

LINCOLN COUNTY CODE

“TITLE 17 - ZONING”

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Chapter 17.01

GENERAL PROVISIONS

Sections.

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17.01.010 Finding.

The adoption of this title is in the interests of public health, safety and the general welfare of all the citizens of Lincoln County. It is necessary for the implementation of the Lincoln County comprehensive plan and complies with the provisions and objectives of Chapter 36.70 RCW as now or hereafter amended.

17.01.020 Repealer.

All ordinances or parts of ordinances in conflict with this title or inconsistent with the provisions of this title, are hereby repealed to the extent necessary to give this title full force and effect.

17.01.030 Effective date of title.

This title and all of its provisions shall be in full force and effective immediately upon adoption and signing by the Lincoln County board of county commissioners (BOCC).

17.01.040 Short title.

This title shall be known and may be cited and referred to as the "Lincoln County zoning code."

17.01.050 Scope.

In the interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards to be met prior to a land use being permitted shall govern.

17.01.060 Severability.

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this title or the application of this provision to other persons or circumstances shall not be affected.

17.01.070 Fees.

Zoning fees shall be set and established by resolution of the Board of County Commissioners. No permit, certificate, conditional use permit, variance or re-zone shall be issued, nor shall any action be taken on proceedings before the hearing examiner or planning commission until all fees have been paid in full. Fees are subject to change upon resolution by the Board of County Commissioners.

Chapter 17.02 DEFINITIONS

“Accessory” means a subordinate building, the use of which is incidental to the use of the principal building on the same lot.

“Administrative Adjustment” means providing relief of certain development requirements to help provide flexibility in the administration of this title. Prior to granting any relief, it must be demonstrated to the planning director that granting such relief will not negatively impact adjacent properties or the public health, safety or general welfare of the community or be in conflict with the comprehensive plan or the intent and purpose of this title. Also, prior to granting any relief for setback requirements, the planning director will consult with the county building official and if determined necessary, the adjacent property owner(s) will have an opportunity to comment on the request for relief.

“Administrative Official” means the planning services director or his duly authorized representative.

“Administrative Permit” a permit issued by Land Services; required for certain uses allowed within this code.

“Agriculture” means the tilling of the soil, the raising of crops, the gathering and harvesting of native plants, horticulture, viticulture, floriculture, apiary, livestock farming, dairying, animal feeding operations, animal husbandry, composting associated with the primary agricultural use, land application of soil amendments or agricultural waste at agronomic rates, and farm oriented storage for commercial value. (Synonymous with farming or ranching)

“Amendment” means a change in the wording, context or substance of this title or change in the zone boundaries upon the zoning map, which said map is a part of this title when adopted by the board of county commissioners.

“Animal Feeding Operation” (AFO) means a commercial lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and, where crops, vegetation forage growth or post-harvest residues are not sustained over any portion of the lot or facility in the normal growing season and as further defined in the Code of Federal Regulations (CFR), currently 40 CFR 122.

“Animal Feeding Operation, Concentrated” (CAFO) means a commercial animal feeding operation where more than 1,000 animal units are confined at the facility and as further defined in the Code of Federal Regulations (CFR) and regulated as a CAFO by the Washington State department of ecology.

“Apartment House/Multi-Family Dwelling” means any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building and shall include flats and apartments.

"Automobile Wrecking, Dismantling, Salvage or Junk Yard" means a place used for the storage and/or sale of used automobile parts or other salvage materials and for the storage, dismantling, sorting, cleaning or baling of wrecked automobiles, trucks, trailers, machinery and other discarded or salvage materials. This type of business requires a conditional use permit and public hearing before the hearing examiner.

"Bed and Breakfast Inn" means a structure designed for and occupied as a single-family residence with not more than five guestrooms used to provide temporary traveler accommodations and meals for a fee.

"Best Management Practices (BMP)" means systems of practices, schedules of activities, prohibitions, maintenance procedures and management measures that prevent or minimize adverse impacts to the environment.

"Binding Site Plan" means a drawing to a scale which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by Lincoln County requirements, pursuant to Title 16; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the County; and (c) contains provisions making any development be in conformity with the site plan. A binding site plan, where applicable, may be utilized to provide an alternative method for division of land and for development proposals within commercial, industrial and airport overlay district(s) pursuant to this title.

"Board/BOCC" means the Lincoln County board of county commissioners.

"Board of Adjustment" means the Lincoln County board of adjustment.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building Height" means the vertical distance from the average grade of a building site to the highest point of the structure or building thereon.

"Camping Units" mean a structure, shelter, or vehicle designed and intended for temporary occupancy by persons engaged in camping or use of a camping unit for recreation. Camping units include but are not limited to recreational vehicles, recreational park trailers, travel trailers and campers, camping cabins, tents, tepees, yurts and other similar shelters.

"Child day-care" means a facility that regularly provides care for a group of children for periods less than 24 hours.

"Club" means an association of persons for some common purpose, but not including groups organized primarily to render a service that is customarily carried on as a business.

"Comprehensive Plan" means the officially adopted document and any amendments or supplements thereto adopted pursuant to Chapter 36.70 RCW, which sets forth policies and standards for determining the best use of land and other resources of the county.

"Conditional Use" means a use listed among those classified in any given zone, but permitted to locate only after review by the hearing examiner 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.

"Conditional Use Permit" means a written decision of the hearing examiner actions authorizing a conditional use to locate at a specific location.

"Convenience Store" means a building, which is used for retail sales of packaged or prepared food, beverages, lottery tickets, tobacco products and limited stock of groceries or similar products for the traveling public or neighborhood residents and, if permitted, include automotive fuel dispensing services.

“Cottage Industry” means a commercial or light manufacturing activity conducted in whole or in part in either the resident’s single-family dwelling unit or in an accessory building, but is of a scale larger than a home occupation or home business. A cottage industry is a limited, small-scale commercial or industrial activity, including fabrication, with limited retail sales, that can be conducted without substantial adverse impact on the residential character in the vicinity.

“County Engineer” means the county road engineer of Lincoln County.

“County Sanitarian” means the director of the Lincoln County environmental health department.

“Critical Areas and Resource Lands” means those areas designated and protected, pursuant to the growth management act requirements.

“Development” means actions requiring a land use permit regulated by Lincoln County, including, regular and short subdivisions of land, binding site plans, site specific rezones, zoning conditional use and variances permits, building permits, road approach permits, shoreline permits, critical areas permit, flood area and other applicable development permits and certain forest practices activities.

“Development Permit” means any document granting or granting with conditions, an application for a land use designation or re-designation, zoning or rezoning, subdivision plat, site plan, building permit, special exception, variance or any other official action of the county having the effect of authorizing the development of land.

“District” means the same as a zone.

“Dwelling – Multiple-Family/Apartments” means a structure containing three or more dwelling/apartment style units.

“Dwelling – Single-Family” means a structure containing one dwelling unit.

“Dwelling – Two-Family or Duplex” means a structure containing two dwelling units.

“Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Event” means a celebration, fair, festival or other special event generally recognized by the community and advertised as such.

“GMA” means the growth management act, RCW 36.70A.

“Grading” means stripping, cutting, filling or stockpiling land including the land in its cut or filled condition to create a new grade.

“Greenbelt” means a linear corridor of open space, which serves as a buffer between uses and/or may be designated un-developable land because of environmental constraints (e.g. slopes, wetlands, etc).

“Gun Clubs and/or Rifle Ranges” means an area where guns are used as the principal use.

“Home Business, Major” means any business which is clearly secondary to the main use of the premises as a dwelling place and does not change the character thereof or have any exterior evidence of such secondary use (e.g., outward physical appearance, outdoor storage of materials, supplies or vehicles, noise, electrical interference, lighting, vibrations) other than signing as permitted in the zoning district in which it is situated. Major home businesses may be conducted within the dwelling unit, attached garage or accessory structure by members of a family residing in the dwelling and non-resident individuals when authorized in accordance with the requirements of this title.

“Home Business, Minor” means any business which is clearly secondary to the main use of the premises as a dwelling place and does not change the character thereof or have any exterior

evidence of such secondary use (e.g., outward physical appearance, storage of materials, supplies or vehicles, noise, electrical interference) other than signing as permitted in the zoning district in which it is situated. Minor home businesses are conducted within the dwelling unit and/or attached garage by members of a family residing in the dwelling. Minor home businesses are limited to those of a service character, but may include limited retail sales directly related to the home business.

"Impervious Surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, patios and other similar structures. For the purposes of this ordinance, substructures of materials highly resistant to infiltration by water with less than 5 feet of soil cover are considered similar to roofs.

"Junk" means, but not limited to: old or scrap metal, rope, rags, batteries, paper, rubber, machinery, scrap wood, debris, trash or junked, dismantled, wrecked or inoperable motor vehicles or parts thereof.

"Junk Motor Vehicle" means a motor vehicle that is damaged, apparently inoperable, or any detached parts thereof, including, but not limited to cars, trucks, motorcycles, vehicle hulks, campers, trailers and/or motor homes. "Junk Motor Vehicle" does not include a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to the requirements of Chapter 46.80.130 RCW.

"Junkyard" means a property or place of business maintained, operated or used for storing, keeping, buying, selling or salvaging junk.

"Light Industrial" means a use involving: (1) basic processing and manufacturing of materials or products predominantly from previously prepared materials; or (2) finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials except food products.

"Lot" means a parcel of land of at least sufficient size and frontage to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required.

"Lot — Non-Conforming" means a lot which does not conform to requirements for area, frontage or both as required by this title and which lot was established prior to enactment of any provisions of this title or its amendments.

"Manufactured Home" means a factory assembled single-family dwelling as also defined by WAC 296-150M and built according to the Department of Housing and Urban Development (HUD) "Manufactured Home Construction and Safety Standards Act". A manufactured home also includes plumbing, heating, air conditioning and electrical systems; is built on a permanent chassis; and can be transported in one or more sections. The distinction between a singlewide, doublewide or triple-wide manufactured home relates to the corresponding number of sections the home is delivered to the site. The term shall not include mobile home, recreational vehicle, commercial coach, camping vehicle, travel trailer, tip-out or any other similar vehicle not labeled as a manufactured home under federal or state law.

"Manufactured Home Subdivision" means a division of land into lots, pursuant to Title 16 and Chapter 58.17 RCW, for the placement of manufactured residential homes and related facilities.

“Mixed-Use” means a land use pattern where a variety of complementary land uses occupy buildings in close proximity to each other, generally including residential, retail sales and services, offices, recreation, schools and churches. Mixed-use areas are intended to enhance opportunities to live, work and meet daily needs with less dependence on auto transportation.

“Mobile Home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD manufactured housing code, and acceptable under applicable state codes in effect at the time of construction or the introduction of the home into the state. This definition does not include modular homes, manufactured homes, park models or camping vehicles, travel trailers, tip-outs, commercial coaches, recreational vehicles, motor homes and any other similar vehicle which is not intended, designed, constructed or used for permanent residential purposes.

“Mobile /Manufactured Home Park” means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home park shall not include mobile home subdivisions or recreational vehicle parks or subdivisions where mobile homes are permitted as a principal use and accessory dwelling unit on the same lot.

“Modular Home” means a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory built housing.

“Non-Conforming Use or Structure” means a building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of this title, but because of the application of this title no longer conforms to the regulations prescribed in this title for the zone in which it is located.

“Non-Productive Land” means land that is not not being managed by tilling, direct seeding, cover-cropping or permanent pasture management practices, being tilled.

“Official Controls” means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the County and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

“Outdoor Recreational Uses” means campgrounds, dude ranches, golf courses, boat rentals, picnic areas, resorts, restaurants, grocery stores and other generally accepted recreational activities.

“Overlay Zone” means requirements described in the code text which exist in conjunction with another zone(s) and which relate to the official zoning map. Developments within such an area must conform to the requirements of both zones unless otherwise specified (e.g. the airport overlay zone(s) allows for certain commercial uses, if consistent with development requirements). The most restrictive requirements shall control.

“Park Model” means a recreational park trailer, as defined by WAC 296-150R-0020 and approved as such by the Washington State department of labor & industries, as evidenced by a state-plan insignia (see WAC 296-150R).

“Permitted-Use” means any use authorized or permitted alone or in conjunction with another use in a specified zoning district and is subject to the limitations of the regulations of such zone.

“Party of Record” means the applicant and any other person who has submitted written comments on any action or proposed action or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

“Planning Commission” means the Lincoln County planning commission or any subcommittee thereof empowered to carry out the duties set forth in Chapter 36.70, RCW and/or any function the board of Lincoln County commissioners has delegated.

“Planning Director” means the director of Lincoln County planning services, created pursuant to Chapter 36.70 RCW.

“Planning Enabling Act” means Chapter 36.70 RCW, legislation Lincoln County uses for planning purposes.

“Recreational Vehicle (RV)” means a vehicular type portable unit without a permanent foundation and primarily designed as temporary living quarters (not full-time residential) for recreational, camping or travel use, with or without motor power, this includes, but is not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes. RV use in a residential subdivision shall be limited to part time recreational use by the lot owner(s) or guest and/or when a building permit for a residential dwelling has been issued and the house is under construction. RV’s are not primary residential structures. Also, please check your subdivision’s private covenants, for they may be more restrictive.

“Recreational Vehicle Park” means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

“Recreational Vehicle Subdivision” means a division of land into lots pursuant to this title and Chapter 58.17 RCW for ownership and the placement of recreational vehicles and related facilities as a primary use. These lots and recreational vehicles may be used for extended periods, but are not created nor intended for full time residential purposes. Also, please check the RV subdivision’s private covenants, for they may be more restrictive.

“Retaining Wall” means a structure designed to stabilize a slope/bank. Those structures proposed to be placed adjacent to a county right-of-way will require review by the county engineer prior to installation.

“Road” means an improved and maintained public right-of-way which provides vehicular circulation or principle means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage.

“Road Approach Permit” means a permit required by the department of public works prior to any construction, alteration, change of use, platting of property, etc. (e.g. driveways, culverts, retaining structures, etc.) for the purpose of ingress/egress onto a county road.

“Residence” means a building or structure, or portion thereof, which is designed and used to provide a place of abode for human beings, but not including hotels or motel units, or places of abode having no kitchen within each unit. A residence must include one or more dwelling units.

“Resource Lands” means those lands, which are designated under GMA as having long term commercial significance for the production of agricultural products, timber or the extraction of minerals.

“Rural Event Center” means a permanently established facility in a rural location and setting that operates on a continuous basis to accommodate the assembly of people for special functions, such as weddings, meals & live music.

“SEPA” means the “State Environmental Policy Act”, Chapter 43.21C, RCW and WAC 197-11.

“Setback” means the minimum required distance between any structure and a specified line such as a lot, public or private right-of-way, easement, future street right-of-way as identified

through an official control or buffer line that is required to remain free of structures unless otherwise provided herein.

“Special Conditional Use/Permit” means a use that may be permitted in any designated zone, but because of unique characteristics or rare occurrences requires special review and/or conditions for approval. Substantive and procedural requirements of a conditional use must be met prior to the approval of any special permit.

“Structure” means it is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Subdivision-Short” means the division or re-division of land, pursuant to Chapter 16.08 of Title 16-Land Divisions and Chapter 58.17 RCW, into four or fewer lots, tracts, parcels, sites for the purpose of sale, lease, or transfer of ownership for residential dwellings and related structures.

“Subdivision-Regular” means the division or re-division of land, pursuant to Chapter 16.04 of Title 16-Land Divisions and Chapter 58.17 RCW, into five or more lots, tracts, parcels, sites for the purpose of sale, lease, or transfer of ownership for residential dwellings and related structures.

“Telecommunication Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to self-supporting lattice towers, guy towers or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers and cellular telephone towers. Personal communication towers and those used for farming purposes are excluded.

“Temporary Use” means a use approved by Land Services for a period not to exceed 6 months with the requirement to discontinue such use after the time period expires.

“Use” means the specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

“Utility Substation” means a facility including, but not limited to transformers, circuit breakers and metering devices where electrical currents are forwarded on through transmission lines. Temporary generation of electricity may occur as an accessory use, if granted by a conditional use permit.

“Variance” means a way in which an adjustment is made in the application of the specific dimensional regulations of this title to a particular piece of property, which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and zone and which, adjustment remedies disparity in privileges.

“Vineyard” means a plantation of grapevines, typically producing grapes used in winemaking.

“Winery/brewery/distillery” means a facility where alcoholic beverages are processed and manufactured. May include tasting & sales rooms subject to LCC 17.17.

“Yard” means occupied spaces open to the sky on the same lot with a building or structure.

“Yard-Front” means an open space extending across the full width of the lot, the required depth of which shall be measured horizontally and at right angles from the front lot line to a line parallel thereto on the lot.

“Yard-Rear” means an open space extending across the full width of the lot between the principal building and rear lot line. The depth of the rear yard shall be measured horizontally at right angles from the nearest part of the principal building.

“Yard-Side” means an open space between the principal building and side lot line extending from the front yard to the rear yard. The width of the side yard shall be measured horizontally

and at right angles from the nearest point of a side lot line towards the nearest part of the principal building.

“Zone” The same as “district” means an area in which certain uses of land and buildings are permitted and certain others are conditioned or prohibited. Setbacks and other open spaces are required. Lot areas, building height limits, and other requirements are established and all of the foregoing being identical for the zone in which they apply.

“Specific dangerous waste definitions”

Those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste.

“Extremely Hazardous Waste” means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous;

“Hazardous Waste” means all dangerous and extremely hazardous waste (RCW 70.105.010);

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

“Storage” means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC Lt3-303-200 and 173-303-201; and

“Treatment” means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Note: Also, please refer to 17.02.420 “Definitions-Specific to airport districts”

**CHAPTER 17.03
USE DISTRICTS & CHART**

Sections:

- 17.03.010 Official Zoning Map
- 17.03.020 Use Districts Designated
- 17.03.030 Interpretation of Zoning Regulations
- 17.03.040 Zoning Matrix

17.03.010 Official Zoning Map

A. The county is divided into several zones or use districts as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted by reference and declared to be part of this title.

B. If, in accordance with the provisions of this title and RCW 36.70 changes are made in district boundaries or other map elements that would change the official map, such changes shall be physically made on the official map promptly after the board of county commissioners has approved the amendment.

C. No changes of any nature shall be made in the original map or matters shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person(s) shall be considered a violation of the title and punishable under the provisions of this title.

D. The official zoning map, which can be viewed at planning services located in the Lincoln County public works facilities, shall be the final authority as to the current zoning status of land in Lincoln County.

Replacement of map.

In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature of the changes or additions thereto, the board of county commissioners may, by resolution, adopt a new official zoning map, in whole or part, which shall supersede the prior official zoning map. The new official zoning map may correct errors or omissions in the prior official map, but no such correction shall have the effect of amending the original zoning title or any subsequent amendment thereof.

17.03.020 Zones Designated

To further the identified purposes of this title, the following zoning district categories and zoning map symbols are established:

- A. Agricultural (Ag)
- B. Recreational (Rec)
- C. Residential (Res)
- D. Public Facilities (PF)
- E. Commercial (Com)
- F. Local Business (LB)
- G. Industrial (Ind)

17.03.030 Interpretation of Zoning Regulations

A. Rulings and/or interpretations of a zoning map with respect to the location of any boundary line or zoning classifications shall be made by the Director.

B. If applicable, the following guidelines shall be used in the interpretation of the zoning map.

1. Where boundaries are indicated as paralleling the approximate centerline of the road right-of-way, the zone shall extend to each adjacent boundary of the right of way.

2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries.

3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them.

Except where reference by specific dimensions on the official zoning map (e.g. street/road line or other designation), the district boundary lines are intended to follow property lines, lot lines or centerlines of streets, streams or railroads as they existed at the time of adoption of this title or the extension of such line. Where a district line obviously does not coincide with the property lines, lot lines or such centerline as extended or where it is not designated by dimensions, it shall be deemed to be located as follows: Along a quarter or one-sixteenth section line or located parallel with a major or secondary thoroughfare two-hundred (200) feet from its nearest right-of-way thereof, or if located parallel with any street or road not a major or secondary thoroughfare, one-hundred-fifty (150) feet from the centerline thereof. If necessary, questions concerning the exact location of district boundary lines may be addressed or determined by the planning commission. *Special Landowner Notice:* Please note that Lincoln

County has “Right to Farm” and “Code of the West” resolutions aimed to help protect the agricultural industry.

17.03.040 Zoning Matrix

A. Uses are permitted within the various zones as depicted by the matrix in section 17.03.040, and as otherwise provided for in the individual zone classifications.

B. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the matrix. These will be reviewed on a case by case basis and Land Services will decide if the proposed use is to be permitted, require a conditional use permit or outright prohibited.

P = Permitted

CU = Conditional Use

AP = Administrative Permit

X = Prohibited

Blank = needs additional review

Uses	Ag	Rec	PF	Res	Com	LB	Ind
Accessory Uses	P	P					
Agriculture	P	P					CU
Agriculture stands, temporary	P	P					
Agriculture-related commercial uses						CU	
Animal clinics, hospitals, kennels, training schools & cemeteries.	CU	CU		CU			
Blacksmith or farrier						P	
Buildings and land uses necessary for government or public utility functions			P	CU			
Business, commonly accepted					P		
Cannabis, production (indoor or outdoor)	CU	CU	CU	X	CU	CU	CU
Cannabis, processing	CU	CU	CU	X	CU	CU	CU
Cannabis, retail	CU	CU	CU	X	CU	CU	CU
Cemeteries, existing	P	P					
Cemeteries, new	CU	CU					
Child Daycare	AP	AP		AP	AP		X
Churches			P	CU		P	
Commercial uses, commonly accepted					P		
Commercial communication tower	CU	CU		CU		P	CU
Commercial grain elevator						P	
Commercial livestock feed lots and/or commercial sales yard							
Commercial pipelines	CU						
Fertilizer, pesticide, herbicide etc – manufacture, storage or sale of	CU						P
Fire stations	CU	CU	P	CU		P	P

Gas stations or garages/mechanic shops						P	
Granges, community and fraternal halls	CU	CU	P	CU		P	
Gravel pits/rock crushing and associated temporary batch plants	CU	CU			CU		CU
Gun clubs, rifle ranges	CU	CU					
Home Occupation, major	P	P		P		P	
Home Occupation, minor	P	P		P		P	
Hospitals	CU	CU	P				
Industrial, light					P		
Manufactured home park	CU	CU		CU		CU	
Manufactured home subdivision	CU	CU		CU		CU	
Manufacturing, processing, refining, treatment, storage and assembly of any product and/or onsite hazardous waste that is not prohibited or requiring a special use permit							P
Motels		CU				P	
Outdoor recreational uses	CU	CU					
Parks, playgrounds or recreational areas (public)			P	CU		P	
Private and public recreational facilities	CU	CU					
Public airports and/or major runway extensions	CU	CU					
Public Utility facilities			P				
Recreational Vehicle park	CU	CU		CU		CU	
Recreational Vehicle subdivision	CU	CU		CU		CU	
Residential dwellings							
One/Two family	P	P		P		P	
Three or more family	CU	CU		P			
Restaurants		CU				P	CU
Rural Event Center	CU	CU			CU		CU
Schools, libraries, museums	CU	CU	P	CU		P	
Small business, retail or professional						P	
Solid waste sites or transfer stations	CU	CU					CU
Storage Facilities	CU	CU		CU			
Temporary Housing for migrant/construction workers	CU						
Transmission lines equal to or greater than 230kV	CU	CU					
Utility substations	CU		P				CU
Warehousing							P
Waste treatment and storage facilities	CU	CU		CU		P	CU
Wholesale establishments							P
Wind powered generation (commercial)	CU	CU					<u>CU</u>
Winery	P	P					

**CHAPTER 17.04
AGRICULTURAL ZONE – AG**

Sections:

- 17.04.010 Purpose
- 17.04.020 Permitted, accessory, conditional and prohibited uses
- 17.04.030 Standards

17.04.010 Purpose

The agricultural district provides minimum standards for areas of general agricultural land use, including requirements for residential dwellings. Agricultural will be the primary use in the district and all other uses will be placed so as to minimize their impact on the surrounding agricultural use. Mixed land uses (e.g. residential plats, light commercial activities, etc.) may be appropriate on non-tilled lands within the agricultural district and/or the airport overlay district, subject to code review and compliance.

17.04.020 Permitted, accessory, conditional and prohibited uses.

- A. See Zoning Matrix 17.03
- B. Uses not listed will be reviewed on a case by case basis.

17.04.030 Standards.

- A. Divisions of land, short plats and/or regular subdivisions, into parcels of less than twenty (20) acres are not permitted unless the proposal is located on non-tilled/non-prime land or adjacent to existing unincorporated or incorporated communities.
- B. Any parcel of land created and/or approved pursuant to Title 16-Land Divisions shall be no less than the minimum area required by the Lincoln County health department to safely accommodate approved water supply and on-site sewage disposal systems.
- C. All permitted uses will be placed so as to not interfere with accepted farming practices including, but not limited to, machinery movement, right-of-way and access.
- D. All land divisions within an airport overlay district shall be consistent with section 17.11
- E. A minimum set back of thirty (30') feet shall be required along the right-of-way of any state or county roadway, except when the county road is within a legal subdivision and then the setback shall be ten (10') feet.
- F. A minimum set back of ten (10') feet shall be required along the side and rear property lines which do not border a county or state roadway.
- G. A minimum set back of ten (10') feet shall be required from utility easements.
- H. A ten (10') foot set back from property lines shall apply to ingress/egress driveways, except where otherwise approved by the planning director.

**CHAPTER 17.05
RECREATIONAL ZONE – REC**

Sections

- 17.05.010
- 17.05.020 Permitted, accessory, conditional and prohibited uses
- 17.05.030 Standards

17.05.010 Purpose

Lincoln County has outstanding recreational opportunities and the purpose of this district is to provide and protect land for compatible outdoor recreational and residential uses and those services that usually support these types of uses. Mixed uses may be allowed, pursuant to the requirements of this title and Title 16-Land Divisions. Please note that Lincoln County has “Right to Farm” and “Code of the West” resolutions aimed to help protect the agricultural industry.

17.05.020 Permitted, accessory, conditional and prohibited uses.

- A. See zoning matrix 17.03
- B. Uses not listed will be reviewed on a case by case basis.

17.05.030 Standards

- A. The area of the lot shall be no less than the minimum area required by Lincoln County environmental health to safely accommodate approved water supply and on-site sewage disposal systems and meet county development requirements and regulations.
- B. Short plats and/or regular subdivisions established pursuant to Title 16 are not permitted on designated agricultural resource lands, unless adjacent to existing or proposed unincorporated or incorporated communities.
- C. A minimum structural set back of thirty (30') feet shall be required along the right-of-way of any state or county roadway, except when the county road is within a legal subdivision and then the set back shall be ten (10') feet.
- D. A minimum set back of ten (10') feet shall be required along the side and rear property lines which do not border a county or state roadway.
- E. A minimum set back of ten (10') feet shall be required from utility easements.
- F. A ten (10') foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the planning director.

CHAPTER 17.06 PUBLIC FACILITIES ZONE - PF

Sections

- 17.06.010 Purpose
- 17.06.020 Permitted, accessory, conditional and prohibited uses
- 17.06.030 Standards

17.06.010 Purpose

The purpose of this section is to provide and protect land for the use of the public, including functions that can only be pursued in an area designated for this purpose. All proposals shall require a site plan and code compliance review.

17.06.020 Permitted , accessory, conditional and prohibited uses.

- A. See Zoning Matrix 17.03
- B. Uses not listed will be reviewed on a case by case basis.

17.06.030 Standards.

- A. Minimum lot size: twenty-thousand (20,000') square feet.

- B. Minimum lot width: one-hundred (100') feet.
- C. Front - thirty-five (35') feet measured from the state or county right-of-way.
- D. Side and rear - twenty (20') feet from edge of lot.
- E. Flanking Street - thirty-five (35') feet from edge of lot.
- F. Ingress/egress - ten (10') feet from side property line.

**CHAPTER 17.07
RESIDENTIAL ZONE – RES**

Sections

- 17.07.010 Purpose
- 17.07.020 Permitted, accessory, conditional and prohibited uses
- 17.07.030 Standards

17.07.010 Purpose.

The purpose and intent of the residential district is to establish areas for single and multiple family residential dwellings adjacent to unincorporated and incorporated communities of the county. The intent is the preservation of a rural agriculturally oriented life style including the keeping of animals for pleasure and profit, retaining low to medium density development and providing for a mixture of residential uses and necessary structures.

17.07.020 Permitted, accessory, conditional and prohibited uses

- A. See Zoning Matrix section 17.03
- B. Uses not listed will be reviewed on a case by case basis.

17.02.030 Standards.

- A. The area of each building site shall be no less than the minimum area required by the Lincoln County environmental health department to safely accommodate approved water supply and sewage disposal systems.
- B. Minimum boundary on any side of a building site shall be seventy-five (75') feet for single-family dwellings and one-hundred-twenty-five (125') feet for multiple family dwellings and non-residential use.
- C. The minimum set back for all structures shall be ten (10') feet on all sides. A minimum set back of thirty (30') feet shall be required along the right-of-way of any state or county roadway, except when the county road is within a legal subdivision and then the set back shall be ten (10') feet. The ten (10') foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the director and/or county engineer.

**CHAPTER 17.08
COMMERCIAL ZONE - C**

Sections:

- 17.08.010 Purpose
- 17.08.020 Permitted, accessory, conditional and prohibited uses
- 17.08.030 Standards

17.08.010 Purpose

The purpose of this district is to provide and protect certain areas for the development of those businesses and developments that are commercial and/or recreational in nature and projects approved pursuant to Title 16-Land Divisions, including those that may be utilizing binding site plan approval (e.g. rental cabins, condominiums, townhouses, recreational vehicle parks, airport overlay developments, etc). Also, light industrial uses, which are compatible with surrounding uses, (e.g. airport districts) and largely devoid of nuisance factors, hazards or placing exceptional demands upon public facilities or services, may be appropriate within this zone. Technical advances in products, sales distribution, assembling, manufacturing, processing and fabricating have tended to erase the once sharp distinctions between business and commercial and light industrial uses. This zone, especially when associated with the recreational and/or airport district(s), may be suitable for those mixed land uses that are light commercial and/or residential recreation in nature and may require this designation for overall project completion and/or location, pursuant to Title 16 of the Lincoln County code. All proposals shall require a site plan and code compliance review.

17.08.020 Permitted, accessory, conditional and prohibited uses

The list of uses that should be allowed in this district is so extensive that it would be impossible to itemize without omitting some use of eligibility equal to those listed. Also, operative methods change so rapidly that any list of uses permitted would become obsolete in short order. Consequently, the uses permitted outright shall be in the broadest terms.

A. Any use commonly accepted as "Commercial" together with accessory uses and those developments approved pursuant to Title 16-Land Divisions including those projects that may be utilizing binding site plan approval.

B. Any use commonly accepted as "Business" together with accessory uses.

C. Any use commonly accepted as "Industrial" which is light in nature and meets special provisions and performance standards as established in this district together with accessory uses.

D. Other uses that could be determined to be relative low impact in nature and largely devoid of nuisance factors, hazards or placing exceptional demands upon public facilities or services. These proposals would require a code compliance review and will be reviewed on a case-by-case basis.

E. Accessory uses such as caretaker quarters and/or owner/operator residence and related facilities are permitted.

17.08.030 Standards.

A. Minimum lot size - twenty-thousand (20,000') square feet, unless otherwise, approved pursuant to Title 16.

B. Minimum lot width - one hundred (100') feet, unless approved otherwise pursuant to Title 16.

- C. Front - thirty-five (35') feet, measured from the state or county right-of-way, unless otherwise approved pursuant to Title 16.
- D. Side and rear - twenty (20') feet from the edge of the lot, unless otherwise approved pursuant to Title 16.
- E. Flanking Street - thirty-five (35') feet from the edge of the lot, unless otherwise approved pursuant to Title 16.
- F. A ten (10') foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the county engineer and/or planning director.

**CHAPTER 17.09
LOCAL BUSINESS ZONE - LB**

Sections:

- 17.09.010 Purpose
- 17.09.020 Permitted, accessory, conditional and prohibited uses
- 17.09.030 Standards

17.09.010 Purpose

A land use classification suitable to serve commercial and personal service needs of area residents. This district is normally located adjacent to residential districts, agricultural districts and/or recreational districts. All proposals shall require a site plan and code compliance review.

17.09.020 Permitted, accessory, conditional and prohibited uses

- A. See Zoning Matrix 17.03
- B. Uses not listed will be reviewed on a case by case basis.

17.09.030 Standards.

- A. All business, service, repair and storage shall be conducted wholly within an enclosed building, except for off-street parking or loading, unloading and merchandise display.
- B. Not over sixty-five (65%) percent of the area shall be covered with structures and/or impervious surfaces.
- C. All lots in this district shall abut a public road or shall have other ingress/egress to a public road as deemed suitable by the director and/or hearing examiner.
- D. All hazardous waste treatment and storage facilities shall be in compliance with WAC 173-303-285.
- E. Minimum lot size twenty-thousand (20,000') square feet.
- F. Minimum lot width one-hundred (100') feet.
- G. Front - thirty-five (35') feet from the state or county right-of-way.
- H. Side and rear - (20') feet from edge of lot.
- I. Flanking Street - thirty-five (35') feet from edge of lot.
- J. A ten (10') foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the county engineer and/or planning director.

**CHAPTER 17.10
INDUSTRIAL ZONE - I**

Sections:

- 17.10.010 Purpose
- 17.10.020 Permitted, accessory, conditional and prohibited uses
- 17.10.030 Standards

17.10.010 Purpose.

The industrial district is to preserve land for industries that may create a greater degree of hazard or more annoyance than would be permitted in any other use district. All proposals shall require a site plan and a code compliance review.

A. See 17.13 through 17.16 for special industrial uses.

B. Other uses not listed will be reviewed on a case by case basis.

17.10.020 Permitted, accessory, conditional and prohibited uses

- A. See Zoning Matrix 17.03
- B. Uses not listed will be reviewed on a case by case basis.

17.10.030 Standards.

- A. Industrial uses shall be landscaped and screened in accordance with a landscaping plan to be submitted with the application for a “certificate of zoning compliance”.
- B. All yards shall have adequate surfacing and drainage such that there will be no accumulation of silt, mud, or standing water causing hazardous conditions either within the yard or on adjacent properties.
- C. Minimum lot size - twenty-thousand (20,000’) square feet.
- D. Minimum lot width - one-hundred (100’) feet.
- E. Front thirty-five (35’) feet measured from the state or county right-of-way.
- F. Side - twenty (20’) feet from edge of lot.
- G. Flanking Street - thirty-five (35’) feet from edge of lot.
- H. A ten (10’) foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the planning director.

**CHAPTER 17.11
AIRPORT OVERLAY ZONE**

Sections:

- 17.11.010 Purpose – Intent – Land Use Compatibility
- 17.11.020 Statutory Authority
- 17.11.030 Applicability
- 17.11.040 Definitions specific to the Airport Overlay Zone
- 17.11.050 Exemptions
- 17.11.060 Permitted Uses

- 17.11.070 Conditional Uses – Variances
- 17.11.080 Dimensional requirements within unincorporated areas
- 17.11.090 Development Standards
- 17.11.100 General Review Procedures
- 17.11.110 Site Plan Requirements
- 17.11.120 Airport Data & Facilities
- 17.11.130 Airport Overlay Zones Established – Wilbur – Odessa- Davenport – Almira
- 17.11.140 Airport Specific Non-conforming uses

17.11.010 Purpose - Intent - Land use compatibility.

- A. The purpose and intent of the airport overlay district (AP-O) is to help reduce the potential for airport hazards. It shall be the responsibility of the pilots to operate their aircraft in a safe and responsible manner and use best management practices and a good neighbor policy in all phases of their operations.
- B. Help protect the viability of the Davenport, Wilbur, Odessa and Almira J-Z airports as significant resources by encouraging compatible land uses and density standards for the purposes of promoting public health, safety and general welfare of Lincoln County residents and aviation users.
- C. The above airports are recognized as essential public facilities (EPF) and are important to Lincoln County for emergency and transportation access and their continued economic benefits to the region. Detailed information about each airport is provided in section 17.02.510.
- D. The airport overlay district classification identifies a series of imaginary surfaces and safety zones within the airport influence area that have historically been prone to hazards associated with aircraft and airports. This designation is based on aircraft accident data from the national transportation safety board (NTSB) and the federal aviation regulations (FAR) part 77-imaginary surfaces. As the name implies, this classification overlays the existing Lincoln County zoning district.
- E. Densities and land use requirements of this district and the underlying zoning district are consistent with the intent of the AP-O and provide for protection to the public health, safety and general welfare of the community and for those citizens working and residing within the airport influence area. The unincorporated areas adjacent to the airports are zoned mostly agricultural and with the AP-O criteria and development standards additionally ensures airport land use compatibility.

17.11.020 Statutory authority.

This AP-O district is adopted pursuant to Chapters 14.12 and 36.70, RCW, which requires Lincoln County to enact comprehensive plan goals, policies, zoning and development regulations within its jurisdiction to discourage the siting of incompatible land uses adjacent to public-use airports.

17.11.030 Applicability.

The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those unincorporated AP-O zones 1-6 that are adjacent to the airports identified in 17.11.010 and as designated on the official Lincoln County zoning map. The provisions of this AP-O zone shall be liberally interpreted.

17.11.040 Definitions - Specific to airport overlay districts.

The following terms shall have the meanings indicated:

“Airport(s)” means the Wilbur, Odessa, Davenport Municipal Airport(s) and J-Z (Almira) privately owned, public use airport.

“Airport elevation” means the highest point of an airport’s useable landing area measured in feet from sea level.

“Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

“Height” In determining the height limits in all zones and as shown on the approach and clear zone map, this datum shall be mean sea level elevation unless otherwise specified.

“Non-conforming use” means any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter or any subsequent amendment.

“Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height pursuant to this chapter.

“Person” means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; including a trustee, receiver, assignee, or similar representative of any of them.

“Runway” means a defined area on an airport prepared for landing and take-off of aircraft along its length.

“Structure” means an object (including a mobile object) constructed or installed by persons, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

“Tree” means any object of natural growth.

“Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of twelve-thousand, five-hundred (12,500) pounds maximum gross weight or less.

“Visual runway” means a runway extended solely for the operation of aircraft using visual approach procedures.

17.11.050 Exemptions.

The following structures, uses or other activities are exempt from the provisions of the AP-O district when permitted in the underlying zoning district.

A. Height: Any structure or object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in an area of established development where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation or penetrate the FAR part 77 surfaces.

B. Necessary aviation facilities: Any air navigation facility, airport visual approach, or aircraft arresting device, or meteorological device, or a type of device approved by the FAA, the location and height of which is fixed by its functional purpose.

C. Temporary uses: Aviation shows and related events may be exempt when determined by the planning director to be minor or incidental in nature and within the intent of this district. A request for a review of consistency will be required.

D. Non-conforming uses: A use, lot, building or structure that does not meet the criteria pursuant to this chapter, but which exists prior to the effective date of this chapter, shall be allowed to continue.

17.11.060 Permitted uses.

- A. Agricultural, including but not limited to cropping, grazing of livestock, farm oriented feedlots, dairying, horticulture and floriculture and all practices common or incidental to agriculture.
- B. Accessory buildings, including barns, storage buildings for crops and feed and equipment sheds or other structures accessory to any permitted uses.
- C. Temporary stands for the sale of agricultural non-livestock products produced on premises.
- D. Commercial activities (e.g. warehousing/self storage buildings and areas, landscaping business, maintenance and repair facilities, etc.) and light industrial uses adjacent to incorporated areas using the binding site plan process.
- E. Regular and short subdivisions in zones 4, 5 and 6 for one and two family residential dwellings that are consistent with density standards and the intent and provisions of this district. Multi-family structures shall require compliance with 17.02.460, if not permitted in the underlying zone.
- F. Home occupations employing not more than one individual who is not a resident of the premises and utilizing only those accessory buildings and structures permitted under this title.
- G. Existing cemeteries.
- H. Structures that are airport related in nature.

17.11.070 Conditional Uses - Variances.

- A. Uses that could be determined to be relative low impact in nature and largely devoid of nuisance factors, hazards or placing exceptional demands upon public facilities or services and are consistent with the intent and provisions of this overlay district. These proposals will be subject to SEPA compliance and reviewed on a case-by-case basis.
- B. Any request for a variance from certain provisions of this overlay district shall be processed pursuant to this code.

17.11.080 Dimensional requirements within the unincorporated areas.

- A. The minimum lot size for residential land divisions within the AP-O zones 4, 5 and 6 shall be two and one-half (2.5) acres. The County may, on a case-by-case basis, consider increased densities where proposed developments are consistent with the intent and in compliance with applicable development requirements and this airport overlay district.
- B. Commercial/industrial lots may be created utilizing a binding site plan, pursuant to Title 16-Land Divisions, when found to be consistent and in compliance with this title and other applicable development standards.
- C. The height of any new structure or tree/vegetation shall be limited as to not negatively impact aviation activities pursuant to FAA landing or departure minimums for aircraft using the runway(s).
- D. Height Restrictions: No object shall penetrate these imaginary surfaces: primary surface, approach surface, transitional surface, horizontal surface, and conical surface. These surfaces are defined in 17.02.520.

Example: A 20:1 slope is a line created by a slope twenty (20) feet outward for each one (1) foot upward. So if you were 1000' from the end of the primary surface, a structure could rise to 50 above runway elevation. This would be a 50 foot tall structure if the building site and runway

elevation were the same. At 2000' from the end of the primary surface, the max height would be limited to 100' above the runway elevation. From 3000' to 5000', the horizontal surface, the height is 150' above runway elevation. From 5000' to 9000', the conical surface, the elevation increases at a 20:1 slope so at 7000' for example, the maximum height would be 250' above the runway elevation. From the edge of the primary surface, the only difference is that the slope is 7:1 so you reach the horizontal surface at 150' above runway height just 1050' from the edge of the primary surface. As a further example, at 525' from the edge of the primary surface, maximum height is 75' above runway elevation.

17.11.090 Development standards.

The following development standards shall be applied within the boundaries of the AP-O district:

- A. No land use shall be allowed that will cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft.
- B. No land use, building or structure shall emit emissions of fly ash, dust, vapor, gases or other forms of emissions that may conflict with any planned operations of the airport. Normal agricultural activities is an allowed use.
- C. No use shall be permitted that would cause a significant increase in bird population and thereby increase the likelihood of a bird-impact problem.
- D. No structure, device or other object shall be placed or erected that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airports, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.
- E. Except as provided for in this district and as necessary and incidental to airport operations, no building, structure or object of natural growth shall be constructed, altered, maintained or allowed to grow so as to project or otherwise penetrate the airspace surfaces protected by this district.
- F. No use, building or structure shall be permitted within the runway protection zone 1, the inner safety zone 2 or the inner turning zone 3 that promotes large concentrations or bulk storage of flammable substances or materials.
- G. Hospitals, schools, nursing homes and churches are not permitted within the runway protection zone 1, inner safety zone 2 or inner turning zone 3.
- H. No use, building or structure shall be permitted or constructed within the runway protection zones 1, 2 and 3 except for activities such as agricultural storage buildings, off-street parking facilities, low growing landscaping, mini-storage and/or other similar commercial and light industrial activities as provided for in this district.
- I. Dwelling units and other structures established within the AP-O district, prior to the adoption of this chapter, may be maintained, repaired or remodeled/replaced in accordance with the provisions of this chapter.
- J. When the division of land including; subdivisions, short subdivisions, large lot divisions and binding site plans occur within an airport overlay zoning district safety zone, the following language shall be placed on the face of the plat map or drawing prior to recording the document with the County auditor:

“The subject property is located within an airport overlay district in which a variety of aviation uses and activities occur. Such activities may include, but are not limited to, noise, interference with sleep, vibration, chemicals, odors, dust or other particulate matter, fuel particles, low flying aircraft and other activities associated with the operation of aircraft.”

17.11.100 General review procedures.

No land use, building, structure or development activity shall be established, altered or relocated by any person, firm or corporation, except as otherwise authorized by this title and shall be processed pursuant with applicable provisions allowed within the AP-O and the following:

A. Land use applications within any portion of the AP-O district shall be subject to the review of this title.

B. The administrator may, after reviewing a completed application, require the applicant to submit either or both of the following: Note: Residential structures of forty-five(45') feet or less are exempt.

1. A certificate from an engineer or land surveyor that clearly states that no airspace obstruction will result from the proposed use.

2. The maximum elevation of proposed buildings or structures based on the official established airport elevation and NAVD 1988-reference datum.

C. Nothing in this chapter shall diminish the responsibility of the project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration, if required, in accordance with Subpart B of the Federal Aviation Regulations Part 77, “Objects Affecting Navigable Airspace”.

17.11.110 Site plan requirements.

An application for a building, structure, use, subdivision, short subdivision, binding site plan or other development activity shall include the following information in addition to application materials required as set forth in this title and Title 16-Land Divisions.

A. The site plan shall clearly delineate the location of the project to the runway protection zone 1, inner safety zone 2 and/or inner turning zone 3.

B. The location and height of all proposed buildings, structures and natural vegetation as measured from the airport surface.

17.11.120 Airport data and facilities. (WSDOT-Aviation data)

J-Z is a privately owned, public-use airport, while Davenport, Odessa and Wilbur are municipal airports operated by the towns. The three publicly owned airports are identified as general aviation airports in the National Plan of Integrated Airport Systems (NPIAS). This designation establishes that they have been identified as significant to national air transportation and are eligible to receive federal funds. ~~Additional goals and policies will be incorporated into the Lincoln County comprehensive plan that is currently under going a complete update. The County expects a draft plan to be completed by late 2007.~~

Davenport Municipal, Odessa Municipal and Wilbur Municipal, in cooperation with the FAA and WSDOT Aviation, are working to complete airport layout plans (ALP). An ALP is a narrative and graphic portrayal of the existing and proposed facilities, which are deemed necessary for

operation of the airport. It is designed to show existing conditions as well as near-term and long-term airport development.

A. AIRPORT: Wilbur Municipal (2S8) Elevation: 2,178 feet

ASSOCIATED CITY: Wilbur

ARC: B-I

REGION: Eastern

The Wilbur Municipal Airport is located adjacent to US Highway 2 in Lincoln County, one mile west of Wilbur. The airport has approximately 22-based aircraft, including 20 single-engine aircraft and 2 turboprops. The latest available data indicate that Wilbur Municipal had 9,300 annual general aviation operations in 2002. Runway 2-20, the airport's only runway, is 3,199 feet long, 35 feet wide, has an asphalt surface and is equipped with pilot controlled medium intensity runway lights. Neither runway end has a published instrument approach. (See the "Wilbur Municipal Airport Layout Plan Update" November, 2005, J.U.B Engineers)

B. AIRPORT: Odessa Municipal (43D) Elevation: 1,725 feet

ASSOCIATED CITY: Odessa

ARC: B-I

REGION: Eastern

The Odessa Municipal Airport is located in Lincoln County, one mile north of Odessa. There are approximately 10 single-engine aircraft based at the airport. The latest available data indicate that Odessa Municipal Airport had a total of 8,200 annual operations. Runway 2-20 is 3,125 feet long, 60 feet wide, has an asphalt surface and is equipped with pilot controlled medium intensity runway lights. The runway has no published approaches or devices providing vertical guidance. (An airport layout plan has not been completed)

C. AIRPORT: Davenport (68S) Elevation: 2,421 feet

ASSOCIATED CITY: Davenport

ARC: B-I

REGION: Eastern

The Davenport Municipal Airport is located within the city limits of Davenport. There are approximately 16 single-engine aircraft [and medical helicopter services](#) based at the airport. The latest available data indicate that the airport had a total of 7,000 annual operations. Two runways serve the airport. Runway 5-23 is 3,126 feet long, 50 feet wide, has an asphalt surface, and is equipped with medium intensity runway lights. Runway 3-21 is 2,185 feet long, 45 feet wide and has a dirt surface. The approaches to all runway ends are visual. (An airport layout plan has not been completed)

D. AIRPORT: J-Z Almira - Elevation: 1,950 feet

ASSOCIATED CITY: Almira

ARC: B-I

REGION: Eastern

J-Z is a privately owned, public use airport located approximately one mile north of Almira. The runway is 1,900 feet long and 48 feet wide. (An airport layout plan has not been completed)

17.11.130 Airport Overlay Zones Established - Wilbur - Odessa - Davenport - Almira.

A. In order to carry out the purpose and intent of the AP-O district and avoid those uses that may be hazardous to the operational safety of aircraft operating within the airport influence area, there are hereby established the following air space and land use safety surfaces for Wilbur runway 2-20, Odessa runway 2-20 and Davenport runways 5-23 and 3-21.

1. Primary Approach/Departure Surface: The primary surface area is land, which lies directly under an imaginary approach surface longitudinally centered on the runway. The primary surface measures 250 feet across, centered on the runway and extends 200 feet beyond the runway.
2. Approach surface: Inclined planes extending upward and outward from the ends of the primary surface. The approach surface is 250 feet wide at the intersection with the primary surface. It extends outward for a distance of 5,000 feet at a 20:1 slope and is 1,250 feet at its widest point.
3. Transitional surface: A surface extending outward and upward, at right angles to the runway centerline and runway centerline extended, from the sides of the primary surface and the approach surfaces. The slope is 7:1 and the surface extends until it intersects the horizontal surface.
4. Horizontal surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway. Tangents then connect the adjacent arcs. The radius of each arc is 5,000 feet.
5. Conical surface: A surface, which extends upward and outward from the outer limits of the horizontal surface for a horizontal distance of 4,000 feet. The slope of the conical surface is 20:1 measured in a vertical plane.

B. Aircraft Accident Safety Zones.

1. Runway protection zone 1: This zone begins from the outer boundaries of the primary surface, two-hundred (200') feet from the end of the runways and extends out one-thousand (1,000') feet to its widest point, which measures four-hundred-fifty (450') feet across, two-hundred, twenty-five (225') feet on either side of the runway centerline.
2. Inner safety zone 2: This zone begins at the end of the runway protection zone and extends out one-thousand, five-hundred (1,500') feet. The zone measures four-hundred, fifty (450') feet across, two-hundred, twenty-five (225') feet on either side of the runway centerline.
3. Inner turning zone 3: This zone begins at the end of the primary surface, two-hundred (200') feet from the end of the runway centerline and extends out with a total of a sixty (60) degree arc, thirty (30) degree on either side of the runway centerline to two-thousand, five-hundred (2,500') feet and connects to the centerline of the inner safety zone with sweeping arcs.
4. Outer Safety Zone 4: This zone is a rectangular area that is centered on the runway. It is 1,000 feet wide overall (extending 500 feet laterally from the runway centerline) and extends approximately 3,000 feet beyond zone 2.
5. Sideline Safety Zone 5: Zone 5 is defined by a 1,000 foot centerline offset on each side of the runway that connects each zone 3 on each end of the runway.
6. Traffic Pattern Zone 6: Encompasses an area surrounding the runway of approximately 5,000 feet, as depicted on the map.

17.11.140 Airport specific non-conforming uses.

A. Effect Not Retroactive. The provisions of this chapter shall not be construed to adversely affect any existing structure or use prior to the effective date of this amended chapter.

B. Marking and Lighting. The owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance of markers and lights deemed necessary by the operating authority of the airport to indicate to the operators of aircraft the presence of obstructions. The markers and lights shall be installed, operated, and maintained at the expense of the operating authority of the airport.

**CHAPTER 17.12
ADMINISTRATIVE PERMITS**

17.12.010 Administrative Permits

A. Administrative permits are required for certain uses allowed within this code.

B. Some uses, not specifically listed in this code, may be allowed with an administrative permit, at the discretion of Land Services.

C. Temporary uses, that do not conform to the regulations prescribed elsewhere in the code, provided that such use is of a temporary nature and does not involve the construction of a substantial structure, may be granted an administrative permit pursuant to this section.

**CHAPTER 17.13
COMMERCIAL COMMUNICATION TOWERS**

17.13.010

A. Construction of a new tower requires a conditional use permit and building permit.

B. Modification to the antennae array or ground equipment within the existing lease area requires a building permit. Applicants must supply:

1. Tower Plans
2. Fee as determined by the Board of County Commissioners.
3. Other information deemed necessary by the County.

C. Personal towers and those used for farming are excluded from the requirements in this section.

CHAPTER 17.14
COMMERCIAL WIND ENERGY FACILITY STANDARDS

Sections:

- 17.14.010 Purpose
- 17.14.020 Application of standards and criteria
- 17.14.030 Other applicable requirements
- 17.14.040 Review process
- 17.14.050 Public notice requirements
- 17.14.060 Application requirements
- 17.14.070 Development standards and criteria
- 17.14.080 Compliance with project conditions

17.14.010 Purpose

- A. To provide areas suitable for the establishment of wind energy facilities based upon where wind energy facilities can be sited and mitigated in relation to the county's adopted zoning.
- B. To provide site criteria for the utilization of the county's wind energy resources. Each wind energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to achieve a predictable but sensitive site process that effectively and efficiently addresses project impacts.

17.14.020 Application of standards and criteria

- A. Commercial wind energy facilities are allowed in the zoning districts as shown in Section 17.03.040, District use chart, by conditional use permit (CUP). Projects permitted through this chapter shall comply with the standards of this chapter rather than the general conditional use permit standards and criteria as set forth for each specific zone. Upon satisfying the standards and criteria in this chapter, the wind energy facility shall be considered to be compatible with adjacent and surrounding land uses and other discretionary zoning requirements. Subject to imposition of clear and objective conditions in accordance with this chapter, the wind energy facility shall be deemed to comply with the county's conditional use permit requirements.
- B. Wind turbines greater than one hundred twenty feet in height are considered commercial wind energy facilities, and are subject to the requirements of this chapter. Wind energy facilities and all related and supporting equipment that can generate no more than twenty-five kilowatts, and wind turbines one hundred twenty feet in height or less, are permitted outright and are not subject to the additional requirements of this chapter, so long as the total electrical generation shall not exceed one hundred kilowatts. All other code requirements still apply.

17.14.030 Other applicable requirements

- A. Project applicants shall comply with other applicable county requirements, such as the critical areas ordinance, environmental review regulations, and building code requirements.
- B. Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit, subject to compliance with other applicable code requirements:

1. Noncommercial-Scale Wind Turbines. Wind energy facilities and systems that can generate no more than twenty-five kilowatts, and wind turbines one hundred twenty feet in height or less, with total electrical generation not to exceed one hundred kilowatts. A conditional use permit issued in compliance with all standards and requirements of this chapter shall be required for all noncommercial-scale wind turbines proposed in a facility or project designed for generation over one hundred kilowatts.

2. Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.

C. All accessory buildings, uses, and structures related and supporting the operation of commercial wind energy facilities, including utilities and utility infrastructure needed for the principal use, shall be considered part of the facility. For purposes of this chapter, accessory uses include any temporary (construction phase) concrete or asphalt batch plant and the mining and utilization of on-site gravel for on-site use only, as necessary for the wind energy facility development, such as for the construction of internal roads.

17.14.040 Review process

A. Commercial wind energy facilities are allowed by conditional use permit. The conditional use permit will ensure compliance with mitigation measures and conditions of approval developed in accordance with the requirements of this chapter.

B. The project applicant is encouraged to hold one or more informal community meetings within the county to inform the public about the proposed facility.

C. Permits Required. Before any person shall commence construction, a valid conditional use permit shall be approved. Prior to road construction on county roads and/or new intersections with a county road, county road use and right-of-way permits shall be obtained. Building permits must be obtained before foundations are prepared.

D. Permit Application. Application for a conditional use permit to create a commercial wind energy facility shall be filed with the Planning Office. The application for a conditional use permit shall be in writing, signed by the applicant, and shall include the following:

1. The name and address of the applicant;
2. The project site location and a listing of the tax parcels and parcel ownerships of the proposed facility;
3. Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information:
4. Area and dimensions of the project site;
5. Corridor(s) or area(s) within which proposed wind tower turbines and facilities will be located. This includes the study area where micro-siting for the final project layout occurs;
6. Number, dimensions, preliminary footprint and foundation depth of all turbines including the size of the monopoles;
7. Preliminary location and dimensions of all roads and connections to county roads;
8. Preliminary location of underground and overhead transmission line corridors;

9. Location of any proposed buildings or facilities, such as operations and maintenance buildings or substations;
10. Location of any existing buildings;
11. Location of existing water, sewer or any existing gas lines;
12. A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;
13. All existing occupied buildings within one mile of turbine "micrositing" corridors or areas and/or proposed turbine locations;
14. Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance.
15. Such further information as may be requested by the County Planner to enable him/her to determine if the proposed facility will comply with all the requirements of this Ordinance and other applicable state and local regulations.

E. Review Procedure. Upon receipt of the application and plans, the County Planner shall distribute for review and comment the plans to the following: the County Engineer, the Director of Public Works, the County Environmental Health Officer, the County Building Inspector and the affected utilities. These personnel shall review the application and submit written comments to the County Planner within 20 days of the date of distribution of the application.

F. The County Planner shall review the application for compliance with the provisions of this ordinance and other applicable laws and regulations, shall review the comments received from the review sources, and shall submit a written staff report to the Hearing Examiner regarding whether the proposed use serves and makes appropriate provisions for the public health, safety and general welfare.

G. A public hearing shall be held before the Hearing Examiner as set out in LCC 2.18.100 Public Hearing.

17.14.050 Public notice requirements

A. When an application is deemed complete, the department will post a notice of application in the official county newspaper.

B. Additional public notice specific to the application is required by the county's SEPA regulations, Chapter 18.04.

C. The public shall be notified of any public hearing in accordance with county procedural ordinance.

17.14.060 Application requirements

A. The applicant shall complete an application for project review and approval on the form adopted by the department. The application shall include: (1) a location map showing the location of the project area in relation to the surrounding vicinity; (2) a map depicting all study corridors and/or micrositing corridors as described in this chapter; (3) conceptual turbine locations that will be refined during the micrositing process as defined in this chapter, and identified for completion of environmental studies and analysis provided with the expanded SEPA checklist as set forth in subsection B of this section; and (4) all existing residences within one mile of turbine micrositing corridor.

B. Expanded SEPA Checklist.

1. An expanded SEPA checklist shall be submitted to the department. The expanded checklist shall be submitted simultaneously with any other permit applications that may be required from the county; provided, that if the county determines that an environmental impact statement will be required, an expanded checklist will not be required.

2. The expanded checklist shall (in addition to being consistent with the SEPA checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA checklist required in this chapter and WAC Chapter 197-11, and explain the measures proposed to avoid, minimize or mitigate those impacts.

3. Site-specific studies for impacts to habitat/wildlife impacts (including avian impacts), cultural resource impacts, and a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards shall be submitted with the expanded checklist.

4. Because additional studies may be required by the department for effective review and siting, a pre-application meeting with a representative from the department is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal. In general, smaller projects will require less analysis than larger, more complex ones.

5. The expanded checklist shall include sufficient information to adequately describe the proposal and its impacts, including, but not limited to, information regarding the total square footage of buildings to be constructed, the maximum height and number of wind turbines, expected noise generation levels, the location of residences in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.

6. An application for review under this chapter shall not be deemed complete until the information required under subsection (B)(5) of this section is provided. Except for site-specific studies for impacts to habitat/wildlife, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the department may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the department may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in subsection A of this section.

C. Micrositing Corridors.

1. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout. In order to encourage the maximum sufficiency of studies and to enable the maximum flexibility of final layout based upon site-specific attributes, the county shall

review and provide written approval of micrositing corridors for all roads, wind turbine locations, and above- and below-ground electrical transmission locations.

2. Actual final locations of wind turbine generators, below-ground electrical cables, and above-ground electrical transmission towers will be established during the micrositing process, occurring after permit review and prior to actual construction; provided, that all such facilities must be sited within the study corridors reviewed and approved by the county. During the micrositing process (when the final, exact locations of the turbines and other project elements and equipment are determined), the applicant will typically balance a number of technical and engineering factors, including limitations posed by the terrain, wind data (speed, wind shear, etc.), wake effects of turbines on others, feasibility of access, setbacks (internally established or based on permit requirements), geotechnical considerations (subsurface conditions), environmental restrictions (avoidance of sensitive habitat), cultural/archaeological restrictions (avoidance of cultural resource sites), telecommunications constraints (line of sight microwave paths), FAA requirements, and other site-specific criteria that are not fully resolved until final engineering is completed.

17.14.070 Development standards and criteria

A. Setbacks. All setback distances established in this section shall be measured from the maximum extent of the turbine blade.

1. Residences. Setbacks from existing residential structures shall be a minimum of one thousand six-hundred fifty feet or four-times (4X) the total extended height of the wind turbine, whichever is greater.

2. Nonparticipating Property Lines. There shall be a minimum distance of one-times (1X) the height of the wind turbine generator plus one -hundred feet from the property line of any nonparticipating landowner, measured from the ground to the maximum extent of the turbine blade.

3. County Roads. Setbacks from the rights-of-way of all county roads shall be the total extended height of the wind turbine plus one hundred feet from the closest blade tip of the wind turbine.

4. There shall be a minimum setback distance of four-times (4X) the maximum height of a turbine, measured to the blade tip at its maximum elevation, from the boundaries of incorporated communities.

5. For the purpose of this section, any consent to visual setback distances of less than four times turbine height from nonparticipating residences and less than the minimum setbacks from nonparticipating property lines shall be documented by a fully executed, notarized agreement by the fee title owner, in a format that can be recorded on the affected real property title.

B. State Noise Standard Compliance. During operations, the project shall comply with applicable state noise standards.

C. Public roads to be utilized by the applicant shall be identified in the application. At applicants expense, the county 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.

D. Height Limits.

1. Subject to standards imposed by the FAA, height limits are not established for wind turbines, transmission towers, and wind data collecting devices such as anemometers.

2. Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.

E. 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.

F. 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' environmental 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 or such other state agency with jurisdiction.

G. 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.

H. Vegetation and Wildlife Construction Limitations. Based upon the information provided in the expanded SEPA checklist, 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 Lincoln County weed control board.

I. 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.

J. Avian and Bat Studies and Requirements. The county shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife Wind Power Guidelines. However, any recommended conditions taken from the guidelines or recommended by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:

1. The applicant shall conduct project pre-assessment studies consistent with the Washington Department of Fish and Wildlife Wind Power Guidelines effective on the date of submitting a complete permit application. Project applicants are further advised to consult with WDFW and local habitat/wildlife experts regarding turbine siting before making final site decisions.

2. The facility shall use bird flight deflectors on guy-supported permanent meteorological towers or use ungued permanent meteorological towers.

3. The applicant shall assess and monitor raptor nests on site for activity prior to construction and modify construction timing and activities to avoid impacts to nesting raptors. At a minimum, one raptor nest survey during breeding season within one mile of the project site should be conducted to determine the location and species of active nests potentially disturbed by construction activities, and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation of the wind plant. A larger survey area (e.g., a two-mile buffer) is recommended if there is some likelihood of the occurrence of nesting state and/or federally threatened and endangered raptor species (e.g., ferruginous hawk, bald eagle, golden eagle), or if empirical data on displacement impacts may be monitored after construction.

4. A minimum of one full season of avian use surveys is recommended following current state-of-the-art protocols to estimate the use of the project area by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g., fall or winter) is recommended in the following cases: (a) use of the site for the avian groups of concern is estimated to be high relative to other projects, (b) there is very little existing data regarding seasonal use of the project site, and/or (c) the project is especially large. This additional avian use data should be collected to refine impact predictions and make decisions on project layout.

5. The county shall require the applicant to identify and remove all carcasses of livestock, big game, etc., from within the project that may attract foraging bald eagles or other raptors.

6. The CUP shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol.

The applicant shall report bird fatalities observed for the life of the project to WDFW and USFWS on a quarterly basis.

7. The applicant shall form a technical advisory committee (TAC) typically comprised of no more than seven members before project construction and after all permit appeal periods have closed. Representatives of Lincoln County planning department, Washington State Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, landowners, the applicant, local Indian tribes, and local citizen group(s) with local knowledge of avian use and species shall be invited to participate. The TAC will consider problems and impact mitigation issues and will serve for the life of the project or until TAC members determine that ongoing involvement of the TAC is not meaningful for project operation. The TAC will examine information relevant to assessing project impacts to avian and bat species. The TAC will consider whether further mitigation measures would be appropriate, considering factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings regionally or at a nearby wind power facility. If appropriate in the TAC's judgment with respect to the significance of the impact identified, the TAC may recommend mitigation measures. The ultimate authority to implement additional mitigation measures, including any recommended by the project TAC, will reside with the project owner. The TAC's participation is intended to ensure that monitoring data is considered in a forum in which independent and informed parties can collaborate with the owner to develop appropriate responses.

K. Stormwater. Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction, monitor the site for erosion on a regular schedule as approved by the Department of Ecology or Lincoln County, and after large rainfall or snowmelt events, and take corrective action as necessary.

L. Geologic and Flood Hazards. The applicant shall design structural foundations and buildings in accordance with applicable Uniform or International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.

M. Water Resources. Water required for on-site use (construction-phase work, restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements.

N. Cultural Resources. The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources, and monitor construction activities to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archaeologist and consultation with the Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.

O. Visual Resources.

1. The applicant shall prepare visual simulations of wind turbines from key viewpoints, chosen in consultation with the department.
2. Lighting for security shall be minimized and lighting fixtures shall be directed away from adjacent properties, to the maximum extent practicable. FAA lights shall be minimized to the extent practicable in consultation with the FAA.
3. The applicant shall provide a clean-looking facility free of debris and unused or broken down equipment by storing equipment and supplies off site (post-construction) and promptly removing damaged or unusable equipment from the site.
4. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall choose paint colors and use nonreflective paints to reduce glare.

P. Decommissioning. Prior to commencing operations, the applicant shall prepare a decommissioning plan in a form acceptable to the county. A bond, letter of credit, or other security acceptable to the county is required to ensure proper decommissioning of each turbine and other equipment. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. The timing for supplying the security shall be determined in consultation with the department.

Q. Public Safety.

1. 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. Employees shall be trained to address health and safety emergencies, and to safely operate and maintain the turbines and other mechanical equipment.
2. For projects in which hazardous substances are stored or used, a spill prevention and emergency cleanup plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.
3. During project construction and all project welding operations, the applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response.
4. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the fire department and other emergency services.
5. The applicant shall fence site entrances as appropriate and post signs warning of electrical dangers with emergency contact numbers, e.g., phone numbers of emergency responders.

6. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.

17.14.080 Compliance with project conditions

A. Upon providing reasonable notice to the project owner or operator, county officials shall have the right to enter the project site to verify compliance with project conditions.

B. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any county department or other decision maker issuing any decision, environmental determination (such as a mitigated determination of nonsignificance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter (“authorization”), shall conduct enforcement activities in accordance with county codes and Washington law.

CHAPTER 17.15
COMMERCIAL SOLAR ENERGY FACILITY STANDARDS

Sections:

17.15.010 Purpose

17.15.020 Definitions

17.15.030 Application of standards and criteria

17.15.010 Purpose.

A. To provide areas suitable for the establishment of Solar Energy Facilities based upon where Solar Energy Facilities can be sited and mitigated in relation to the County’s adopted zoning.

B. To provide site criteria for the utilization of the county’s solar energy resources. Each solar energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to achieve a predictable but sensitive site process that effectively and efficiently addresses project impacts.

17.15.020 Definitions

A. Large-Scale Solar Energy Facility: A commercial or utility scale facility whose primary purpose is to convert solar energy into usable electrical energy to supply electricity to the electrical grid. Large-Scale Solar energy facilities consist of one or more solar arrays and other accessory structures, equipment, including substations, switchyards, battery storage, electrical infrastructure, generators, transmission lines, communications infrastructure, and other appurtenant structures and/or facilities. This definition shall not include roof or ground mounted accessory solar panels associated with a principally permitted structure or use and located on the same parcel as the principally permitted structure or use in any zone and designed to primarily serve that structure or use. Large-Scale Solar Facilities require a Type-III review.

B. Small-Scale Solar Energy Facility: A commercial energy system of not more than ten acres in size which is intended to primarily generate power for on-site consumption. The conditions listed in this chapter shall be used as a guide by the county to develop conditions that are appropriate and reasonable to mitigate project impacts. Conditions shall include setbacks from property lines, public rights-of-way, and public utility lines to address public safety, noise, aesthetics, and compatibility among land uses. All other code requirements still apply. This definition shall not include roof or ground mounted accessory solar panels associated with a principally permitted structure or use and located on the same parcel as the principally permitted structure or use in any zone and designed to primarily serve that structure or use. Small-Scale Solar Facilities require a Type II-A review.

C. Agrivoltaics: Means one or more solar energy generation facilities directly integrated with agricultural activities, including crop production, grazing, animal husbandry, apiaries, cover cropping to improve soil health or insect habitat benefits or carbon sequestration, or production of agricultural commodities for sale in the retail or wholesale market.

17.15.030 Application of standards and criteria.

A. Large-Scale Solar Energy Facilities shall not be allowed on properties in Residential zones or Agriculture zones with a current WA State water right or US Bureau of Reclamation (USBR) water right for agricultural irrigation use as of the date of this ordinance and including water rights as identified in this section which are newly established hereafter, excluding “agrivoltaics” as defined.

B. Solar Energy Facilities are allowed on properties zoned, Commercial or Industrial and to include those agricultural parcels not identified under section 17.15.030 A.

C. 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.

D. The use of general landscape practices shall be used to prevent noxious weeds and ground erosion and is preferred over the use of any kind of ground sterilant.

E. Maximum structure height for the solar array shall be 20-feet as measured from the highest existing native grade below each panel.

F. Setbacks for solar energy facilities shall meet a minimum setback of 100-feet from all property lines.

G. All fencing shall be sight obscuring when neighboring zones classified as residential and from residential uses in all other zone designations.

H. 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.

I. 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.

J. All solar energy facilities must comply with any applicable critical area standards found in LCC 18.16. Additionally, solar 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 solar 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 solar energy facility proponent and the recipient shall be presented to Lincoln County Building and Planning in advance of any land use application hearing demonstrating that the requirements in the WDFW Wind Power Guidelines have been satisfied.

2. 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 solar energy facility.

K. The applicant for any solar energy facility is required to enter into a Development Agreement with Lincoln County as authorized by RCW 36.70B.170 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 the landowner's 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 minus actual salvage value based on current market rates. 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 Lincoln 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 Lincoln 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. Lincoln 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. Lincoln 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.
 - g. Any bond, letter of credit, or other securities shall be updated every five (5) years to match the decommissioning/reclamation cost estimates of section 17.15.030 (K)(7).
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 form of "e-waste," therefore disposal of solar energy facility components will not be acceptable within Lincoln County.
- L. 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 section 17.15.030(K) above.

**CHAPTER 17.16
TEMPORARY MINING OPERATIONS, ASPHALT AND CRUSHING PLANTS**

Sections:
17.16.101

17.16.010 Temporary mining operations, asphalt and crushing plants.

A. Where it is deemed in the public interest for the construction of public roads, streets, or highways, temporary mining operations, asphalt and crushing plants may be permitted in any district for a period not to exceed six (6) months.

B. Landowner initiated crushing of rock for their own private roads (e.g. short subdivisions, large lot divisions, private lanes/roads, etc.) will require code compliance review. The operation must not exceed two (2) months from start to finish, without additional review/approval and/or permitting. Commercial sales are not allowed without additional approval and/or permitting. Note: Regular subdivisions require SEPA compliance and any proposed crushing will be addressed during that review.

C. Commercial rock crushing requires a Conditional Use Permit. Conditions for the approval of a proposed mining operation include but are not limited to:

1. An applicant shall prepare and provide an acceptable reclamation plan to the Washington State Department of Natural Resources (DNR) prior to obtaining a reclamation permit. The Plan shall be prepared with the standards set forth in RCW 78.44. DNR shall have the sole authority to approve reclamation plans.
2. Provide for protection of groundwater and surface water, including wetlands, during and after operation.
3. The monitoring and clean up of contaminants should be ongoing.
4. A sand and gravel permit shall be obtained, when applicable, from the Washington State Department of Ecology.
5. A Sufficient amount of topsoil or suitable material shall be retained on-site for revegetation/rehabilitation purposes.
6. Additional restrictions and conditions may be imposed by the Hearing Examiner under Chapter 2.18.

**CHAPTER 17.17
WINERIES, BREWERIED AND DISTILLERIES**

Sections:

17.17.010

17.17.010 Wineries, Breweries & Distilleries

A. Events that are part of the normal operations of a winery/brewery/distillery are permitted.

B. Events not related to the operational aspects of the winery/brewery/distillery, such as weddings, receptions and meetings/retreats, shall be occasional without a Conditional Use Permit.

C. The winery/brewery/distillery shall have adequate access from a public road or approved private road. The winery/brewery/distillery shall mitigate negative impacts to nearby properties whenever possible (i.e. dust control, parking management, noise management etc...).

D. Limited food services are allowed on-site. This is not to include restaurants, unless otherwise allowed in the zoning district. All food served/sold must be in accordance with local and state health regulations.

E. A permit is required for all winery/brewery/distillery. This will be in the form of a letter of approval from Land Services. The applicant is required to submit a letter of intent with site plan. More information may be required.

CHAPTER 17.18 RECREATIONAL VEHICLES AND CAMPING UNITS

Sections:

17.18.010

17.18.010 Recreational Vehicles and Camping Units

- A. A recreational vehicle shall not be occupied continuously for more than thirty (30) days unless a permanent residence is under construction and in compliance with this code, health department, title 16 (Land Divisions) and title 15 (Building).
- B. Camping units such as camping cabins, yurts or other structures constructed on site, which are not subject to the Department of Labor and Industry certification, require a building permit from Lincoln County. Camping units shall not exceed 400 square feet in floor area and not exceed a height of 15 feet.
- C. No more than two (2) RV's may be occupied on an individual parcel, tract or lot at a single time.
- D. No more than two (2) RV hook-ups may be installed on an individual parcel, tract or lot.

CHAPTER 17.19 MANUFACTURED AND MOBILE HOMES

Sections:

17.19.010

17.19.010 Manufactured/Mobile homes

- A. No more than two manufactured homes per parcel without a Conditional Use Permit for a mobile home park.
- B. All mobile/manufactured homes must be in compliance with local, state and federal regulations.
- C. A mobile/manufactured home may be placed on a parcel with an existing stick-built house as housing for a family member, employee, caretaker etc when approved by Land Services.
- D. No mobile/manufactured homes may be delivered to a site without an installation permit.
- E. Mobile homes manufactured before 1976 are prohibited in all unincorporated areas of Lincoln County.

CHAPTER 17.20
OFF-STREET PARKING AND LOADING – SIGNS – RETAINING STRUCTURES

Sections:

17.20.010

17.20.010 Off-street parking and loading - Signs - Retaining structures.

A. Because of the potential threat to public safety of unregulated parking along narrow county roads and in unincorporated communities, adequate provisions for off-street parking and loading shall be required and those plans included with any development application.

B. Advertisement/commercial signs are not allowed in county right-of-ways. Public agency informational signs may be approved by the public works department.

C. Prior to installation of retaining structures adjacent to a County right-of-way, a review by county engineering/roads for compliance with applicable safety standards is required.

CHAPTER 17.21
CANNABIS RELATED USES

Sections:

17.21.010 Purpose

17.21.020 Commercial Medical Uses

17.21.030 Commercial Recreationall Uses

17.21.040 Location Standards

17.21.050 Development Standards

17.21.010 Purpose

A. Purpose. The purpose of this section is to establish standards to govern the siting, development, expansion & use of facilities & land to produce and process cannabis for commercial medical/recreational purposes in accordance with the provisions of the laws of Washington State, including but not limited to Chapters [46.61](#), [69.50](#), [69.51](#), [69.51A](#) RCW, and Chapter [314-55](#) WAC, and all other applicable rules promulgated by the state of Washington.

B. The county may require such information as may be necessary to ensure full compliance with the provisions of state and local laws. Failure to provide required information may be the basis for the disapproval of the required county permits and approvals.

C. In the event that a court with jurisdiction declares some or all of Chapter [69.51A](#) RCW or this section invalid, then the county may, upon advice of the county attorney, suspend the acceptance of applications for conditional use permits or the renewal of conditional use permits pending the resolution of the legal issue in question.

D. This section does not apply to the production of hemp nor medical marijuana for personal use.

E. Any uses or activities found by the state of Washington or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the county.

17.21.020 Commercial Medical Uses.

A. Facilities/properties associated with the production, processing, transporting, and delivering of cannabis for commercial medical use, including but not limited to collective gardens, in accordance with the provisions of state law may be permitted through the issuance of a conditional use permit in appropriate zones; provided, that:

1. The use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to the provisions of Chapter [69.51A](#) RCW at all times;
2. The use or facility must be in full compliance with the provisions of the Lincoln County Code at all times;
3. Licensees must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations;
4. No activities associated with the licensed production, processing, or sales of cannabis, including collective gardens, may be permitted as a home business or accessory use;
5. All facilities and uses must be located entirely within a fully enclosed, secure, facility or area. If the facility is located solely within a building, the facility must pass an inspection by the county and the issuance of a certificate of occupancy by the county prior to use of the building;
6. Buildings where cannabis is grown, stored, or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises;
7. Outdoor production and processing businesses must contain adequate setbacks to prevent odors from disturbing adjacent properties.
8. No outdoor production or processing business may be located within 2,640 feet (1/2 mile) of a residential property or structure.
9. The county may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

17.21.030 Commercial Recreational Uses

A. Facilities/properties associated with the production, processing, and/or sale of cannabis for commercial recreational uses authorized and licensed by the state of Washington may be permitted through the issuance of a conditional use permit in the appropriate zone; provided, that:

1. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter [314-55](#) WAC and any other applicable states rules and regulations;
2. The use or facility must be in full compliance with the provisions of the Lincoln County Code at all times;
3. Licensees must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations;
4. No activities associated with the licensed production, processing, transport, or sales of cannabis may be permitted as a home business or accessory use;
5. All activities associated with the licensed production and processing must be located entirely within a fully enclosed, secure, facility, property or greenhouse. If the production or processing is contained within a building the building is subject to an

inspection(s) by the county and the issuance of a certificate of occupancy by the county prior to use of the building;

6. Buildings/properties where cannabis is grown, stored, or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises;
7. Outdoor production and processing businesses must contain adequate setbacks to prevent odors from disturbing or causing a nuisance to adjacent properties.
8. No outdoor production or processing business may be located within 2,640 feet (1/2 mile) of a residential property or structure.
9. Licensed retail sales may not be located within another business and must have a separate entrance; and
10. The county may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

17.21.040 Location Standards

A. Facilities, properties or uses associated with the medical or recreational use of cannabis licensed by the state of Washington may not be located within 1,000 feet of the following uses as determined by the county. The distance shall be measured as the shortest straight line distance between the property line of the proposed licensed premises to the property line of the location of the following uses and facilities:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Childcare center;
5. Public park;
6. Public transit center;
7. Library; or
8. Any arcade where admission is not restricted to persons 21 or older.

17.21.050 Development Standards

A. The development standards for licensed cannabis facilities shall be the same as the applicable zoning regulations for the zoning district in which they are to be located except as follows:

1. Signs visible from the public right-of-way may only be posted on licensed retail businesses and shall be limited to only one sign not more than 1,600 square inches;
2. Site plan review shall be required for all buildings, fences and other structures in Lincoln County proposed for use by state licensees; and
3. Septic systems, also known as Individual On-site Sewage Systems, are designed to treat only domestic wastewater, which means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. Industrial wastewater may not be discharged to any septic system according to state regulations. Licensees shall provide such documentation as may be required by the county to confirm that liquid and solid wastes generated during production and processing can be safely disposed of in accordance with applicable state and local laws and regulations.
4. Licensees must provide a complete site plan to include: 1) ingress and egress points; 2) approximate number of employees on site; 3) storage location of any chemicals,

fertilizers, flammable gas, or other hazardous materials; 4) a fire safety/evacuation plan. This site plan must be provided to the local fire district where the property is located and the Lincoln County Sheriff's office. This plan is required to be updated anytime there are changes to the site and the updated plan submitted to the local fire district and Lincoln County Sheriff's office.

Chapter 17.22 NON-CONFORMING USES

Sections.

17.22.010 Continuing uses.

17.22.020 Restoration of non-conforming use - Compliance required.

17.22.030 Extension of non-conforming use - Permit required.

17.22.040 Non-conforming lot.

17.22.010 Continuing uses.

The lawful use of the land or premises existing at the time of adoption of this title, although such does not conform to the provisions of this title, may be continued, but if such non-conforming use is abandoned for a period of one year or more any further use of such lands or premises shall be in conformity with the provisions of this title. The mere presence of a structure shall not be deemed to constitute the continuance of a non-conforming use, unless such structure is actually occupied and employed in maintaining such use.

17.22.020 Restoration of non-conforming use - Compliance required.

Nothing in this title shall be deemed to prohibit the restoration of a building within a period of six (6) months from the date of its destruction by fire, flood, explosion or act of nature, provided however, that the setback requirements of the zoning district shall be adhered to whether or not they were in conformance prior to destruction of the building.

17.22.030 Extension of non-conforming use - Permit required.

The hearing examiner may grant a conditional use permit pursuant to chapter 17.24 for the extension of a non-conforming use for any building or land occupied or partially occupied by such use at the time of adoption of this title.

17.21.040 Non-conforming lot.

Any lot, tract or parcel of land, which fails to meet the dimensional requirements (e.g. area, footage or lot depth to width ratio or any combination thereof), which was established prior to the enactment of this title or prior to any amendments thereto, shall be a non-conforming lot. This section shall apply in all applicable zoning districts.

Chapter 17.23 AMENDMENTS

Sections.

- 17.23.010 Purpose.
- 17.23.020 Initiation.
- 17.23.030 Application forms.
- 17.23.040 Procedures for public hearing.
- 17.23.050 Public hearing by planning commission.
- 17.23.060 Action by the board.

17.23.010 Purpose.

Whenever public necessity, health, safety or general welfare requires amendment to the county comprehensive plan or any official control adopted to implement the plan or to create a new official control necessary to implement the plan, the procedures in this section shall be determined in the following sections.

17.23.020 Initiation.

Amendments may be initiated by any of the following:

- A. Any person or group with an interest in the proposed amendment.
- B. The Lincoln County planning commission, upon their own initiative or at the request of the board of county commissioners (BOCC) by motion or at the request of the planning services director.

17.23.030 Application forms.

The director of planning shall prescribe the forms to be used for amendments to this title, rezones and/or amendments to the comprehensive plan. The director may prepare and provide forms for such purposes. No application shall be deemed complete until all required information has been submitted and fees paid.

17.23.040 Procedures for public hearing.

- A. The planning commission shall hold at least one (1) public hearing on any proposed amendment to an official control or amendment of an official control and/or proposed amendment to the comprehensive plan.
- B. The planning commission shall cause to be published a notice of public hearing in the current county newspaper of record and general circulation at least ten (10) days prior to such hearing. The notice shall specify the nature of the proposed change.
- C. For a project proposed amendment to a zoning map, adjacent property owners, within five-hundred (500') feet of the proposal in question, shall be notified at least ten days prior to the public hearing.

17.23.050 Public hearing by planning commission.

A. In each public hearing on the creation of or an amendment to this official control, the planning commission shall consider and determine whether the request is consistent with the comprehensive plan. Where the applicant has filed for both a comprehensive plan amendment and the creation of or an amendment to this official control, the planning commission shall hold two (2) public hearings. The first hearing shall consider the proposed comprehensive plan amendment. The second hearing shall consider the proposed zone change. Both hearings may occur at the same public meeting.

B. In each public hearing on an amendment to the comprehensive plan, the planning commission shall consider and determine whether adequate findings of fact concerning public necessity, health, safety and general welfare have been presented such that there is compelling evidence indicating that the amendment of the plan will further the public health, safety and general welfare.

C. After the necessary public hearings, the planning commission shall prepare findings of fact supporting its action and transmit such findings to the board of county commissioners for its action.

D. A recommendation to the board shall be by an affirmative vote by a majority of the total members of the commission. The approval shall be by a recorded motion that shall incorporate the findings of fact and reasoning and shall refer specifically to what is being amended. The signatures of the chairperson and the secretary/planning director of the planning commission shall record the indication of approval by the commission on the zoning map and descriptive matter.

17.23.060 Action by the board.

A. A copy of any official control or recommended amendment shall be submitted to the board of county commissioners (BOCC) not later than fourteen days following action by the planning commission. This shall be accompanied by all supporting material.

B. The board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance/resolution, adopt or reject the official control or amendment.

C. Whenever the board makes a determination to modify or reject the commission's findings of fact or recommendation, it shall conduct its own public hearing and notice of such public hearing shall be given in accordance with section 17.23.040. At such hearing, the board shall adopt its own findings of fact setting forth the factors considered by it to be controlling.

D. In the event of initiation of an amendment by the board, it shall refer the proposed amendment to the planning commission prior to taking action. At least one public hearing as specified in section 17.23.040 shall be held prior to board action.

E. The board, before adoption, modification or rejection of an amendment to this title, a zone change or a comprehensive plan amendment, shall make findings of fact representing the official determination of the board and specifying the basis for the decision.

**Chapter 17.24
ADMINISTRATION AND ENFORCEMENT**

Sections:

17.24.010 Administrative official -Duties and responsibilities.

[17.24.015 Conditional Use Permits - Variances](#)

17.24.015 Conditional Use Permits

17.24.016 Variances

17.24.017 Public hearing procedures

17.24.020 Interpretation and enforcement decisions - Appeals.

17.24.030 Penalties.

17.24.010 Administrative official - Duties and responsibilities.

A. The planning director or designated representative, shall administer and enforce the provisions of this title. If the director finds that any provisions of this title are being violated, the person responsible for such violation shall be notified in writing indicating the nature of the violation and the action necessary to correct the violation. The director shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or additions or structural changes thereto, discontinuance of any illegal work being done or shall take any other action authorized by this title to ensure compliance with or to prevent violation of its provisions.

B. The planning director shall review all applications for amendments to the zoning, administrative adjustments, conditional use permits and/or variances.

C. The planning director shall review an administrative relief request for a particular standard to be reduced or modified. All requests for adjustment in standard(s) must be found to be consistent with the following requirements.

1. The purposes of the Lincoln County comprehensive plan, the zoning code and all other applicable county development regulations.
2. The intent and purposes of the specific zoning district and the particular standard being adjusted.
3. Balancing the flexibility of the adjustment with the health, safety and general welfare of individual neighborhoods and the community.

17.24.015 Conditional Use Permits

A. The Hearing Examiner shall hear and recommend to the BOCC all applications for conditional use permits. The following standards, criteria and procedures shall apply to any conditional use permit authorized by this title.

1. The conditional use and any conditions imposed by the Hearing Examiner will not adversely affect the public health, safety and welfare.
2. The proposed use and any conditions imposed will be in harmony with the purposes of the comprehensive plan as it relates to the area in question.
3. The proposed use with any conditions imposed will be in compliance with the standards set out in this title for the use district applicable to the proposed use.
4. The findings of fact adopted by the Hearing Examiner to support their decision clearly indicate that the above listed criteria have been fulfilled.

B. The Hearing Examiner may impose any conditions or safeguards upon granting a conditional use permit, which are necessary to insure conformity with the provisions of this title and protection of the public health, safety and welfare. Failure to fulfill any condition imposed by the Hearing Examiner shall be a violation of this title and said permit may be revoked. Conditions may include, but are not limited to any of the following.

1. Specify a time limit within which action, for which the conditional use permit is required, shall be begun or completed or both.

2. Require a periodic review of an issued permit to assure compliance with any imposed conditions.
3. Increase the required lot size or yard dimensions.
4. Limit the height or total lot coverage of buildings.
5. Control the number and location of vehicular access points to the property.
6. Control the number of off-street parking or loading spaces.
7. Require suitable landscaping and/or surface water management plans.
8. Control signage.
9. Control the hours of operation.
10. Control nuisance generating features and issues such as noise, colors, air pollution, wastes, vibration, traffic physical hazards and glare.

17.24.016 Variances.

A. The Hearing Examiner shall hear and recommend to the BOCC all applications for variances from the requirements of this title, PROVIDED that any variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated and that the findings of fact adopted by the Hearing Examiner to support their decision indicate that the following circumstances apply.

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications.
2. The granting of the variance will not be detrimental to the public health, safety and welfare or be injurious to other properties and improvements in the vicinity of the subject property.
3. The variance is not required solely due to actions by the applicant that prevents direct compliance with the use standards applicable to the subject property.
4. The variance is not required simply for economic benefit constituting a grant of special privilege to the subject property.

B. A variance shall not be granted permitting a certain use, but shall be limited to those standards and requirements imposed on uses otherwise permitted by this title.

17.24.017 Public hearing procedures.

Applications to the Hearing Examiner shall be filed with the administrative official on county approved forms. Upon receipt of a completed application for a conditional use or variance and after compliance with applicable substantive and procedural requirements, the administrative official shall set the time and place for a public hearing.

17.24.020 Interpretation and enforcement decisions - Appeals.

It is the intent of this title that all questions of interpretation or enforcement shall be first presented to the planning director. Appeals from decisions pertaining to the interpretation of requirements shall be made to the hearing examiner. Recourse from the decision of the hearing examiner shall be made timely to a court of competent jurisdiction, pursuant to either, RCW 36.70.890 or RCW 36.70C.

A. Upon the filing of an appeal from an administrative determination, the Hearing Examiner shall set the time and place at which the matter will be considered. Notice of the time and place shall also be given to the adverse parties of record in the case. The person from whom the appeal is being taken shall transmit to the Hearing Examiner all of the records pertaining to the decision being appealed, together with such additional written report as he or she deems pertinent.

B. The Hearing Examiner shall hear all evidence, on an appeal from an administrative decision, order, interpretation or determination of a requirement, and may, in conformity with the provisions of this title, reverse, affirm or modify, wholly or in part, the decision, order or requirement appealed. The Hearing Examiner shall include in the written record of the case, findings of fact, which supports the decision. The decision shall have all the powers of the official from whom the appeal is taken.

17.24.030 Penalties.

The violation of any provisions of this title is designated as a Class 1 civil infraction pursuant to RCW 7.80, "Civil Infractions". Each violation shall be a separate and distinct and in the case of continuing violation, each day's continuance shall be a separate and distinct violation.