both the one doing the subdivision and the one building a structure on the purchased property is over-regulation. Either the person building on the property is required to produce evidence of water availability or the one doing the subdivision. If the subdivision is deemed to have adequate water, then the purchaser should not be required to do an additional proof of water supply adequacy. It should be noted that the one building on the lot is more efficient because it provides one regulatory action that covers all basis. There is no proof in the RCW's that both actions are required, only the building permit applicant is required.

The water availability analysis requirement must be clarified to apply only to groundwater withdrawals for permit exempt uses. If one is doing a major development, exempt uses are not adequate and a group A or B water right is required.

1) There is no RCW requiring a water availability analysis for subdivisions.
2) There is no requirement for a variance. It is only required if a building permit is being applied for.
3) References to Shoreline Substantial Development permit does not require a water adequacy analysis unless the development includes a building requiring potable water from a groundwater withdrawal.

4) A shoreline conditional use permit does not require a water availability analysis unless there is a building permit requiring potable water.
5) Temporary Use Permits do not require a water adequacy analysis. The events cited usually if needed rent port-a-potties and provide concessions for drinkable beverages
6) The Conditional use permit does not require a water adequacy analysis unless the site plan includes a habitable building permit needing water. It appears that a water adequacy analysis is required if building permits requiring potable water are applied for after the approval of the conditional use. There is no point in seeking approval for a conditional use if the use is not accepted regardless of the issue of water availability.
7) Planned developments do by definition require documentation of water availability for the project. However, such water availability will more than likely come from a water right unless permit exempt group domestic is permitted. Again, the building permit application will trigger a water availability analysis.
8) Development in flood plains do not necessarily need a water availability analysis because by definition the development has access to water. Site plan must be reviewed for all buildings and structures. Water availability and adequacy is assumed unless it is legally not available. In either case it's the building permit that triggers the water availability question
9) A Planned destination resort by definition will require a larger water appropriation than can be provided by an exempt use. An attempt to do such a project would not be attempted without some other source of water such as would originate from purchasing agriculture land with attached water rights.

It is important to not lump different water use needs in with the appropriation of permit exempt uses requiring the water adequacy analysis. Quantities of water needed for planned developments or other larger projects already have to document water availability which usually will be a water right or a permit for withdrawal for a class B or A water right. This is one of the reason this section is onerous. It conveys a heavy hand beyond the realism of various development approaches.

Points 3 and 4 are unnecessary because they are clear in applicable parts of the Code:

B (1) The requirement for adequate water for fire suppression for wildfires in the county is not reasonable. It appears to be a tool for prevention of subdivisions. Unless a public water supply is provided there is no possibility to gain sufficient water if exempt uses are the only source.

B (2) Okanogan only includes WRIA 50 and 60. 51 is within Tribal boundary 52 is mostly in Ferry County. These two are not noted as management WRIAs by Okanogan County.

B (2) a, b, c, d is not necessary as Ecology has directives on water availability and listing the specifics are not necessary. These requirements will be evident once an applicant applies for a building permit. It is sufficient to trigger the water availability question and options. References for the WRIA's 50 and 60 which Okanogan is actively responsible for, should be made to the Ecology site when the water availability details are transferred to Title 13

B (3) (4) are not necessary as there is no specific RCW that specifies a water adequacy assessment. Again water adequacy assessment is required when a building permit is requested. Cities and counties are merely required to state their regulations for subdivision activity.

6) 17.020.344 Energy Facilities (D) – Subsection D includes "facilities which have the capacity to receive more than an average of fifty thousand … which has been or will be transported over marine waters …". We are unaware of any marine waters in Okanogan County. Subsection D should be amended to remove any reference to "marine waters".

7) 17.020.672 Permit Exempt Well – The definition is consistent with RCW 90.44.050, except commercial uses are not listed. Case law has determined that commercial and industrial uses are the same for purposes of a permit exempt well. We request "commercial" be specifically listed in the definition.
Exempt uses for accessing groundwater for an exempt well are noted in RCW 90.44.050:

After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public groundwaters for **stock-watering purposes**, or **for the watering of a lawn** or **of a noncommercial garden** not exceeding one-half acre in area, or **for single or group domestic uses in an amount not exceeding five thousand gallons a day**, or as provided in RCW 90.44.052, or for an **industrial purpose in an amount not exceeding five thousand gallons a day**, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter:

8) 17.020.929 Wind Energy Facilities – We suggest the following language be added to the definition.
"… and other appurtenant structures and facilities and not primarily for consumption on the property on which the device or devices reside."
9) 17.030.10 "shall" need to be changed to may. The Colville Tribe is a sovereign nation and influences decisions on the Intergovernmental Land Use Planning agreement which included county concurrence.

10) 170.030.080: Regarding height restrictions, the text should read: Maximum height for uses is 35 feet except for those uses noted in OCC 17.220.020.

11) 17.040 Rural R-2: The R-1 designation should be retained due to their location as city expansion areas. To be consistent with this purpose a distinction between R-1 and R-2 should be made. R-1 designation should be those areas where urban development is occurring and where municipal services like sewer and water are most likely to occur. High density development for residential use should be encouraged where there is potential access to water, compared to upland properties where a domestic well is the only option.

12) 17.040.050, .060: Should change the two acres to one acre in R-1 and 2 acres in R-2
13) 170.040.060; In order to promote high density options B. should be retained. C. should include a reference to mult-family dwelling units. After on-site treatment add: or planned access to municipal services for water and waste treatment.

14) 17.040.080: , the text should read: Maximum height for uses is 35 feet except for those uses noted in OCC 17.220.020.

15) : 17.050.010 Modify statement to: The purpose of the Rural 5 district is to provide rural/low density development options consistent with current land use with Okanogan County's Comprehensive Plan. Remove the rest of the language

16) 17.060.010 The purpose should read: The purpose of the Rural 20 district is to provide **a wide range of** rural/low density development options that do not negatively impact and supports farming and AG production industries consistent with Ok. Co. Comp plan.

17) 17.065 This section needs to be provisional with a means to amend it due to the controversy over this designation: The provisional considerations:

- Currently there is 154 domestic well offsets provided for Tunk Valley. These can be increased through development of the watershed 49 Plan addendum by completing project water offsets and streamflow and Habitat restorations to increase water availability in the county.
- Pending definition of water availability analysis in the Tunk Valley
- Provision of water for a public system from a water right purchase.

18) 17.065.040 (D) and (E) Accessory Uses – Both of these subsections include language related to "new water use" for Bed and Breakfasts and Guest Ranches respectively. In both cases, it appears the proposed language would prohibit new Bed and Breakfasts and Guest Ranches on undeveloped properties. These provisions are overly burdensome and unnecessary when considering other provisions of the proposed Zoning Code update. We suggest the following language be added to both subsections:

"(D) Bed and Breakfast shall ~~only~~ be allowed (i) in an existing single-family dwelling that does not create a new water use on the property and (ii) as a new use with submission of appropriate documentation for compliance with OCC 17.010.140, Water Availability."

"(E) Guest Ranch shall ~~only~~ be allowed (i) in existing dwellings ~~and only if they~~ that do not create a new use of water on the parcel and (ii) as a new use submission of appropriate documentation for compliance with OCC 17.010.140, Water Availability."

Section R Dry Structures should not require a conditional use permit. Mention should also be made of the provision to build a shed or structure meeting the following requirements

- 1-story detached, noncoupled accessory structures without basements, used as tool and storage sheds, playhouses, and similar uses, provided that:
  - Accessory structures maintain a minimum separation of 10 feet between exterior walls, and a minimum separation of 6 feet between eaves of adjacent buildings on the same property
  - Accessory structure meets all applicable setback requirements
  - Floor area does not exceed 200 square feet measured outside wall to outside wall

- Maximum eave overhang is 18 inches

19) Placement of building meets all code requirements related to any critical areas on the parcel, proximity to a septic system or well.17.100.070 Property Line Setbacks – Although the language is not proposed for revision, we believe enough ambiguity exists to warrant clarification of the provisions. Both Subsections (B) and (C) require setbacks when abutting a residential or agricultural district. The proposed Zoning Code update includes a number of zoning districts that COULD be considered residential or agricultural. We suggest specific zoning districts be listed to remove any ambiguity.

20) 17.110.070 Property Line Setbacks – Although the language is not proposed for revision, we believe enough ambiguity exists to warrant clarification of the provisions. Both Subsections (B) and (C) require setbacks when abutting a residential or agricultural district. The proposed Zoning Code update includes a number of zoning districts that COULD be considered residential or agricultural. We suggest specific zoning districts be listed to remove any ambiguity.

21) 17.120.070 Property Line Setbacks – Although the language is not proposed for revision, we believe enough ambiguity exists to warrant clarification of the provisions. Subsection (B) require greater setbacks when abutting a residential or agricultural district. The proposed Zoning Code update includes a number of zoning districts that COULD be considered residential or agricultural. We suggest specific zoning districts be listed to remove any ambiguity.

22) 17.120.110 Special Provisions – Subsection (C) prohibits the "emission of smoke, fly ash, **dust**, vapor, gases, or other forms of air pollution that may conflict with any present or planned operations of the airport." (emphasis added) Any new activities/uses may result in the creation of dust during construction. We suggest language be added to address such emissions to read "during construction, any dust emissions should be mitigated through the use of best management practices."

23) 17.150.040: B (2) which has been struck should be retained. None conforming lot should not prevent a family from caring for a family member by providing a place to live.

24) 17.160.o60: When adequate public infrastructure is available should be struck and C retained.

25) 17.160.110: The following should be removed. C. because the points are covered in setbacks, shoreline and flood plain regulations. D. sections 1 & 2 because they are already addressed in Airport section

26) 17.190.070 Property Line Setbacks – Although the language is not proposed for revision, we believe enough ambiguity exists to warrant clarification of the provisions. Both Subsections (B) and (C) require setbacks when abutting a residential or agricultural district. The proposed Zoning Code update includes a number of zoning districts that COULD be considered residential or agricultural. We suggest specific zoning districts be listed to remove any ambiguity.

27) Chapter 17.220 District Use, Density and Height Chart – We respectfully request the entire use chart be reevaluated for permitted, conditionally permitted and prohibited uses. There are a number of uses which are permitted in some zoning districts, but not in others without any viable explanation. For example, cellular communication towers under 60 feet are permitted in the Agricultural zone, but are conditionally permitted in the Rural 160 zone. Compost manufacturer is also a permitted use in the AG zone, but conditionally permitted in the Rural 160 zone. In another example, farmworker housing is permitted in the AG zone, but conditionally permitted in the Rural 160 zone. Finally, feedlots are permitted in the AG zone, but conditionally permitted in the Rural 160 zone. There are several more examples of uses allowed in one zoning district, but conditionally permitted or prohibited in a similar zoning district without any rationale provided.

28) 17.300.065 Air Pollution – This section has a strict prohibition of emissions which may conflict with any present or planned operations of the airport. Any new activities/uses may result in the creation of dust during construction. We suggest language be added to address such emissions to read "during construction, any dust emissions should be mitigated through the use of best management practices."

29) 17.330.010 Legal Pre-Existing Lots – The proposed language contains a subtle, but significant change that needs to be addressed. As written, the proposed language would prohibit nonconforming lots from being reduced in size. This change is significant and could significantly impact property owners throughout Okanogan County and lead to the unnecessary creation of additional parcels. We suggest the language be amended to read:

"Legal pre-existing lots which do not meet lot area and width requirements may ~~not~~ be reduced in size by use of the boundary line adjustment process (OCC 16.04.080). ~~These provisions shall apply even though such lot fails to mee the density requirements of the zone district, providing the lot meets~~ in order to meet current health district requirements for water and sewer."

This proposed change would allow the use of a boundary line adjustment between two nonconforming lots to meet health district standards.

Again, on behalf of the Okanogan County Farm Bureau Officer, Board of Directors and Members, I thank you for the opportunity to comment on the proposed Zoning Code Update. Please feel free to contact me with any questions you may have or if you need additional clarification.

Sincerely,

T. Stucker

Trinity Stucker, President
Okanogan County Farm Bureau

Rocky Robbins

From: Mary Yglesia <maryyglesia@gmail.com>
Sent: Monday, February 12, 2024 11:09 AM
To: Rocky Robbins
Subject: Okanogan County Zoning Plan Comments

Dear Ms. Robbins,

Below are my comments to Okanogan County's updated zone code. I live in Methow and am particularly concerned about the lack of attention and enforcement of regulations and zoning in our area. We are experiencing a lot of development in very sensitive areas, and I have great concerns about water availability and fire protection as well as what feels like the breaking up of undeveloped, open land.

First, so that we can be fully informed, accurately show the boundaries of the Methow Review District, MVMCPA SubUnit A, and other SubUnits on the zoning map.

Please replace the R2 zone with the R5 zone and change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.

Include a clearing and grading permit and review process to protect landowners and the environment. People are building roads everywhere they want, and these roads are creating a spider web across the hills of private drives that are eroding with washout and sloughing off.

Require exempt segregations applications to demonstrate that water is legally and physically available and that there is adequate access for fire protection.

Revise the District Use Chart to prevent incompatible uses being allow outside of incorporated towns or Neighborhood Commercial zones through the Methow valley as they are in the Methow Review District. Apply this rule consistently throughout the valley.

Limit ridgetop building and protect our dark skies! People's ridiculously bright lights are a visual assault on those who must see them as well as migratory birds.

I support including the new Water Availability requirements in OCC 17.010.140, and ask that you include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.

Thank you for considering my requests.

Mary Yglesia
PO Box 748, Methow, WA 98834

Rocky Robbins

From: Tim McGuire <tmmcguire@gmail.com>
Sent: Monday, February 12, 2024 11:12 AM
To: Rocky Robbins
Subject: I have some "zone code update" comments to share

To whom this concerns,

After looking at the new zoning codes I have some comments and requests.

I'd like for the county to require exempt segregations creating building lots to show that water is legally and physically available, that fire safety is addressed, and that the lots will have adequate access.

I'd like to see the county provide for solar siting in least conflict areas following the principles in the WSU Study Least-Conflict Solar Siting on the Columbia Plateau (June 2023). I've been informed of this and this seems to be a good idea to me since we have done the study. We should be smart and diligent about such things.

Please have the county incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan such as adopting the WUI Building Code or similar fire safe measures.

In addition to the water availability requirements in OCC17.010.140 but also include the requirement for permit-exempt wells in state law to protect senior water rights holders and instream flows.

I'd like to see the county accurately show the boundaries of the Methow Review District, MVMCPA Sub Unit A, and other Sub Units on the zoning map.

Please replace the R2 zone with the R5 zone

I feel the county should include a clearing and grading permit and review process in the zoning regulations to protect the neighbors and the environment.

Please consider revising the District Use Chart to prevent grocery stores, office buildings, and other incompatible commercial uses from being developed outside incorporated towns or Neighborhood Commercial zones throughout the Methow valley watershed (within and outside the current Methow Review District). We don't need the local rural feel of this place to be upended by strip malls going in all over the place.

Please consider expanding current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed (within and outside the current MRD).

I'd also like to have the county become more aware of zoning that includes noise / noise pollution and limits it in cases where it effects the land and it's inhabitants in destrimental ways. I'd like to have this become a regular part of the zoning process if it isn't already.

I'd like to request that the County limit ridge-top building where the new building will interfere with the viewshed in the Methow Valley watershed (within and outside the current MRD).

Request that the County change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.

Thank you for your attention to these items.

Tim McGuire
Twisp, Wa 98856
206-390-3301

www.coastalconvergencemovie.com - TMI Productions Llc (Film and Video)
www.timmcguireimages.com - Commercial Photography and Portraiture
www.timmcguirefineart.com - Fine Art Photography and Painting

206 - 390 - 3301

Rocky Robbins

From: TanjaMG Thomas <tmgklaassen@gmail.com>
Sent: Monday, February 12, 2024 11:54 AM
To: Rocky Robbins
Subject: Okanogan County's updated zone code

Hereby I want to comment on the updated zone code in the Methow Valley and especially in our area around French Creek.
* The R5 zone should not be applied in French Creek, this basin is closed to further water appropriations including wells.Living in this area shows why this is so important.
*The lack of available water, The quality of well water and therefor health, and high wildfire risk in these areas warrants much lower density (20-acres or larger lot sizes).
* Allowed uses in the R5 and R20 zones (which apply countywide) are not consistent with existing rural uses, and the available water, which will be a huge burden in all it's ways for the already existing residents, wildlife, ecology etc in health and safety.
*Failing to comply with the water codes will not protect senior water rights holders and instream flows.
*No protections against ridgetop development.

I hope this all get researched much closer and deeper and can get adjusted,restored and /or fixed. with the help of the voice of experienced and already living people in this area .
Friendly Greetings ,
Tanja Thomas

Rocky Robbins

From: Jim Hammer <jrhammer02@gmail.com>
Sent: Monday, February 12, 2024 12:31 PM
To: Rocky Robbins
Subject: land use planning.

I have read over the FEIS That is to be discussed on February 20. I prefer Alternative A, no action.

I could not find it there but several topics have came up that I am opposed to regarding this.

Now we can build a storage building without a permit. We do need a letter from the county telling us that we don't need a permit. We get the letter for a fee.

I don't want a code enforcement officer hired.

We need less regulations, not more. I have lived and worked in the county all my life.

Thank you.

Jim Hammer
481 Twisp Carlton Rd
Carlton WA 98814

509-997-7302

Rocky Robbins

From: Nicole Kuchenbuch <nikiandkook@yahoo.com>
Sent: Monday, February 12, 2024 2:24 PM
To: Rocky Robbins; Stephanie Palmer; Andy Hover; Chris Branch; Jon Neal
Subject: Zoning Comments

February 12, 2024

Okanogan County Board of County Commissioners
123 5th Ave N.
Okanogan, WA 98840

RE: Okanogan County Zone Code Chapter 17

First and foremost, a tiny legal print in the back of the Methow newspaper is hardly a sufficient form of public notification for a zoning revision that will affect the entire county. Further, land use restrictions are being proposed that will affect every acre of private property in Okanogan County. For large decisions that affect the vast majority of our citizens, a more robust form of public notice should have been employed. I would suggest taking paid ads in *all* of the county newspapers as well as an email notification or SMS message through EMS - if not a post card to every mailbox in the county. This is a very big deal and the public should have been adequately notified.

The zone code revision provides no information regarding the necessity for the changes to the existing zone code. The process for developing the revised zone code has not been transparent. The public and the Planning Commission should be made aware of the specific requirements of the Stipulation Order. A simple side by side analysis that shows a "this satisfies that" kind of layout would really help. Or simply color coding those portions of the revision in a certain color so we acknowledge that edits can only be minimal in nature within those portions and why. Obviously, we are required to make targeted changes to be in compliance with the lawsuit and those should be easy to identify within the document.

I support the use of the original or old District Use Chart as the new one created a huge problem for gravel pits that service Okanogan County's infrastructure.

I do not support the addition of a "Compliance Planner" or any new code language that gives law enforcement authority or legal authority to planning department and/or health department staff. We have a Prosecuting Attorney and a Sheriff who are responsible for those needs.

17.020.672 Permit Exempt Wells should allow for "commercial" uses in addition to domestic and industrial uses.

Litigation does not circumvent a legitimate public land use planning process. Okanogan County citizens expect to be included in decisions that will affect their ability to utilize their own private property in the future.

Thank you for your consideration,

Nicole Kuchenbuch

Rocky Robbins

From: allen socalsnow.org <allen@socalsnow.org>
Sent: Monday, February 12, 2024 2:32 PM
To: Rocky Robbins
Subject: Okanogan County Zoning Plan Comments

Dear Rocky. Robbins,
I've included my comments to Okanogan County's updated zone code. I live in Methow and am particularly concerned about the attention and enforcement of regulations and zoning in this area. There is a lot of development in very sensitive areas, and I am seriously concerned about water availability and fire protection along with what feels like the breaking up of undeveloped, open land.

I think it is important to accurately show the boundaries of the Methow Review District, MVMCPA SubUnit A, and other SubUnits on the zoning map so that we can be fully informed.

R2 zoning should be replaced with the R5 zone and change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.

A clearing and grading permit and review process should be included to protect landowners and the environment.

Exempt segregations applications should be required to demonstrate that water is legally and physically available and that there is adequate access for fire protection.

The District Use Chart should be revised to prevent incompatible uses being allow outside of incorporated towns or Neighborhood Commercial zones through the Methow valley as they are in the Methow Review District. Apply this rule consistently throughout the valley.

Limit ridgetop building and help protect our dark skies! Bright lights are visually unpleasant to those of us that have them in our views as well as problematic for migratory birds.

I support including the new Water Availability requirements in OCC 17.010.140, and ask that you include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.

Thank you for your time in considering my comments,

Allen Giernet
41 B French Creek Rd.
Methow, WA. 98834

Allen Giernet Director

So Cal Snow Avalanche Center

818-321-4399

1201 3rd Ave. #2200
Seattle, WA 98101
p. (206) 343-0681
www.futurewise.org

PO Box 774
Twisp, WA 98856
www.mvcitizens.org
p. 509 997-0888

February 12, 2024

Rocky Robbins, Sr. Planner
Okanogan County Office of Planning & Development
123 5th Ave. N, Suite 130
Okanogan, Washington 98840

Dear Ms. Robbins:

Subject: Comments on the Okanogan County Code Amendment 2023-1, Chapter 17 Zoning Update Final Draft 12/26/2023.
Sent via email to: rrobbins@co.okanogan.wa.us

Thank you and Okanogan County for the opportunity to comment on the Okanogan County Code Amendment 2023-1, Chapter 17 Zoning Update (Final Draft 12/26/2023.) These comments are being submitted on behalf of Futurewise and MVCC. The page references are to the pages in the redline version of the draft zoning regulations.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including Okanogan County.[1]

Since 1976, MVCC has raised a strong community voice for the protection of the Methow Valley's natural environment and rural character. Because the Methow is interdependent with communities throughout the county and region, MVCC's advocacy encompasses policies and plans that impact a wider geography.

[1] Please see the declarations at the link on page 37 of this letter with the filenames: "Declaration MJR002.pdf;" "Declaration of Kent Woodruff 8-24-20 well went dry.pdf;" "Declaration of Nancy Soriano Signed.pdf;" "Declaration of Ruth Dight.pdf;" "Dry Well Declaration of Peter Morgan Sept 2020.PDF;" "Randy Brook signed Declaration Neighbor well went dry as Exhibit G.pdf."

Summary

Futurewise and MVCC support the significant improvements to zoning ordinance update. These improvements include:

- The requirement for a site analysis for all structures. This closes a loophole that has been problematic for many years by requiring site analysis and zone permit approval on almost every activity related to building or occupying any structure. Site analysis gives the County the opportunity to identify critical areas (like wetlands, flood plains, or geologically hazardous areas), determine water availability, and evaluate compliance with the Code before allowing permits for septic tanks or buildings to be processed. Past practices have damaged the environment or harmed future lot buyers by tolerating out-of-sequence permits.

- We support the water availability requirements to ensure that new developments and new lots have physically and legally available water. This will protect senior water rights holders and instream flows. This new section does need improvements to comply with state law. This new requirement provides some measure of efficiency for county staff who will not waste time on applications that do not have water and some transparency for future property owners about what may be possible on their lot.

- The proposed zoning regulations retain the Methow Review District provision for "no structures for human habitation in the 100 year floodplain" throughout the MRD.

- The County had previously extended five- and 20-acre minimum lot size zoning down into the lower Methow below Gold Creek. This area was previously zoned for 1-acre minimums and lacked water for these intensive uses.
- The proposed zoning provides that the R2, R5 and R20 zones no longer allow five multi-family units or mobile homes per acre. This will help protect instream flows and senior water rights holders.

- The proposed zoning continues the new 160-acre zoning designation which reflects the lack of unallocated water in the Tunk Valley, the agricultural industry, and the need to protect wildlife habitats.

- The elimination of the limited divisions in the Rural 5 and Rural 20 zones. This is consistent with state law and will protect instream flows, senior water rights holders and the environment.

As we explain in the detailed recommendations below, we recommend:

- Nonagricultural development should be directed away from the urban/rural fringe and the zoning regulations should adopt the Firewise™ principles. Please see page 5 of this letter for more information.

- The zoning should take water availability into account in setting densities and include requirements to protect water quality, water quantity, and senior water rights holders. Please see page 8. Specifically, we recommend that:

  - Densities greater than one dwelling unit per five acres should not be allowed outside areas designated for urban development. So, the Rural 2 and Minimum Requirements Zones should be eliminated and densities in other zones should be capped at one dwelling unit per five acres.

  - Highly polluting uses should not be allowed in aquifer recharge areas.

  - Applicants for building permits, subdivisions, and exempt divisions of land shall demonstrate that sufficient water is both legally and actually available to serve the proposed uses and activities including providing water necessary for fire protection. Development regulations must require a building permit or subdivision application proposing to use ground or surface water to comply with the applicable requirements of Chapter 173-548 WAC, the Water Resources Program in the Methow River Basin (WRIA 48), and Chapter 173-549 WAC, Water Resources Program in the Okanogan River Basin (WRIA 49) and the state water codes.

  - The sources of water for building permits and subdivisions of land shall not interfere with required minimum instream flows and senior water rights.

  - The densities adopted in the zoning regulations shall be consistent with available water supplies.

  - Increases in density shall only be approved if sufficient water is both legally and actually available and the sources will not interfere with required minimum instream flows and senior water rights.

  - Sufficient water shall be reserved to maintain the agricultural industry in Okanogan County. Please see page 8 of this letter for more information.

- We recommend repealing Chapter 17.030 OCC, the Minimum Requirement District (MR), Chapter 17.040 OCC, the Rural 2 (R2) zone, and the Agricultural Residential (AR) zone. Unincorporated Okanogan County lacks the water capacity needed for the densities in these zones, the densities will lead to ground water pollution, the densities will also increase wildfire ignitions and increased exposure to wildfires. Please see page 19 of this letter for more information.

- Require wider lot withs and setbacks in the R5, R20, MRD VF5, MRD UL20, RR, and LDR zones to allow wildlife to pass between homes as they move to various habitats. Please see page 20 of this letter for more information.

- Appropriately limit densities and include meaningful standards in the proposed amendments to Chapter 17.200 OCC Planned Development (PD). In addition to limiting the allowed densities, the most important changes are to require adequate fire protection before approving a planned development, require compliance with the Firewise™ principles. Please see page 21 of this letter for more information.

- The changes to the District Use Chart (Chapter 17.220 OCC) should be modified and the dangerous uses not allowed in rural areas where the public facilities and services, including fire services, cannot support them. Please see page 25 of this letter for more information.

- Clarify proposed OCC Table 17.220.010 and OCC 17.255.040, Electric vehicle charging stations, as to when the requirements of OCC 17.255.040 apply and modify these regulations so they are consistent with RCW 36.70.695. Please see pages 25 and 27 of this letter for more information.

- Please modify OCC 17.255.050, Energy facilities, to be consistent with state law and better protect fish and wildlife habitats. Please see page 29 of this letter for more information.

- We support proposed OCC 17.255.060, Solar energy facilities, and recommend a clarification allowing solar energy facilities on agricultural buildings. Please see page 29 of this letter for more information.

- Require that conditional uses comply with the Planning Enabling Act and be compatible with the uses in the vicinity. Please see page 30 of this letter for more information.

- Appeals of legislative actions take place under the Declaratory Judgements Act, not RCW 36.32.330. Please modify this section consistent with state law. Please see page 31 of this letter for more information.

- Readopt the prior landscape requirements and limit impervious surfaces. Please see page 33 of this letter for more information.

- The Neighborhood Commercial (NC) zones should be limited to existing commercial areas and the areas of documented need. Please see page 33 of this letter for more information.

- Designate and conserve agricultural and forest land of long-term commercial significance. Please see page 34 of this letter for more information.

- Do not allow accessory dwelling units on lots smaller than one acre outside cities, towns, and urban expansion areas. Please see page 35 of this letter for more information.

- RV parks, campgrounds, hotels, motels, and similar uses should require a conditional use permit and require lots larger than the minimum lot size and appropriate to the intensity of the proposed use. Please see page 35 of this letter for more information.

- The Draft and Final Environmental Impact Statements on the comprehensive plan and the State Environmental Policy Act (SEPA) Checklist for the zoning regulations are not adequate because they did include a description of the existing environment, did not address many of the impacts of development on the natural environment such as fish and wildlife impacts, and, especially, did not address impacts on surface and ground water quality and quantity and wildfires.

Detailed Recommendations

Direct nonagricultural development away from the urban/rural fringe, also known as the wildland urban interface (WUI), and require Firewise™ or similar fire protection principles.

Rationale: The increased residential development in the rural, forest, and agricultural areas of Okanogan County is creating significant problems for fire districts and firefighters. As the *Community Wildfire Protection Plan* states:

> One challenge Okanogan County faces is the large number of houses in the urban/rural fringe compared to twenty years ago. Since the 1970s, a segment of Washington's growing population has expanded further into traditional forest or resource lands and other rural areas. The "interface" between urban and suburban areas and unmanaged forest and rangelands created by this expansion has produced a significant increase in threats to life and property from fires and has pushed existing fire protection systems beyond original or current design or capability. Many property owners in the interface are not aware of the problems and threats they face and owners have done very little to manage or offset fire hazards or risks on their own property. Furthermore, human activities increase the incidence of fire ignition and potential damage.[2]

"The risk of wildfires burning developed land is higher in the wildland-urban interface than in urban or rural areas."[3] And Okanogan County has experienced Washington State's two largest wildfires in history back to back.[4] "Projections of the conditions suitable for wildfires indicate that by 2050 Washington will face more than triple the number of days with high wildfire potential as it did in 2000."[5] Avoiding housing expansion in high-risk wildfire areas and other environmentally sensitive areas is a method of reducing wildfire risk.[6] To reduce

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[2] *Okanogan County, Washington Community Wildfire Protection Plan* p. 88 (2013) last accessed on Feb. 1, 2024, at https://fe3fe665-b1ae-4210-8916-fb3c8c924a03.filesusr.com/ugd/a01579_2fc422c2bf664073a3c73d62682d4b98.pdf and enclosed at the link on page 37 of this letter with the filename: "OC CWPP.pdf."

[3] Alyson Kenward, PhD, Todd Sanford, PhD, James Bronzan, *Western Wildfires: A Fiery Future* p. 37 (Climate Central: June 2016) last accessed on Feb. 1, 2024, at: https://assets.climatecentral.org/pdfs/westernwildfires2016vfinal.pdf and enclosed at the link on page 37 of this letter with the filename: "westernwildfires2016vfinal.pdf."

[4] Gary DeVon, *Largest Fire in State History* Gazette-Tribune (Aug. 26, 2015) accessed on Feb. 1, 2024, at: http://www.gazette-tribune.com/news/largest-fire-in-state-history/70863/ and enclosed at the link on page 37 of this letter with the filename: "Largest Fire in State History _ Okanogan Valley Gazette-Tribune.pdf."

[5] Alyson Kenward, PhD, Todd Sanford, PhD, James Bronzan, *Western Wildfires: A Fiery Future* p. 36 (Climate Central: June 2016).

[6] Volker C. Radeloffa,1, David P. Helmersa, H. Anu Kramera, Miranda H. Mockrinb, Patricia M. Alexandrea,2,Avi Bar-Massadac, Van Butsicd, Todd J. Hawbakere, Sebastián Martinuzzia, Alexandra D. Syphardf, and Susan I. Stewart, *Rapid growth of the US wildland-urban interface raises wildfire risk* 115 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (PNAS) 3314, 3317 (March 27, 2018) last accessed on Feb. 1, 2024, at: https://www.pnas.org/doi/full/10.1073/pnas.1718850115 and enclosed at the link on page 37 of this letter with the filename: "radeloff-et-al-2018-rapid-growth-of-the-us-wildland-urban-

future fire hazards and the development that is beyond the capability of the fire protection systems, we recommend that the following changes be made to the proposed zoning.

Recommendations:

- **Areas identified in *Community Wildfire Protection Plan's Figure 4.2. Wildland-Urban Interface Map in Okanogan County, Washington* as having the three lowest density "wildland-urban interface (WUI)" conditions and the "Intermix Condition" should be zoned R-20 or as agricultural or forest lands of long-term commercial significance.**[7] The multi-family and mobile home developments allowed as a conditional use by proposed Okanogan County Code (OCC) Table 17.220.010 District Use Chart must not be allowed.[8] **Areas identified in *Community Wildfire Protection Plan's* Figure 4.2 as having the "Rural" condition should be zoned as agricultural and forest lands of long-term commercial significance**.

- **Areas served with a one lane road or with only one way in and out should also be zoned R-20 or as agricultural or forest lands of long-term commercial significance.** The multi-family and mobile home developments allowed as a conditional use by proposed OCC Table 17.220.010 District Use Chart must not be allowed in these areas.[9] These changes will reduce increases in densities in the WUI which already has more residential development than can be protected by the existing firefighting system and reduce fire risks since more residents result in increased wildfires ignitions.[10]

- **Zoning and subdivision regulations should "[a]dopt stringent regulations to insure fire-safe development of rural subdivisions."** This is recommended by the 2013 *Community Wildfire Protection Plan* (see FIREWISE™ or similar programs for specific recommendations).[11] **The Firewise™ Principles recommend "'two ways out' of the neighborhood for safe evacuation during a wildfire[.]"**[12] **So does the U.S. Fire**

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interface-raises-wildfire-risk.pdf." PNAS is a peer-reviewed journal. PNAS Author Center last accessed on Jan. 30, 2024, at: https://www.pnas.org/author-center and enclosed at the link on page 37 of this letter with the filename: "Instructions for Authors - PNAS.pdf."

[7] *Okanogan County, Washington Community Wildfire Protection Plan* p. 39 (2013).

[8] OCC Title 17 Table 17.220.010: District Use Chart p. 125, p. 127 (Final Draft 12/26/2023); OCC Title 17 Redline version p. 52 (Final Draft 12/26/2023).

[9] OCC Title 17 Table 17.220.010: District Use Chart p. 125, p. 127 (Final Draft 12/26/2023); OCC Title 17 Redline version p. 52 (Final Draft 12/26/2023).

[10] *Okanogan County, Washington Community Wildfire Protection Plan* p. 88 (2013).

[11] *Id.* at p. 97. See *A Guide To Firewise™ Principles* accessed on Feb. 1, 2024, at: https://www.nfpa.org/education-and-research/wildfire/firewise-usa/firewise-toolkit and enclosed at the link on page 37 of this letter with the filename: "FirewiseToolkitFirewisePrinciples.pdf."

[12] *A Guide To Firewise™ Principles* p. *4.

> **Administration.**[13] **Two ways out is important to protect the safety of property owners, residents, and firefighters.** The three firefighters who died in Twisp River Fire in Okanogan County last summer died on a relatively short dead end road serving six houses.[14] A fourth firefighter was severely injured in the fire and a three-person bulldozer team was trapped on the same road.[15] If the area had two ways out, it is possible the firefighters would not have had to drive down a road in zero visibility[16] and would not have crashed.

Some argue that the county should not require wildfire safety measures, it should be a personal choice. But the local, state, and federal firefighters have no choice. They are ordered in to save the structures whether the property owners or the county chose to undertake fire safety measures or not. And the federal government pays $3 billion a year fighting these fires,[17] not the property owners or counties that fail to take common sense steps to protect property owners and firefighters. As economist Ray Rasker said "[w]hen you read in the news that the federal agencies are spending up to $3 billion a year fighting fires, what they're really spending money on is defending private property from fires. Another way to say that is that the federal taxpayer pays for the land use decisions of local government."[18] And sometimes, such as last summer, the firefighters pay for the land use decisions of local governments too, in this case with their lives.

Take water availability into account in setting densities and protect water quality, water quantity, and senior water rights holders.

Rationale: RCW 36.70.330(1) requires that "[t]he land use element shall also provide for protection of the quality and quantity of groundwater used for public

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[13] FEMA U.S. Fire Administration, *Wildfires: Protect Yourself and Your Community* accessed on Feb. 1, 2024, at: http://www.usfa.fema.gov/downloads/pdf/publications/wildfires_protect_yourself_and_your_community.pdf and enclosed at the link on page 37 of this letter with the filename: "wildfires_protect_yourself_and_your_community.pdf."

[14] Washington State Department of Natural Resources, *Twisp River Fire Fatalities and Entrapments Interagency Learning Review Status Report* pp. 8 –9 & pp. 15 – 18 of 24 (18 November 2015) accessed on July 7, 2016 at: http://wildfiretoday.com/documents/Twisp_River_Fire_Status_Report.pdf and enclosed at the link on page 37 of this letter with the filename: "Twisp_River_Fire_Status_Report.pdf."

[15] *Id.*

[16] *Id.* at p. 15 of 24.

[17] Rowan Moore Gerety, *After A Bad Fire Season, Okanogan County Looks The Other Way On Land Use* Northwest Public Radio website (Dec 10, 2015) enclosed at the link on page 37 of this letter with the filename: "after-bad-fire-season-okanogan-county-looks other way on land use NwPR.pdf."

[18] *Id.*

water supplies ...." In the Order Denying Cross Motions for Summary Judgment and/or Dismissal in *Methow Valley Citizens' Council and Futurewise v. Okanogan County*, the Honorable Judge Culp observed that "the trier of fact will have to determine whether the final zoning ordinance protects [county property owners] rights by including provisions adequate to protect the quality and quantity of ground water."[19]

The proposed zoning regulations do not adequately protect ground water quality and quantity. While some regulations that require evidence of water availability are proposed and are discussed below, they do not include measures to match growth with available water resources and do not reserve water for agriculture and other important uses. Therefore, we recommend regulations to protect ground water quality and quantity be included, in compliance with state law.

The proposed zoning is likely to lead to the pollution of groundwater. Large areas of the county are zoned for densities of one housing unit per acre.[20] Large areas are also zoned for one housing unit per 2.5 acres.[21] The Minimum Requirement [RM] zone allows apartments and mobile home parks with densities of five dwelling units per acre.[22] The apartments are permitted uses in the Minimum Requirement zone.[23] Marylynn Yates, in a peer reviewed scientific journal, analyzed data and cases of ground water pollution from septic tanks. She concluded that septic tanks are major contributors of waste water that pollutes ground water.[24] Septic tanks are the most frequently reported cause of ground

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[19] *Methow Valley Citizens' Council and Futurewise v. Okanogan County,* Okanogan County Superior Court Case No. 15-2-00005-7 Order Denying Cross Motions for Summary Judgment and/or Dismissal p. 4 (March 11, 2016) enclosed at the link on page 37 of this letter with the filename: "15-2-00005-7 Order Denying Cross Motions for Summary Judgment.pdf."

[20] 2023-10-16 Zoning map draft; proposed OCC 17.030.060A. (Minimum Requirement [RM] Zone); Proposed OCC 17.040.060A. (Rural 2 [R2] Zone); Proposed OCC Table 17.220.020, Density and height chart.

[21] 2023-10-16 Zoning map draft; proposed OCC 17.050.060A (Rural 5 [R5] Zone); Proposed OCC Table 17.220.020, Density and height chart.

[22] Proposed OCC 17.030.060B. (Minimum Requirement [RM] Zone). Proposed OCC Table 17.220.020, Density and height chart, indicates that the density for the Minimum Requirement [RM] Zone is one dwelling unit per two acres and allows both single family homes and accessory uses on a two-acre lot, but proposed OCC 17.030.060B. allows five multi-family or mobile homes per acre.

[23] Proposed OCC Table 17.220.010: District Use Chart.

[24] Marylynn V. Yates, *Septic Tank Density and Ground-Water Contamination* 23 GROUND WATER 586, p. 590 (1985) enclosed at the link on page 37 of this letter with the filename: "Yates Septic Tanks Density.pdf." Ground Water is a peer-reviewed scientific journal. See the Ground Water Peer

water contamination and the most important factor influencing ground water contamination from septic tanks is the density of the systems.[25] Lot sizes associated with ground water contamination cases ranged from less than a quarter acre to three acres.[26] More recent studies support these conclusions. For example, an "observational study identified septic system density as a risk factor for sporadic cases of viral and bacterial diarrhea in central Wisconsin children."[27] The greater the density of septic tanks the greater the likelihood of diarrheal disease.[28] And the highest septic tank densities were one septic tank per 11 acres.[29] A study of the potential for nitrate pollution of ground water in Cedar Valley, Iron County, Utah lead to a recommendation that the minimum lot size for septic systems should be five areas in one part of the valley and 15 acres in three other parts.[30] So houses and apartments allowed by the proposed zoning will pollute the groundwater drinking water sources.

In addition to urban density apartments, other uses with a high potential to pollute ground water are allowed in unincorporated Okanogan County. Aircraft sales, repair, service are permitted uses in the Minimum Requirement zone.[31] Acid manufacturing and explosive manufacturing or storage are conditional

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Review webpage enclosed at the link on page 37 of this letter with the filename: "Yates Septic Tanks Density.pdf."

[25] Marylynn V. Yates, *Septic Tank Density and Ground-Water Contamination* 23 GROUND WATER 586, p. 590 (1985).

[26] *Id.*

[27] Mark A. Borchardt, Po-Huang Chyou, Edna O. DeVries, and Edward A. Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 ENVIRONMENTAL HEALTH PERSPECTIVES 742, p. 745 (2003) last accessed on Feb. 2, 2024, at: http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241485/pdf/ehp0111-000742.pdf and enclosed at the link on page 37 of this letter with the filename: "ehp0111-000742.pdf." Environmental Health Perspectives is a peer reviewed scientific journal. See the Environmental Health Perspectives Peer Review webpage last accessed on Feb. 2, 2024, at: https://ehp.niehs.nih.gov/authors/peer-review and enclosed at the link on page 37 of this letter with the filename: "Peer Review _ EHP Publishing.pdf."

[28] Mark A. Borchardt, Po-Huang Chyou, Edna O. DeVries, and Edward A. Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 ENVIRONMENTAL HEALTH PERSPECTIVES 742, pp. 745 – 47 (2003).

[29] *Id.* at 747.

[30] Mike Lowe, Janae Wallace, and Walid Sabbah, and Jason L. Kneedy, *Science-Based Land-Use Planning Tools to Help Protect Ground-Water Quality, Cedar Valley, Iron County, Utah Special Study 134* pp. 27 – 28 (Utah Geological Survey, a Division of Utah Department of Natural Resources: 2010) last accessed on Feb. 2, 2024, at: https://ugspub.nr.utah.gov/publications/special_studies/ss-134.pdf and enclosed at the link on page 37 of this letter with the filename: "ss-134.pdf."

[31] Proposed OCC Table 17.220.010, District Use Chart.

uses in the Minimum Requirement zone.[32] Aircraft sales, repair, and service are conditional uses in the Rural 2 and Rural 5 zones.[33] Aircraft salvage, asphalt batch plants, petroleum bulk plants, auto wrecking yards, and cement and lime manufacturing are conditional uses in Minimum Requirement, Rural 2 and Rural 5 zones.[34] These are all potential sources of ground water contamination.[35]

Adverse impacts will also occur because the proposed densities are not matched to the available ground water resources. This is particularly important because a significant number of Okanogan County's subbasins and streams are already over appropriated.[36] The Washington State Department of Ecology has also concluded that "most water in the watershed is already legally spoken for or 'appropriated'" in Water Resource Inventory Areas (WRIAs) 48 and 49, the Methow and Okanogan River Watersheds.[37] Water is in such short supply that:

> Ecology regularly sends out Administrative Orders under RCW 90.03 alerting water right holders they will be curtailed in favor of instream flows for the Methow and Okanogan Rivers. This has been a common occurrence in Okanogan County where users were curtailed or shut off four out of the last five years on the Methow and three out of the last five years on the Okanogan during times of low flow.[38]

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[32] Proposed OCC Table 17.220.010, District Use Chart
[33] Proposed OCC Table 17.220.010, District Use Chart.
[34] Proposed OCC Table 17.220.010, District Use Chart.
[35] Laurie Morgan, *Critical Aquifer Recharge Areas Guidance Document* pp. 36 – 40 (Washington State Department of Ecology, Water Quality Program: Revised March 2021, Publication Number 05-10-028) last accessed on Feb. 2, 2024, at: https://fortress.wa.gov/ecy/publications/publications/0510028.pdf and enclosed at the link on page 37 of this letter with the filename: "0510028.pdf."
[36] ENTRIX, Inc., *Level 1 Watershed Technical Assessment Final Report: Okanogan River Watershed Resource Inventory Area 49* p. ES-3 (Okanogan Watershed Planning Unit: Sept. 2006) in *Okanogan Watershed Plan* (June 2009) last accessed on Feb. 2, 2024, at: https://apps.ecology.wa.gov/publications/documents/0911039.pdf and enclosed at the link on page 37 of this letter with the filename: "0911039.pdf."
[37] State of Washington Department of Ecology Water Resources Program, *WRIA 48 Methow Watershed Water Availability* p. 2 (Publication Number: 20-11-048, May 2023) last accessed on Feb. 2, 2024, at: https://apps.ecology.wa.gov/publications/documents/2011048.pdf and enclosed at the link on page 37 of this letter with the filename: "2011048.pdf;" State of Washington Department of Ecology Water Resources Program, *WRIA 49 Okanogan Watershed Water Availability* p. 3 (Publication Number: 20-11-049, Revised Sept. 2022) last accessed on Feb. 2, 2024, at: https://apps.ecology.wa.gov/publications/documents/2011049.pdf and enclosed at the link on page 37 of this letter with the filename: "2011049.pdf."
[38] Letter from Washington State Department of Ecology to Perry Huston Okanogan County Planning p. 3 of 5 (April 7, 2011) enclosed at the link on page 37 of this letter with the filename: "Ltr from Ecology to Ok Co Planning_comp plan revisions_04-07-11.pdf."

Ecology also explained that:

> Demands of new water use reduce water legally available for existing, senior water rights including instream flows. Where hydraulic continuity is shown with surface water, new domestic uses established under RCW 90.44.050 are subject to curtailment to meet the needs of more senior water rights in water short years. If water supply becomes limited, water use could be curtailed by those with senior water rights, which includes instream flows established in Chapters 173-548, 173-549 and 173-563 WAC.
>
> [The] Department of Health does not consider interruptible water rights an adequate and reliable water source consistent with WAC 246-290-420. For these reasons, future water source plans will likely not be a reliable supply for year round residential use and may be subject to interruption due to conflict with instream flows. As such, it will be questionable whether a plan would provide an appropriate provision for potable water supply under RCW 58.17.[39]

The very limited water availability is confirmed by the Methow Watershed Council. When Ecology adopted the instream flow rule for the Methow River, water was reserved for permit exempt wells. The council states that to their knowledge, this is the only non-interruptible water available in the Methow Sub basin.[40] The Council has projected that:

> Assuming future build-out with no new parcels and existing parcel size regulations, 6 reaches would have water remaining in their

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[39] *Id.* While Ecology's quote states that a determination that surface and ground water are in continuity must be made for ground water to be subject to the instream flow rules, the Methow Basin instream flow rule requires that the Washington State Department of Ecology must determine that the ground water is not hydraulically connected. WAC 173-548-050(4), part of the Methow Basin instream flow rule, provides that: "(4) If the groundwater being sought for withdrawal has been determined by the department not to be hydraulically connected with surface waters listed as closed, the department may approve a withdrawal. When insufficient evidence is available to the department to make a determination that ground and surface waters are not hydraulically connected, the department shall not approve the withdrawal of groundwater unless the person proposing to withdraw the groundwater provides additional information sufficient for the department to determine that hydraulic continuity does not exist and that water is available."

[40] Methow Watershed Council Letter to the Okanogan County Commission Re: Okanogan Comprehensive Plan and watershed planning p. 1 (June 14, 2011) enclosed at the link on page 37 of this letter with the filename: "METHOW WATERSHED COUNCIL LETTER TO OKANOGAN COUNTY COMMISSION.pdf."

> reserves. The Lower Methow would exceed its reserve, leaving 1,092 presently existing parcels out of a total of 2,913 presently existing parcels unable to be supplied by a well.
>
> Assuming full build-out of all possible parcels under present zoning, 5 reaches would have water remaining in their reserve. The Upper Methow and Lower Methow would exceed their reserves. The Upper Methow would have 127 parcels unable to be supplied by permit-exempt wells out of a total of 1,948 possible parcels. The Lower Methow would have 24,313 parcels out of a total of 26,133 possible parcels unable to be supplied by wells.[41]

While we appreciate that the zoning changes by the zoning changes in the Lower Methow will reduce the number of lots that can be created, the lots already exceed the reserves and the new zoning allows more lots.

The proposed zoning applies a "Rural 2" zone, which allows two housing units on two-acre lots and apartments, and a "Rural 5" zone, which allows two housing units on five-acre lots and apartments along many Okanogan County streams that are already over appropriated.[42] These streams include Bonaparte Creek in the Osoyoos basin (zoned Rural 2), 41,188 percent over appropriated in the summer; Johnson Creek in the Salmon basin(zoned Rural 2 and Rural 5), 2,913 percent over appropriated in the summer; and the lower part of Tonasket Creek in the Osoyoos basin (zoned Rural 2, 54,143 percent over appropriated in the summer.[43] In the Osoyoos and Salmon basins the 2006 ground water appropriations exceeded ground water recharge as it did for WRIA 49 as a whole.[44] "Groundwater and surface water interact throughout the [Okanogan River] watershed."[45] Allowing high densities along the over allocated creeks with a hydrologic connection to ground water will result in loss of water available to senior water rights holders that rely on these streams for irrigation and other uses.

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[41] *Id.* at p. 2.
[42] 2023-10-16 Zoning map draft; proposed OCC 17.040.060A.; proposed OCC 17.050.060A.; Proposed OCC Table 17.220.020, Density and height chart; ENTRIX, Inc., *Level 1 Watershed Technical Assessment Final Report Okanogan River Watershed Resource Inventory Area 49* p. ES-9 & WRIA 49 Stream Monitoring Locations map (Sept. 2006).
[43] ENTRIX, Inc., *Level 1 Watershed Technical Assessment Final Report Okanogan River Watershed Resource Inventory Area 49* p. ES-9 & WRIA 49 Stream Monitoring Locations map (Sept. 2006); 2023-10-16 Zoning map draft.
[44] *Id.* at ES-4.
[45] *Id.* at 2-24.

The Washington State Department of Ecology had to appeal a county subdivision approval in 2010, because the County's SEPA determination failed to require the subdivision to comply with the requirements for permit exempt wells.[46] The Silver Spur North Ranch originally proposed to create 220 individual lots, a 15-site recreational vehicle park, an equestrian center, and recreational center with swimming pools that would withdraw 18,800 gallons of water per day from permit-exempt wells.[47] "That is well in excess of 5,000 gallons of water per day, the limit allowed by common subdivisions without water rights, as confirmed by the state Supreme Court's opinion in the 'Campbell and Gwinn' case."[48] In response to Ecology's appeal, the Silver Spur North Ranch was limited to 5,000 gallons a day from one permit-exempt well serving eleven housing units.[49] Any addition development will require "an off-site source of water ..."[50] There have been other cases where Okanogan County's planning decisions disregarded these requirements.[51]

Okanogan County has a choice to make. It can allow many small rural lots and apartments outside cities and towns that greatly exceed the available water in the county. This will allow those who subdivide first to create new lots and new apartments, but condemn everyone else to existing lots that are unbuildable because all of the water is already used up under Washington's first in time, first in right water allocation system.[52] Or the county could attempt to equitably limit lots and development to those that can be served by the available water resources. The proposed zoning hews to the first approach, an approach that will create some winners, but many, many losers. We recommend another approach, one that seeks to attempt to match new development with available water resources. That is the fairer approach.

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[46] Department of Ecology News Release - March 26, 2010 10-054 *Water concerns prompt appeal of subdivision approval* enclosed at the link on page 37 of this letter with the filename: "Ecology News Release - March 26, 2010 10-054.pdf."

[47] *Id.*

[48] *Id.*

[49] Okanogan County Resolution 10 – 201 Approving the Development Agreement for Silver Spur North Ranch and Adopting Findings of Fact and Conclusions of Law p. *2 – 3; Development Agreement by and Between Okanogan County and Caribou LLC, for the Silver Spur North Ranch Development pp. 8 – 9 both enclosed at the link on page 37 of this letter with the filename: "Okanogan County Resolution 10 – 201.pdf."

[50] Development Agreement by and Between Okanogan County and Caribou LLC, for the Silver Spur North Ranch Development pp. 8 – 9.

[51] Washington State Department of Ecology Letter to Okanogan County Planning Re: Eagle Canyon Estates (March 23, 2009) enclosed at the link on page 37 of this letter with the filename: "Ecology Let Okanogan Cnty Planning Eagle Canyon Estates.pdf."

[52] *Postema v. Pollution Control Hearings Bd.*, 142 Wn.2d 68, 79 – 80, 11 P.3d 726, 734 (2000).

Protecting groundwater is important as Okanogan County residents and property owners are highly depended on ground water for drinking water supplies.[53] We recommend the following modifications to the proposed zoning:

- Densities greater than one dwelling unit per five acres should not be allowed outside areas designated for urban development and served by municipal water systems. So, the Rural 1 and Minimum Requirements Zones should be eliminated and densities in other zones be capped at one dwelling unit per five acres.
- Highly polluting uses should not be allowed in aquifer recharge areas.
- Development regulations must require any development proposing to use a permit-exempt well to be limited to one permit-exempt well withdrawal system limited to withdrawing no more than 5,000 gallons per day. Any development proposing to use the reserves adopted by WAC 173-548-030 shall comply with Chapter 173-548 WAC, the Water Resources Program in the Methow River Basin, WRIA 48.
- Development regulations must require a building permit, subdivision application, or exempt segregations creating building lots proposing to use ground or surface water to comply with the applicable requirements of Chapter 173-548 WAC, the Water Resources Program in the Methow River Basin (WRIA 48), and Chapter 173-549 WAC, Water Resources Program in the Okanogan River Basin (WRIA 49).
- Development regulations must require applicants for building permits, subdivisions of land, or exempt segregations creating building lots to demonstrate that sufficient water is both legally and actually available to serve the proposed uses and activities including providing water necessary for fire protection.
- The densities adopted in the zoning regulations shall be consistent with available water supplies.
- The R5 zone should not be applied in the French Creek and McFarland Creek basins, which are closed basins, and in the dry uplands near Pateros. The lack of available water and high wildfire risk in these areas warrant lower density (one dwelling unit per 20 acres or higher).
- Increases in density shall only be approved if sufficient water is both legally and actually available and the sources will not interfere with required minimum instream flows and senior water rights.

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[53] Tom Culhane and Dave Nazy, *Permit-Exempt Domestic Well Use in Washington State* p. 7 & p. 22 (Water Resources Program Washington State Department of Ecology, Olympia, Washington: Feb. 2015: Publication No. 15-11-006) last accessed on Feb. 2, 2024, at: https://fortress.wa.gov/ecy/publications/documents/1511006.pdf and enclosed at the link on page 37 of this letter with the filename: "1511006.pdf."

- Sufficient water shall be reserved to maintain the agricultural industry in Okanogan County.

We support proposed OCC 17.010.140, Water Availability, but it needs to be modified to comply with state law. See pages 5 – 9.

We appreciate that the new zoning regulations include OCC 17.010.140, Water Availability. OCC 17.010.140 includes many good provisions that are consistent with Washington law. This section, if improved, will help the County comply with the requirement to determine that water is legally and physically available before approving development permits.[54]

Proposed Okanogan County Code 17.010.140 does not require that in determining if a development, land division, or use qualifies for a permit exempt well under RCW 90.44.050, the parent parcel that existed in 2002, any lots created from the parent parcel, and any development built on or after 2002 on those lots cannot in total exceed the 5,000 gallons a day allowed by RCW 90.44.050. Under the *Campbell and Gwinn* decision, each lot is entitled to one 5,000 gallon per day permit exempt withdrawal for single or group domestic uses under RCW 90.44.050.[55] A "developer may not claim multiple exemptions for the homeowners."[56] So each lot that existed in 2002, the year the *Campbell and Gwinn* decision was decided, is entitled to one permit-exempt withdrawal under RCW 90.44.050.

As lots are subdivided or developed over time, part or all of the permit exempt withdrawal are used by the lots created or the development authorized. To qualify for a permit-exempt groundwater withdrawal authorized under RCW 90.44.050, the lot must have some remaining water from the parent parcel's single 5,000 gallon per day permit exempt withdrawal for single or group domestic uses.

Therefore, proposed Okanogan County Code 17.010.140 can only authorize the use of a permit exempt-well if the water use allowed under the permit-exemption does not exceed the 5,000 gallons a day allowed by RCW 90.44.050 including the parent parcel that existed in 2002, any lots created from the parent parcel, and any development built on or after 2002. Currently, proposed Okanogan County Code 17.010.140 does not include this important limitation. It

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[54] RCW 19.27.097; RCW 58.17.060; RCW 58.17.110.
[55] *State Dep't of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 14, 43 P.3d 4, 110 (2002).
[56] *Id.*

needs to be included to comply with the Washington water codes. This limitation applies to all permit-exempt wells for whatever purpose.

Proposed OCC 17.010.140A.1., A.2., and B. should require exempt segregations creating building lots to obtain a water availability determination. Once these lots are created, they are marketed and sold, and the buyers expect to be able to build on their lots. Allowing the creation of lots that may not be buildable given the limited water that is available[57] is poor public policy and violates the need to protect consumers.

Proposed OCC 17.010.140B.2.a) and b) require that the use of a water source "will not exceed limits imposed upon the system by any state or local regulation." We appreciate this requirement, but state law also imposes limits on the use of water including RCW 90.44.050 and the various state adjudications that have taken place in the county and that will occur in the future. We suggest that these provisions recognize these limits too. We suggest substituting "will not exceed limits imposed upon the system by any state or local law, ordinance, or regulation or an order from a court of competent jurisdiction."

Proposed OCC 17.010.140C.3.iii. allows the use of permit exempt wells for water adequacy provide "[t]he well may not be hydraulically connected to closed surface waters identified under WAC 173-548[.] But any well within a closed basin will be hydraulically connected as shown by Ecology's recent decision concluding that the so-called sealed bedrock wells are hydraulically connected. This provision should prohibit the use of wells in closed basins and closed water bodies.

Proposed OCC 17.010.140C.3.v. provides in part that "[a]ccessory dwellings or other structures that are normal accessory uses customary and incidental to a single family home will be considered part of the single-domestic use to which they are an accessory, but only to the extent that such accessory dwellings and other structures are not used or authorized for commercial purposes, including nightly rentals as defined in OCC 17 .20.645."

Accessory Dwellings Units (ADUs) are an important part of the housing solution. We support the use of ADUs in cities, towns and urban expansion areas, where density is most appropriate. In rural areas, we support the use of attached and

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[57] State of Washington Department of Ecology Water Resources Program, *WRIA 48 Methow Watershed Water Availability* p. 2 (Publication Number: 20-11-048, May 2023); State of Washington Department of Ecology Water Resources Program, *WRIA 49 Okanogan Watershed Water Availability* p. 3 (Publication Number: 20-11-049, Revised Sept. 2022).

internal ADUS. Existing detached buildings and infrastructure associated with the primary dwelling (e.g., garages, barns) may be appropriate for partial use as an ADU, provided that the structure is part of the primary household.

In any case, all ADUs should comply with state water laws and local health codes. We strongly recommend that the County consult with the Department of Ecology to determine how water rights are applied in these various scenarios. The Methow Instream Flow Rule, in WAC 173-548-030(2), reserves two cubic feet per second (CFS) on seven reaches of the Methow River and certain tributaries for "Single Domestic and Stock Use." Wells using these reserves are exempt from the water right permitting requirements and have priority over the instream flows.[58] They do not have to be curtailed if the minimum instream flows are not being met in the Methow River or the regulated tributaries. This is important because the instream flows are not met in a typical year.

Single domestic use is not defined in chapter 173-548 WAC. However, in the *Campbell & Gwinn* decision the Washington State Supreme Court concluded that:

> Here, the plain meaning of the domestic uses exemption is apparent from the language in RCW 90.44.050 and related statutes. RCW 90.44.050 plainly says that the exemption applies provided 5,000 gpd or less is used for domestic purposes. This is true, the statute provides, whether the use is to be a single use or group uses. That is, whether or not the use is a single use, by a single home, or a group use, by several homes or a multiunit residence, the exemption remains at one 5,000 gpd limit, according to the plain language of the statute. The developer of a subdivision is, necessarily, planning for adequate water for group uses, rather than a single use, and accordingly is entitled to only one 5,000 gpd exemption for the project.[59]

Based on the *Campbell & Gwinn* decision single domestic use is use "by a single home," and not use by several homes, a multiunit residence, or a subdivision.[60] This interpretation is consistent with Ecology's report on the Methow Instream

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[58] WAC 173-548-040(1).

[59] *State, Dep't of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 12, 43 P.3d 4, 10 (2002). While this decision was interpreting RCW 90.44.050, the term "single domestic use" is the same as in the Methow Instream Flow Rule. This decision was issued on March 28, 2002.

[60] *State Dep't of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 12, 43 P.3d 4, 10 (2002).

Flow Rule which defines "single domestic use" as "[w]ater used by a single household including up to one-half an acre lawn or garden irrigation."[61]

The water availability analysis should be required for exempt subdivisions that intend to create buildable lots. This will help protect instream flows, senior water rights holders and the persons who purchase the lots because they will know they have legally and physically available water.

Revise proposed OCC 17.010.020, Repealer, on page 1 to repeal the proper regulations.

Proposed OCC 17.010.020 repeals Okanogan County Code, Title 17 "Zoning." But Title 17 was repealed by the prior zoning regulations. Proposed OCC 17.010.020 should probably repeal Title 17A OCC.

We support proposed OCC 17.010.070A.1.'s site analysis requirements on pages 2 – 3.

As was noted above, we support the site analysis requirements. We also recommend that exempt subdivisions be included in the types of development requiring site analysis. This will protect consumers by ensuring lots are not sited in dangerous or environmentally sensitive places, have access to water, can be protected from fire, and have adequate access to the lots.

We recommend repealing Chapter 17.030 OCC, the Minimum Requirement District (MR), on pages 42 – 44.

As was documented above, unincorporated Okanogan County lacks the water capacity needed for this zone. The densities allowed by the zone will lead to ground water pollution. These densities also increase wildfire ignitions and increase exposure to wildfires. Many of the allowed uses are dangerous and polluting as was documented above. We recommend that the Minimum Requirement District (MR) be repealed.

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[61] Kris G. Kauffman, P.E. James R. Bucknell, *River Basin Program Series, No. 4 Water Resources Management Program Methow River Basin (Water Resources Inventory Area No. 48)* p. 23 (State of Washington, Department of Ecology Policy Development Section Water Resources Management Division Reprinted Nov. 1977) last accessed on Feb. 7, 2024, at: https://fortress.wa.gov/ecy/publications/documents/7611005.pdf and enclosed at the link on page 37 of this letter with the filename: "7611005.pdf." See also p. 10 of the report for the same definition.

We recommend repealing Chapter 17.040 OCC, the Rural 2 (R2) zone, on pages 45 – 47.

As was documented above, unincorporated Okanogan County lacks the water capacity needed for this zone. The densities allowed by the zone will lead to ground water pollution. These densities also increase wildfire ignitions and increase exposure to wildfires. We recommend that the Rural 2 (R2) zone be repealed.

Require wider lot withs and setbacks in the R5, R20, MRD VF5, MRD UL20, RR, and LDR zones to allow wildlife to pass between homes as they move to various habitats. See pages 48, 51, 71, 76, and 80.

One of the reasons that many people live in Okanogan County is to enjoy the abundant wildlife. Wildlife also brings hunters and tourists to Okanogan County, bolstering the county economy. Outdoor recreation contributed $458,213,000 to the Okanogan County economy and employed 3,187 in 2020.[62]

The zoning update proposes minimum lot widths of 100 feet for the R5, R20, MRD VF5, MRD UL20, RR, and LDR zones.[63] These narrow lot widths will make it difficult to site homes while allowing wildlife to pass by the homes on the way to water sources, food sources, and areas with cover for bedding and other habitats. These lot widths and the limited setbacks will allow houses to be built cheek-by-jowl. Wider lot widths are needed to allow wildlife to pass through residential areas to use shoreline and upland areas. A simple lot length to width ratio of 3:1 can address this problem with a 50-foot-wide side yard setback. We recommend that proposed OCC 17.050.050B. on page 48, Proposed OCC 17.060.050A. on page 51, proposed OCC 17.130.050A.3 & B.3 on page 71, and proposed OCC 17.140.050B. on page 76 be amended to require minimum lot widths no less than one-third of the lot length with 50-foot-wide side yard setbacks.

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[62] Johnny Mojica & Angela Fletcher, *Economic Analysis of Outdoor Recreation in Washington State 2020 Update* p. 28 (Earth Economics. Tacoma, WA.: 2020) last accessed on Feb. 8, 2024, at: https://static1.squarespace.com/static/561dcdc6e4b039470e9afc00/t/5f249326f05167773ab0774d/1596232557974/EconomicAnalysis-OutdoorRecreationWA_EarthEconomics_w0720-0.pdf enclosed at the link on page 37 of this letter with the filename: "EconomicAnalysis-OutdoorRecreationWA_EarthEconomics_w0720-0.pdf."

[63] Proposed OCC 17.050.050B. on page 48, Proposed OCC 17.060.050A. on page 51, proposed OCC 17.130.050A.3 & B.3 on page 71, proposed OCC 17.140.050B. on page 76, and proposed OCC 17.150.050B. on page 80.

We recommend repealing Chapter 17.080 OCC, the Agricultural Residential (AR) zone, on pages 59 – 60.

As was documented above, unincorporated Okanogan County lacks the water capacity needed for this zone. The densities allowed by the zone will lead to ground water pollution. These densities also increase wildfire ignitions and increase exposure to wildfires. We recommend that the Agricultural Residential (AR) zone be repealed.

Appropriately limit densities and include meaningful standards in the proposed amendments to Chapter 17.200 OCC Planned Development (PD). See pages 95 to 110.

Adopt more realistic density bonuses. See proposed OCC 17.200.030A.4 on page 96 – 98.

The density bonuses are too large given the lack of available water, the lack of firefighting resources, and other development limitations in Okanogan County. The allowed zoning densities, even without the Planned Development (PD) bonuses are already high. The Minimum Requirement zone allows one dwelling unit per two acres, plus one accessory dwelling unit, plus five apartments or mobile home park units per acre, plus however many RV park spaces, campground spaces, hotel or motel units, etc. as may be allowed by the Okanogan County health district standards for on-site waste treatment.[64] The Rural 2 zone allows one dwelling unit per two acres, plus one accessory dwelling unit, plus multifamily housing, plus however many RV park spaces, campground spaces, hotel or motel units, etc. as may be allowed by the Okanogan County health district standards for on-site waste treatment.[65] The Rural 5 zone allows one dwelling unit per five acres, plus one accessory dwelling unit, plus apartments, plus however many RV park spaces, campground spaces, hotel or motel units, etc. as may be allowed by the Okanogan County health district standards for on-site waste treatment.[66] The Rural 20 zone allows one dwelling unit per 20-acres, plus one accessory dwelling unit, plus five apartments or mobile home park units per acre, plus however many RV park spaces, campground spaces, hotel or motel units, etc. as may be allowed by the Okanogan County health district standards for on-site treatment.[67] Unlike many other zoning ordinances, proposed Title 17A

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[64] Proposed OCC 17.030.060 on page 43.
[65] Proposed OCC 17.040.060 on pages 45 – 46; Proposed OCC Table 17 .220.010 on page 125; Proposed OCC Table 17 220 020 on pages 131 – 34.
[66] Proposed OCC 17.050.060 on page 48 – 49 Proposed OCC Table 17 .220.010 on page 125; Proposed OCC Table 17 220 020 on pages 131 – 34.
[67] Proposed OCC 17.060.060 on pages 42 – 43.

OCC does not limit the number of primary uses on a lot. So, a lot can include single-family dwellings, accessory dwelling units, and apartments or a mobile home park all on one lot.

When the proposed 150 to 200 percent density bonuses are added in, the allowed developments are ridiculously large. In the Minimum Requirements zone, the proposed PD regulations allow 42 to 111 housing units on a ten-acre lot in rural Okanogan County.[68] The county's water supplies and fire districts cannot support many of these developments. Allowing such concentrated development means that many existing lots in the county will not be able to build at all due to lack of available water supplies. Already in the Lower Methow 1,092 existing parcels out of a total of 2,913 existing parcels cannot be supplied by a well or a surface diversion.[69] The PD regulations will just make it worse.

As the proposed PD regulations are written, none of the "incentive features" are required to use the 150 percent "base residential density for all planned developments."[70] The "incentive features" are only required to "earn" the 200 percent "density bonus."[71] There should be no density bonus for using a PD. The maximum density should be 125 percent given the already high allowed densities and significant incentive features should be included to ensure the benefits exceed the costs of the development. They should also only be allowed in areas with available water beyond that needed to serve the existing lots.

Include a requirement for affordability for employee housing. See proposed OCC 17.200.030C on page 98.

Proposed OCC 17.200.030C requires mixed-use and commercial PDs to provide employee housing. We support this requirement and recommend that if there is a charge for the housing, it be affordable to the employees employed by the development spending no more than 30 percent of their income from the development on housing. Employee housing will serve no useful purpose if the employees cannot afford to live there.

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[68] Proposed OCC 17.030.060 on page 43; Proposed OCC Table 17 220 020 on page 131; Proposed OCC 17.200.030 on pages 96 – 98.
[69] Methow Watershed Council Letter to the Okanogan County Commission Re: Okanogan Comprehensive Plan and watershed planning p. 3 (June 14, 2011).
[70] Proposed OCC 17.200.030A.4 on page 97.
[71] Proposed OCC 17.200.030A.5 on page 97.

Improve proposed OCC 17.200.090, planned development standards, to protect farms and ranches and to protect people and property from wildfire. See page 100 -- 102.

Proposed OCC 17.200.090G, Agricultural Compatibility buffers, will not protect working farms; wider buffers should be required. Proposed OCC 17.200.090G requires a 100-foot-wide buffer. A 100-foot-wide buffer will not protect the high density uses allowed in planned developments from being impacted by agricultural uses, leading to complaints that can drive farmers out of business.[72] Instead, OCC 17.200.090G should require that the "Guidelines for Establishing Effective Buffers Between Rural Agricultural and Urban Uses" be used to determine adequate buffer widths.

Proposed OCC 17A 200.090 does not require that the planned development can be adequately served by firefighting and other emergency services. This is a serious deficiency because in unincorporated Okanogan County adequate fire services cannot currently be provided. As the 2013 *Okanogan County, Washington Community Wildfire Protection Plan* stated:

> One challenge Okanogan County faces is the large number of houses in the urban/rural fringe compared to twenty years ago. Since the 1970s, a segment of Washington's growing population has expanded further into traditional forest or resource lands and other rural areas. The "interface" between urban and suburban areas and unmanaged forest and rangelands created by this expansion has produced a significant increase in threats to life and property from fires and has pushed existing fire protection systems beyond original or current design or capability. Many property owners in the interface are not aware of the problems and threats they face and owners have done very little to manage or offset fire hazards or risks on their own

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[72] Prepared by the Resource Lands Review Committee of the Rogue Valley Regional Problem Solving process, *Guidelines for Establishing Effective Buffers Between Rural Agricultural and Urban Uses* pp. 21 – 23 (June 6, 2006) enclosed at the link on page 37 of this letter with the filename: "Ag_buffering_guidelines,pdf;" Department of Natural Resources, Queensland & Department of Local Government and Planning, *Queensland Planning Guidelines: Separating Agricultural and Residential Land Uses* p. 19 (DNRQ 97088: Aug. 1997) enclosed at the link on page 37 of this letter with the filename: "plng-guide-sep-ag.pdf." Arthur C. Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL of the AMERICAN PLANNING ASSOCIATION 467, p. 468 (1992) enclosed at the link on page 37 of this letter with the filename: "Preserving Prime Farmland in the Face of Urbanization Lessons from Oregon JAPA.pdf." The Journal of the American Planning Association is peer reviewed. Journal of the American Planning Association Instructions for authors p. 1 of 8 enclosed at the link on page 37 of this letter with the filename: "JAPA Instructions for Authors June 2017.pdf."

> property. Furthermore, human activities increase the incidence of fire ignition and potential damage.[73]

The existing requirements for fire protection are proposed to be deleted.[74] We recommend new subsection "P" that requires a demonstration that fire and emergency services can be provided. Our additions are double underlined:

P. Fire and Emergency Services. Planned development applications shall submit evidence documenting that fire and emergency services providers can serve the proposed development and meet their adopted level of service standards. The proposed development shall be designed and constructed to meet the Firewise Principles. The fire district or other provider may require the applicant to pay any necessary capital and operating costs to adequately serve the proposed development.

A 2014 study calculated that each new dwelling in Okanogan County only generates "about 7% of the cost to provide services to the new dwelling" each year.[75] So requiring a cost assessment of a planned development and mitigation makes a lot of sense. However, proposed OCC 17.200.090J, County Fiscal Impact, does not require consideration of the costs that state and federal agencies incur or adequately address special district costs. This is important, for example, because the fire districts, state, and federal governments are stuck with the costs of providing fire protection for the county's far flung rural development.[76]

We recommend the following revision to address these deficiencies with our additions double underlined and our deletions double struck through:

J. ~~County~~ Fiscal Impact. Applications shall estimate the cost to the county, cities, special districts, state agencies, and federal agencies for the new services and public facilities which will be required to support the specific needs of development. Methods accepted in the field of fiscal impact analysis shall be used to calculate costs and revenues. Services and facilities that shall be reviewed include: schools, roads, highways, law enforcement, junior taxing districts, fire and emergencies services including wildfire fighting, and general government services. A description shall be included to show whether or not the indicated staging of the development will generate services or facility demand in advance of the revenues generated by the proposed development initially and over the life of the development and the fiscal and physical ability of the county, special ~~or the county~~ districts, cities, and state and federal agencies to provide them.

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[73] *Okanogan County, Washington Community Wildfire Protection Plan* p. 88 (2013).

[74] See "P" on page 102.

[75] Julie Ann Gustanski, Ph.D., LLM and David Scarsella, M.S., *Economic Analysis of Conservation Efforts in Okanogan County* p. 44 (2014) last accessed on Feb. 8, 2024, at: http://wdfw.wa.gov/publications/01605/ and enclosed at the link on page 37 of this letter with the filename: "wdfw01605.pdf."

[76] Rowan Moore Gerety, *After A Bad Fire Season, Okanogan County Looks The Other Way On Land Use* Northwest Public Radio website (Dec 10, 2015).

If such an increase in services is projected, an acceptable means for funding and providing such services must be furnished.

Okanogan County cannot provide that another government such as a fire district, Indian tribe, or state or federal agencies waive their ability to object if they do not comment within 21-day comment period as proposed OCC 17.200.110B.3 provides. See page 105.

Okanogan County lacks the authority to provide that other governmental units waive their objections if they fail to comment within a single 21-day comment period. For example, if a planned development driveway creates an unsafe condition on a state highway, the Washington State Department of Transportation will have to require that the driveway be moved or not be constructed regardless of whether the department commented in 21-days or at all. Proposed OCC 17.200.110B.3 is *ultra vires* and must be deleted.

The changes to the District Use Chart (Proposed OCC Table 17.220.010) should be modified to maintain rural character and the dangerous uses should not allowed in rural areas where the public facilities and services, including fire services, cannot support them. See pages 123 – 130.

Proposed OCC Table 17.220.010 adds commercial, office, and industrial uses and salvage (junk) yards as allowed uses in the Methow Review District (MRD).[77] Allowing these uses everywhere in the Methow Valley and uplands is inconsistent with the character of these areas, is inconsistent with long-standing planning practices in the valley and uplands, and is contrary to community opinion. Gas stations, some commercial uses, industrial uses, salvage (junk) yards have a high potential to contaminate the County's limited ground water.[78] The valley and uplands also lack the water resources, transportation capacity, and public services to accommodate these uses. Neither the SEPA checklist for the zoning ordinance nor the Environmental Impact Statement on the comprehensive plan considered the environmental impacts of these uses.

These uses should be allowed in the existing cities and towns and the Neighborhood Commercial (NC), the Special Review Commercial (SRC), and Industrial (IN) zones and not the Methow Review District (MRD).

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[77] Proposed OCC Table 17.220.010 pages 123 – 30.

[78] Laurie Morgan, Critical Aquifer Recharge Areas Guidance Document pp. 36 – 40 (Washington State Department of Ecology, Water Quality Program: Revised March 2021, Publication Number 05-10-028).

Junk yards should only be allowed in the Industrial (IN) zone due to their adverse environmental impacts. Adding these uses is particularly egregious as there was no consultation with the community before proposing to allow these uses throughout the valley and uplands despite the County committing to have regional advisory committees to discuss zoning and other development regulations when the County adopted the comprehensive plan. These uses must be removed from the Methow Review District (MRD).

We appreciate that some of the hazardous uses such as acid manufacturing were removed from the R2, R5, and R20 zones. However, acid manufacturing, explosive manufacturing and storage, petroleum bulk plants, and junk yards, just to name a few, are conditional uses in the Minimum Requirement and Methow Review District (MRD). Petroleum bulk plants and junk yards are conditional uses in Rural 2 and Rural 5 zones.[79] In a wildfire, how would the overburdened fire districts, state agencies, and federal agencies even protect these facilities? They cannot protect the existing residences in the "'interface' between urban and suburban areas and unmanaged forest and rangelands" now.[80] Imagine the damage to neighboring properties from a wildfire burning an explosive manufacturing or petroleum bulk plant on a two-acre or five-acre lot. These uses need to be dropped from these zones.

Multi-family dwellings are permitted or conditional uses in many of the rural zones and the Agricultural zone.[81] Given the more realistic densities allowed in proposed OCC Table 17.220.020, the water limitations, and the capabilities of the fire districts, multi-family dwellings should either be deleted from the District Use Chart or limited to a smaller form factor. Most of the fire districts would be hard pressed to put out a fire in three story building, which a 35-foot height limit would allow, with six, ten, or 12 housing units.[82] Such a fire could easily trigger a significant wildfire endangering neighboring properties. These impacts were also not analyzed in the SEPA Checklist for the zoning ordinance or in the Environmental Impact Statement for the comprehensive plan.

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[79] Proposed OCC 17.220.010.
[80] *Okanogan County, Washington Community Wildfire Protection Plan* p. 88 (2013).
[81] Proposed OCC 17.220.010 p. 125.
[82] Proposed OCC Table 17.220.020 Density and height p. 131; *Okanogan County, Washington Community Wildfire Protection Plan* p. 88 (2013).

Comments on proposed OCC Table 17.220.010 and OCC 17.255.040 Electric vehicle charging stations on page 125 and pages 149 – 50.

The regulations for battery charging stations must comply with state law. RCW 36.70.695(3) provides that:

> (3) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

A "'[b]attery charging station' means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540."[83]

The District Use Chart in note 11 on page 129 limits provides that "[c]ommercial electric vehicle charging facilities are allowed only in C, IN and NU zones." This limitation violates RCW 36.70.695(3) because it does not allow battery charging stations in all areas except those zoned for residential or resource use or critical areas. These uses, commercial or not, must be allowed in the Airport Development (AD), Neighborhood Commercial (NC), and the Special Review Commercial (SRC) in addition to C, IN and NU zones. Further, we recommend that commercial electric vehicle charging facilities be allowed accessory to hotels, motels, campgrounds, restaurants, food stores, gas stations, trail heads, viewpoints, and similar uses. These uses have limited impacts, much less of an impact than gas stations with their potential to pollute ground water, and can benefit these primary uses by providing opportunities to charge electric vehicles while engaging in other activities.

Proposed OCC 17.255.040 provides that "[t]his section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages allowed by the district use chart." Parking facilities are also allowed in every zone.[84] While it is certainly common to include vehicle charging facilities in

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[83] RCW 36.70.695(5)(a).
[84] Proposed OCC Table 17.220.010 on page 128.

parking lots or parking garages, there are also freestanding changing facilities. It would be helpful to clarify if these regulations apply to freestanding changing facilities that do not allow parking, only charging.

Proposed OCC 17.255.040 also provides that "[a]n electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted as an accessory use to any principal use." We are concerned that this violates RCW 36.70.695(3) which does not distinguish between battery charging technology and requires allowing battery charging stations in all areas except those zoned for residential or resource use or critical areas. We believe that RCW 36.70.695(3) requires the County to allow all battery charging technologies outside areas zoned for residential or resource use or critical areas. Further, all of the battery charging technologies have only minor impacts and so there does not appear to be a rational reason to prohibit Level 3 chargers. Further, battery charging technologies are evolving rapidly and we do not think it is wise to limit the County to just a few technologies.[85] We do support allowing electric vehicle chargers as an accessory use, but not limiting them to just Level 1 and 2 chargers which are likely to be outdated in just a few years.

Comments on proposed OCC Table 17.220.020 Density and height chart, pages 131 – 34.

We appreciate that proposed OCC Table 17.220.020 has more realistic densities than the current zoning regulations. We support most of these densities other than the one dwelling unit per two-acre densities. As was documented above, most of the two-acre minimum lot size zones are still too dense for rural Okanogan County and should be repealed.

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[85] Dale Hall, Nic Lutsey, *Emerging Best Practices For Electric Vehicle Charging Infrastructure* pp. 3 – 6 (International Council on Clean Transportation While Paper: Oct. 2017) last accessed on Feb. 9, 2024, at: https://d1wqtxts1xzle7.cloudfront.net/55821122/EV-charging-best-practices_ICCT-white-paper_04102017_vF_2-libre.pdf?1518808016=&response-content-disposition=inline%3B+filename%3DEMERGING_BEST_PRACTICES_FOR_ELECTRIC_VEH.pdf&Expires=1707525190&Signature=ABEJ8LO5StXCtzc6dR0S3-irSRA7efnPfmVxdVgZ4Lar56b3-QqbzeCfCR2B33RHDHfbipSklPliwSwl4zzAlZRnDVuny7jefngwIpJa7zGZWfb202hBk05x7qHapx4Tz3CMSSa~H7aLBRbxRqbKSkTKrJH-iq4hGQCRYUMIkTmPIHw4n5e4-wc-twvFuuON7APbCjj836dOGNbpVJP30JTAaNSAlJ6V67RmZr-AQh-T1n295QYuk~h5CzefU46a1OGtVlxdNQStLJ2UYf2Qe0~q76oWIqLDomxGVJfQHwPvwDuH1mgZzGRuwufq~yafZoFvHtrr9EUUchza9vyfWQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA.

Comments on proposed OCC 17.255.050 Energy facilities on page 150 – 52.

Proposed OCC 17.255.050 states in part that "[c]ommercial energy facilities e.g. wind, solar, geothermal energy facilities are reviewed and approved through Washington State Energy Facility Site Evaluation Council." However, applicants for alternative energy facilities can chose to go through the Energy Facility Site Evaluation Council, they have the option of seeking permits through the county.[86] We recommend that this sentence be clarified.

Okanogan County has not met several deadlines to update its critical areas regulations. These regulations are required to designate various fish and wildlife habitats including shrubsteppe habitat.[87] Proposed OCC 17.255.050F. should reference and require compliance with the critical areas regulations. The County should expeditiously update its critical areas regulations.

Some alternative energy facilities are incorporating batteries to store energy for when it is most needed and to accommodate limitations in the transmission system. Proposed OCC 17.255.050 should specifically authorize batteries as part of alternative energy facilities.

Comments on proposed OCC 17.255.060 Solar energy facilities on pages 152 – 54.

We agree that solar energy facilities should not be allowed on properties zoned Agriculture. However, it should be clear that solar facilities are allowed on buildings zoned Agriculture. Rooftop solar has significant potential throughout the county including on houses and agricultural structures.

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[86] RCW 80.50.060(1)(b)(ii).

[87] J. M. Azerrad, K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis, *Management recommendations for Washington's priority habitats: managing shrubsteppe in developing landscapes* p. 4 (Washington Department of Fish and Wildlife, Olympia, Washington: (Sept. 2011, updated Sept. 2020) last accessed on Feb. 9, 2024, at: https://wdfw.wa.gov/publications/01333 and enclosed at the link on page 37 of this letter with the filename: "wdfw01333.pdf;" *Whidbey Env't Action Network v. Growth Mgmt. Hearings Bd.*, 14 Wn. App. 2d 514, 522 – 23, 471 P.3d 960, 966 (2020).

Require that conditional uses comply with the Planning Enabling Act and be compatible with the uses in the vicinity see pages 182 – 88.

The Planning Enabling Act, in RCW 36.70.020(7), defines a conditional use to mean

> a use listed among those classified in any given zone but permitted to locate only after review by the board of adjustment, or zoning adjustor if there be such, and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the county ordinances specify the standards and criteria that shall be applied.

Okanogan County plans under the Planning Enabling Act and must comply with RCW 36.70.020(7). The Planning Enabling Act requires that conditional uses must be compatible with the other permitted uses in the vicinity and zone and assure against imposing excessive demands upon public utilities. But the conditional use standards in proposed OCC 17.310.070, OCC 17.310.080, 17.310.090, and 17.310.100 do not include these requirements.

For example, both proposed OCC 17.310.070 and OCC 17.310.080 require compatibility with the uses on the same property as the conditional use, but not with other permitted uses in the vicinity and the same zone as RCW 36.70.020(7) requires. This is both illegal and one-sided. Why should compatibility be required with uses on the same property, but not with uses on the neighboring properties? This is especially important when you remember the Minimum Requirement, Rural 2, Rural 5, and Rural 20 zones allow such potentially damaging uses as acid manufacturing, explosive manufacturing or storage, asphalt batch plants, petroleum bulk plants, auto wrecking yards, and junk yards as conditional uses.[88] The hearing examiner only has to consider the criteria in OCC 17.310.070, they do not have to insure that they are met. The potential conditions listed in proposed OCC 17.310.090 are only examples and are not required. These failures all violate RCW 36.70.020(7). Further, the conditions should not be onerous at all. We recommend the following modifications to proposed OCC 17.310.070 with our additions double underlined and our deletions double struck through:

~~17A~~17.310.070 Standards and criteria

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[88] Proposed OCC Table 17.220.010 on pages 123 – 30.

The hearing examiner ~~or board of adjustment shall~~ may allow a conditional use if all of ~~consider~~ the following standards and criteria are met ~~in evaluating the conditional use permit~~:

A. That the conditions imposed are reasonably calculated to insure the proposed conditional use is and will remain compatible with the comprehensive plan, zoning for the subject area, other land use actions including but not limited to plats, planned developments, and other conditions use permits; and
B. That the proposed activity is and will remain compatible with current and future uses on the subject property; and
C. The required performance standards and conditions will make the conditional use compatible with other existing and permitted uses in the same vicinity and zone ~~That such conditions are not unnecessarily onerous~~; and
D. That the proposed conditions will protect the public health, morals and general welfare, and environment; and
E. The required performance standards and conditions will assure the conditional uses will not impose excessive demands upon public facilities, utilities, and services including the adopted transportation level of service standards. (Ord. 2016-4 § 1 (Att. A), 2016).

The required performance standards and conditions shall be recorded in the real property records of Okanogan County as requirements applicable to the conditional use under the title of the property for which the permit is issued.

Appeals of legislative actions take place under the Declaratory Judgements Act, not RCW 36.32.330. See Proposed OCC 17.350.030 on page 197.

Proposed OCC 17.350.030 provides that appeals of legislative actions are to be carried out under RCW 36.32.330. RCW 36.32.330 does not apply to appeals of land use decisions. As the State Supreme Court has held in several decisions:

> Regarding the other alleged errors, the respondents argue that RCW 36.32.330 bars their review. That statute provides that "(a)ny person may appeal ... any decision or order of the board of county commissioners ... within twenty days ..."
>
> In *State ex rel. Lyon v. Board of County Comm'rs*, 31 Wn.2d 366, 196 P.2d 997 (1948), we rejected a similar argument, stating that RCW 36.32.330 does not apply to county land use decisions. See also *Chrobuck v. Snohomish County*, 78 Wn.2d 858, 480 P.2d 489 (1971). We reasoned that the law
>
> > relating to city, town, county, and regional planning, imposes duties upon the county commissioners distinct from their ordinary and usual duties and is a special statute for a special purpose; and the conclusion is

> inescapable that the general statute with reference to appeals from decisions of the board ... is inapplicable ...

Lyon, 31 Wn.2d at 370-71, 196 P.2d 997.[89]

The Court of Appeals reached the same conclusion:

> RCW 36.32.330 applies in situations where the Board is acting on its ordinary and usual duties. However, when it is acting distinct from those duties, under special statute, it does not apply. *Adams County v. Scott*, 117 Wash. 85, 200 P. 1112 (1921); *Lawry v. Board of Comm'rs*, 12 Wash. 446, 41 P. 190 (1895). This rule has been expressly applied where the Board acts in zoning matters. *Cathcart-Maltby-Clearview Comm'ty Coun. v. Snohomish County*, 96 Wn.2d 201, 205, 634 P.2d 853 (1981); *State ex rel. Lyon v. Board of County Comm'rs*, 31 Wn.2d 366, 196 P.2d 997 (1948). Here, the Board was acting as an appellate body pursuant to Spokane County Code s 4.21.100 [part of the County zoning regulations]. This is not within its ordinary and usual duties. Therefore, Wolff may not base his claim of standing on the "any person" language of the statute.[90]

RCW 36.32.330 does not apply to appeals of comprehensive plans, development regulations, or amendments. Instead, appeals for those legislative decisions are filed under the Uniform Declaratory Judgments Act (UDJA). Proposed OCC 17.350.030 applies to appeals of land use decisions and should be modified to provide that appeals are under the Uniform Declaratory Judgments Act not RCW 36.32.330.

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[89] *Cathcart-Maltby-Clearview Cmty. Council v. Snohomish Cnty.*, 96 Wn.2d 201, 205, 634 P.2d 853, 856-57 (1981).

[90] *Sterling v. Spokane Cnty.*, 31 Wn. App. 467, 469–70, 642 P.2d 1255, 1257 (1982) footnote omitted *review denied Sterling, Wolf v. Cnty. of Spokane*, 97 Wn.2d 1041 (1982).

Readopt the former landscape requirements and limit impervious surfaces.

Maintaining the county's attractiveness is necessary to maintain the recreation industry and the community's quality of life. Outdoor recreation contributed $458,213,000 to the Okanogan County economy and employed 3,187 in 2020.[91] Outdoor recreation also generates $ $37,562 million in state and local taxes.[92]

There are no limits on lot coverage or impervious surfaces for the Minimum Requirement, Rural 1, Rural 5, or Rural 20 zones.[93] These zones cover most of unincorporated Okanogan County. Uses can cover the entire lot with buildings and pavement. This is out of character with the county and can reduce the quantity of ground water recharge on which many Okanogan County residents and businesses depend for their water supplies.[94]

To address these problems, we recommend that the former landscaping requirements in former Chapter 17.27 OCC be retained. We also recommend that impervious surfaces in the Minimum Requirement, Rural 1, Rural 5, or Rural 20 zones be limited to ten percent with an exception for existing lots smaller than two acres.

The Neighborhood Commercial (NC) zones should be limited to existing commercial areas and the areas of documented need.

The 2015 Okanogan County Zoning map dramatically expanded the Neighborhood Commercial (NC) zones, which allow high-density apartments and commercial use beyond the existing commercial areas. The *Methow Valley Citizens' Council* estimates these expansions as follows:

- Loomis—4 square miles
- Chesaw—more than 2 square miles
- Molson—1 square mile
- Monse and Malott— ½ mile by 1 mile
- Methow—almost 80 acres on each side of highway

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[91] Johnny Mojica & Angela Fletcher, *Economic Analysis of Outdoor Recreation in Washington State 2020 Update* p. 28 (Earth Economics. Tacoma, WA.: 2020).
[92] *Id.*
[93] Proposed OCC 17.030.090; proposed OCC 17.040.090; proposed OCC 17.050.090, and proposed OCC 17.060.090.
[94] Laurie Morgan, *Critical Aquifer Recharge Areas Guidance Document* pp. 11 – 12, pp. 43 – 44 (Washington State Department of Ecology, Water Quality Program: Revised March 2021, Publication Number 05-10-028).

As was documented above, Okanogan County lacks the water to serve these areas. It also lacks the sewer services these densities require. There is also no need for such dramatic expansions. We recommend they be limited to the existing commercial areas and the areas of documented need.

Designate and conserve agricultural and forest land of long-term commercial significance.

Agriculture is the largest economic sector in Okanogan County.[95] Okanogan County has 98,680 acres in cropland in 2017 and 65,462 acres in harvested crop land.[96] The county had 1,231,899 acres of land in farms in 2017, up from 1,205,285 acres in 2012.[97] In 2017, the county had 39,801 head of cattle and calves up from 35,471 head in 2012.[98]

Unlike residential uses which cost a county more than they produce in taxes, farms and forestry generate more in taxes than they require in public services. As the *Washington Agriculture Strategic Plan 2020 and Beyond* documents,

> For each $1 paid in taxes by farm and forest lands in that [Skagit] county, those lands received back about 51 cents in services, contributing a 49 cent subsidy for the rest of the taxpayers in the county. For every $1 paid in taxes by residential properties, those properties received $1.25 in public services.[99]

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[95] Don Meseck, Okanogan County profile (Washington State Employment Security Department: Updated May 2022) last accessed on February 9, 2024, at: https://esd.wa.gov/labormarketinfo/county-profiles/okanogan.

[96] United States Department of Agriculture, National Agricultural Statistics Service, *2017 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-17-A-47* Chapter 2: County Level Data, Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2017 and 2012 p. 286 (April 2019) last accessed on Feb. 10, 2024, at: https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Washington/ and enclosed at the link on page 37 of this letter with the filename: "wav1.pdf."

[97] *Id.*

[98] United States Department of Agriculture, National Agricultural Statistics Service, *2017 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-17-A-47* Chapter 2: County Level Data, Table 11. Cattle and Calves - Inventory and Sales: 2017 and 2012 p. 310 (April 2019).

[99] Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* p. 53 (2009) accessed on Feb. 9, 2024, at: https://farmlandinfo.org/sample_documents/the-future-of-farming-strategic-plan-for-washington-

To maintain these impressive economic contributions, Okanogan County should update its designation of agricultural lands of long-term commercial significance. Futurewise's January 29, 2015, letter to the Okanogan County Board of Commissioners on the Okanogan County Comprehensive Plan for the February 2, 2015, Public Hearing explains how to designate agricultural lands. This letter also explains who to designate forest lands of long-term commercial significance.

Do not allow accessory dwelling units on lots smaller than one acre.

We recommend not allowing accessory dwelling units on lots smaller than one acre outside of areas planned for urban development. Two housing units on one lot in the outside urban areas are too dense given the available water and the need for onsite waste disposal systems.

RV parks, campgrounds, hotels, motels, and similar uses should have standards that require a conditional use permit and lots larger than the minimum lot size and appropriate to the intensity of the proposed use.

We recommend that RV parks, campgrounds, hotels, motels, and similar uses have standards like the standards in MRD zones countywide including requiring a conditional use permit and lots larger than the minimum lot size and appropriate to the intensity of the proposed use. These requirements will better match growth with available water, protect ground water from pollution, and protect rural character.

The zoning code should include a clearing and grading permit requirement to protect neighbors and the environment.

The zoning code should include a clearing and grading permit requirement to protect neighbors and the environment. The absence of a clearing and grading ordinance or requirement has led to significant environmental damage as wetlands and riparian areas have been cleared for roads and other uses before applying for permits.

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agriculture-2020-and-beyond/ and enclosed at the link on page 37 of this letter with the filename: "FoFStrategicPlan_0.pdf."

The zoning code should include dark skies protections to maintain the views of stars and planets valued by county residents and visitors.

The zoning code should include dark skies protections to maintain the views of stars and planets valued by county residents and visitors. Dark skies are one of the important reasons that people live in the county. It also helps support the important tourism industry.

The zoning code should include regulations for ridgetop development to maintain views and the character of the county.

The zoning code should regulate ridgetop development to protect views and rural character. This will maintain aspects of the county that are important to residents and that help support the tourism industry.

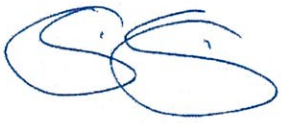
Change the colors on the zoning map so that each color is unique and identifiable and to clearly show the Methow Review District (MRD).

Several of the zones use colors that are not distinguishable. Please change the colors on the zoning map so that each color is unique and identifiable.

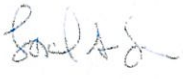
Similarly, the Methow Review District (MRD) is not clearly shown on the zoning map. Please add an outline or shading to show the MRD.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-853-6077 or email tim@futurewise.org.

Very Truly Yours,



Tim Trohimovich, AICP
Futurewise Director of Planning & Law



Lorah Super
Methow Valley Citizens Council Program Director

Enclosures. The enclosures are available at this link:

https://futurewiseorg.sharepoint.com/:f:/g/EqiSxpe9dORCgyr-sTLOSkkB-_rPELwMW_q_6zIUb83woA?e=oXYFxo

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

Date: February 12, 2024

To: Rocky Robbins, Sr. Planner
Okanogan County Office of Planning & Development

Re: Okanogan County Zoning Code Updates

To Whom It May Concern,

Thank you for extending the comment period for Okanogan County's proposed comprehensive plan update and for the opportunity to comment. We appreciate the County's effort to clarify existing practices relating to water availability determinations and to ensure compliance with statute, recent case law, and adopted instream flow rules in the watersheds in question.

Ecology has concerns that the proposed updates to the plan still do not clearly address the County's process for assessing water availability involving building permit applications to construct homes on lots that were created through "exempt segregations" or "large lot segregations." It is Ecology's understanding that water availability is not evaluated at the time these lots are divided because they are exempt from subdivision requirements under RCW 58.17. Ecology would like to see the updated code describe how the County, as part of the building permit application process, will ensure that adequate water supply is available to support those homes.

Ecology continues to have concerns that remaining groundwater available under the domestic reservation of the WRIA 48 instream flow rule (WAC 173-548) may be insufficient to fully support the demand for new rural domestic development in parts of the Methow River watershed. Ecology encourages the County to be proactively transparent in its water availability consideration and would like to continue to engage the County and local partners to improve our collective understanding of the impacts of groundwater uses in this area to ensure that the reservation is not exceeded.

In addition to the County's zoning updates, Ecology urges the County to engage in long-term planning for how it will accommodate projected growth by identifying and developing new

Rocky Robbins

From: Rielan Bretz <rielanbretz@gmail.com>
Sent: Monday, February 12, 2024 3:13 PM
To: Rocky Robbins
Subject: Zone code changes

Goodmorning, I am writing to the okanogan planning department in regards to the proposed zone code changes. The proposed changes are the opposite of what this county stands for and will have massive negative effects on the people living in the county. The proposed changes such as a broad change from R1-R2 with no notification to any of the landowners is unwarranted, the proposed added fees on wells and mandatory site plans and permits for something as small as a dog house is an egregious money grab, The code enforcement hiring (Compliance Coordinator Planer) is also a money grab and unwarranted in the demands of the lawsuit. These are some of the major complaints I have but I am against all zone code changes in this proposed draft. This county is not part of the west side nor shall it be planned or run like the west side. Furthermore private lands that are being converted to conservation easements should have their allotted water rights put into the available water for development into the county as they will never be built on and won't be paying taxes for that land when it could be used on land that is taxable and useable for the benefit of the population.

Rocky Robbins

From: Carolyn L. <caroloren98@gmail.com>
Sent: Monday, February 12, 2024 3:23 PM
To: Rocky Robbins
Subject: Zoning changes comments

Dear Mr. Robbins,

As our county develops and at the same time faces difficult challenges due to sparse water supply and wildfire danger, it is encouraging that zoning changes are proposed, and that public comments on the draft will be considered. Thank you very much.

Some specific comments:

Fire danger: This coming summer may be a doozy, but of course we've faced more scary summers lately. Please include the thoughtful recommendations that came out of the Okanogan County Community Wildfire Protection Plan in the zoning changes. Fire safety should be included in the requirements for new subdivisions; critically important will be to require more than one way out. Making sure new subdivision lots have sufficient water is vital for this same reason, of course that it be potable is also vital. Allowing lots of just two acres in the future is just too dense for our water situation. No subdivisions should be exempt from site analysis including findings of sufficient and potable water. Of course senior water rights holders and instream flows must have the protection they need when new development is considered.

Our economic future: The above requirements are also needed to ensure development is smart and will contribute to our economic health. There was just a news report in the Hood Canal area where an owner and builder simply ignored clean water requirements, and even after a court order, has so far been able to build and keep ownership of a dwelling that has killed fish and otherwise affected water quality. This is why zoning requirements with teeth are so important.

Allowing development that won't work in the future we will have, and that won't attract the businesses and people we want and need for healthy communities, would degrade our future. Zoning changes must keep this future in mind, including the requirement to keep commercial buildings in developed towns, not spread anywhere along our roads. Many people come to our county to enjoy its beauty and the recreation we have to offer. What it will look like will help, or hurt, our future economic health. Clearing and grading needs to follow a permitting process to protect neighbors already there, and the environment around where they live. Degrading bright lights and glare affect everyone's enjoyment of our nights and star-full skies. Ridgetop development and solar siting are important for these same reasons.

Thanks again for your time and consideration,

Carolyn Loren
Winthrop, Washington

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

Date: February 12, 2024

To: Rocky Robbins, Sr. Planner
Okanogan County Office of Planning & Development

Re: Okanogan County Zoning Code Updates

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Thank you for extending the comment period for Okanogan County's proposed comprehensive plan update and for the opportunity to comment. We appreciate the County's effort to clarify existing practices relating to water availability determinations and to ensure compliance with statute, recent case law, and adopted instream flow rules in the watersheds in question.

Ecology has concerns that the proposed updates to the plan still do not clearly address the County's process for assessing water availability involving building permit applications to construct homes on lots that were created through "exempt segregations" or "large lot segregations." It is Ecology's understanding that water availability is not evaluated at the time these lots are divided because they are exempt from subdivision requirements under RCW 58.17. Ecology would like to see the updated code describe how the County, as part of the building permit application process, will ensure that adequate water supply is available to support those homes.

Ecology continues to have concerns that remaining groundwater available under the domestic reservation of the WRIA 48 instream flow rule (WAC 173-548) may be insufficient to fully support the demand for new rural domestic development in parts of the Methow River watershed. Ecology encourages the County to be proactively transparent in its water availability consideration and would like to continue to engage the County and local partners to improve our collective understanding of the impacts of groundwater uses in this area to ensure that the reservation is not exceeded.

In addition to the County's zoning updates, Ecology urges the County to engage in long-term planning for how it will accommodate projected growth by identifying and developing new

water supplies. Ecology encourages Okanogan County to reach out to us for technical assistance. Successful management of water resources will depend on the cooperative partnership of our respective agencies, and we are eager to work with the County toward the development of water supply solutions that are protective of both human needs and instream resources.

Sincerely,

Heather Simmons
Section Manager, Water Resources Program
Central Regional Office
Washington Department of Ecology

PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning

To: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840
rrobbins@co.okanogan.wa.us

From: Isabelle Spohn
PO Box 25
Twisp, Wa. 98856
509-997-4425
isabelle.spohn@gmail.com

Submitted 2/12/2024

Dear members of the Planning Commission:

Thank you for the opportunity to submit comments on this proposal. I will be submitting a second comment later today, and expect to testify also on February 20th.

I am addressing only one issue in this comment. I am questioning whether there is a typographical error or, if not, any rationale behind the huge difference in allowable coverage for a single-family dwelling in the R-5 zoning (in the Lower Methow Valley) in comparison with a single-family dwelling in the MRD VF-5 Zoning (Upper Methow Valley.)

The problem: Why should a single-family dwelling in the lower Methow be allowed to cover 3.5 times the acreage than a single-family dwelling in the Methow Review District? What single-family dwelling would need to cover 1.75 Acres? Is this a typographical error, or is there a good rationale? Why is there such a discrepancy between single family residences in the Lower Methow (R-5) and the Methow Review district (VF-5?)

Please review and discuss this thoroughly as members of our County Planning Commission (particularly the two representatives of the Methow Valley.) Without adequate definitions (for example, "Zero Lot-line Development"- see below) how can the proposal even be understood?

FROM DENSITY CHART: DENSITY FOR R-5 1/5

R-5 - single family home can cover 35% of a 5-acre lot (1.75A)

MRD-5 - single family home can cover 10% of a 5-acre lot (.5A)

LOWER METHOW Densities and Lot Coverage in R-5 (red line draft, p. 48)

DENSITY R-5 : (17.050.060)

A. A maximum of one single-family dwelling unit and one accessory dwelling may be permitted on any plot so long as adequate provisions for water and septic are permitted by Okanogan County Health.

LOT COVERAGE (17.050.090)

1. Single-Family Development Maximum Lot Coverage is 35 percent (1.75 Acres)
2. All other Development: Maximum Lot Coverage is 40 percent

METHOW REVIEW DISTRICT Densities and Lot Coverage in VF5 (p. 71, red line draft)

Density: 17.130.060 B, MRD VF5

1. Maximum of one dwelling unit per five acres with an allowance for a second unit per OCC 17.130.040 (B)

Lot Coverage: 17.130.090 (B), MRD VF5:

1. Single-family development: maximum lot coverage is 10 percent. (1/2 acre)

2. All other development: maximum lot coverage is 40 percent.

DEFINITIONS:

Definition of "Single Family Development": (p. 23, 17.020.335 in red-lined draft) states: A building containing one dwelling unit on a single lot, detached, or attached, which may include use facilities such as an office, laundry and recreational facilities used by the occupants, and off-street parking. A single-family dwelling is commonly referred to as home, residence, or single-family residence. A single-family dwelling may be attached to an accessory dwelling unit or to other single-family dwellings as part of a zero-lot-line development.

There is no definition of zero lot-line development ("Zero Lot-Line development would logically

belong on p. 41, ("Definitions" ,in red line copy) and there is no such term defined.

Why should a single-family dwelling in the lower Methow be allowed to cover 3.5 times the acreage than a single-family dwelling in the Methow Review District? What single-family dwelling should be allowed to cover 1.75 Acres? (This sounds more like a "single family resort.) Once again, Is this a typographical error, or is there a good rationale? Why is there such a discrepancy between the Lower Methow (R-5) and the Methow Review district (VF-5?)

Sincerely yours,

Isabelle Spohn

PROJECT NAME: OKANOGAN COUNTY CODE AMENDMENT 2023 - 1
CHAPTER 17A ZONING
SUBMISSION #2

SPOHN COMMENTS REGARDING THE METHOW VALLEY AND ZONING

I'm a resident of Twisp and also have had recreational property on the Middle Fork of Gold Creek for many years I'm writing from the perspective of a Methow Valley resident whose involvement of land use planning in the Methow included years of opposition to the 10,500 skiers-at-one time for the Early Winters/Mazama area beginning in 1978 and later involvement with the Comprehensive Plan Draft of 2009 (and membership on the Lower Valley Advisory Committee.) Following that, I have been involved with later comprehensive Plans and zoning ordinances until the present time.

ISSUES THAT HAVE BEEN RAISED DECADE AFTER DECADE BY THE PUBLIC

While there have been some vast improvements regarding land use issues in the County, the history of Comprehensive Planning and Zoning in the Methow has been discouraging in the following respects.

The Upper Methow has gradually become a resort-type area even without development to the proposed ski hill of the 1970's and 80's. While The Mazama Advisory Committee has maintained some control over their section of the Upper Valley and some land use planning has improved, residents and citizens here in the other areas of the Methow Valley have been repeatedly requested attention to certain other issues but seen little action on the part of the county. It's time to listen to our residents. Please do whatever you can to get these issues addressed through land use planning:

1) **Ridgetop building:** I request that the County limit ridgetop building where new contruction will interfere with the viewshed in the Methow Valley watershed, sometimes dangerous reflections into the lower elevations, and privacy concerns of landowners below. Other resort communities have managed to regulate such building in their codes, with excellent results. Planners should investigate those communities and learn from them.

2) **Dark Skies** - I request that the county expand current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed , both within the Methow Review District and the Lower Methow.This is important not only to humans but for migrating birds, many of which are becoming extinct. We value our wildlife.

3) **Clearing and Grading:** Many requests have been made over the years for a Clearing and Grading Ordinance. Now and then it comes up during Commissioners' meetings, but nothing seems to be accomplished In the Methow Valley, it is not only a safety and environmental issue, but unsightly, lengthy driveways are being constructed every year

across our beautiful hills. The regulations for clearing and grading should include Exempt Segregations.

4) **The "Downvalley Effect"** - Other resort-type communities and the often agricultural lands further down valley have experienced the situation in which the increased cost of living and travel to jobs in the resort-type areas up valley have created a distressing situation in which employees must migrate further and further down valley to be able to afford the housing - along with ever-increasing traffic over a greater distance and the stress it causes in communities in terms of cost of gas, air pollution, and increasing traffic through the towns. I see little in the way of county regulations that addresses this situation, which has been increasingly a problem in the Methow Valley. Other communities should be contacted as to what migitations could be implemented. Many residents arrived here in the Methow Valley in the 1970's and 80's as refugees from this situation in Aspen, Coll, and other resort-type communities. The problem is not new, is not unusual, and it is long overdue in being dealt with. This problem was brought up at a meeting not long ago of State Traffic officials in Twisp , who had gathered to discuss the Smoke Jump Base. It was disconcerting to see that our local officials seemed to be mystified by the term "Downvalley Effect."

CURRENTLY PROPOSED ZONING MAP:

This map should comply with the Comprehensive should comply with and support the Comprehensive Plan and other county decisions and documents. Please resolve these issues:

- The line dividing the Methow Review District (MRD) from R-5 (in the Lower Methow) is not shown on the zoning map. When I called Planning for help, I was told I had to ask about a specific parcel number. This does little to solve the overall problem.
- MVMCPA Sub Unit A and other Sub Unit boundaries, now having been decided by the County, are not shown. The zoning ordinance should comply with, and support, the Comprehensive Plan. Our Comprehensive Plan declares the underlying principles:

*Recognize distinct communities in Okanogan County through sub-area plans.

*This plan supports the opportunity for the residents of geographically and culturally distinct areas to develop sub-area plans that reflect their community values. (p. 8)

*Recognize distinct communities in Okanogan County through sub area plans. (P.8)

*Recognition that the Methow has distinct Sub Areas that each have its own customs, cultures, and distinct environments.

WATER ISSUES

* I request that the County change R5 zoning in closed basins and upland areas of the Methow Valley to MRD 20 or R20. This would be particularly important in the Lower Methow due to the drier nature of the land and the abundance of the quickly-burning Shrub-Steppe communities.

* In the Methow Valley, we need more assurance for protection of senior water rights. This will be more important as less water is available and disagreements arise as to water appropriations.

Thank you for the opportunity to provide comments. I plan to address other issues during my testimony on February 20th.

Sincerely yours,

Isabelle Spohn

PO Box 24, Twisp, Wa. 98856

509-97-4425

Feb. 12th, 2024

Rocky Robbins

From: karigilje7@gmail.com
Sent: Monday, February 12, 2024 4:32 PM
To: Rocky Robbins
Subject: Comments on Okanogan County's updated zone codes

Dear Ms. Robbins –

I am submitting comments on Okanogan County's updated zone code. I am a resident of Okanogan County and reside just outside the town of Winthrop.

First, I am pleased to see the following positive changes to the zoning code:

- The requirement for site analysis for all structures.
- New Water Availability section in OCC 17.010.140 requiring an analysis for physically and legally available water before approval of many types of development.
- Retention of the Methow Review District (MRD) provision for "no structures for human habitation in the 100-year floodplain" throughout the MRD. The change from 1-acre lots to 5 and 20 acre zoning extended down into the lower Methow below Gold Creek.

Next, here are the changes I view as very important and would like to see included:

- Request that the County incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan such as adopting the WUI Building Code or similar fire safe measures.
- Request the County require exempt segregations creating building lots to show that water is legally and physically available, that fire safety is addressed, and that the lots will have adequate access.
- I support including the new Water Availability requirements in OCC 17.010.140, but please include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.
- Request that the County replace the R2 zone with the R5 zone.
- Request that the County include a clearing and grading permit and review process in the zoning regulations to protect the neighbors and the environment.
- Request the County revise the District Use Chart to prevent grocery stores, office buildings, and other incompatible commercial uses from being developed outside of incorporated towns or Neighborhood Commercial zones throughout the Methow valley watershed (within and outside the current Methow Review District (MRD)).
- Request that the county expand current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed (within and outside the current MRD). We have some of the darkest skies in the nation – we need to protect them.
- Request that the County limit ridgetop building where the new building will interfere with the viewshed in the Methow Valley watershed (within and outside the current MRD).
- Request that the County change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.
- Request that the County accurately show the boundaries of the Methow Review District, MVMCPA Sub Unit A, and other Sub Units on the zoning map.
- Provide for solar siting in least conflict areas following the principles in the WSU Study Least-Conflict Solar Siting on the Columbia Plateau (June 2023).

Finally, I have a question about the draft zoning map (https://cms9files.revize.com/okanoganwa/Document_Center/Department/pLANNING/Code%20&%20Ordinances/2023-10-18_okanogan_county_zoning_map_draft(24%20x%2036)300dpi.pdf).

Are the two purple colors in the key/legend reversed?
When I look at the large purple swath that is on the map running from Winthrop north up the West Chewuch and to the northwest of Winthrop all the way to Lost River airport/community, it looks like that is the color shown on the map legend for the Industrial zone. Is that correct, or are those areas actually the Agricultural Residential zone?

Thank you,
Kari Gilje
396 Wolf Creek Rd
Winthrop, WA

February 12, 2024

Rocky Robbins, Sr. Planner
Okanogan County Office of Planning & Development
123 5th Ave. N, Suite 130
Okanogan, Washington 98840

Sent via email to: rrobbins@co.okanogan.wa.us

Subject: Comments on the Okanogan County Code Amendment 2023-1, Chapter 17 Zoning Update Final Draft 12/26/2023

Dear Ms. Robbins:

On behalf of the Methow Dark Sky Coalition (MDSC), I appreciate the opportunity to provide comments on the Okanogan County Zone Code Update, particularly as it applies to light pollution concerns in the unincorporated portions of the Methow Valley. Light pollution can originate from poorly designed outdoor lighting systems and poorly designed illuminated signs. MDSC is a program of the Methow Valley Citizens Council. We are a group of volunteers from around the community, working closely with governments, communities and businesses to provide resources, education and tools that protect the uniquely dark skies we have inherited from the careful stewardship of previous generations.

The Methow Valley is blessed with some of the darkest skies in Washington state and the USA. We believe this is an attractive feature of the valley, along with the natural beauty and clean environment. We believe that our dark skies offer the potential to provide economic benefits by supporting astrotourism. MDSC receives many calls and emails from visitors who inquire about opportunities to view and enjoy the night sky. This economic potential will disappear with uncontrolled light pollution. Population growth and the attendant need for infrastructure is increasing the amount of light pollution, which will wash out the tremendous view of the night sky we currently enjoy in the Methow Valley if proactive measures are not taken to minimize the impacts. Light pollution also has negative impacts on human health and wildlife, and it wastes energy.

Fortunately, light pollution is one of the easiest environmental problems to fix, because many solutions exist that can provide adequate and safe lighting conditions for many applications while also protecting our valuable dark skies.

In recognition that dark skies are an amenity enjoyed throughout our county, the MDSC is in the process of reviewing and comparing dark sky friendly ordinances in the county as well as among towns, cities and planned developments. While not exhaustive, we are pleased to report that so far, we've discovered regulations addressing light trespass or glare protection for the towns of Winthrop, Twisp, Tonasket, Omak, Okanogan, Oroville, and Brewster. Numerous neighborhoods within the Methow valley have Covenants, Codes and Restrictions (CC&Rs) to protect against light trespass and glare (e.g. Edelweiss, Liberty Woodland, Wolf Ridge resort and more).

As the Zone Code guides development regulations in unincorporated Okanogan County, it is important that it should provide a consistent level of support for dark sky protection to ensure that what takes place outside of towns and neighborhoods does not undermine their efforts to protect our common

endowment of dark skies. We welcome Okanogan County's contribution to the overall effort, and encourage the following changes to ensure consistency with local goals.

Recommendations:
Provisions for Light and Glare and illuminated signs are found throughout the updated Zone Code (special provisions for MRD, MVMCPA sub unit A, Neighborhood Commercial, Cannabis, Airport Safety and Overlay). Our review found that there is generally good coverage for light and glare and illuminated signs in MVMCPA Sub unit A (Rural Residential, Low Density Residential, Urban Residential, Neighborhood Use, Special Review Commercial, Off Street Parking and Loading). However we request the light and glare and the illuminated sign statements be modified as follows:

Signage: Only non-illuminated or indirectly illuminated signs made of natural materials are allowed.

Light and Glare: Outdoor lighting, including street and parking lot lighting, shall be directed downward and fully shielded to minimize potential glare to motorists and off-site residents. No exterior light with a direct source visible from a neighboring property shall be installed. Indirect sources and ~~**horizontal cut-off**~~ fully shielded fixtures are recommended to reduce glare and provide general ambient light. The use of timers and motion sensors is also recommended. Holiday lighting is exempt from these requirements.

- Light and Glare and illuminated sign provisions should be applied more broadly in the Methow Watershed to reflect the community's consistent requests for protection of our existing dark skies. As a starting point, we request extending the current Light and Glare and illuminated sign provisions beyond "Inns, lodges, guest ranches, RV parks and campgrounds" to include all residential and commercial zones throughout the Methow watershed.
- Consideration of outdoor lighting and illuminated signs should be included in the approval process for 17.200 planned developments and 17.210 planned destination resorts if they are to be located in the Methow Watershed.
- Section 17.255.040 Electric Vehicle Charging stations and 17.255.060 Solar Energy Facilities should include the requested text on signs and light/glare in addition to the existing text.
- 17.255.070 Energy Facilities – High and Low Impact Utilities should also have light and glare and illuminated sign provisions as a condition of approval.
- 17.290.040(B)(2)(h) Cannabis Conditions of approval for lighting should be strengthened.Existing large grow operations that use artificial light typically use a semi-transparent cover that allows a large amount of light pollution to escape and allows light trespass on neighboring properties. We recommend something like the following: Artificial grow lights are not allowed unless fully enclosed by an opaque structure that prevents significant light from escaping.

We think you need code for electronic billboards and message centers. The electronic bill boards in particular have the potential to put out a large amount of light pollution. We found no text relevant to regulating electronic billboards and message centers. Guidelines that will assist in code development may be found here: https://darksky.org/resources/guides-and-how-tos/electronic-billboards/

We recognize that you may not want to apply these recommendations to the entire county. If this is the case just apply them to there Methow Watershed.

Other Considerations:
Where provisions for street lights or lights in parking areas are addressed, they should be dark sky friendly which means the lights should be fully shielded, pointing down, with a color correlated temperature (CCT) of less than 3000 kelvin (aka warmer light) and preferably utilizing smart streetlight technology. Smart streetlights provide the ability to reduce the lumen output during off hours (e.g. midnight to dawn), providing energy savings and reduced maintenance (see city of Tucson: https:// www.darksky.org/ nights-over-tucson/)

Outdoor lighting should follow five principles for outdoor lighting:

- All light should have a clear purpose: Consider how the use of light will impact the area including neighbors, wildlife and environment. Consider using reflective paints or self luminous markers for signs, curbs and steps to reduce the need for permanently installed lighting.
- Light should be directed only where needed: Use shielding and direct lights where needed to avoid light trespass.
- Light should be no brighter than necessary: Use the lowest light level required. Be mindful of surfaces that may reflect more light into the area than intended.
- Light should be used only when useful: use timers or motion detectors to ensure light is only used when needed.
- Use warmer colors: use lights with a color correlated temperature of less than 3000 kelvin.

Information on residential outdoor lighting guidelines can be found here: https:// www.darksky.org/our-work/ lighting/public-policy/homeowners-associations/
Dark Sky friendly lighting for residential, commercial and municipal applications can be found at the International Dark Sky Association website: https://www.darksky.org/our-work/lighting/lighting-for-industry/ fsa/fsa-products/#!/Search-by-Use/c/19306351 or by contacting the Methow Dark Sky Coalition: https://www.methowdarksky.org/contact. We have volunteers willing to provide assistance.

Following the above recommendations and guidelines will minimize light pollution, provide cost savings on energy, eliminate glare and light trespass, and minimize the negative impact of outdoor lighting on wildlife and human health while providing sufficient light for navigation and safety.

Thank you for providing the opportunity to share our thoughts and recommendations. We welcome your questions and look forward to participating in the discussion about incorporating these suggestions into the zoning update.

Sincerely,

D E Kurath

Dean Kurath
MDSC Steering Committee Chair

Rocky Robbins

From: Dean <dekurath@gmail.com>
Sent: Monday, February 12, 2024 4:47 PM
To: Rocky Robbins
Subject: Comments on the draft county zoning code (2024)
Attachments: Dark Sky Zoning comments.pdf

Please see the attached letter.

Thank you

Dean Kurath
Chair: Methow Dark Sky Coalition steering committee
509-699-0822

Comments on the January 2024 draft Okanogan County revised zoning code

In general I support comments and positions provided by the Methow Valley Citizens council. I won't replicate these here except I want to add my personal comments on Wildfire.

Wildfire: I want to request that the County incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan such as adopting the WUI Building Code, Firewise guidelines or similar fire safe measures. As these requirements are implemented over time this will ensure that our communities are defensible against wildfire and will lower the risk of cancelation of homeowners insurance.

I remain very concerned that the county and in particular, the Methow Valley, is quite unprepared for a catastrophic wind driven fire event. I acknowledge that some voluntary progress has been made but it's not enough. This endangers, me, my family, first responders and indeed the entire community. I've done a lot of work on my property but that won't be sufficient if the surrounding properties are filled with flammable materials.

I'm also concerned with loss of insurance, either because of cancelation or exorbitant cost. The following is a quote I got this year regarding my homeowners insurance.

"It is a super turbulent time in home insurance right now, and a very hard market. All of the companies are having constant rate changes, and appetite changes on what they are finding acceptable in high wildfire risk areas. **The good news is that Safeco is the only company so far that has not non-renewed any of their policies due to wildfire risk.** So we do feel like they are staying loyal to their insureds and remaining on their policies, which is great."

If the entire community and county is asked to improve preparations for wildfire we will be able to avoid a catastrophic wildfire and the worst insurance outcomes.

D E Kurath

Dean Kurath
Winthrop WA

February 12, 2024

Okanogan County Planning Commission
ATTN: Rocky Robbins
123 5th Ave N.
Okanogan, WA 98840

RE: Okanogan County Zone Code Chapter 17 Violations/Potential Violations/Comments

Planning Commission Chairman,

I am concerned the potential litigation the county could be facing by the Planning Director and Planning Commission with what looks to be violations of what I have outlined below. To be clear, I am not an attorney. I have provided a revised of this letter to the BOCC, February 12,2024, during Public Comment period.

First, I am requesting the Planning Commission Board, to contact the County Prosecutor, request full review of potential violations prior to any further public hearings, meeting, or actions taking place regarding the proposed zone code changes.

Second, request planning staff to provide all RCW's I have outlined, for your own review.

Third I am requesting the Planning Commission Board to reject the proposed zone code changes. Then establish work sessions for public participation taking into consideration the comments (public and written) and develop updated zone code revisions only to the sections that prove to be required for updating that have supporting studies and reports for updates.

Forth, lack of information available to the public to understand, the broad statement "water availability, section of the code was revised to incorporate current statutory, regulatory and judicial requirements." There is no information available to the public to review on the county website, to enable us to make comments. The County, to legally regulate, they must identify harm. Harm that is real not perceived.

Most if not all the suggested changes in the zone code appear to be conditions that should be addressed through the CUP application process. They do not have anything to do with land use items that should be addressed in zone code.

POTENTIAL VIOLATION:

RCW 36.70A.035

Public Participation Notice provisions (in part reads)

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to **provide notice to property owners** and other affected and interested individuals, tribes, government...
   (a) Posting of property for site specific proposals;
   (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;
   (c) Notifying the public of private groups with known interest in certain proposal or in the type of proposal being considered;

Gravel pits: Lack of/no, notification to gravel pit landowners/owners of the negative impacts. Although this has been removed from the proposed zoning code revisions, as per the website, because the PEOPLE brought this error, to Planning Department Director attention.
Has notification been sent out to the gravel pit landowners/owners notifying them officially there will be no adopted changes? To attempt to address this violation, the affected property owners are allowed due process. The Planning Director should be directed to submit letters, to each of them informing and reassuring them no changes will occur with proposed zone code.
NOTE: This does not completely address the violation of RCW 36.70A.035

POTENTIAL VIOLATION:
RCW 36.70A.370 Local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property.

(2) local governments that are required or choose to plan under RCW 36.70A.040 and state agencies shall utilize the process established by subsection (1) of this section to assure that proposed regulatory or administrative actions do not result in any unconstitutional taking of private property.

POTENTIAL VIOLATION:
Regulatory taking of private property lands through regulatory actions with proposed zone code revisions. Exactions and dedications with conditions on future private property land development without consideration of nexus and proportionality, consideration, reasonable use.

1. **Provide the studies that support the harm that has been proven to support the suggested broad stroke proposed zone code changes.**
2. **Harm has to be real, not perceived. Planning Director and Planning Commission failed to identify real harm to support proposed zone changes.**
3. **Where in the record has harm been proven, to support the Planning Director and Planning Commission proposed zone code changes?**
4. **The public must be provided this information through the substantive due process required.**

Planning Director and Planning Commission have failed to do so.
The proposed zoning code changes, clearly outline Anti-Agriculture, Ideology, with the main goal of controlling our consumption, production and private property rights, negatively impact our economic stability of local lumber yards, businesses, future development of our next generations inheriting property and employment.

1900			**0-5/people/pop. density per sq. mile**
2000 Census	**19,085 housing units OK. CO.**	**15,027 households**	**8 people population density per sq. mile**
2010 Census	**22,245 housing units OK. CO.**	**16,519 households**	**7.8/people population density per sq. mile**
2020 Census	**21,720 housing units OK. CO.**	**17,005 households**	**120 years +2.8 people**
	Out of 3,202,241 total in WA ST		

FACT: from 2000 to 2020, over a 20-year period, Okanogan County increased housing units by 2,635 or only 131 averages annually.
FACT: 2020 Census: 120 years, Okanogan County has gone from 0-5 people to 7.8 people per sq mile, in the LARGEST COUNTY in WA STATE!

FACT: 30 Counties in WA State: Okanogan County Ranks # 6th lowest population density per sq miles as of April 2023. WA ST Department of Commerce.

Replacing R-1 with R-2 based on Facts that I have provided suggested changes must be deleted.

1. Provide the studies that support the **harm** that has been proven to support the suggested broad stroke proposed zone code changes?
2. Where in the record has **harm** been proven, to support the Planning Director and Planning Commission is trying to prevent with these proposed zone code changes?
3. The public must be provided this information through the substantive due process required. **Planning Director and Planning Commission have failed to do so.**

POTENTIAL VIOLATION: RCW 36.70A.040 unconstitutional taking of private property.
Water rights are our private property rights.

With the limited facts that I have provided, WHERE is the development pressure/threat? I believe Insufficient harm can be proven as required by law, to **prevent** any proposed changes in the zone code. The proposed zone code changed are based on "presumptive" by Planning Director and Planning Commission Board which is clearly outside the scope of the constitutional law.

I am requesting a 6–9-month continuance to address substantive due process adequately and professionally addressing Okanogan County land and water availability report. The Planning Director and Planning Commission must provide updated water report that includes the number of acres taken out of production by conservation easements, State Land purchases, RCO funded projects, WDFW land purchases, Salmon Recovery Efforts, Critical Areas Habitat projects, WWRP Critical Habitat, WWRP Riparian Habitat funded projects, DNR Land and Water Conservation Projects, WWRP Farmland Preservation, Watershed Pathway Projects, State Lands Development projects, Watershed Pathway Projects, State Lands Restoration, Salmon Federal Projects, Salmon State Projects, past, present, current and proposed since 1969. Including acres, limitations on building/building sites/+/-additional homes allowed/ acres removed from production, acres still in production and any other important information that pertains to water consumption, removal of water use, transfer of water rights out of Okanogan County.

Until this report is completed, we will all better understand the true FACTS of water availability in Okanogan County not hypothetically driven one-sided ideology shut down agriculture, land development, by **unconstitutional taking of private property, and potentially facing many lawsuits, as a result.**

POTENTIAL VIOLATION: of our 14th Amendment to U.S. Constitution.
Failed to provide rational basis for land use regulation proposed, as provided Equal Protection 14th Amendment to US Constitution. The guarantees provided by the **Fourteenth Amendment** require courts to strike down land-use laws deemed **unreasonable** or arbitrary, that fail to serve a legitimate public purpose, or that **create land-use categories that discriminate between classes of landowners** unless those categories are determined to rationally relate to a legitimate public purpose.
Failure to provide substantive due process. Appears to be a clear VIOLATION that must be addressed.

I believe, Presumption of constitutionality burden of proof is up to Okanogan County Prosecutor to ensure zone code proposed revisions have not violated our U.S. Constitutional Rights.

The statement on Planning Website states "Water availability section of the code was revised to incorporate current statutory, regulatory and judicial requirements."
Planning Director and Planning Commission failed to provide the studies/reports that support the **harm** that has been proven to support the suggested broad stroke proposed zone code changes.
Potential violation substantive due process providing facts that proposed zoning code revisions will not negatively impact private landowners of Okanogan County.

POTENTIAL VIOLATION substantive due process by providing facts that proposed zoning code revisions will not negatively impact private property landowners, potential development, builders, economic stability of Okanogan County, agriculture production industries of Okanogan County.
To the best of my knowledge, and I am not an attorney, Planning Director and Planning Commission Board have failed substantive due process:

1. In order to regulate you must identify harm. Planning Director and Planning Commission failed to do so.
2. Harm has to be real, not perceived. Failure to identify real harm to support proposed zone changes.
3. Where in the record has specific harm been proven, to support the proposed zone code changes?
4. Provide the studies that support the specific **harm** that has been proven to support the suggested broad stroke proposed zone code changes?
5. Harm has to be to a person, my private property rights and private property rights of others. BOCC IS violating my, and Okanogan County landowners, Civil Rights, due process and you can be personally sued.

Planning Director and Planning Commission have not clearly provided sufficient public record the proposed changes are necessary or crucial, therefore the proposed zone code changes should not be considered narrowly tailored to meet definition **"compelling governmental interest."** This serves as my record requesting these documents be placed on the Planning Department and BOCC webpages for the public ability to review.

POTENTIAL VIOLATION
RCW 36.70.140
Planning Agency Rules and records
Each planning agency shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
Approximately 20 Planning Commission meetings with no record of transactions, findings, determinations available for public review, is not in compliance with RCW and creates lack of trust with Planning Department Director trying to pass new proposed zone code revisions.

Violation of keeping public informed of planning commission meetings, discussions and decisions.

- Planning website Planning Commission **Agendas are posted as far back as 1/28/2019 to the current special set meeting 2/20/2024.**
- The only Official Minutes of Record posted for the public to review: **11/28/22,** (video available), **12/19/22**, (video available),**1/23/23**, (video available),**2/27/23**, (video available),**3/27/23**, (video available), and **4/24/23**(video available), **5/8/23 no minutes (video available).**

Planning Director has not clearly provided sufficient public record the proposed changes are necessary or crucial, therefore the proposed zone code changes should not be considered narrowly tailored to meet definition **"compelling governmental interest."**

POTENTIAL VIOLATION: RCW36.70.410 Comprehensive Plan Amendment:

When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance.

What updated conditions or updated studies were provided by Planning Director and Planning Commission regarding comp plan amendment that then opened up need for zoning code amendments?

1. In order to regulate you must identify harm. The Planning Director and Planning Commission failed to do so.
2. Harm has to be real, not perceived, failed to identify real harm to support proposed zone changes.
3. Where in the record has **harm** been proven, to support the proposed zone code changes?
4. Provide the studies that support the **harm** that has been proven to support the suggested broad stroke proposed zone code changes?
5. Harm has to be to a person, my private property rights and private property rights of others. Planning Director and Planning Commission IS violating my, and Okanogan County landowners, Civil Rights, due process and you can be personally sued.

Until all of the above issues are adequately, legally satisfied and record of harm reports and studies have been provided to the public for review, I request at least 6-9-month continuation as allowed RCW 42.30.100.

POTENTIAL VIOLATION: RCW 36.70.040:

Department: Creation-Creation of Commission to assist planning department. In part reads....

By ordinance a board may, as an alternative to and in lieu of the creation of a planning commission as provided in RCW 36.70.030, create a planning department which shall be organized and function as any other department of the county. **When such department is created, the board shall also create a planning commission which shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto.**

To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.

POTENTIAL VIOLATION: Zone Code 17.340.090

(A) **Planning Commission shall conduct and open record public hearing for the proposal. The Planning Commission may order amendments to the proposal. From the record of the hearing, the Planning Commission shall make a recommendation to the BOCC.**

(B) **The BOCC: The record from the Planning Commission shall be transmitted to the BOCC for public hearing/ due process/final decision. Legislation approval by ordinance.**

I am requesting the Planning Commission reject all proposed changes:

1. Continue #days, (set date, time, place), to provide Prosecutor adequate time to review potential violations and submit decision/recommendation letter to Planning Commission Members;
    a. Address lack of minutes posted on Planning website;
    b. All studies have been provided to the public for review to prove "harm" that support necessary changes to the zone code;

2. Provide to the public, rational basis for the land use regulations proposed, as provided Equal Protection 14th Amendment to US Constitution.
3. Land Study (as outlined on page 7) which should result in adequate report of water availability for Okanogan County.
4. Any other information to support "needed, necessary, and justified" changes to the zone code.
5. Letters have been sent to gravel pit owners/landowners officially notifying them there will be no adopted changes of the zone code as proposed, signed by Planning Director.
6. Planning Commission should make recommendation to BOCC and Assessor to place zone code information in the Assessor Tax Parcel program so the public can better understand current zone areas. THEN they will be able to understand how proposed changes could affect them. Currently, the website directs the public to contact Planning Dept. Yet you are asking for public comment, and the map makes no sense, the public pulls their tax parcel up and that has no information, just direct them to Planning Department.

RCW 36.70.040 and Zone Code 17.340.090 the Planning Commission would be within your full authority to do so, and forward your findings and conclusions to the BOCC.

The Planning Director and Planning Commission have failed:

1. **To provide sufficient record harm has been proven to support all proposed zone code suggested changes;**
2. **To provide studies to support changing permitted to conditional or unpermitted;**
3. **To provide studies to support changing certain conditional uses to permitted uses;**
4. **To provide studies to support changing certain previously unpermitted uses to conditional or permitted uses;**
5. **To provide studies to support changing current R-1 to proposed R-2;**
6. **To provide studies to support changing water availability;**
7. **To provide studies to support changing zone code adding special uses provision, land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities and high and low impact utilities (some of which are optional elements as per RCW 36.70.350 in Comp Plans.**
8. **Failed** to provide rational basis for land use regulation proposed, as provided Equal Protection 14th Amendment to US Constitution. Proposed language is unreasonable, arbitrary and substantive due process has not been followed. Most of the proposed language have nothing to do with land use/zoning code. They should be considered "Conditions" and should be addressed during the CUP application process from site analysis. Not broad statements in a document affecting everyone, that could result in an unconstitutional taking of private property rights;
9. **Failed to provide studies to support** proposed changes are necessary or crucial, for proposed changes;
10. Failed to provide **studies to support changing language in R-2 and;**
    a. **R-5 to read "a wide range of compatible" failed to provide report/study supporting compatible. Who defines compatible?**
    b. **Rural 2:** Minimum acre (2) Comparing us to cities with population of 25,000 or less, 2 units per lot or cities of 75,000 or less 4 units per lot (See **RCW 36.70A 635** Minimum residential density for Cities.

       What studies support suggested changes to remove R-1 and change to R-2? When the Methow was changed to R-5. The Planning Director and Planning Commission comment to "be more consistent" is false and misleading, and discriminating.

Pg 45: Rural 2: Minimum acre (2) Comparing us to cities with population of 25,000 or less, 2 units per lot or cities of 75,000 or less 4 units per lot (See **RCW 36.70A 635** Minimum residential density for Cities. **What justification and facts** support suggested changes to remove R-1 and change to R-2? When the Methow was changed to R-5. The BOCC comment to "be more consistent" is false and misleading, and unjustified.

RCW 36.70.350Comp. Plan Optional elements:

> **(1} including water, and its hydraulic force, water sheds, soils, rivers and other waters. Reject this language. As per RCW this is an option not required. It also is not needed I zone code; it can be addressed through building and/or CUP conditions. No blanket statements in zone code.**
>
> **(2) Solar energy**
>
> **(8) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivisions, zoning, traffic, and other related matters**

If all these items are "optional" by state RCW, Statements for these items should reflect OPTIONAL and the county has not opted into addressing these. Or provide a brief statement: these are CUP.
Why go into such detail, especially when the proposed changes are more specific to "conditions" that should be set for site specific applications not a blanket statement in a zone code document. Zone code should address land use for zone code.

Provide the study that supported why the density and height chart was updated.
As I previously pointed out since 1900, over a 120-year period, our population density has increased from 5 to 2.8 people per sq mile.

Address if zone code changes are in compliance with **WAC 197-11-800-Categorical exemptions**
Following types of construction shall be exempt:

> (iii) **The construction of a barn, loafing shed, farm equipment storge structure, covering 10,000 sq ft. and to be used only by the property owner or his or her agent in the conduct of farming the property**
>
> (v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, or fill grading necessary for an exempt project in (i), (ii), (iii) or (iv) of this subsection shall be exempt.

Until the questions of violations or potential violations, and #1-10.-b, I have pointed out, have been decided and/or clarified by County Prosecutor, I don't know how the public can reasonably and honestly make adequate public comments on the proposed zoning code changes.

I look forward to your leadership on all the issues I have pointed out to be addressed.

Respectfully submitted,

Sheilah Kennedy

Sheilah Kennedy
Okanogan, WA

Planning Commission Board Written Comments 2 12 2024 Pg.7

Rocky Robbins

From: annie@anniekennedy.com
Sent: Monday, February 12, 2024 4:56 PM
To: Rocky Robbins
Subject: Citizen Zoning Code Comments

Dear Ms. Robbins,

Thank you for this opportunity to submit my comments to the Okanogan County's updated zone code. I live in Twisp, and am extremely concerned about the lack of attention and enforcement of regulations and zoning in my area of the Methow Valley. We are experiencing development in very sensitive ecologic areas, which drastically impacts current and future water availability and wildland fire protection. This expanding development of small and large lots will destroy the rural, agricultural, amd ranching character of the sagebrush steppe open land which distinguishes the Methow Valley.

Here are my specific requests:

1. First, so that residents of the county can be fully informed, please accurately show the boundaries of the Methow Review District, MVMCPA SubUnit A, and other SubUnits on the zoning map.
2. Please replace the R2 zone with the R5 zone and change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.
3. Include a clearing and grading permit and review process to protect landowners and the environment. People are building roads everywhere they want, and these roads are creating a spider web across the hills of private drives that are eroding with washout and sloughing off.
4. Require exempt segregations applications to demonstrate that water is legally and physically available and that there is adequate access for fire protection.
5. Revise the District Use Chart to prevent incompatible uses being allow outside of incorporated towns or Neighborhood Commercial zones through the Methow valley as they are in the Methow Review District. Apply this rule consistently throughout the valley.
6. Limit ridgetop building and protect our dark skies! People's ridiculously bright lights are a visual assault on those who must see them as well as migratory birds.
7. I support including the new Water Availability requirements in OCC 17.010.140, and ask that you include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.

Thank you for your attention to my comments..
Elizabeth A Kennedy
40 S Bonner Lake Rd
Twisp, WA 98856

Rocky Robbins

From: Jacque Smith <jsmithmethownet@gmail.com>
Sent: Monday, February 12, 2024 5:45 PM
To: Rocky Robbins
Cc: Jacque Smith
Subject: Zone Code Update Comments

Ms. Robbin's, we would like to comment on the proposed changes to the county's zone code. We have been full time residents in the Valley 2005 and have seen first hand the destruction fires have caused.
We believe that it is important to incorporate the recommendations from the Community Wildfire Protection Plan into the code.
We are concerned about water issues in the county and feel it is important to show that water is legally and physically available to building lots. Senior water rights and instream flows should be protected.
We feel that the District Use Chart should be revised to prevent incompatible commercial use throughout the Methow Valley watershed and make it consistent.
The R2 zone should be replaced with an R5 zone.
Thank you,
Paul and Jacque Smith

Rocky Robbins

From: Julie Palm <julielpalm@gmail.com>
Sent: Monday, February 12, 2024 7:18 PM
To: Rocky Robbins
Subject: Comments on Okanogan County updated Zone Codes

Please see my comments below on the Okanogan County updated zone codes.
Thank you,
Julie Palm
Winthrop Wa

- Request that the County incorporate the recommendations from the Okanogan County Community Wildfire Protection Plan such as adopting the WUI Building Code or similar fire safe measures.
- Request the County to require exempt segregations creating building lots to show that water is legally and physically available, that fire safety is addressed, and that the lots will have adequate access.
- Support including the new Water Availability requirements in OCC 17.010.140, but ask the County to include the requirements for permit-exempt wells in state law to protect senior water rights holders and instream flows.
- Request that the County replace the R2 zone with the R5 zone.
- Request that the County include a clearing and grading permit and review process in the zoning regulations to protect the neighbors and the environment.
- Request the County to revise the District Use Chart to prevent grocery stores, office buildings, and other incompatible commercial uses from being developed outside of incorporated towns or Neighborhood Commercial zones throughout the Methow valley watershed (within and outside the current Methow Review District (MRD)). Let's encourage consistency!
- Request that the county expand current provisions for Light and Glare (currently included only in certain zones and applications) to include all zones and applications in the Methow Valley watershed (within and outside the current MRD).
- Request that the County limit ridgetop building where the new building will interfere with the viewshed in the Methow Valley watershed (within and outside the current MRD).
- Request that the County change R5 Zoning in closed basins and upland areas of the lower valley to MRD20 or R20.
- Request that the County accurately show the boundaries of the Methow Review District, MVMCPA Sub Unit A, and other Sub Units on the zoning map.
- Provide for solar siting in least conflict areas following the principles in the WSU Study Least-Conflict Solar Siting on the Columbia Plateau (June 202

Rocky Robbins

From: Nick and Phoebe Hershenow <hershenow@gmail.com>
Sent: Tuesday, February 13, 2024 7:22 AM
To: Rocky Robbins
Subject: Zone Code Update Comments

Dear Ms. Robbins,

I know the comment period closed last night; I wrote this email and when I got up this morning saw that I had somehow failed to press Send. So I'm sending now in the hope that you will consider my comments in any case.

I have a couple of comments on the updated County zoning plan, both related to viewshed.

1. I would like to see the County expand the provisions for Light and Glare to include all zones and applications in the Methow Valley, where dark night skies are one of the attractions and resources we would like to preserve.

2.I would also like to see the County restrict ridgetop construction where new buildings interfere with viewshed in the Methow watershed.

Thank you for (I hope) cutting me some slack on the deadline.

Nick Hershenow
Twisp

Your Opinion Matters

Okanogan County office of Planning and Development is requesting your assistance in our next step to updating our zoning code regulation (OCC 17A) following the recent adoption of the Comprehensive Plan. We invite you to follow the link below to help us identify and prioritize sections of the zoning code for update.

https://www.surveymonkey.com/r/KSGMM55

We would like to have the survey completed by February 28, 2022. Thank you for your participation.

Published in the Methow Valley News February 16, 2022; Okanogan Valley Gazette-Tribune February 17, 2022. OVG948748

Classified Proof

Client	136709 - OKANOGAN COUNTY OFFICE OF PLAN	Phone	(509) 422-7120
Address	123 5TH AVE NORTH, Suite 130 OKANOGAN, WA, 98840	E-Mail Fax	ahubbard@co.okanogan.wa.us

Order#	948748	Requested By	ROCKIY ROBBINS	Order Price	$11.22
Classification	9913 - Okanogan Legals	PO #	YOUR OPINION MATTERS	Tax 1	$0.00
Start Date	02/17/2022	Created By	1751	Tax 2	$0.00
End Date	02/17/2022	Creation Date	02/14/2022, 11:25:19 am	Total Net	$11.22
Run Dates	1			Payment	$0.00
Publication(s)	Okanogan Valley Gazette				

Sales Rep	3801 - Okanogan County Legals	Phone	(253) 234-3506
		E-Mail	lmills@soundpublishing.com
		Fax	

THE CHRONICLE *Essential Reading* For Okanogan Country

Advertising Quote

Rep: • Order: **27058** • Dec 21, 2023

PO Box 553, 618 Okoma Drive
Omak, WA 98841
509-826-1110 • Fax 509-826-5819

Insertion Order Description

Legals: 900 – Legals
(2023-295 Dec. 27)
Notice of Environmental Decision:
Determination of Non-Significance

Customer

Ok Co Planning & Development
Attn: Director
123 5th Ave N Ste 130
Okanogan, WA 98840

Ad Charges

Pub	Issue Date	Rate Description	Charge	Discount	Trade	Net Price
OC	12/27/2023	Open Rate	$242.57			$242.57

Ad Charges : $242.57

Other Charges

Pub	Recur	Rate Description	Charge	Discount	Trade	Net Price	Extended

Extra Charges:

Total : $242.57

(2023-295 Dec. 27)
Notice of Environmental Decision: Determination of Non-Significance

Notice is hereby given that Okanogan County is updating Okanogan County Code, Chapter 17A, Zoning. The Okanogan County has issued a Threshold Determination of Non-Significance (DNS) pursuant to State Environmental Policy Act (SEPA) (RCW 43.21C) SEPA rules (WAC 197-11).

PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning

FILE NO. Code Amendment 2023-1, SEPA

PROPONENT: Okanogan County

Contacts: Chris Branch, Chairman, Board of County Commissioners, Okanogan County; 123 5th Avenue North, Suite 130; Okanogan, WA 98840; Phone: (509) 422-7100

LEAD AGENCY: Okanogan County Planning Department

SEPA RESPONSIBLE OFFICIAL: Stephanie Palmer, Director Okanogan County Planning and Development, 123 5th Ave N, Okanogan, WA 98840; Phone: (509) 422-7160; email: spalmer@co.okanogan.wa.us

LOCATION OF PROPOSAL: This is a non-site specific, non-project action. Codes will apply throughout the unincorporated Okanogan County, WA.

DESCRIPTION OF PROPOSAL: Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Code updates include, but are not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2. The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.

The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted uses.

THRESHOLD DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact of the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A copy of the proposed draft zoning code and the DNS may be reviewed in the Office of Planning at the address listed above or on-line at: www.okanogancounty.org/planning

This DNS is issued under 197-11- 340. The lead agency will not act on this proposal for 14 days from the date of issuance of the DNS.

LIST OF REQUIRED ACTIONS: Recommendation by the Okanogan County Planning Commission with final adoption of the ordinance by the Okanogan County Board of County Commissioners.

COMMENT PERIOD: Agencies, affected tribes, and members of the public are invited to comment on the non-project SEPA Threshold Determination (DNS) and on the non-project action. Comments on the SEPA Threshold Determination must be submitted in writing no later than 5 p.m. on January 11, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

Public Hearing:

A Public Hearing on the proposed code amendment with the Okanogan County Planning Commission will be February 5, 2024 at 6 p.m. Environmental impacts and the SEPA Threshold Determination may be considered at the hearing on the proposal, but the deadline for submitting comments on the threshold determination is 5 p.m. on January 11, 2024. Verbal comments on the proposed code amendment to Okanogan County Code, Chapter 17A, Zoning will be heard at the public hearing or can be submitted in writing before 5 p.m. on January 29, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROPOSAL: DNS, Environmental Checklist.

DATE OF ISSUANCE OF NOTICE OF APPLICATION/ DNS: December 28, 2023

Published by Omak Okanogan County Chronicle.

(2023-295 Dec. 27)

Notice of Environmental Decision: Determination of Non-Significance

Notice is hereby given that Okanogan County is updating Okanogan County Code, Chapter 17A, Zoning. The County has issued a Threshold Determination of Non-Significance (DNS) pursuant to State Environmental Policy Act (SEPA) (RCW 43.21C) SEPA rules (WAC 197-11).

PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning

FILE NO. Code Amendment 2023-1, SEPA

PROPONENT: Okanogan County

Contacts: Chris Branch, Chairman, Board of County Commissioners, Okanogan County; 123 5th Avenue North, Suite 130; Okanogan, WA 98840; Phone: (509) 422-7100

LEAD AGENCY: Okanogan County Planning Department

SEPA RESPONSIBLE OFFICIAL: Stephanie Palmer, Director Okanogan County Planning and Development, 123 5th Ave N, Okanogan, WA 98840; Phone: (509) 422-7160; email: spalmer@co.okanogan.wa.us

LOCATION OF PROPOSAL: This is a non-site specific, non-project action. Codes apply throughout the unincorporated Okanogan County, WA.

DESCRIPTION OF PROPOSAL: Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Code updates include, but are not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2:

The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.

The District Use chart was updated. Proposed updates to the District Use chart are (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted uses.

THRESHOLD DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact of the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A copy of the proposed draft zoning code and the DNS may be reviewed in the Office of Planning at the address listed above or on-line at: www.okanogancounty.org/planning

This DNS is issued under 197-11- 340. The lead agency will not act on this proposal for 14 days from the date of issuance of the DNS.

LIST OF REQUIRED ACTIONS: Recommendation by the Okanogan County Planning Commission with final adoption of the ordinance by the Okanogan County Board of County Commissioners.

COMMENT PERIOD: Agencies, affected tribes, and members of the public are invited to comment on the non-project SEPA Threshold Determination (DNS) and on the non-project action. Comments on the SEPA Threshold Determination must be submitted in writing no later than 5 p.m. on January 11, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

Public Hearing:

A Public Hearing on the proposed code amendment with the Okanogan County Planning Commission will be February 5, 2024 at 6 p.m. Environmental impacts and the SEPA Threshold Determination may be considered at the hearing on the proposal, but the deadline for submitting comments on the threshold determination is 5 p.m. on January 11, 2024. Verbal comments on the proposed code amendment to Okanogan County Code, Chapter 17A, Zoning will be heard at the public hearing or can be submitted in writing before 5 p.m. on January 29, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROPOSAL: DNS, Environmental Checklist.

DATE OF ISSUANCE OF NOTICE OF APPLICATION/ DNS: December 28, 2023

Published by Omak Okanogan County Chronicle.

Affidavit of Publication

STATE OF WASHINGTON

ss.

County of Okanogan

The undersigned, being duly sworn on oath, deposes and says that she is the principal clerk of the Omak-Okanogan County Chronicle, a weekly newspaper, that she is duly authorized to make this affidavit; that said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of publications hereinafter referred to, published in the English language continuously as a weekly newspaper in Omak, Okanogan County, Washington, and it is now and during all of said time was printed in an office maintained at 618 Okoma Drive, the place of publication of said newspaper. That the annexed is a true copy of

12/27/23

and that such newspaper was regularly distributed to its subscribers during all of said period. The full amount of the fee charged for the foregoing publication is the sum of $242.57.

Principal Clerk

Makayla Coulton

Subscribed and sworn to before me 12/27/23

Teresa Lee Myers

Notary Public in and for the State of Washington

Residing at Omak

Teresa Lee Myers
Notary Public
State of Washington
My Appointment Expires 01/11/2025
Commission Number 21014470

Okanogan Valley Gazette

Affidavit of Publication

State of Washington }
County of Okanogan } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Okanogan Valley Gazette a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Okanogan County, Washington and is and always has been printed in whole or part in the Okanogan Valley Gazette and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Okanogan County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of OVG989141 CODE AMEND. 2023-1 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 12/28/2023 and ending on 12/28/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $100.94.

Subscribed and sworn before me on this 29th day of December, 2023

Linda Phillips

Notary Public in and for the State of Washington.

OKANOGAN COUNTY OFFICE OF PLAN | 83834583
ROCKY ROBBINS

Linda Phillips
Public

Notice of Environmental Decision: Determination of Non-Significance

Notice is hereby given that Okanogan County is updating Okanogan County Code, Chapter 17A, Zoning. The Okanogan County has issued a Threshold Determination of Non-Significance (DNS) pursuant to State Environmental Policy Act (SEPA) (RCW 43.21C) SEPA rules (WAC 197-11).

PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning

FILE NO. Code Amendment 2023-1, SEPA

PROPONENT:

Okanogan County

Contacts: Chris Branch, Chairman, Board of County Commissioners, Okanogan County; 123 5th Avenue North, Suite 130; Okanogan, WA 98840; Phone: (509) 422-7100

LEAD AGENCY: Okanogan County Planning Department

SEPA RESPONSIBLE OFFICIAL: Stephanie Palmer, Director Okanogan County Planning and Development, 123 5th Ave N, Okanogan, WA 98840; Phone: (509) 422-7160; email: spalmer@co.okanogan.wa.us

LOCATION OF PROPOSAL: This is a non-site specific, non-project action. Codes will apply throughout the unincorporated Okanogan County, WA.

DESCRIPTION OF PROPOSAL: Following the adoption of its

Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Code updates include, but are not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2.

The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.

The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted uses.

THRESHOLD DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact of the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A copy of the proposed draft zoning code and the DNS may be reviewed in the Office of Planning at the address listed above or on-line at: www.okanogancounty.org/planning

This DNS is issued under 197-11-340. The lead agency will not act on this proposal for 14 days from the date of issuance of the DNS.

LIST OF REQUIRED ACTIONS: Recommendation by the Okanogan County Planning Commission with final adoption of the ordinance by the Okanogan County Board of County Commissioners.

COMMENT PERIOD: Agencies, affected tribes, and members of the public are invited to comment on the non-project SEPA Threshold Determination (DNS) and on the non-project action. Comments on the SEPA Threshold Determination must be submitted in writing no later than 5 p.m. on January 11, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

Public Hearing:
A Public Hearing on the proposed code amendment with the Okanogan County Planning Commission will be February 5, 2024 at 6 p.m. Environmental impacts and the SEPA Threshold Determination may be considered at the hearing on the proposal, but the deadline for submitting comments on the threshold determination is 5 p.m. on January 11, 2024. Verbal comments on the proposed code amendment to Okanogan County Code, Chapter 17A, Zoning will be heard at the public hearing or can be submitted in writing before 5 p.m. on January 29, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROPOSAL:
DNS, Environmental Checklist.

DATE OF ISSUANCE OF NOTICE OF APPLICATION/DNS:
December 28, 2023

Published in the Methow Valley News December 27, 2023; Okanogan Valley Gazette-Tribune December 28, 2023.

OVG989141

THE CHRONICLE *Essential Reading* For Okanogan Country

Advertising Quote

Rep: • Order: **27145** • Jan 8, 2024

PO Box 553, 618 Okoma Drive
Omak, WA 98841
509-826-1110 • Fax 509-826-5819

Customer
Pete Palmer
Ok Co Planning & Development
123 5th Ave N Ste 130
Okanogan, WA 98840

Insertion Order Description
Legals: 900 – Legals
(2024-013 Jan. 10)
Notice of Environmental Decision:
Determination of Non-Significance (Renoticed)

Ad Charges

Pub	Issue Date	Rate Description	Charge	Discount	Trade	Net Price
OC	1/10/2024	Open Rate	$262.89			$262.89

Ad Charges : $262.89

Other Charges

Pub	Recur	Rate Description	Charge	Discount	Trade	Net Price	Extended

Extra Charges:

Total : $262.89

(2024-013 Jan. 10)
Notice of Environmental Decision:
Determination of Non-Significance (Renoticed)
Notice is hereby given that Okanogan County is updating Okanogan County Code, Chapter 17A, Zoning. The Okanogan County has issued a Threshold Determination of Non-Significance (DNS) pursuant to State Environmental Policy Act (SEPA) (RCW 43.21C) SEPA rules (WAC 197-11).
PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning
FILE NO. Code Amendment 2023-1, SEPA
PROPONENT: Okanogan County
Contacts: Jon Neal, Chairman, Board of County Commissioners, Okanogan County; 123 5th Avenue North, Suite 130; Okanogan, WA 98840; Phone: (509) 422-7100
LEAD AGENCY: Okanogan County Planning Department
SEPA RESPONSIBLE OFFICIAL: Stephanie Palmer, Director Okanogan County Planning and Development, 123 5th Ave N, Okanogan, WA 98840; Phone: (509) 422-7160; email: spalmer@co.okanogan.wa.us
LOCATION OF PROPOSAL: This is a non-site specific, non-project action. Codes will apply throughout the unincorporated Okanogan County, WA.
DESCRIPTION OF PROPOSAL: Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Code updates include, but are not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2.
The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.
The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted uses.
THRESHOLD DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact of the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A copy of the proposed draft zoning code and the DNS may be reviewed in the Office of Planning at the address listed above or on-line at: www.okanogancounty.org
This DNS is issued under 197-11- 340. The lead agency will not act on this proposal for 14 days from the date of issuance of the DNS.
LIST OF REQUIRED ACTIONS: Recommendation by the Okanogan County Planning Commission with final adoption of the ordinance by the Okanogan County Board of County Commissioners.
COMMENT PERIOD: Agencies, affected tribes, and members of the public are invited to comment on the non-project SEPA Threshold Determination (DNS) and on the non-project action. The comment period on the SEPA DNS was initially scheduled to end on January 11, 2024. The County has extended the comment period until 5 p.m. on January 25, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us
Public Hearing:
A Public Hearing on the proposed code amendment was previously scheduled for February 5, 2024. To accommodate the extended comment period, the public hearing on the proposed code amendment with the Okanogan County Planning Commission will now be **February 20, 2024** at 6 p.m. Environmental impacts and the SEPA Threshold Determination may be considered at the hearing on the proposal, but the deadline for submitting comments on the threshold determination is 5 p.m. on January 25, 2024. Verbal comments on the proposed code amendment to Okanogan County Code, Chapter 17A, Zoning will be heard at the public hearing or can be submitted in writing before 5 p.m. on February 12, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us
ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROPOSAL: DNS, Environmental Checklist.
DATE OF ISSUANCE OF NOTICE OF APPLICATION/ DNS: December 28, 2023; Renoticed with corrected webpage link and updated comment deadlines and hearing date on January 11, 2024
****This deadline has been extended following the initial notice due to the webpage link in the notice not working properly.**
Published by Omak Okanogan County Chronicle.

Notice of Environmental Decision:
Determination of Non-Significance (Renoticed)
Notice is hereby given that Okanogan County is updating Okanogan County Code, Chapter 17A, Zoning. The Okanogan County has issued a Threshold Determination of Non-Significance (DNS) pursuant to State Environmental Policy Act (SEPA) (RCW 43.21C) SEPA rules (WAC 197-11).
PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning
FILE NO. Code Amendment 2023-1, SEPA
PROPONENT: Okanogan County
Contacts: Jon Neal, Chairman, Board of County Commissioners, Okanogan County; 123 5th Avenue North, Suite 130; Okanogan, WA. 98840; Phone: (509) 422-7100
LEAD AGENCY: Okanogan County Planning Department
SEPA RESPONSIBLE OFFICIAL: Stephanie Palmer, Director Okanogan County Planning and Development, 123 5th Ave N, Okanogan, WA 98840; Phone: (509) 422-7160; email: spalmer@co.okanogan.wa.us
LOCATION OF PROPOSAL: This is a non-site specific, non-project action. Codes will apply throughout the unincorporated Okanogan County.
DESCRIPTION OF PROPOSAL: Following the adoption of its Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Code updates include, but are not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2. The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.
The District Use chart was updated. Proposed updates to the District Use chart change certain previously permitted or conditional uses to permitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change permitted uses.
THRESHOLD DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact of the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A copy of the proposed draft zoning code and the DNS may be reviewed in the Office of Planning at the address listed above or on-line at: www.okanogancounty.org
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ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROPOSAL: DNS, Environmental Checklist.
DATE OF ISSUANCE OF NOTICE OF APPLICATION/ DNS: December 28, 2023; Renoticed with corrected webpage link and updated comment deadlines and hearing date on January 11, 2024
****This deadline has been extended following the initial notice due to the webpage link in the notice not working properly.**
Published by Omak Okanogan County Chronicle.

Affidavit of Publication

STATE OF WASHINGTON)
) ss.
County of Okanogan)

The undersigned, being duly sworn on oath, deposes and says that she is the principal clerk of the Omak-Okanogan County Chronicle, a weekly newspaper, that she is duly authorized to make this affidavit; that said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of publications hereinafter referred to, published in the English language continuously as a weekly newspaper in Omak, Okanogan County, Washington, and it is now and during all of said time was printed in an office maintained at 618 Okoma Drive, the place of publication of said newspaper. That the annexed is a true copy of

01/10/24

and that such newspaper was regularly distributed to its subscribers during all of said period. The full amount of the fee charged for the foregoing publication is the sum of $262.89.

Principal Clerk

MaKayla Carlton

Subscribed and sworn to before me 1/10/24

Teresa Lee Myers
Notary Public in and for the State of Washington

Residing at Omak

Teresa Lee Myers
Notary Public
State of Washington
My Appointment Expires 01/11/2025
Commission Number 21014470

Okanogan Valley Gazette

Affidavit of Publication

State of Washington }
County of Okanogan } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Okanogan Valley Gazette a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Okanogan County, Washington and is and always has been printed in whole or part in the Okanogan Valley Gazette and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Okanogan County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of OVG989784 DNS CORRECTED WEBSIT as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 01/11/2024 and ending on 01/11/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $109.25.

Subscribed and sworn before me on this 11th day of January, 2024

Notary Public in and for the State of Washington.

OKANOGAN COUNTY OFFICE OF PI AN | 83834583
ROCKY ROBBINS

Notice of
Environmental Decision:
Determination of
Non-Significance (Renoticed)

Notice is hereby given that Okanogan County is updating Okanogan County Code, Chapter 17A, Zoning. The Okanogan County has issued a Threshold Determination of Non-Significance (DNS) pursuant to State Environmental Policy Act (SEPA) (RCW 43.21C) SEPA rules (WAC 197-11).

PROJECT NAME: Okanogan County Code Amendment 2023-1, Chapter 17A Zoning

FILE NO. Code Amendment 2023-1, SEPA

PROPONENT:
Okanogan County
Contacts: Jon Neal, Chairman, Board of County Commissioners, Okanogan County; 123 5th Avenue North, Suite 130; Okanogan, WA 98840; Phone: (509) 422-7100

LEAD AGENCY: Okanogan County Planning Department

SEPA RESPONSIBLE OFFICIAL: Stephanie Palmer, Director Okanogan County Planning and Development, 123 5th Ave N, Okanogan, WA 98840; Phone: (509) 422-7160; email: spalmer@co.okanogan.wa.us

LOCATION OF PROPOSAL: This is a non-site specific, non-project action. Codes will apply throughout the unincorporated Okanogan County, WA.

DESCRIPTION OF PROPOSAL: Following the adoption of its

Comprehensive Plan, Okanogan County is updating various sections of the Okanogan County Code, Chapter 17A, Zoning. Code updates include, but are not limited to, replacing the Rural 1 (R1) zone (OCC 17A.040) with the Rural 2 (R2) zone. This will also result in a map change only to change the zoning designation of all the properties currently designated R1 to R2.

The water availability section of the code was revised to incorporate current statutory, regulatory, and judicial requirements. A Special Uses provision was added to the code, which adopts zoning and land use regulations specific to cryptocurrency operations, electric vehicle charging stations, wind energy facilities, solar energy facilities, and high and low impact utilities.

The District Use chart was updated. Proposed updates to the District Use chart change (1) certain previously permitted or conditional uses to unpermitted, (2) change certain previously permitted uses to conditional uses, (3) change certain conditional uses to permitted uses; and (4) change certain previously unpermitted uses to conditional or permitted uses.

THRESHOLD DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact of the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A copy of the proposed draft zoning code and the DNS may be reviewed in the Office of Planning at the address listed above or on-line at: www.okanogancounty.org

This DNS is issued under 197-11- 340. The lead agency will not act on this proposal for 14 days from the date of issuance of the DNS.

LIST OF REQUIRED ACTIONS: Recommendation by the Okanogan County Planning Commission with final adoption of the ordinance by the Okanogan County Board of County Commissioners.

COMMENT PERIOD: Agencies,

affected tribes, and members of the public are invited to comment on the non-project SEPA Threshold Determination (DNS) and on the non-project action. The comment period on the SEPA DNS was initially scheduled to end on January 11, 2024. The County has extended the comment period until 5 p.m. on January 25, 2024. Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

Public Hearing:

A Public Hearing on the proposed code amendment was previously scheduled for February 5, 2024. To accommodate the extended comment period, the public hearing on the proposed code amendment with the Okanogan County Planning Commission will now be **February 20, 2024 at 6 p.m.** Environmental impacts and the SEPA Threshold Determination may be considered at the hearing on the proposal, but the deadline for submitting comments on the threshold determination is 5 p.m. on January 25, 2024. Verbal comments on the proposed code amendment to Okanogan County Code, Chapter 17A, Zoning will be heard at the public hearing or can be submitted in writing before **5 p.m. on February 12, 2024.** Submit comments to: Rocky Robbins, Sr. Planner, Okanogan County Office of Planning & Development, 123 5th Ave. N, Suite 130, Okanogan, WA 98840 or email to her at rrobbins@co.okanogan.wa.us

ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROPOSAL:

DNS, Environmental Checklist.

DATE OF ISSUANCE OF NOTICE OF APPLICATION/DNS:

December 28, 2023; Renoticed with corrected webpage link and updated comment deadlines and hearing date on January 11, 2024

****This deadline has been extended following the initial notice due to the webpage link in the notice not working properly.**

Published in the Methow Valley News January 10, 2024; Okanogan Valley Gazette-Tribune January 11, 2024.

OVG989784

Classified Proof

Okanogan County
NOTICE OF SPECIAL MEETING & PUBLIC HEARING

On Tuesday, February 20, 2024 at 6:00 pm, the Okanogan County Planning Commission will hold a special meeting at which they will conduct a PUBLIC HEARING regarding the Okanogan County Zone Code Revision. The purpose of the special meeting/public hearing is to consider revisions being proposed to the Okanogan County Zone Code, Chapter 17A, consider written comments received on the revision and allow verbal public comment on the proposed revisions during the public hearing.

Information regarding the zone code revision can be obtained from:

Okanogan County Office of Planning and Development, Rocky Robbins, Senior Planner, at 123 5th Avenue North, Suite 130, Okanogan, WA 98840

By telephone at 509-422-7117

By email at rrobbins@co.okanogan.wa.us.

A copy of the zone code revisions and related documents may be viewed on the Okanogan County web page www.okanogancounty.org

Date/Time of Special Meeting/Public Hearing: February 20, 2024 at 6:00 pm

Location: Commissioners Auditorium in the Virginia Grainger Building at 123 5th Ave N., in Okanogan Washington.

How to Attend:

In person at the time and location shown above or by zoom.
Join Zoom Meeting
https://zoom.us/j/95864276891
Meeting ID: 958 6427 6891
One tap mobile
+12532158782,,95864276891#
US (Tacoma)
+12532050468,,95864276891#
US
Published in the Methow Valley News February 7, 2024; Okanogan Valley Gazette-Tribune February 8, 2024.
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