

LINCOLN COUNTY CODE

“TITLE 17 - ZONING”

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Chapter 17.01

GENERAL PROVISIONS

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or parts of ordinances in conflict with this title or inconsistent with the provisions of this title, are hereby repealed to the extent necessary to give this title full force and effect.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

“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 board of adjustment 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 board of adjustment 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.

“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 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. *Note:* RV park proposals require a conditional use permit pursuant to Title 17-Zoning.

“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 17.01.065.

"*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 IT3-303-200 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”

17.01.055 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.

17.01.060 Temporary asphalt and crushing plants.

- A. Where it is deemed in the public interest for the construction of public roads, streets, or highways, temporary 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 county and/or state permitting.

17.01.065 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.

17.01.066 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.

17.01.067 Manufactured/Mobile homes

A. No more than one manufactured home 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.

17.01.070 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.

17.01.080 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.

17.01.090 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.

17.01.100 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 board of adjustment 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 DISTRICTS AND BOUNDARIES

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- 17.02.530 Airport specific non-conforming uses.

17.02.010 Establishment of land use districts.

In order to regulate the uses of land, buildings and structures in conformance with policies of the comprehensive land use plan and legislative actions, Lincoln County provides the following use districts: agricultural, recreational, public facilities, residential, commercial, local business, industrial and airport overlay. The boundaries of these districts are hereby established as shown on the official zoning map of the unincorporated territory of Lincoln County, Washington. The official zoning map and atlas is hereby made a part of this title together with all notations and references and other matter shown thereon and said properly attested zoning map shall remain on file at the planning services office. 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.

17.02.015 Zoning Matrix – General

A. Uses are permitted within the various zones as depicted by the matrix in section 17.02.380, 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.

17.02.020 Agricultural district 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.

17.02.030 Permitted uses.

- A. See Zoning Matrix 17.02.380
- B. Uses not listed will be reviewed on a case by case basis.

17.02.040 Residential requirements.

- 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 section 17.02.470.

17.02.050 Set back requirements.

- A. 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.
- B. 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.
- C. A minimum set back of ten (10') feet shall be required from utility easements.
- D. A ten (10') foot set back from property lines shall apply to ingress/egress driveways, except where otherwise approved by the planning director.

17.02.060 Conditional uses.

- A. See zoning matrix 17.02.980
- B. Other uses that could be determined to be relatively low impact in nature and largely devoid of nuisance factors, hazards or placing exceptional demands upon public facilities or services. These proposals will be reviewed on a case-by-case basis.

17.02.070 Recreational district 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.

17.02.080 Permitted uses.

- A. See zoning matrix 17.02.980
- B. Uses not listed will be reviewed on a case by case basis.

17.02.090 Residential lot requirements.

- 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 Title16 are not permitted on designated agricultural resource lands, unless adjacent to existing or proposed unincorporated or incorporated communities.

17.02.100 Set back requirements.

- A. 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.
- B. 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.
- C. A minimum set back of ten (10') feet shall be required from utility easements.
- D. A ten (10') foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the planning director.

17.02.110 Conditional uses.

- A. See Zoning Matrix section 17.02.380
- B. Other uses that could be determined to be relatively low impact in nature and largely devoid of nuisance factors, hazards or placing exceptional demands upon public facilities or services. These proposals would require SEPA review and will be reviewed on a case-by-case basis.

17.02.120 Public facilities district 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.

17.02.130 Permitted uses.

- A. See Zoning Matrix 17.02.980
- B. Uses not listed will be reviewed on a case by case basis.

17.02.140 Accessory uses.

Accessory uses and buildings customarily incidental to any of the principal permitted uses when located on the same property.

17.02.150 Dimensional requirements.

- A. Minimum lot size: twenty-thousand (20,000') square feet.
- B. Minimum lot width: one-hundred (100') feet.

17.02.160 Set back requirements.

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

17.02.170 Residential district 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.

17.02.180 Permitted uses.

- A. See Zoning Matrix section 17.02.380
- B. Uses not listed will be reviewed on a case by case basis.

17.02.190 Residential requirements.

- 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.

17.02.200 Conditional uses.

- A. See Zoning Matrix 17.02.380
- B. Other uses that could be determined to be relatively low impact in nature and largely devoid of nuisance factors, hazards or placing exceptional demands upon public facilities or services. These proposals will be reviewed on a case-by-case basis.

17.02.210 Commercial district 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.

17.02.220 Permitted 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.

17.02.230 Accessory uses.

Caretaker quarters and/or owner/operator residence and related facilities.

17.02.240 Dimensional requirements.

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.

17.02.250 Set back requirements.

A. Front - thirty-five (35') feet, measured from the state or county right-of-way, unless otherwise approved pursuant to Title 16.

B. Side and rear - twenty (20') feet from the edge of the lot, unless otherwise approved pursuant to Title 16.

C. Flanking Street - thirty-five (35') feet from the edge of the lot, unless otherwise approved pursuant to Title 16.

D. 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.

17.02.260 Local business district 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.

17.02.270 Permitted uses.

- A. See Zoning Matrix 17.02.380
- B. Uses not listed will be reviewed on a case by case basis.

17.02.280 Conditional uses.

- A. See Zoning Matrix 17.02.380
- B. 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 will require a code compliance review.

17.02.290 Restrictions.

- 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 board of adjustment.
- D. All hazardous waste treatment and storage facilities shall be in compliance with WAC 173-303-285.

17.02.300 Dimensional requirements.

- A. Minimum lot size twenty-thousand (20,000') square feet.
- B. Minimum lot width one-hundred (100') feet.

17.02.310 Set back requirements.

- A. Front - thirty-five (35') feet from the state or county right-of-way.
- B. Side and rear - (20') feet from edge of lot.
- C. Flanking Street - thirty-five (35') feet from edge of lot.
- D. 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.

17.02.320 Industrial district 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.

17.02.330 Permitted uses.

- A. See Zoning Matrix 17.02.380
- B. Uses not listed will be reviewed on a case by case basis.

17.02.340 Screening and landscaping requirements.

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.

17.02.350 Conditional uses.

A. See Zoning Matrix 17.02.380

B. 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 will be reviewed on a case-by-case basis.

17.02.360 Dimensional requirements.

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

B. Minimum lot width - one-hundred (100’) feet.

17.02.370 Set back requirements.

A. Front thirty-five (35’) feet measured from the state or county right-of-way.

B. Side - twenty (20’) feet from edge of lot.

C. Flanking Street - thirty-five (35’) feet from edge of lot.

D. A ten (10’) foot set back from property lines shall also apply to ingress/egress driveways, except where otherwise approved by the planning director.

17.02.380 Zoning Matrix

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		
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		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						P	
Outdoor recreational uses		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						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) and/or assessment tower	CU	CU					
Winery	P	P					

17.02.390 Reserved.

17.02.400 Airport overlay district (AP-O) 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.

17.02.410 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.

17.02.420 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 17.02.400(b) and as designated on the official Lincoln County zoning map. The provisions of this AP-O zone shall be liberally interpreted.

17.02.430 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.

17.02.440 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.

17.02.450 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.

17.02.460 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 section 17.06.020 of this title.

17.02.470 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.

17.02.480 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.”

17.02.490 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”.

17.02.500 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.

17.02.510 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 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)

17.02.520 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.

17.02.530 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 17.03 NON-CONFORMING USES

Sections.

17.03.010 Continuing uses.

17.03.020 Restoration of non-conforming use - Compliance required.

17.03.030 Extension of non-conforming use - Permit required.

17.03.040 Non-conforming lot.

17.03.010 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.

17.03.020 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.

17.03.030 Extension of non-conforming use - Permit required.

The board of adjustment may grant a conditional use permit pursuant to chapter 17.06 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.

17.03.040 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 17.04 AMENDMENTS

Sections.

17.04.010 Purpose.

17.04.020 Initiation.

17.04.030 Application forms.

17.04.040 Procedures for public hearing.

17.04.050 Public hearing by planning commission.

17.04.060 Action by the board.

17.04.010 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.

17.04.020 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.

17.04.030 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.

17.04.040 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.

17.04.050 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.

17.04.060 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 17.04.040. 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 17.04.040 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 17.05
ADMINISTRATION AND ENFORCEMENT**

Sections:

17.05.010 Administrative official -Duties and responsibilities.

17.05.020 Interpretation and enforcement decisions - Appeals.

17.05.030 Penalties.

17.05.010 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 insure 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.

17.05.020 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 board of adjustment. Recourse from the decision of the board of adjustment shall be made timely to a court of competent jurisdiction, pursuant to either, RCW 36.70.890 or RCW 36.70C.

17.05.030 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.

**Chapter 17.06
BOARD OF ADJUSTMENT**

Sections:

- 17.06.010 Conditional use permits.
- 17.06.020 Variances.
- 17.06.030 Public hearing procedures.
- 17.06.040 Administrative decision - Appeal notice of procedure.
- 17.06.050 Appeals - Board of adjustment.

17.06.010 Conditional use permits.

A. The board of adjustment shall hear and decide on all applications for conditional use permits. The following standards, criteria and procedures shall apply to any conditional use permit authorized by this title.

B. A conditional use permit may be granted for uses specifically identified, as well as other uses on a case by case basis, in the applicable use district subject to the following limitations.

1. The conditional use and any conditions imposed by the board of adjustment will not adversely affect the public health, safety and welfare.
2. The proposed use and any conditions imposed will be consistent 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 board of adjustment to support their decision clearly indicate that the above listed criteria have been fulfilled.

C. The board of adjustment 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.

D. 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 minimum setback requirement, lot size and/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.
11. Any other reasonable restrictions, conditions or safeguards that will uphold the purpose and intent of the zoning code and the comprehensive plan and mitigate any adverse impact upon the adjacent properties by reason of the use, extension, construction or alteration allowed.

E. Failure to fulfill any condition imposed by the board of adjustment shall be a violation of this title and said permit may be revoked.

17.06.020 Variances.

A. The board of adjustment shall hear and decide all applications for variances from the requirements of this title, PROVIDED that any variance granted shall be subject to such conditions as will insure 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 board of adjustment 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.

C. Any request for a variance within the airport overlay district (AP-O) shall be consistent and in compliance with the requirements of the AP-O and shall not create a hazard to air navigation.

17.06.030 Public hearing procedures.

Applications to the board of adjustment 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 per RCW 36.70

17.06.040 Administrative decision - Appeal notice of procedure.

A. Appeal may be taken to the board of adjustment by any person aggrieved or affected by any decision of an administrative nature pursuant to this title.

B. Upon the filing of an appeal from an administrative determination, the board of adjustment 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 board of adjustment all of the records pertaining to the decision being appealed, together with such additional written report as he or she deems pertinent.

C. The board of adjustment 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 board of adjustment 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.

17.06.050 Appeals - Board of Adjustment.

The action by the board of adjustment on an application for a conditional use permit, a variance or on an appeal from the decision of an administrative official shall be final and conclusive. Recourse from the decision of the board of adjustment shall be made timely to a court of competent jurisdiction, pursuant to RCW 36.70.890 or RCW 36.70C.

Chapter 17.07
OFFICIAL MAP

Sections.

17.07.010 Adoption - Changes - Filing.

17.07.15 Interpretation of the Zoning Map

17.07.020 Replacement.

17.07.010 Adoption - Changes - Filing.

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.

17.07.015 Interpretation of the Zoning Map

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.

17.07.020 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.