
AGENDA
OMAK CITY COUNCIL MEETING
Monday, July 21, 2025 – 7:00 PM

A. CALL TO ORDER

B. FLAG SALUTE

C. CITIZEN COMMENTS

D. CORRESPONDENCE AND MAYOR'S REPORT

E. CONSENT AGENDA

1. Approval of Minutes from July 7, 2025, Council Meeting
2. Approval of 2025 Claims and July 7, 2025, Payroll

F. NEW BUSINESS

1. Draft Amendments to Title 18 – Zoning of the Omak Municipal Code ☒
2. Res. 44-2025 – Approve Change Order No. 2 – North Taxiway Reconstruction ☒
3. Res. 45-2025 – Approving the Satisfaction of Mortgage-Security Agreement ☒

G. OTHER BUSINESS

1. Council Committee Reports
2. Staff Reports



Action by City Council

Our Council Meetings are conducted in person in addition to Zoom Meetings. Meeting information is located on our website at omakcity.com. If you need support or accommodations, contact the City Clerk in advance by phone at 509-826-1170 or by e-mail clerk@omakcity.com for assistance.

LETTER OF TRANSMITTAL

July 10, 2025

Honorable Mayor & Council
City of Omak
P.O. Box 72
Omak, WA 98841

Subject: *Draft amendments to Title 18 – Zoning of the Omak Municipal Code.*

Honorable Mayor and Council;

The Omak Planning Commission has completed the review of the city's zoning code and are pleased to submit the attached proposed amendments to the Council for consideration and adoption. The attached staff report provides more detail and the proposed amendments.

The Planning Commission held an advertised public hearing on July 1, 2025 with no members of public present or online. All comments received during the process were addressed. At the close of the hearing, the Planning Commission took the following action pertaining to the proposed amendments:

"Motion was made by Commissioner Munding which was seconded by Commissioner Nash to recommend approval of the proposed amendments as modified to the city council subject to the Findings of Fact and Conclusions presented in the 6/26/25 staff report. Motion passed unanimously."

The Planning Commission has reviewed the amendments to the best of their ability, and requests City Council place them on their agenda for a public hearing, if desired, and review and adoption.

Thank you for your time and consideration.

Sincerely,



Jack Schneider, Chair
Omak Planning Commission

ATTACHMENTS:

Staff Report

Strike-out Zoning Code

**CITY OF OMAK
FINAL STAFF REPORT
PROPOSED ZONING AMENDMENTS**

TO: MAYOR & COUNCIL
FROM: STAFF
SUBJECT: ZONING AMENDMENTS
DATE: 7/10/25

Applicant: City of Omak

Project Description:

The City Planning Commission, with the assistance of the City Planning Consultant and Building Official has completed the process to review and prepare draft amendments to Title 18 Zoning of the Omak Municipal Code.

Chronology:

The city adopted and updated Comprehensive Plan and 2024 following which the Commission initiated a review of the Zoning Code (Title 18 OMC). The purpose was to ensure consistency with the updated Comprehensive Plan as well as address issues and concerns raised by staff, council and the public.

Review of the Zoning Code was an agenda item at regularly scheduled Commission meetings on April 4, May 7, June 4, July 2, September 3, October 1, November 12, December 3 2024, and January 7, February 4, March 4, April 1, May 6 and June 3, 2025. While much of the effort focused on Chapter 18.11.050 District Use Chart, the entire code was reviewed during the process.

At the April 1, 2025 meeting to Commission decided to do an internal review of the draft code with the proposed amendments. The draft was circulated among staff, Mayor and Council for 30 days. The review yielded several comments concerning potentially permitting agricultural buildings in residential zones, possibly adding a provision for outdoor mobile vendors are here for a short period of time several times a year, changing the Use Chart to allow “essential public facilities” in the Airport Industrial Zone and include a definition for camping and regulations regarding camping outside of approved campgrounds.

At the June 3, 2025 meeting the Commission completed its review and a motion was passed to initiate the formal public and SEPA review processes and advertise a Public Hearing for July 1, 2025, at 5:30 pm in City Hall.

Applicable Codes and City Standards:

Amendment of the Zoning Code is a Type V, or legislative action. The amendment process is set forth in Chapter 19.05 OMC.

SEPA, Critical Areas and Shorelines:

The proposed amendments represent a non-project action therefore there will be no impacts to Critical Areas or Shorelines. However, as amendments to the Zoning Code, as SEPA Checklist was required and a DNS issued. One comment from the Department of Archeology and Historic Preservation was received. The comment required no changes to the SEPA.

Planning Commission Public Hearing:

The City of Omak Planning Commission held an open record public hearing on July 1, 2025. There was no public testimony.

Comments Received:

The proposed amendments and SEPA checklist were mailed or e-mailed to commenting agencies (see list in project file). As of the date this staff report was prepared, written comments had been received from the following: Department of Archeology and Historic Preservation and Okanogan County Public Works.

Copies of all comments are contained in the project file.

Commenting Agent or Individual: Department of Archeology and Historic Preservation

Nature of Comment: Provided information clarifying that there are historic sites within the city.

Response: *None. Important information for future permitting but no changes required.*

Commenting Agent or Individual: Okanogan County Public Works

Nature of Comment: Thanks for the opportunity to review

Response: *None*

Recommendation by Planning Staff:

Planning staff recommended that the Planning Commission take the following action:

Move to recommend approval of the proposed amendments (AS PRESENTED or AS MODIFIED to the city council subject to the Findings of Fact and Conclusions presented in the 6/26/25 staff report.

Planning Commission Recommendation:

After reviewing comments from staff, the Commission decided to make a minor modification to the new definition for “camping” then took the following action:

Commissioner Mundinger moved, seconded by Commissioner Nash, to recommend approval of the proposed amendments as modified, to the city council subject to the Findings of Fact and Conclusions presented in the 6/26/25 staff report.

Findings of Fact:

The Planning Commission finds and concludes the following:

1. Chapter 35A.63 of the Revised Code of Washington establishes the City of Omak as the authority with jurisdiction on local zoning code decisions.
2. The review process was initiated by recommendation of the Council, Building Official and Planner.
3. Two written comments were received during the required review process.
4. A SEPA Determination of Non-Significance was issued on June 4, 2025.
5. The proposed amendments to Zoning Code are consistent with the intent, goals and policies of the Land Use Element of the City of Omak Comprehensive Plan.
6. Amendments to the Zoning Code was on the agenda at open public meetings before the Planning Commission at eight meetings in 2024 and six meetings in 2025.
7. Public Notice requirements regarding the July 1, 2025 public hearing on the proposed amendments was completed. The affidavit of publication for said notice is contained in the project file and is part of the record.
8. The File of Record, Staff Report, and exhibits were received, admitted into the record and considered by the Planning Commission.
9. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

Conclusions

1. The Planning has the authority to recommend amendments to the Zoning Code.
2. The City Council has authority to adopt amendments to the Zoning Code.
3. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

**Title 18
ZONING****Chapters:**

- 18.04 General Provisions
- 18.08 Definitions
- 18.10 Use Districts
- 18.11 General Use Regulations
- 18.16 General District Regulations
- 18.17 Outdoor Lighting Regulations
- 18.20 Critical Areas Regulations
- 18.21 Shoreline Master Program
- 18.22 RS—Residential Single Unit District
- 18.24 RD—Residential Duplex District
- 18.26 RM—Residential Multi-Unit District
- 18.28 CB—Central Business District
- 18.30 PS—Planned Shopping District
- 18.32 HB—Highway Business District
- 18.33 CI—Commercial Industrial District
- 18.34 LI—Light Industrial District
- 18.36 HI—Heavy Industrial District
- 18.38 AI—Airport Industrial District
- 18.40 PU—Public Use District
- 18.44 District Overlays
- 18.48 Planned Development
- 18.50 Conditional Uses
- 18.52 Administration

**Chapter 18.04
GENERAL PROVISIONS**

Sections:

18.04.010 Title.

18.04.020 Purpose.

18.04.030 Intergovernmental Land Use Agreement.

18.04.040 Confederated Tribes of the Colville Reservation.

18.04.050 Colville Reservation.

18.04.060 Authority.

18.04.070 Validity.

18.04.010 Title.

This title shall be known as “The Zoning Ordinance for the City of Omak, Washington.” (Ord. 1286 (part), 1995).

18.04.020 Purpose.

It is the purpose of this title to promote the health, safety and general welfare by guiding the development of Omak by means of a comprehensive land use plan which is, in part, carried out by the provisions of this title.

It is further intended to provide regulations and standards which lessen congestion in the streets, encourage high standards of development, prevent the overcrowding of land, provide adequate light and air, avoid excessive concentration of population, and facilitate adequate provisions for transportation, utilities, schools, parks and other necessary public needs.

It is also the purpose of this title to give consideration to the character of the districts and their peculiar suitability for particular uses, with a view to conserving and enhancing the value of land and buildings and encouraging the most appropriate use of these throughout the city. (Ord. 1286 (part), 1995).

18.04.030 Intergovernmental Land Use Agreement.

A portion of the city of Omak is located on the Colville Indian Reservation which was set aside for the Confederated Tribes of the Colville Reservation (Colville Tribes). Those lands are subject to the governmental authority of the Colville Tribes. The city and the Colville Tribes entered into an Intergovernmental Land Use Agreement in 1992 which recognizes their respective governmental authority and establishes the framework to develop a uniform set of land use regulations. (Ord. 1286 (part), 1995).

18.04.040 Confederated Tribes of the Colville Reservation.

The Confederated Tribes of the Colville Reservation was established by President Grant’s executive order in 1872. The twelve tribes located there are the Okanogan, Lakes, Colville, San Poil, Nespelem, Methow, Entiat, Chelan, Wenatchee, Moses—Columbia, Palouse and the Nez Perce. The Colville Tribes are a sovereign nation within a nation. (Ord. 1286 (part), 1995).

18.04.050 Colville Reservation.

Definition. The Colville Reservation covers one point four million acres or almost two thousand one hundred square miles, the diverse landscape of the area provides numerous opportunities for socioeconomic development. A southern portion of Okanogan and Ferry County lay within the borders of the Colville Reservation. (Ord. 1286 (part), 1995).

18.04.060 Authority.

Definition. The ordinance codified in this title is adopted pursuant to the provisions of the RCW, Chapter 35.63, which empowers the city to enact a zoning ordinance and provide for its administration and amendment. (Ord. 1286 (part), 1995).

18.04.070 Validity.

Should any chapter, section or provision of this title be declared by the courts to be invalid, the same shall not affect the validity of the title as a whole or any part thereof, other than the part so declared to be invalid. A word, sentence, structure or section referred to and in error may be changed or altered for clarity or correctness if this does not change the intent of the title. (Ord. 1286 (part), 1995).

**Chapter 18.08
DEFINITIONS*****Sections:**

- 18.08.001 Access corridor/driveway.
- 18.08.003 Accessory structure or use.
- 18.08.005 Administrator.
- 18.08.007 Adult cabaret.
- 18.08.009 Adult family home.
- 18.08.011 Adult hotel/motel.
- 18.08.013 Adult motion picture theater.
- 18.08.015 Adult panorama theater or arcade.
- 18.08.016 Adult residential facility.
- 18.08.017 Adult retail establishment.
- 18.08.019 Adult theater.
- 18.08.021 Advertising devices.
- 18.08.023 Agriculture.
- 18.08.025 Agriculture building.
- 18.08.027 Agricultural market.
- 18.08.029 Agriculture-related industry.
- 18.08.030 Airport.
- 18.08.031 Airport elevation.
- 18.08.032 Airport hazard.
- 18.08.033 Airport manager.
- 18.08.034 Airport zoning commission.
- 18.08.035 Alley.
- 18.08.036 Amateur radio tower and antenna.
- 18.08.037 Amendment.
- 18.08.039 Animal clinic/hospital.
- 18.08.041 Animal/livestock commercial auctions.
- 18.08.043 Animal shelter.
- 18.08.044 Antenna.
- 18.08.045 Appeal.
- 18.08.047 Applicant.
- 18.08.049 Application, complete.
- 18.08.050 Approach surfaces.
- 18.08.050.1 Assisted living facility.

18.08.051 Attached.

18.08.053 Automobile.

18.08.055 Automobile, trailer, or manufactured/mobile home sales.

18.08.057 Automobile wrecking.

18.08.058 Auto repair, minor.

18.08.059 Basement.

18.08.061 Bed and breakfast.

18.08.063 Beverage industries.

18.08.065 Blacksmith or horseshoeing shop.

18.08.067 Boarding home.

18.08.069 Board.

18.08.071 Boarding house, lodging house, or rooming house.

18.08.073 Book, stationery, office supplies.

18.08.074 Broadcast facility.

18.08.075 Buffer.

18.08.077 Buildable lot.

18.08.079 Building.

18.08.081 Building area.

18.08.083 Building code.

18.08.085 Building coverage.

18.08.087 Building height.

18.08.089 Building line.

18.08.091 Building inspector.

18.08.092 Building restriction zone (BRZ).

18.08.093 Bus passenger terminals.

18.08.095 Butcher shop.

18.08.097 Campground.

18.08.098 Camping.

18.08.099 Car wash.

18.08.101 Change of use.

18.08.103 Child day care home, family.

18.08.105 Child day care center.

18.08.107 Church.

18.08.109 City attorney.

18.08.111 City council.

- 18.08.113 Clinic, medical.
- 18.08.114 Collective garden.
- 18.08.115 Commercial parking lots.
- 18.08.117 Commercial recreation.
- 18.08.119 Commission.
- 18.08.125 Community center, meeting hall, fraternal lodge.
- 18.08.127 Compatibility.
- 18.08.129 Comprehensive plan.
- 18.08.131 Condition(s) of approval.
- 18.08.133 Condominium.
- 18.08.135 Condominium, time share/fractional ownership.
- 18.08.137 Congregate care or assisted living facility.
- 18.08.138 Conical surface.
- 18.08.141 Convalescent or nursing home.
- 18.08.143 Cooperative.
- 18.08.145 County.
- 18.08.147 Cul-de-sac.
- 18.08.149 Day.
- 18.08.151 Day, working.
- 18.08.153 Dedication.
- 18.08.155 Delicatessen specialty food stores.
- 18.08.157 Density.
- 18.08.159 Development standards.
- 18.08.161 Development permit.
- 18.08.163 Division of land.
- 18.08.165 Domestic farm animal.
- 18.08.167 Driveway.
- 18.08.169 Drugstore.
- 18.08.171 Dwelling, multi-unit.
- 18.08.173 Dwelling, single-unit.
- 18.08.175 Dwelling, two-unit.
- 18.08.177 Dwelling unit.
- 18.08.178 Dwelling unit, accessory.
- 18.08.179 Earthen material.
- 18.08.181 Easement.

18.08.183 Environmental review.

18.08.184 Essential public facilities.

18.08.185 Family day care home.

18.08.187 Fast food restaurant, drive-in.

18.08.189 Family.

18.08.190 Federal Aviation Administration (FAA).

18.08.190.1 Fence, sight-obscuring.

18.08.191 Fencing or fence.

18.08.193 Finding.

18.08.195 Floodplain.

18.08.197 Floor area.

18.08.199 Glare.

18.08.201 Golf course.

18.08.203 Grade.

18.08.205 Gross area.

18.08.207 Gross floor area.

18.08.209 Groundwater.

18.08.211 Group home.

18.08.213 Greenway.

18.08.215 Habitat.

18.08.217 Halfway house.

18.08.219 Hazardous substance.

18.08.221 Hazardous waste.

18.08.223 Hazardous waste, generator.

18.08.225 Hazardous waste, processing or handling.

18.08.227 Hazardous waste, storage of.

18.08.229 Hazardous waste, treatment of.

18.08.231 Hazardous waste, treatment and storage facility.

18.08.232 Height.

18.08.233 Helipad.

18.08.235 Heliport.

18.08.237 Historic preservation.

18.08.239 Home business or home occupation.

18.08.241 Homeowners association.

18.08.242 Horizontal surface.

18.08.243 Hospital.

18.08.245 Hotel.

18.08.247 Housing for people with functional disabilities.

18.08.249 Hydrology.

18.08.251 Impervious surface.

18.08.253 Junkyard.

18.08.255 Kennel.

18.08.257 Land.

18.08.259 Land use.

18.08.260 Land use hearing examiner or hearing examiner.

18.08.261 Landmark.

18.08.263 Landscaping.

18.08.265 Legislative body.

18.08.267 Loading space, off-street.

18.08.269 Lot.

18.08.271 Lot area.

18.08.273 Lot, corner.

18.08.277 Lot depth.

18.08.279 Lot line.

18.08.281 Lot line, front.

18.08.283 Lot line, rear.

18.08.285 Lot line, side.

18.08.287 Lot, through.

18.08.289 Lot of record.

18.08.291 Lot width.

18.08.293 Manufactured home.

18.08.295 Map, contour.

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18.08.297 Mini-mart.

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18.08.301 Mining.

18.08.303 Mixed use development.

18.08.305 Mobile home.

18.08.307 Mobile home park.

- 18.08.309 Mobile home park expansion.
- 18.08.310 Mobile vendor.
- 18.08.311 Modification.
- 18.08.313 Modular/factory built home.
- 18.08.315 Motel.
- 18.08.316 Multifamily use or multifamily dwelling.
- 18.08.317 Multiple occupancy building.
- 18.08.319 Museum, art galleries.
- 18.08.321 Museums, nonprofit historical.
- 18.08.321.1 Nanobrewery.
- 18.08.322 Neighborhood.
- 18.08.322.1 Nightly rental.
- 18.08.323 Nonconforming lot.
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- 18.08.327 Nonconforming use.
- 18.08.328 Notification surface.
- 18.08.329 Nuisance.
- 18.08.331 Nursery.
- 18.08.331.1 Nursing home.
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- 18.08.333 Occupancy.
- 18.08.334 Object free zone (OFZ).
- 18.08.335 Offices.
- 18.08.336 Obstruction.
- 18.08.337 Off-site.
- 18.08.339 Off-street parking.
- 18.08.341 On-site.
- 18.08.343 Open space.
- 18.08.345 Outdoor mobile vendor.
- 18.08.347 Overnight rentals/single-unit tourist accommodations.
- 18.08.349 Pad.
- 18.08.351 Parent parcel.
- 18.08.353 Park.
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18.08.359	Parking facility.
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18.08.363	Park trailer.
18.08.365	Party of record.
18.08.367	Path or trail.
18.08.369	People with functional disabilities.
18.08.371	Permit.
18.08.372	Picobrewery.
18.08.373	Planned development.
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18.08.381	Preschool.
18.08.383	Property owners.
18.08.385	Public hearing or open record public hearing.
18.08.387	Public utility installation.
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18.08.401	Recreational vehicle (RV).
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18.08.417	Retirement home.
18.08.419	Reviewing official.
18.08.421	Rezone.
18.08.423	Right-of-way, public.
18.08.425	Road, public.

18.08.427	Road, principal arterial.
18.08.429	Road, collector.
18.08.430	Runway.
18.08.431	Road, local access.
18.08.432	Runway protection zone (RPZ).
18.08.433	Road, private.
18.08.434	Runway threshold.
18.08.435	School.
18.08.437	School, vocational or trade.
18.08.439	Screening.
18.08.441	Service drive.
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18.08.445	Setback, front.
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18.08.449	Sign.
18.08.451	Site improvement.
18.08.453	Site improvement, required.
18.08.455	Site plan, detailed.
18.08.457	Solid waste.
18.08.459	Semi-nude.
18.08.461	Specific anatomical areas.
18.08.463	Specified sexual activities.
18.08.465	Stock-in-trade.
18.08.466	Storage container.
18.08.467	Storage facilities, bulk.
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18.08.471	Story.
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18.08.475	Street.
18.08.477	Structural alteration.
18.08.478	Structure.
18.08.479	Structure, temporary.
18.08.481	Supported living arrangement.
18.08.483	Tavern.
18.08.484	Taxiway.

- 18.08.484.1 Temporary market.
- 18.08.485 Tourist accommodations.
- 18.08.487 Townhouse.
- 18.08.489 Trail, mixed-use.
- 18.08.491 Transfer of ownership or control.
- 18.08.492 Transitional surfaces.
- 18.08.493 Travel trailer.
- 18.08.494 Tree.
- 18.08.495 Use.
- 18.08.497 Use district.
- 18.08.498 Use, multifamily.
- 18.08.499 Use, principal.
- 18.08.501 Utilities.
- 18.08.503 Utility services.
- 18.08.505 Variance.
- 18.08.507 Vision area, clear.
- 18.08.509 Warehouse.
- 18.08.511 Waste material processing and junk handling.
- 18.08.513 Water system.
- 18.08.515 Wholesale trade.
- 18.08.517 Yard.
- 18.08.519 Yard, front.
- 18.08.521 Yard, rear.
- 18.08.523 Yard, side.
- 18.08.525 Youth residential facility.

*Prior ordinance history: Ord. 1286.

18.08.001 Access corridor/driveway.

“Access corridor/driveway” means a private way (road or easement) providing primary access from a public right-of-way to a lot, parcel, tract of land or parking facility on abutting property. Such corridors/driveways shall meet applicable requirements of Chapter [17.32](#) regarding access corridors. (Ord. 1344 § 1 (part), 1997).

18.08.003 Accessory structure or use.

“Accessory structure or use” means a subordinate use, structure, building or portion of a building located on the same parcel of land as the main use or building to which it is accessory. For purposes of this definition, accessory building excludes accessory dwelling units. Accessory buildings, excluding accessory dwelling units, shall contain no habitable dwelling space, nor shall they exceed fifteen feet in height, unless otherwise specifically provided by other provisions of this title. For the purposes of defining accessory buildings, “habitable space” is a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, sink, shower, or utility spaces and similar areas are not considered habitable spaces. In addition, and for the purposes of accessory buildings, “living” spaces

are typically living rooms, hobby rooms, sewing rooms, play rooms, computer rooms, craft rooms, etc. (Ord. 1877 § 2, 2019).

18.08.005 Administrator.

“Administrator” means the Omak city building official/planner or other person designated by the mayor and approved by the council. (Ord. 1344 § 1 (part), 1997).

18.08.007 Adult cabaret.

“Adult cabaret” means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by including specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (Ord. 1344 § 1 (part), 1997).

18.08.009 Adult family home.

“Adult family home” means a residential home of a person or persons who are providing personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services (RCW [70.128.010](#)). (Ord. 1591 § 1.00, 2007; Ord. 1344 § 1 (part), 1997).

18.08.011 Adult hotel/motel.

“Adult hotel/motel” is a hotel, motel, or similar commercial establishment:

- (1) Which offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and
- (2) Which offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- (3) Which allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. (Ord. 1344 § 1 (part), 1997).

18.08.013 Adult motion picture theater.

“Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction of specified sexual activities, or specified anatomical areas. (Ord. 1344 § 1 (part), 1997).

18.08.015 Adult panorama theater or arcade.

“Adult panorama theater or arcade” means a place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show images to one person per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas. (Ord. 1344 § 1 (part), 1997).

18.08.016 Adult residential facility.

“Adult residential facility” means a full-time or temporary residential use providing supervised housing for a group of persons over eighteen years of age; and where required is licensed by the state to provide such services to adult persons; and provides supportive services. Supportive services include meal service, cleaning service, health services, counseling, vocational training, or similar. This facility may include facilities which persons are assigned to

pursuant to a criminal conviction or those where residents, individually or by their legal guardian, are not free to terminate their residency at will. (Ord. 1930 § 1 (Exh. A), 2023).

18.08.017 Adult retail establishment.

“Adult retail establishment” means any premises in which ten percent of the “stock in trade” (as defined herein) consists of merchandise distinguished or characterized by the depiction of, description, simulation, or relation to “specified sexual activities” or “specified anatomical areas.” The term “merchandise,” as used above, includes but is not limited to the following: books, magazines, posters, cards, pictures, periodicals, or other printed matter; prerecorded video tapes, discs, film, or other such medium, instruments, devices, equipment, paraphernalia or other such products. (Ord. 1344 § 1 (part), 1997).

18.08.019 Adult theater.

“Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by the depiction of specified sexual activities, or specified anatomical areas. (Ord. 1344 § 1 (part), 1997).

18.08.021 Advertising devices.

“Advertising devices” means any board, fence, vehicle, structure or other object whose primary purpose is that of advertising. These include, but are not limited to, signs, billboards, lights, balloons, flags, and audible messages (except for signs identifying the occupant or premises in residential district). See also: Section [18.16.110](#), Signs. (Ord. 1344 § 1 (part), 1997).

18.08.023 Agriculture.

“Agriculture” means the tilling of the soil, the raising of crops, horticulture, gardening, keeping or raising of domestic farm animals for commercial purposes, and any agricultural industry or business such as dairies, nurseries, greenhouses, or similar uses. (Ord. 1344 § 1 (part), 1997).

18.08.025 Agriculture building, Commercial.

“Agriculture building, Commercial” means a structure designed and constructed to store farm implements or hay, grain, domestic farm animals, fruit, and other agricultural products for commercial operations. The structure shall not be used for human habitation. (Ord. 1344 § 1 (part), 1997).

18.08.027 Agricultural market.

“Agricultural market” means a use primarily engaged in the retail sale of fresh agricultural products, grown either on- or off-site, but may include as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products and some limited nonfood items. This definition does include the sale of livestock (i.e., livestock market). (Ord. 1344 § 1 (part), 1997).

18.08.029 Agriculture-related industry.

“Agriculture-related industry” means specifically:

- (1) “Packaging plants” may include but are not limited to the following activities: washing, sorting, milling, crating, canning, freezing and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. Does not include processing activities, or slaughter houses, animal reduction yards, and tallow works.
- (2) “Processing plants” may include but are not limited to those activities which involve the pasteurization, fermentation or other substantial chemical and physical alteration of the agricultural product. Does not include slaughter houses or rendering plants (footnote in use chart).
- (3) “Storage facilities” may include those activities which involve the warehousing (dry, cold and/or wet) of processed and/or packaged agricultural products. (Ord. 1344 § 1 (part), 1997).

18.08.030 Airport.

“Airport” means the Omak Municipal Airport. (Ord. 1358 § 1(C), 1997).

18.08.031 Airport elevation.

“Airport elevation” means one thousand three hundred one feet above mean sea level. This elevation is used as the primary datum for measuring allowable height limitations for obstructions. (Ord. 1358 § 1(D), 1997).

18.08.032 Airport hazard.

“Airport hazard” means any structure, tree, mobile object or large animal, or congregation of birds moving through or located at the airport or its vicinity, or use of land that obstructs the air space required for the flight of aircraft landing or taking off, or is otherwise hazardous to such landing or taking off of aircraft. (Ord. 1358 § 1(E), 1997).

18.08.033 Airport manager.

“Airport manager” means that person empowered by the city of Omak to oversee the operations of the airport and to assure that such use is conducted in a manner that will protect public safety and promote the public interest. (Ord. 1358 § 1(F), 1997).

18.08.034 Airport zoning commission.

“Airport zoning commission” means the city of Omak zoning commission as described in RCW [14.12.020](#)(2). (Ord. 1358 § 1(G), 1997).

18.08.035 Alley.

“Alley” means a narrow street, dedicated to public use as a secondary means of access, used primarily for vehicular access or utility installation to the rear or side of properties otherwise abutting on another street. (Ord. 1344 § 1 (part), 1997).

18.08.036 Amateur radio tower and antenna.

“Amateur radio tower and antenna” means an antenna and tower that transmits noncommercial communication signals and is licensed as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio towers are considered part of the structure for the purposes of meeting development standards. (Ord. 1667 § 1(A), 2010).

18.08.037 Amendment.

“Amendment” means a change in the wording, content, or substance of this title, or change in the district boundaries on the official zoning map. (Ord. 1344 § 1 (part), 1997).

18.08.039 Animal clinic/hospital.

“Animal (veterinary) clinic/hospital” means a facility used for veterinary care of sick or injured animals primarily within the confines of the principal structures. The boarding of animals is limited to short-term care, and is accessory to the principal use. This definition does not include kennels. (Ord. 1344 § 1 (part), 1997).

18.08.041 Animal/livestock commercial auctions.

“Animal/livestock commercial auctions” means public auctions for animals or livestock conducted as a commercial enterprise, including accessory uses such as barns and stables therefor. (Ord. 1344 § 1 (part), 1997).

18.08.043 Animal shelter.

“Animal shelter” means a building or structure (including external fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild. (Ord. 1344 § 1 (part), 1997).

18.08.044 Antenna.

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

(1) “Omni-directional antenna” (also known as a “whip antenna”) means an antenna that transmits and receives radio frequency signals in a three-hundred-sixty-degree radial pattern. For the purpose of this chapter, an omni-directional antenna is up to fifteen feet in height and up to four inches in diameter.

(2) “Directional antenna” (also known as a “panel antenna”) means an antenna that transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty degrees.

(3) “Parabolic antenna” (also known as a “dish antenna”) means a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern. (Ord. 1667 § 1(B), 2010).

18.08.045 Appeal.

“Appeal” means a request by application for review of a decision, determination, order or interpretation, by the administrator or city council of any provision of this title. (Ord. 1344 § 1 (part), 1997).

18.08.047 Applicant.

“Applicant” means a person submitting an application for any permit or approval required by this title and who is the owner of the subject property or the authorized agent of the owner. (Ord. 1344 § 1 (part), 1997).

18.08.049 Application, complete.

“Complete application” means the application form, together with all the accompanying documents and exhibits required by this title or the responsible official, and all appropriate fees having been reviewed and accepted as complete by the appropriate responsible official or his/her design (including SEPA checklist and fee therefor if required). (Ord. 1344 § 1 (part), 1997).

18.08.050 Approach surfaces.

“Approach surfaces” means surfaces longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface at a slope of 34:1 (thirty-four feet horizontally for each foot upward). The width of this surface is five hundred feet at the primary surface and three thousand five hundred feet at the outer edge. (Ord. 1358 § 1(H), 1997).

18.08.050.1 Assisted living facility.

“Assisted living facility” means a type of licensed boarding home operating in accordance with an assisted living services contract with the Department of Social and Health Services, offering a package of services including personal care and limited nursing. Such facilities may include housing for the resident in a private apartment-like unit. (Ord. 1667 § 1(C), 2010).

18.08.051 Attached.

“Attached” means, in the case of dwellings, two or more dwellings connected by a common vertical wall(s), or other common construction, or in the case of multi-story buildings by common ceiling/floor(s). (Ord. 1344 § 1 (part), 1997).

18.08.053 Automobile.

“Automobile (car)” means land-based motor vehicles, including but not inclusive to cars, small trucks, and vans. (Ord. 1344 § 1 (part), 1997).

18.08.055 Automobile, trailer, or manufactured/mobile home sales.

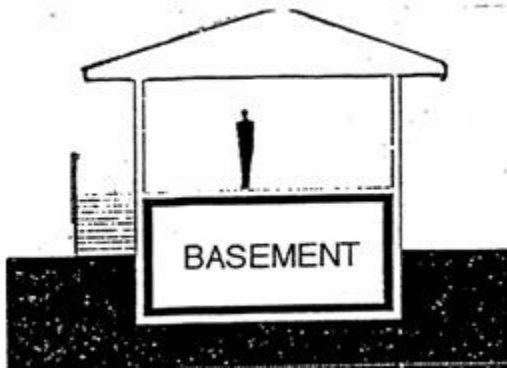
“Automobile, trailer, or manufactured/mobile home sales” means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers, and campers and/or motor homes. (Ord. 1344 § 1 (part), 1997).

18.08.057 Automobile wrecking.

“Automobile wrecking” means the dismantling or wrecking of motor vehicles or trailers, or storage, sale, sorting, cleaning, crushing or baling or disposal of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. (Ord. 1344 § 1 (part), 1997).

18.08.058 Auto repair, minor.

“Minor auto repair” means those services, electrical and mechanical, necessary to maintain family-type vehicles (i.e., recreational vehicles, cars, pickups) in an operating condition. This shall not include work on farm equipment. (Ord. 1344 § 1 (part), 1997).

18.08.059 Basement.

“Basement” means that portion of a building located below the principal floor, often below ground level. (Ord. 1344 § 1 (part), 1997).

18.08.061 Bed and breakfast.

“Bed and breakfast” means an owner occupied single unit dwelling in which not more than four bedrooms for not more than ten guests total are rented for money or other valuable consideration to the traveling public. Only one meal, breakfast, may be served at a bed and breakfast. (Ord. 1344 § 1 (part), 1997).

18.08.063 Beverage industries.

“Beverage industries” means the production, processing, and/or packaging of soft drinks, beer, wine, fruit juices and other drinks. (Ord. 1344 § 1 (part), 1997).

18.08.065 Blacksmith or horseshoeing shop.

“Blacksmith or horseshoeing shop” means a shop or business offering the service of iron forging, horseshoe making, and the sale of the products of such service or skill. (Ord. 1344 § 1 (part), 1997).

18.08.067 Boarding home.

“Boarding home” (see also “congregate care”) means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter, to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home.

“Boarding home” does not include facilities certified as group training homes pursuant to RCW [71A.22.040](#), nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development.

“Boarding home” may also include persons associated with the boarding home to carry out its duties under this chapter. (Chapter [18.20](#) RCW; WAC [388-78A-020](#)). (Ord. 1591 § 2.00, 2007: Ord. 1344 § 1 (part), 1997).

18.08.069 Board.

“Board” previously was a reference to the board of adjustment and now shall mean the land use hearing examiner or hearing examiner identified in Title 2 of this code. (Ord. 1562 § 4 (part), 2006: Ord. 1344 § 1 (part), 1997).

18.08.071 Boarding house, lodging house, or rooming house.

“Boarding house, lodging house, or rooming house” means a residential-type building, or portion thereof, other than a hotel or motel, where for compensation lodging, with or without meals, is provided for no more than ten persons on a permanent or semipermanent basis. Members of the owner-occupant or tenant-occupant family are excluded from the conditions above. (Ord. 1344 § 1 (part), 1997).

18.08.073 Book, stationery, office supplies.

“Book, stationery, office supplies” means a shop or business offering for retail sale, books, magazines, stationery, office and related paper or literary items or supplies. Uses that would otherwise meet the definition of “adult retail establishment” shall not be interpreted to be “book, stationery, office supplies.” (Ord. 1344 § 1 (part), 1997).

18.08.074 Broadcast facility.

“Broadcast facility” means an establishment engaged in transmitting oral and/or visual programs, and which consists of a studio, transmitter, and antennas. (Ord. 1667 § 1(D), 2010).

18.08.075 Buffer.

“Buffer” means a strip of land established to protect one type of land use from another with which it is incompatible. (Ord. 1344 § 1 (part), 1997).

18.08.077 Buildable lot.

“Buildable lot” means a lot upon which the city of Omak will issue a building permit in accordance with zoning and other applicable regulations. (Ord. 1344 § 1 (part), 1997).

18.08.079 Building.

“Building (structure)” means that which is built or constructed, to include but not limited to human or animal occupancy storage or use requiring assembly (excluding fences six feet and less in height) per the Uniform Building Code. (Ord. 1344 § 1 (part), 1997).

18.08.081 Building area.

“Building area” means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and building coverage regulations. (Ord. 1344 § 1 (part), 1997).

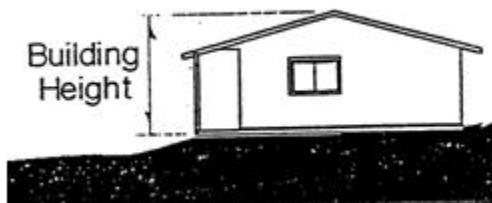
18.08.083 Building code.

“Building code” means the International Building Code and related codes as amended and adopted by the city of Omak. (Ord. 1667 § 2, 2010: Ord. 1344 § 1 (part), 1997).

18.08.085 Building coverage.

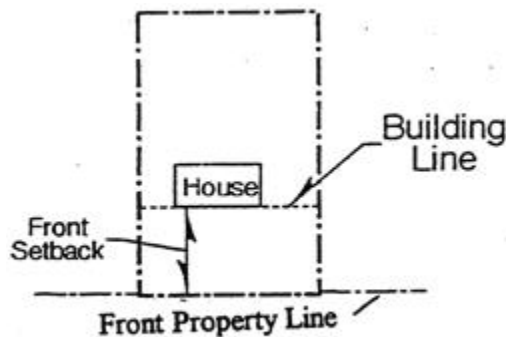
“Building coverage” means that portion of a lot covered by structures and impervious surfaces expressed as a percentage of the total lot area. (Ord. 1667 § 4, 2010: Ord. 1344 § 1 (part), 1997).

18.08.087 Building height.



“Building height” means the vertical distance measured from grade (Section [18.08.203](#)) to the highest point of the building. (Ord. 1344 § 1 (part), 1997).

18.08.089 Building line.



“Building line” means the line established by the title to govern the placement of a building with respect to the front lot line through the setback requirements of a minimum front yard; a building line is ordinarily parallel to the front lot line at a distance in accordance with the setback requirement. For front lots contained in an official subdivision plat recorded before the effective date of this title, the building line may be taken as shown on the plat. (Ord. 1344 § 1 (part), 1997).

18.08.091 Building inspector.

“Building inspector” means that person or persons designated by the mayor and approved by the city council to enforce the provisions of the building code and related codes, and administer the assigned provisions of this title. For the purposes of this title, building inspector means building and enforcement official. (Ord. 1344 § 1 (part), 1997).

18.08.092 Building restriction zone (BRZ).

“Building restriction zone (BRZ)” means an area bounded by the outer lines of the runway protection zones (RPZs) and two lines running parallel to, and on the either side of, the runway centerline at a distance of seven hundred forty-five feet therefrom. (Ord. 1358 § 1(I), 1997).

18.08.093 Bus passenger terminals.

“Bus passenger terminals” means a building or structure where ticket sales and accessory uses such as snack bars or small restaurants are permitted (excluding maintenance or repair facilities). (Ord. 1344 § 1 (part), 1997).

18.08.095 Butcher shop.

“Butcher shop” means a custom retail meat curing operation. This definition does not include slaughtering but does include other accessory uses such as frozen food lockers when operated in conjunction with a retail meat cutting business. (Ord. 1344 § 1 (part), 1997).

18.08.097 Campground.

“Campground (RV park)” means a development providing overnight facilities for outdoor recreational activities, including structural improvements which may include covered cooking areas, group facilities, self-contained travel trailer/motor home sites, tent sites, recreation facilities, restroom and shower facilities, and laundry facilities for the convenience of temporary occupants. This definition includes camping clubs when developed in accordance with applicable state laws and this title. (Ord. 1344 § 1 (part), 1997).

18.08.098 Camping.

“Camping” means staying in a tent or sleeping on the ground or RV without sanitary facilities on publicly-owned land and/or right-of-way, or on private property, for a period of greater than seven (7) days outside of an approved

campground as defined in 18.08.097 OMC or on property. Occupancy of RV's must comply with the provisions of Section 18.16.118. OMC.

18.08.099 Car wash.

"Car wash" means any structure requiring the installation of special equipment and plumbing, which is used or intended to be used primarily for the washing of motor vehicles. (Ord. 1344 § 1 (part), 1997).

18.08.101 Change of use.

"Change of use" means a change from one use listed in Chart 1.0, District Use Chart in Section [18.11.050](#) to another use listed or unlisted in that chart. (Ord. 1344 § 1 (part), 1997).

18.08.103 Child care home, family.

"Family ~~day care~~ home ~~child care~~" means a facility licensed to provide direct care, supervision and early learning opportunities for twelve or fewer children, in the home of the licensee where the licensee resides and is the primary provider.
~~means a facility licensed to provide direct care, supervision and early learning opportunities for twelve or fewer children, in the home of the licensee where the licensee resides and is the primary provider.~~

18.08.104 Child day care home provider.

"Family ~~day care~~ home ~~child care~~ provider" means a person who provides direct care, supervision, behavior management, and early learning opportunities for twelve or fewer children in their family home living quarters for periods of less than twenty-four hours (WAC [170-296-0020](#) and [388-296-0020](#)). (Ord. 1591 § 3.00, 2007; Ord. 1344 § 1 (part), 1997).

18.08.104.1 Child day care, mini.

"Mini day-care center" means a day-care facility for the care of 12 or fewer children in a place other than the family abode of the person or persons under whose direct care and supervision the children are placed, or the care of more than six but fewer than 13 children in the family abode of such person or persons.

18.08.105 Child day care center.

"Child day care center" means an agency which provides child day care outside the abode of the licensee or for thirteen or more children in the abode of the licensee. Such facilities are licensed by the department of social and health services under Chapter [74.15](#) RCW and Chapter [388-150](#) WAC (WAC [212-12-005](#)). (Ord. 1591 § 4.00, 2007; Ord. 1344 § 1 (part), 1997).

18.08.107 Church.

"Church" means a structure, or group of structures, which by design and construction are primarily used for religious services and/or instruction. (Ord. 1344 § 1 (part), 1997).

18.08.109 City attorney.

"City attorney" is the attorney appointed by the mayor to serve as the city's official legal counsel. (Ord. 1344 § 1 (part), 1997).

18.08.111 City council.

"City council" is the legislative authority of the city of Omak as defined in Chapter [35.23](#) RCW as it now exists or is hereafter amended. (Ord. 1344 § 1 (part), 1997).

18.08.113 Clinic, medical.

"Medical clinic" means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises. (Ord. 1344 § 1 (part), 1997).

18.08.114 Collective garden.

“Collective garden” means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical uses such as, for example, a location for a collective garden; equipment, supplies and labor necessary to plant, grow and harvest cannabis plants, seeds and cuttings; and equipment, supplies and labor necessary for proper construction, plumbing, wiring and ventilation of a garden of cannabis plants (RCW [69.51A.085](#)(2)). (Ord. 1756 § 1 (part), 2013).

18.08.115 Commercial parking lots.

“Commercial parking lots” means a lot, yard or structure for the fee parking of automobiles by the public, operated as a commercial business and not by the city. (Ord. 1344 § 1 (part), 1997).

18.08.117 Commercial recreation.

“Commercial recreation” means land and/or buildings which are used for recreation activities by the general public which normally operates for monetary gain. (Ord. 1344 § 1 (part), 1997).

18.08.119 Commission.

“Commission” means the planning commission of the city of Omak as identified in Title [2](#) of this code. (Ord. 1344 § 1 (part), 1997).

18.08.125 Community center, meeting hall, fraternal lodge.

“Community center, meeting hall, fraternal lodge” means structures for civil, public and club meetings or gatherings, with or without accessory kitchens and dining facilities not operated as regular commercial enterprises. (Ord. 1344 § 1 (part), 1997).

18.08.127 Compatibility.

“Compatibility” means the congruent arrangement of land uses and/or project elements to avoid, mitigate, or minimize (to the greatest extent reasonable) conflicts. (Ord. 1344 § 1 (part), 1997).

18.08.129 Comprehensive plan.

“Comprehensive plan” means the current comprehensive plan of the city of Omak, adopted by the city council pursuant to state law. (Ord. 1344 § 1 (part), 1997).

18.08.131 Condition(s) of approval.

“Condition(s) of approval” means restrictions or requirements, imposed by a reviewing official or body pursuant to authority granted by this title. (Ord. 1344 § 1 (part), 1997).

18.08.133 Condominium.

“Condominium” means a multi-unit dwelling in which the individual dwelling units are owned by the occupant or renter. (Ord. 1344 § 1 (part), 1997).

18.08.135 Condominium, time share/fractional ownership.

“Time share condominium/fractional ownership” means a multi-unit dwelling in which the individual dwelling units are owned or intended to be owned by several or more owners, with each owner having right to said dwelling unit for a specific period(s) of time during each calendar year. (Ord. 1344 § 1 (part), 1997).

18.08.137 Congregate care or assisted living facility.

“Congregate care facility or assisted living facility” means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the Department of Social and Health Services (WAC [365-120-030](#)). (Ord. 1591 § 5.00, 2007; Ord. 1344 § 1 (part), 1997).

18.08.138 Conical surface.

“Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 (twenty feet outward for each foot upward) for a horizontal distance of four thousand feet. (Ord. 1358 § 1(J), 1997).

18.08.141 Convalescent or nursing home.

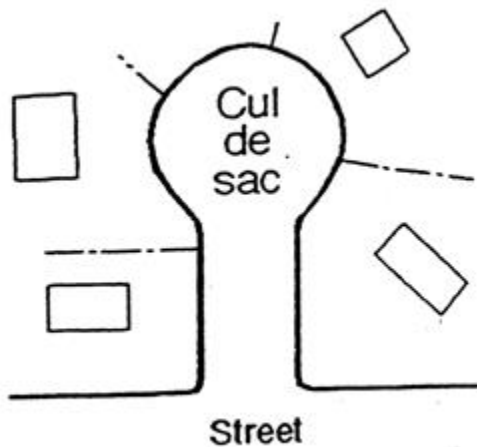
"Convalescent or nursing home" means an establishment providing nursing, dietary and other personal services to convalescents, invalids, developmentally disabled, or aged persons, but not cases with contagious or communicable diseases which are customarily treated in sanitariums and hospitals. (Ord. 1344 § 1 (part), 1997).

18.08.143 Cooperative.

"Cooperative" means an enterprise or organization owned by and operated for the benefit of those using its services. (Ord. 1344 § 1 (part), 1997).

18.08.145 County.

"County" means Okanogan County, Washington. (Ord. 1344 § 1 (part), 1997).

18.08.147 Cul-de-sac.

"Cul-de-sac" means a short street having one end open to traffic and being permanently terminated by a vehicle turn-around by either a circular or hammerhead form. Note: a temporary cul-de-sac may be similar in appearance but have a tract of land through which the roadway may eventually be extended. (Ord. 1344 § 1 (part), 1997).

18.08.149 Day.

"Day" means calendar day unless specified as a working day. (Ord. 1344 § 1 (part), 1997).

18.08.151 Day, working.

"Working day" means all normal business days and hours that the city hall of the city of Omak would normally be open for business excluding recognized holidays. (Ord. 1344 § 1 (part), 1997).

18.08.153 Dedication.

"Dedication" means to convey ownership of property, or a specific property right, via a written instrument, to a public agency/entity for a specific use or purpose, e.g., roads, parks or trails; or to set aside, designate or reserve an area for a specific use or purpose. (Ord. 1344 § 1 (part), 1997).

18.08.155 Delicatessen specialty food stores.

"Delicatessen specialty food stores" means retail food stores selling ready to eat food products such as cooked meats, prepared salads or other specialty food items which may be prepared on the premises. This definition includes seafood, health food and other specialty food items. (Ord. 1344 § 1 (part), 1997).

18.08.157 Density.

"Density" means the permissible number of dwelling units per acre. (Ord. 1344 § 1 (part), 1997).

18.08.159 Development standards.

“Development standards” mean those design standards outlined in this title, the Omak subdivision ordinance, the Omak shoreline master program and any other ordinances contained in the Omak Municipal Code. (Ord. 1344 § 1 (part), 1997).

18.08.161 Development permit.

“Development permit” means written authorization for development or modification of development as defined in this title. (Ord. 1344 § 1 (part), 1997).

18.08.163 Division of land.

“Division of land” means any transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size or legal description of any part of an owner’s parent parcel. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner’s land shall not constitute a division of land. (Ord. 1344 § 1 (part), 1997).

18.08.165 Domestic farm animal.

“Domestic farm animal” means animals domesticated by humans to live in a tame condition or fenced yard. This definition includes, but is not limited to, dairy cows, beef cattle, horses, ponies, mules, llamas, goats, sheep, rabbits, poultry, and swine. (Ord. 1344 § 1 (part), 1997).

18.08.167 Driveway.

“Driveway” means the legal method of ingress and egress (access) to a lot, parcel or tract of land for vehicular traffic. For the purpose of this title, this definition also includes the required traveled way to or through a parking lot or facility and that area located between one or two rows of designated parking stalls. (Ord. 1344 § 1 (part), 1997).

18.08.169 Drugstore.

“Drugstore” means a structure where the primary business is the filling of medical prescriptions and the retail sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products are sold as well. (Ord. 1344 § 1 (part), 1997).

18.08.171 Dwelling, multi-unit.

“Multi-unit dwelling” means a building containing three or more independent dwelling units. (Ord. 1344 § 1 (part), 1997).

18.08.173 Dwelling, single-unit.

“Single-unit dwelling” means a detached building containing one dwelling unit. Single-unit dwellings are further classified by their nature of construction as follows:

- (1) Site built: a dwelling primarily constructed on the site to be occupied by the structure and which is permanently affixed to the ground by footings and foundation;
- (2) Modular home: see “modular home”;
- (3) Manufactured home: see “manufactured home.” (Ord. 1344 § 1 (part), 1997).

18.08.175 Dwelling, two-unit.

“Two-unit dwelling” (also duplex) means two independent dwelling units connected by a common vertical wall or, in the case of multi-story building, by common ceiling and floor; all in a single structure. (Ord. 1344 § 1 (part), 1997).

18.08.177 Dwelling unit.

“Dwelling unit” means an independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities; hotel, motel, room and

boarding units which are used primarily for transient tenancy shall not be considered as dwelling units. (Ord. 1344 § 1 (part), 1997).

18.08.178 Dwelling unit, accessory.

“Dwelling unit, accessory” means a small separate living unit accompanying the residence or business, or dwelling permitted on a lot of minimum size or larger for the purpose of housing guests, friends, and relatives and having its own living area, kitchen and toilet and bathing facilities. The total floor area of such a unit shall not exceed fifty percent of the total area of the main residence or dwelling and shall be in the second story or above in a commercial structure. Neither the primary residence nor accessory use shall be a recreational vehicle. (Ord. 1877 § 1(1), 2019).

18.08.179 Earthen material.

“Earthen material” means sand, gravel, rock, aggregate and/or soil. (Ord. 1344 § 1 (part), 1997).

18.08.181 Easement.

“Easement” means a grant by a property owner to specific persons, entity, corporation or to the public to use a designated portion of land for a specific purpose or purposes. Easements are only partial grants of authority over the subject property, the exact relationship of the easement right to the landowner’s right is normally explained by the terms of the easement. (Ord. 1344 § 1 (part), 1997).

18.08.183 Environmental review.

“Environmental review” means the procedures and requirements established by the State Environmental Policy Act Chapter 43.21C and the city of Omak SEPA Ordinance No. 942 as it now exists or is hereafter amended. (Ord. 1344 § 1 (part), 1997).

18.08.184 Essential public facilities.

“Essential public facilities” means and includes those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW [47.06.140](#), state and local correctional facilities, solid waste handling facilities, and in-patient facilities, including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW [71.09.020](#). (Ord. 1877 § 1(2), 2019). Such facilities also include emergency services operations including, public safety buildings (fire and law enforcement), wildland fire bases and EMS operations.

18.08.185 Family day care home.

“Family child care home” means a licensed facility to provide direct care, supervision, behavior management, and early learning opportunities for twelve or fewer children, in the home of the licensee where the licensee resides and is the primary provider, within a birth through eleven years of age range exclusively, for periods less than twenty-four hours, as defined in WAC [388-155-010](#) and [388-296-0200](#) as existing or hereafter amended. (Ord. 1591 § 6.00, 2007; Ord. 1344 § 1 (part), 1997).

18.08.187 Fast food restaurant, drive-in.

“Drive-in fast food restaurant” means an establishment providing food service where items are ordered and picked up at a drive in window or a central service area. (Ord. 1344 § 1 (part), 1997).

18.08.189 Family.

“Family” means an individual or two or more persons related by blood, marriage, registered domestic partnership, adoption or legal guardianship, living together in a dwelling unit; or a group of not more than five unrelated persons living together in a dwelling unit. Persons with functional disabilities, as defined in this title, shall be considered the same as related individuals. (Ord. 1877 § 3, 2019).

18.08.190 Federal Aviation Administration (FAA).

“Federal Aviation Administration (FAA)” means the U.S. Department of Transportation, Federal Aviation Administration. (Ord. 1358 § 1(K), 1997).

18.08.190.1 Fence, sight-obscuring.

“Fence, sight-obscuring” means a fence constructed of solid wood, metal, concrete or other appropriate material that entirely conceals the subject use from adjoining uses. (Ord. 1667 § 1(E), 2010).

18.08.191 Fencing or fence.

“Fencing” or “fence” is an arrangement of wood, metal, wire, mesh, other materials, landscaping, or hedge running around, along, or by the side of any open area to prevent or restrict passage in and out or to create a visual buffer. Fencing shall comply with the height restrictions for front and side yards in Section [18.16.027](#). (Ord. 1344 § 1 (part), 1997).

18.08.193 Finding.

“Finding” is a conclusion of fact reached by the reviewing official, commission or council in a review process and based on the evidence available therein. (Ord. 1344 § 1 (part), 1997).

18.08.195 Floodplain.

“Floodplain” is synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon the city’s flood ordinance regulation maps. (Ord. 1344 § 1 (part), 1997).

18.08.197 Floor area.

“Floor area” is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and openings in the floor. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. (Ord. 1344 § 1 (part), 1997).

18.08.199 Glare.

“Glare” is direct or reflected harsh, bright light. (Ord. 1344 § 1 (part), 1997).

18.08.201 Golf course.

“Golf course” means a parcel or tract of land that is improved for the purpose of playing golf, e.g., greens, tees or fairways, shelters, clubhouse and maintenance buildings. (Ord. 1344 § 1 (part), 1997).

18.08.203 Grade.

“Grade” (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building (per International Building Code). (Ord. 1667 § 3, 2010; Ord. 1344 § 1 (part), 1997).

18.08.205 Gross area.

“Gross area” means the total area of a parcel or building. (Ord. 1344 § 1 (part), 1997).

18.08.207 Gross floor area.

“Gross floor area” means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure. (Ord. 1344 § 1 (part), 1997).

18.08.209 Groundwater.

“Groundwater” means the water beneath the earth’s surface between saturated soil and rock that supplies wells and springs. (Ord. 1344 § 1 (part), 1997).

18.08.211 Group home.

“Group home” means a place for dependent or pre-delinquent children which provides special care in a homelike environment. This definition does not include homes of this nature for three or fewer persons (excluding house parents and/or supervisors). (Ord. 1344 § 1 (part), 1997).

18.08.213 Greenway.

“Greenway” means a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, overlaid along a railroad right-of-way shared or converted to recreational use, a canal, a scenic road, the edge of urban areas, or other route. (Ord. 1344 § 1 (part), 1997).

18.08.215 Habitat.

“Habitat” means the sum of all environmental factors of a specific place necessary for the support or sustenance, on a permanent or temporary basis, of an organism, species, population or community. (Ord. 1344 § 1 (part), 1997).

18.08.217 Halfway house.

“Halfway house” means a home for juvenile delinquents and adult offenders leaving correctional and/or mental institutions; or leaving a rehabilitation center for alcohol and/or drug users; which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented but who do not need institutional care. (Ord. 1344 § 1 (part), 1997).

18.08.219 Hazardous substance.

“Hazardous household substances” means those substances identified by the department as hazardous household substances in the guidelines developed under RCW [70.105.220](#).

18.08.219.1 “Hazardous substances” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter (RCW [70.105.010](#)). (Ord. 1591 § 7.00, 2007: Ord. 1344 § 1 (part), 1997).

18.08.221 Hazardous waste.

“Hazardous waste” means and includes all dangerous materials, liquids, solids, or gases that are dangerous to human health and the environment, including substances composed of both radioactive and hazardous components. (Ord. 1344 § 1 (part), 1997).

18.08.223 Hazardous waste, generator.

“Hazardous waste, generator” means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulation, Chapter [173-303](#) WAC (WAC [173-303-040](#)). (Ord. 1344 § 1 (part), 1997).

18.08.225 Hazardous waste, processing or handling.

“Hazardous waste, processing or handling” means the use, storage, manufacture, production, or other land use activity involving hazardous substances, excluding individually packaged household consumer products or small quantities of hazardous substances less than five gallons of volume per container. (Ord. 1344 § 1 (part), 1997).

18.08.227 Hazardous waste, storage of.

“Storage of hazardous waste” means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by a generator (see definition) on the site of generation is not storage providing the generator complies with the applicable requirements of WAC [173-303-200](#) and [173-303-201](#). (Ord. 1344 § 1 (part), 1997).

18.08.229 Hazardous waste, treatment of.

“Treatment of hazardous waste” means the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amendable for storage, or reduced in volume. (Ord. 1344 § 1 (part), 1997).

18.08.231 Hazardous waste, treatment and storage facility.

“Hazardous waste, treatment and storage facility” means a facility that requires an interim or final status permit from the State Department of Ecology under the Dangerous Waste Regulations, Chapter [173-303](#) WAC. Treatment and storage facilities include hazardous waste handling through such means as containers (barrels, drums), above and underground tanks, and waste piles and surface impoundments that will be cleaned up and not closed as landfills. Hazardous waste generators that do not accumulate their wastes on-site are not treatment and storage facilities, nor are hazardous waste incinerators and land disposal facilities which are state preempted facilities (RCW [70.105.240](#)). There are two types of such facilities:

- (1) Off-site facilities that treat and store waste from generators on properties other than those on which the facilities are located; and
- (2) On-site facilities that treat and store wastes which are generated on the same geographically contiguous, or bordering property. (Ord. 1344 § 1 (part), 1997).

18.08.232 Height.

“Height” for the purposes of determining height limits in all zones set forth in Chapter [18.38](#) of this title, the datum shall be mean sea level (MSL) elevation unless otherwise specified. (Ord. 1358 § 1(L), 1997).

18.08.233 Helipad.

“Helipad” means a designated touchdown spot for short-term occasional use by helicopters. (Ord. 1344 § 1 (part), 1997).

18.08.235 Heliport.

“Heliport” means all helicopter landing sites except for helipads, and a site for one, privately owned, noncommercial helicopter. The heliport may include maintenance, refueling, repairs or storage facilities. (Ord. 1344 § 1 (part), 1997).

18.08.237 Historic preservation.

“Historic preservation” means the protection, rehabilitation, and restorations of districts, sites, buildings, structures and artifacts of local, regional, state or national significance in history, architecture, archaeology, or culture. (Ord. 1344 § 1 (part), 1997).

18.08.239 Home business or home occupation.

“Home business” or “home occupation” means the accessory use of a dwelling unit or appurtenant structure by a residing homeowner/operator for gainful employment. Uses allowed include the manufacture and provision of goods and/or services. Home businesses and home occupations must meet the standards and restrictions in Section [18.16.030](#). (Ord. 1344 § 1 (part), 1997).

18.08.241 Homeowners association.

“Homeowners association” means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or facilities. (Ord. 1344 § 1 (part), 1997).

18.08.242 Horizontal surface.

“Horizontal surface” means an oval-shaped horizontal plane suspended at one thousand four hundred fifty-one feet MSL (one hundred fifty feet above the airport elevation of one thousand three hundred one feet MSL), the perimeter of which is established by swinging arcs of ten thousand feet from the center of each end of the primary surface and connecting the adjacent arcs by drawing lines tangent to those arcs. (Ord. 1358 § 1(M), 1997).

18.08.243 Hospital.

“Hospital” means an institution providing clinical, temporary, and emergency services of a medical or surgical nature to human patients which is licensed by state law to provide facilities and services for surgery, obstetrics, and general medical practice as distinguished from clinical treatment of mental and nervous disorders. (Ord. 1344 § 1 (part), 1997).

18.08.245 Hotel.

“Hotel” means a building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the room. (Ord. 1344 § 1 (part), 1997).

18.08.247 Housing for people with functional disabilities.

“Housing for people with functional disabilities” means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as herein defined. (Ord. 1344 § 1 (part), 1997).

18.08.249 Hydrology.

“Hydrology” means the science dealing with the properties, distribution and circulation of water and snow. (Ord. 1344 § 1 (part), 1997).

18.08.251 Impervious surface.

“Impervious surface” means any surface or surface applied material which reduces or prevents absorption of storm water into the ground. Impervious surfaces may include roofed structures, asphalt, and concrete. (Ord. 1344 § 1 (part), 1997).

18.08.253 Junkyard.

“Junkyard” means any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor or recreational vehicles or any other type of junk. This definition shall not include recycling drop off stations. (Ord. 1344 § 1 (part), 1997).

18.08.255 Kennel.

“Kennel” means any premises or building in which four or more dogs, more than one year old, are housed, kept, groomed, bred, boarded, trained, or sold. (Ord. 1344 § 1 (part), 1997).

18.08.257 Land.

“Land” means a legally created lot, tract, parcel, site or division which is shown on an officially recorded plat or short plat, or is specifically described as a separate unit of property on a deed executed prior to (date of the adoption of this ordinance), or constitutes a prior division of land as defined in Section [17.08.125](#). (Ord. 1344 § 1 (part), 1997).

18.08.259 Land use.

“Land use” means the method or manner in which land and structures are occupied or utilized. (Ord. 1344 § 1 (part), 1997).

18.08.260 Land use hearing examiner or hearing examiner.

“Land use hearing examiner” or “hearing examiner” means the hearing examiner identified and appointed in Title 2 of this code to perform the duties previously performed by the board of adjustment, which board is referred to in this code as “board of adjustment” or “board.” (Ord. 1562 § 12 (part), 2006).

18.08.261 Landmark.

“Landmark” means any site, building, structure, or natural feature that has visual, historic or cultural significance; or a permanent marker designating property boundaries. (Ord. 1344 § 1 (part), 1997).

18.08.263 Landscaping.

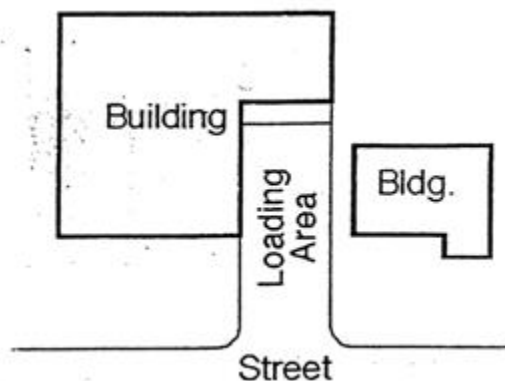
“Landscaping” means an area developed and maintained with plantings, lawn, ground cover, gardens, trees, shrubs, other plant materials, decorative outdoor elements, pools, fountains, water features, paved or decorated masonry surfaces (excluding parking, loading, or storage areas), driveways only when decorated and used regularly as an outdoor living space, and sculptural elements. (Ord. 1344 § 1 (part), 1997).

18.08.265 Legislative body.

“Legislative body” means the city council of the city of Omak, Washington. (Ord. 1344 § 1 (part), 1997).

18.08.267 Loading space, off-street.

“Off-street loading space” means space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which abuts a street, alley or other appropriate means of access and egress.



(Ord. 1344 § 1 (part), 1997).

18.08.269 Lot.

“Lot” means a division of land having defined boundaries and shown on a final plat or short plat officially recorded in the Okanogan County auditor’s office; or, which is a legally recognized prior division or parcel under the provisions of the city of Omak’s subdivision ordinance or short plat ordinance. (Ord. 1344 § 1 (part), 1997).

18.08.271 Lot area.

“Lot area” means the total horizontal area (in square footage) within the boundary lines of a lot.



(Ord. 1344 § 1 (part), 1997).

18.08.273 Lot, corner.

“Corner lot” means a lot abutting on two intersecting streets other than an alley or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. (Ord. 1344 § 1 (part), 1997).

18.08.277 Lot depth.

“Lot depth” means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. (Ord. 1344 § 1 (part), 1997).

18.08.279 Lot line.

“Lot line” means the property line bounding a lot. (Ord. 1344 § 1 (part), 1997).

18.08.281 Lot line, front.

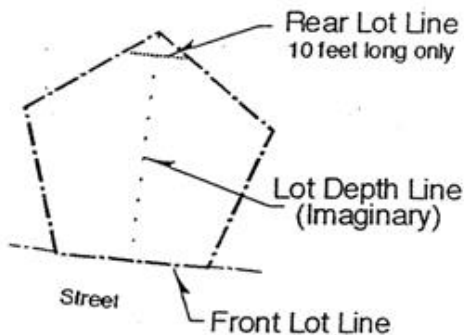
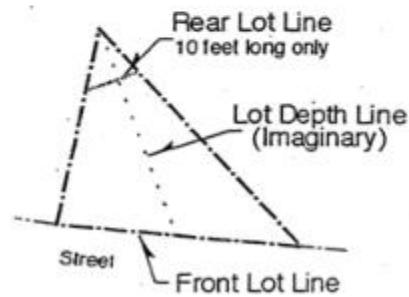
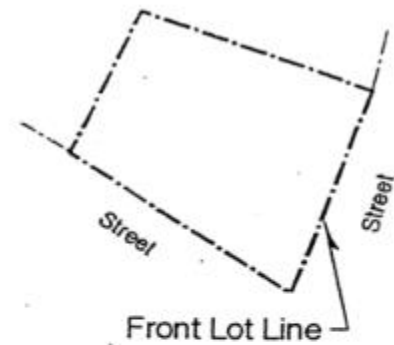
"Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the lot line separating the lot from the street other than an alley on that side of the lot providing primary access to the lot.

Triangular Lot Example

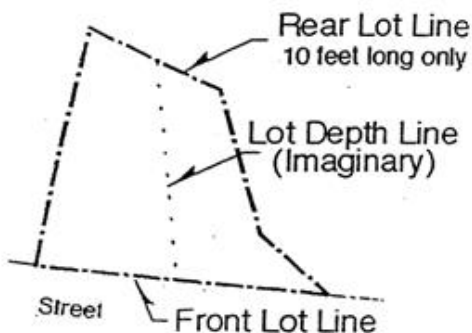
(Ord. 1344 § 1 (part), 1997).

18.08.283 Lot line, rear.

"Rear lot line" means the property line which is opposite and most distant from the front line. In the case of trapezoidal or nonrectangular lots, the rear lot line is that line with the greatest portion furthest from the front lot line. Should this line be less than ten linear feet or should the lot be triangular or pentagonal, then a new rear lot line measuring exactly ten linear feet between adjacent lot lines shall be located perpendicular to an imaginary line drawn from the midpoint of the front lot line to a point on the lot lines furthest from the point of beginning of the imaginary line.



Pentagonal Lot Example

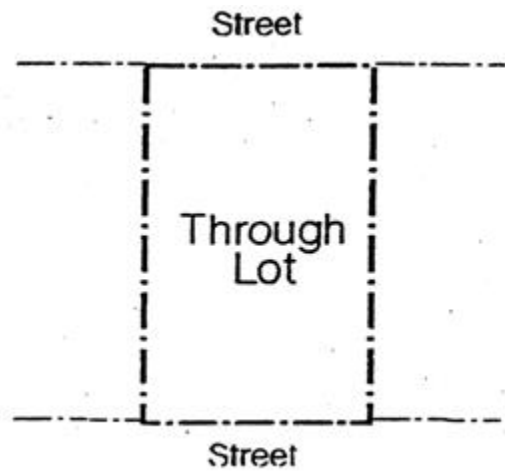


Irregular Lot Example

(Ord. 1344 § 1 (part), 1997).

18.08.285 Lot line, side.

“Side lot line” means any lot line other than a front or rear lot line. (Ord. 1344 § 1 (part), 1997).

18.08.287 Lot, through.

“Through lot” means an interior lot having frontage on two streets. (Ord. 1344 § 1 (part), 1997).

18.08.289 Lot of record.

“Lot of record” means land designated as a separate and distinct parcel in a legally recorded subdivision plat, or in a legally recorded deed filed in the records of the county. (Ord. 1344 § 1 (part), 1997).

18.08.291 Lot width.

“Lot width” means the horizontal distance between the side lot lines at the building line. (Ord. 1344 § 1 (part), 1997).

18.08.293 Manufactured home.

“Manufactured home” means a dwelling unit constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. All manufactured homes shall bear the appropriate insignia by a state or federal regulatory agency indicating compliance with all applicable construction standards of the U.S. Department of Housing and Urban Development for manufactured homes as adopted by the Washington State Department of Labor and Industries or the Uniform Building Code as adopted by the city of Omak. (Ord. 1344 § 1 (part), 1997).

18.08.295 Map, contour.

“Contour map” means a map that graphically illustrates variations in land elevations. (Ord. 1344 § 1 (part), 1997).

18.08.295.1 Medical marijuana dispensary.

“Medical marijuana dispensary” means any person, entity, site, location, facility, business, cooperative, collective, whether for profit or not-for-profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges or gives away cannabis for medicinal or other purposes. (Ord. 1756 § 1 (part), 2013).

18.08.296 Microbrewery.

“Microbrewery” means a combination retail, wholesale and manufacturing business that brews and serves beer, wine or other distilled spirits and/or food on the premises. Microbreweries shall have a production capacity not to exceed fifteen thousand U.S. barrels per year. (Ord. 1667 § 1(G), 2010).

18.08.297 Mini-mart.

“Mini-mart” means a use which combines retail food sales with fast foods or take out food service—may or may not include retail motor fuel sales. (Ord. 1344 § 1 (part), 1997).

18.08.299 Mini-storage.

“Mini-storage” means a building(s) or site used for temporary indoor or outdoor storage (excludes the storage of hazardous materials and hazardous waste). (Ord. 1344 § 1 (part), 1997).

18.08.301 Mining.

“Mining” means the act of extraction from the earth of minerals and/or ores (including sand and gravel) via open pit, shaft, leaching or hydraulic methods. (Ord. 1344 § 1 (part), 1997).

18.08.303 Mixed use development.

“Mixed use development” means the use of land or a structure for two or more different uses. (Ord. 1667 § 1(I), 2010; Ord. 1344 § 1 (part), 1997).

18.08.305 Mobile home.

“Mobile home” means a transportable dwelling unit manufactured after January 1, 1968 and before June 15, 1976, and bearing an insignia of the Washington State Department of Labor and Industries. All mobile homes without such insignia are nonconforming structures. Mobile homes are generally not permitted within the city of Omak (18.11.030(B)). (Ord. 1344 § 1 (part), 1997).

18.08.307 Mobile home park.

“Mobile home park” means any plot of ground upon which two or more mobile or designated manufactured or manufactured homes are lawfully occupied as dwellings, regardless of whether a charge is made for such accommodation. (Ord. 1344 § 1 (part), 1997).

18.08.309 Mobile home park expansion.

“Mobile home park expansion” means the preparation of additional sites for mobile or manufactured homes (including the installation of utilities, final site grading, the pouring of concrete pads, and the construction of streets). (Ord. 1344 § 1 (part), 1997).

18.08.310 Mobile vendor.

“Mobile vendor” means peddlers, transient business operators, casual or isolated sale, or hawkers as defined in Section [4.24.020](#), as it now exists or is hereinafter amended. (Ord. 1667 § 1(J), 2010).

18.08.311 Modification.

“Modification (of use or development)” means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure or associated site improvement, and any change or alteration of land. (Ord. 1344 § 1 (part), 1997).

18.08.313 Modular/factory built home.

“Modular/factory built home” means a structure constructed in a factory in accordance with the adopted building code and bearing the appropriate insignia indicating such compliance. This definition includes prefabricated, panelized, and factory-built units. (Ord. 1877 § 4, 2019).

18.08.315 Motel.

“Motel” means a building or group of buildings on one parcel or tract of land containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients. (Ord. 1344 § 1 (part), 1997).

18.08.316 Multifamily use or multifamily dwelling.

“Multifamily use” or “multifamily dwelling” means two or more single-family dwellings located on a single lot; or one or more duplexes, triplexes or multifamily dwellings located on a single lot; or any combination of two or more of the above located on a single lot. (Ord. 1877 § 1(3), 2019).

18.08.317 Multiple occupancy building.

“Multiple occupancy building” means a single structure housing more than one retail business, office, residential or commercial venture. (Ord. 1344 § 1 (part), 1997).

18.08.319 Museum, art galleries.

“Museums, art galleries” means buildings for the display, exhibits, sale and/or public viewing of art work, artifacts, natural or human history or similar exhibition. (Ord. 1344 § 1 (part), 1997).

18.08.321 Museums, nonprofit historical.

“Nonprofit historical museums” means buildings and/or exterior display for public viewing of natural or human historical artifacts, or exhibitions, operated by a licensed, registered not-for-profit organization. (Ord. 1344 § 1 (part), 1997).

18.08.321.1 Nanobrewery.

“Nanobrewery” means a manufacturing business that brews beer in batches of three barrels or less on premises and sells canned, bottled or kegged beer off the premises. (Ord. 1932 § 1 (Exh. A), 2024).

18.08.322 Neighborhood.

“Neighborhood” means an area which is recognized as a distinct entity by virtue of certain factors, such as: definite boundaries, natural or manmade; history; architecture; facilities which attract people within a certain radius; or a shared sense of identity or social cohesion. (Ord. 1667 § 1(M), 2010).

18.08.322.1 Nightly rental.

“Nightly rental” means tourist accommodation in single-family dwellings, accessory dwellings, recreational homes or cabins, or part-time residential homes on less than a monthly basis. (Ord. 1877 § 1(4), 2019).

18.08.323 Nonconforming lot.

“Nonconforming lot” means a lot, the area and dimension of which was lawful prior to adoption or amendment of this title, but which fails to conform to the present requirements of the zoning district in which it is located. (Ord. 1344 § 1 (part), 1997).

18.08.325 Nonconforming structure.

“Nonconforming structure” means a structure or building or portion thereof which was lawfully erected or altered and maintained, but because of the application of this title no longer conforms to the density provision or other regulations of the zone classification in which it is located. (Ord. 1344 § 1 (part), 1997).

18.08.327 Nonconforming use.

“Nonconforming use” means an activity in a building or on a tract of land that was lawfully established, but because of the application of this title no longer conforms to the regulations pertaining to uses and activities of the use district in which it is located. (Ord. 1344 § 1 (part), 1997).

18.08.328 Notification surface.

“Notification surface” means a surface extending outward and upward from the runway edges at a slope of 100:1 (one hundred feet horizontally for each foot vertically) for a horizontal distance of twenty thousand feet in all directions. (Ord. 1358 § 1(N), 1997).

18.08.329 Nuisance.

“Nuisance” means any use, activity or structure that interferes with the enjoyment and use of one’s property by endangering personal health or safety, offending the human senses and/or failing to conform with the provisions, intent, or standards of the district in which the use, activity or structure occurs. (Ord. 1344 § 1 (part), 1997).

18.08.331 Nursery.

“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. (Ord. 1344 § 1 (part), 1997).

18.08.331.1 Nursing home.

“Nursing home” means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give, only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter; provided, that any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW [71.12.560](#) and [71.12.570](#). (Ord. 1667 § 1(N), 2010).

18.08.332 Obscene or obscenity.

“Obscene” or “obscenity” means any matter:

- (1) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; or
- (2) Which explicitly depicts or describes patently offensive representations or descriptions of:
 - (A) Ultimate acts, normal or perverted, actual or simulated; or
 - (B) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital areas; or
 - (C) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape, or torture; or
 - (D) Has a dominant theme which appeals to the prurient interests of minors in sex; which is patently offensive because it affronts contemporary community standards relating to the descriptions or representation of sexual matters or sadomasochistic abuse; and,
- (3) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value. (Ord. 1344 § 1 (part), 1997).

18.08.333 Occupancy.

“Occupancy” means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For the purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use. (Ord. 1344 § 1 (part), 1997).

18.08.334 Object free zone (OFZ).

“Object free zone (OFZ)” means a rectangular shaped area of property centered on the extended runway centerline. The inner portion of this area begins at the edge of the runway and extends for two hundred feet outward having a width of five hundred feet; the area between the runway and the edge of the primary surface. One such area is located on each end of the runway. (Ord. 1358 § 1(O), 1997).

18.08.335 Offices.

“Offices” means a facility where the primary activity is of a business nature or professional service nature (doctor, lawyer, real estate and financial offices and uses providing health education and social services, etc.). The primary activity cannot be retail in nature, where products are stocked and sold on the premises. (Ord. 1344 § 1 (part), 1997).

18.08.336 Obstruction.

“Obstruction” means any structure, tree, or other object, including a mobile object, which exceeds a limiting height set forth in Chapter [18.38](#) of this title. (Ord. 1358 § 1(P), 1997).

18.08.337 Off-site.

“Off-site” means the provision of storage, parking or related services on properties other than those on which the primary use facilities are located. (Ord. 1344 § 1 (part), 1997).

18.08.339 Off-street parking.

“Off-street parking” means parking space(s) provided beyond the right-of-way of a highway, street or alley. (Ord. 1344 § 1 (part), 1997).

18.08.341 On-site.

“On-site” means the provision of storage, parking or related services on the properties on which the primary use facilities are located. (Ord. 1344 § 1 (part), 1997).

18.08.343 Open space.

“Open space” means any parcel, tract of land or water feature that is:

- (1) Essentially unimproved or improved with low intensity agriculture or landscaping and which has been set aside, dedicated, designated or reserved for the recreational use or enjoyment of the public; or,
- (2) Within or related to a development, either individually owned or not individually owned (in undivided interest), which is designed and intended for the common use or enjoyment of the residents of the development. Trail systems and organized recreational activities may be included as part of the open space for lot area calculations. (Ord. 1344 § 1 (part), 1997).

18.08.345 Outdoor mobile vendor.

“Outdoor mobile vendor” means nonpermitted structures, vehicles, or trailers, located on private property, conducting retail sales or offering goods and/or services to the public for a fee or donation, and operated as a temporary use (limited to one hundred eighty days). (Ord. 1877 § 1(5), 2019).

18.08.347 Overnight rentals/single-unit tourist accommodations.

“Overnight rentals/single unit tourist accommodations” means the rental or use of a single-unit home or other dwelling unit, including time share condominiums and dwelling units in a duplex or multi-unit building, for transient or tourist use on a nightly, weekly or other basis less than month-to-month rentals. This does not include approved tourist accommodations such as hotels, inns, etc. (Ord. 1344 § 1 (part), 1997).

18.08.349 Pad.

“Pad” means a paved, graveled or improved space in a mobile home or recreational vehicle (RV) park for the purpose of installing a mobile home or parking a recreational vehicle and such an area usually contains utility connections. (Ord. 1344 § 1 (part), 1997).

18.08.351 Parent parcel.

“Parent parcel” means those lots, parcels or tracts of land that existed at the time of adoption of the ordinance codified in this title with separate deeds and/or all lawfully established lots, parcels or tracts since that time. It is from said “parent parcel” that all subsequent lots, parcels or tracts are created. (Ord. 1344 § 1 (part), 1997).

18.08.353 Park.

“Park” means a public or privately owned area with facilities or areas for outdoor recreation by the public. (Ord. 1344 § 1 (part), 1997).

18.08.355 Parking angle.

“Parking angle” means the angle formed by a parking stall and the edge of a parking bay, wall or driveway of the parking facility, ranging from zero to ninety degrees. (Ord. 1344 § 1 (part), 1997).

18.08.357 Parking bay.

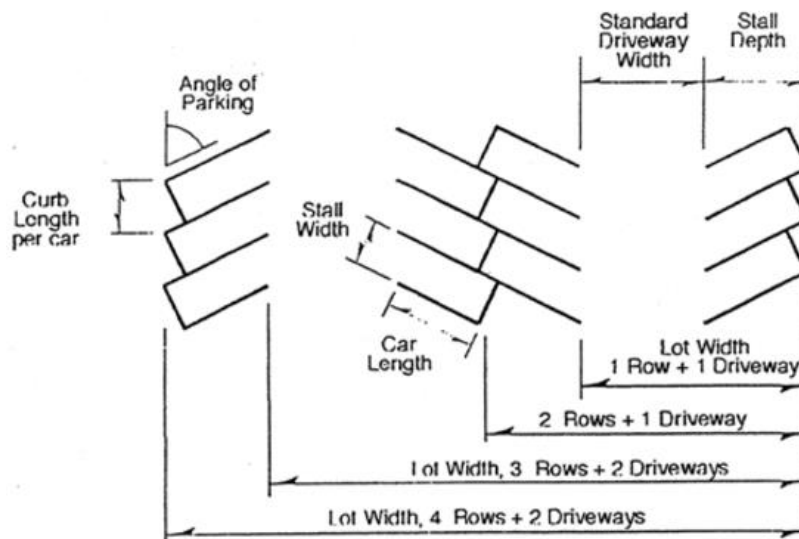
“Parking bay” means the section of a parking facility containing a driveway and containing one or two rows of parking stalls. (Ord. 1344 § 1 (part), 1997).

18.08.359 Parking facility.

“Parking facility” means a land area or structure that is devoted exclusively to the temporary parking or storage of motor vehicles for which a fee may or may not be charged, and where no service or repairs of any kind are furnished. (Ord. 1344 § 1 (part), 1997).

18.08.361 Parking space or parking stall.

“Parking space or parking stall” means an off-street area that is developed maintained and used for the temporary storage of one motor vehicle.



(Ord. 1344 § 1 (part), 1997).

18.08.363 Park trailer.

“Park (travel) trailer” means a vehicular unit manufactured in accordance with state requirements for park trailers, and bearing the appropriate insignia of the Washington State Department of Labor and Industries. (Ord. 1344 § 1 (part), 1997).

18.08.365 Party of record.

“Party of record” means the applicant and any other person who has submitted written comment 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. (Ord. 1344 § 1 (part), 1997).

18.08.367 Path or trail.

“Path or trail” means a cleared way for pedestrian, bicycle and/or pedestrian transportation and which may or may not be paved. (Ord. 1344 § 1 (part), 1997).

18.08.369 People with functional disabilities.

“People with functional disabilities” means:

(1) A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

(A) Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living; or

(B) Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; or

(C) Having a physical or mental impairment which substantially limits one or more of such person’s major life activities;

(D) Having a record of having such an impairment, or

(2) A person being regarded as having such impairment, but such term does not include current, illegal use of or active addiction to a controlled substance. (Ord. 1344 § 1 (part), 1997).

18.08.371 Permit.

“Permit” means written government approval issued by an authorized official or body empowering the holder thereof to take some action permitted only upon issuance of written approval. (Ord. 1344 § 1 (part), 1997).

18.08.372 Picobrewery.

“Picobrewery” means a manufacturing business that brews beer on premises and sells canned, bottled or kegged beer off the premises. Picobreweries shall have a production capacity less than one hundred U.S. barrels per year. (Ord. 1932 § 1 (Exh. A), 2024).

18.08.373 Planned development.

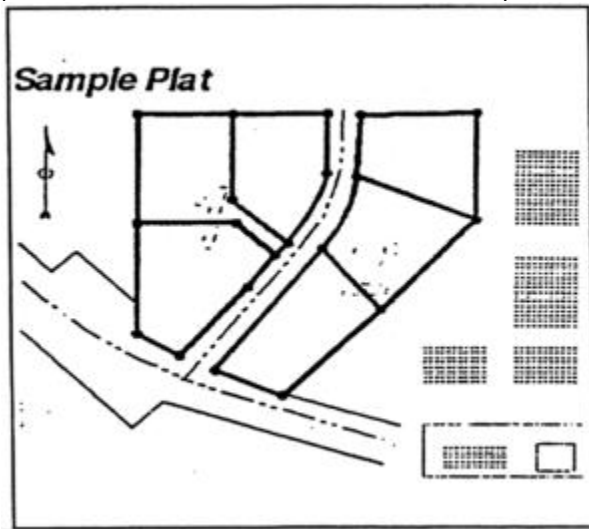
“Planned development” means development for which a permit has been issued as specified by this title and which is developed according to a single site plan and/or plat and written program that may contain one or more clusters of structures with appurtenant common areas. (Ord. 1344 § 1 (part), 1997).

18.08.375 Planning commission.

“Planning commission” means the duly constituted and appointed city of Omak planning commission. (Ord. 1344 § 1 (part), 1997).

18.08.377 Plat or regular plat.

“Plat or regular plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.



(Ord. 1344 § 1 (part), 1997).

18.08.378 Primary surface.

“Primary surface” means a surface longitudinally centered on the runway having a width of five hundred feet and a length of five thousand four hundred feet. (Ord. 1358 § 1(Q), 1997).

18.08.379 Preliminary approval.

“Preliminary approval” means the conferral of certain rights, prior to final approval, after specific elements of a written program and site plan have been reviewed by the Omak planning commission and approved by the city council and agreed to by the applicant. (Ord. 1344 § 1 (part), 1997).

18.08.381 Preschool.

“Preschool” means a school for children between the ages of one through six, or any portion thereof, and offering schooling not beyond the grade of kindergarten. Preschool facilities include kindergartens, nursery schools, and similar child care facilities. Kindergartens in an elementary school shall be considered as part of that academic school. (Ord. 1344 § 1 (part), 1997).

18.08.383 Property owners.

“Property owner(s)” means legal owner or owners of the property. (Ord. 1344 § 1 (part), 1997).

18.08.385 Public hearing or open record public hearing.

“Public hearing” or “open record public hearing” means a public hearing conducted by a single hearing body or officer, including, but not limited to, the planning commission, hearing examiner, or city council, authorized by the city council to conduct such hearings, that creates the city’s record through testimony and submission of evidence and information under procedures prescribed in Section [18.52.060](#) of this title. (Ord. 1562 § 4 (part), 2006: Ord. 1344 § 1 (part), 1997).

18.08.387 Public utility installation.

“Public utility installation” means equipment installations for utility and service purveyors including, but not limited to, telephone exchanges, electrical substations, water reservoirs, pump stations, and similar facilities of service providers. (Ord. 1344 § 1 (part), 1997).

18.08.389 Public works director.

“Public works director” means the official appointed by the mayor to serve as the director of the city’s public works department. (Ord. 1344 § 1 (part), 1997).

18.08.395 Qualifying patient.

“Qualifying patient” means a person who meets the definition found in RCW [69.51A.010](#)(4), as it now exists or is hereinafter amended. (Ord. 1756 § 1 (part), 2013).

18.08.401 Recreational vehicle (RV).

“Recreational vehicle (RV)” means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicles. Recreational vehicle also includes boats, snowmobiles and other recreational equipment on or carried by a trailer. (Ord. 1344 § 1 (part), 1997).

18.08.402 Recreational vehicle park.

“Recreational vehicle park” means a tract of land under single ownership or control upon which two or more recreational vehicle sites with hookups (minimum water, sewer and power) are located, established or maintained for occupancy by the general public as temporary living quarters. This definition includes camping clubs when developed in accordance with applicable state laws. (Ord. 1877 § 1(6), 2019).

18.08.403 Recreational vehicle site.

“Recreational vehicle site” means a plot of ground within a recreational vehicle park available for accommodation of a recreational vehicle for thirty consecutive days or fewer unless an extension of this time period is granted in accordance with Section [18.16.118](#). (Ord. 1877 § 1(7), 2019).

18.08.404 Recycling center.

“Recycling center” means a facility where discarded household products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing (excluding drop stations). (Ord. 1877 § 1(8), 2019; Ord. 1344 § 1 (part), 1997. Formerly 18.08.403).

18.08.405 Recycling drop station.

“Recycling drop station” means a facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc.) in enclosed containers which are collected and emptied on a regular basis (not less than weekly), without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, rodent, or bug attraction. (Ord. 1344 § 1 (part), 1997).

18.08.406 Residential airport.

“Residential airport” means a planned development designed to provide residents close and ready access to hangared or parked aircraft owned or leased by residents. (Ord. 1358 § 1(R), 1997).

18.08.407 Residential care facility.

“Residential care facility” means a facility that cares for at least five, but not more than fifteen, functionally disabled persons that is not licensed pursuant to Chapter [70.128](#) RCW. An adult family home shall be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. [1997 c 392 § 401; 1995 1st sp.s. c 18 § 29; 1989 1st ex.s. c 9 § 815.] (Ord. 1591 § 8.00, 2007: Ord. 1344 § 1 (part), 1997).

18.08.409 Residential density.

“Residential density” means the number of dwelling units per acre of land or the minimum number of square footage which must be included in a development for each dwelling unit. This term includes dwelling unit density. (Ord. 1344 § 1 (part), 1997).

18.08.411 Restaurant.

“Restaurant” means a commercial establishment operated primarily for preparing, cooking, and serving meals, with the serving of beverages as incidental thereto. (Ord. 1344 § 1 (part), 1997).

18.08.413 Retail services.

“Retail services” means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, beauty and barber shops and similar types of uses. (Ord. 1344 § 1 (part), 1997).

18.08.415 Retail trade.

“Retail trade” means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumber yards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be to contractors or other business establishments. (Ord. 1344 § 1 (part), 1997).

18.08.417 Retirement home.

“Retirement home” means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness. This definition does not include nursing homes, convalescent homes, hospitals, or sanitariums. (Ord. 1344 § 1 (part), 1997).

18.08.419 Reviewing official.

“Reviewing official” means the building and enforcement official, administrative official, hearing examiner, or legislative body, when engaged in any review or approval procedure under the provisions of this title. (Ord. 1344 § 1 (part), 1997).

18.08.421 Rezone.

“Rezone” means to change the zoning district classification of particular lot(s) or parcel(s) of land. (Ord. 1344 § 1 (part), 1997).

18.08.423 Right-of-way, public.

“Public right-of-way” means land deeded, dedicated to, or purchased by the city of Omak or other agency for public pedestrian or vehicular access. (Ord. 1344 § 1 (part), 1997).

18.08.425 Road, public.

“Public road” means the improved (and city maintained) portion of a public right-of-way which provides vehicular circulation or principal means of access to abutting properties, and the right-of-way may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage. (Ord. 1344 § 1 (part), 1997).

18.08.427 Road, principal arterial.

“Principal arterial road (street)” means a road designed to handle the greatest proportion of through or long-distance travel. They serve high-volume travel corridors that connect the major generators of traffic, including ties to the major rural highways entering the urban area. Those roads designated as principal arterials are those indicated in the transportation element of the greater Omak comprehensive plan. (Ord. 1344 § 1 (part), 1997).

18.08.429 Road, collector.

“Collector road (street)” means a road that provides direct service to residential areas, local parks, churches, etc., and which collect the traffic from the local access roads (streets) and convey it to principal arterial roads. Those roads designated as collectors are those indicated in the transportation element of the greater Omak comprehensive plan. (Ord. 1344 § 1 (part), 1997).

18.08.430 Runway.

“Runway” means a defined area on an airport designed and maintained for the landing and takeoff of fixed wing aircraft along its length. (Ord. 1358 § 1(S), 1997).

18.08.431 Road, local access.

“Local access road (street)” means a road that is not designed or designated in the greater Omak comprehensive plan as an arterial or collector, and whose primary purpose is to provide direct access to individual homes, shops, and similar traffic destinations. (Ord. 1344 § 1 (part), 1997).

18.08.432 Runway protection zone (RPZ).

“Runway protection zone (RPZ)” means a trapezoidal area of property centered on the extended runway centerline. The inner portion of this area begins at the edge of the primary surface end and is five hundred feet wide. The outer edge is one thousand feet from the primary surface and seven hundred feet wide. The sides of this area correspond to lines which connect the inner and outer lines forming a trapezoid. One such area is located at each end of the runway. (Ord. 1358 § 1(T), 1997).

18.08.433 Road, private.

“Private road” means every way or place in private ownership and used for travel of vehicles by the owner or those persons having express or implied permission by the owner, but not by other persons; such roads are not maintained by the city of Omak or any other public agency (government unit). (Ord. 1344 § 1 (part), 1997).

18.08.434 Runway threshold.

“Runway threshold” means the designated beginning of a runway. (Ord. 1358 § 1(U), 1997).

18.08.435 School.

“School” means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens, or day-care facilities/centers, except when operated in conjunction with a public, private, or parochial school as defined herein. (Ord. 1344 § 1 (part), 1997).

18.08.437 School, vocational or trade.

“Vocational or trade school” means the commercial use of a structure or land for teaching arts, crafts, or trades. (Ord. 1344 § 1 (part), 1997).

18.08.439 Screening.

“Screening” means a fence, wall, landscaping, evergreen hedge, or combination thereof, that effectively provides a sight-obscuring and sound-absorbing buffer. It shall be at least four feet in height and be broken only for access drives, walks, and for compliance with clear vision requirements (Section [18.16.090](#)). (Ord. 1344 § 1 (part), 1997).

18.08.441 Service drive.

“Service drive” means a street abutting and parallel to a primary arterial or collector street which is designed to provide access to abutting property and not to provide access to the arterial except at intersections. (Ord. 1344 § 1 (part), 1997).

18.08.443 Service station.

“Service station” means a retail facility to supply motor fuel and other petroleum products to motor vehicles, and may include lubrication and minor repair service and incidental sale of motor vehicle accessories. (Ord. 1344 § 1 (part), 1997).

18.08.445 Setback, front.

“Front setback” is the minimum horizontal distance measured perpendicularly from the property line to the nearest protrusion (including roof line) of the structure. (Ord. 1344 § 1 (part), 1997).

18.08.447 Setback, side and rear.

“Side and rear setback” is the minimum horizontal distance measured perpendicularly from the nearest property line, edge of easement, road or right-of-way to the nearest protrusion (including roof line) of the structure. (Ord. 1716 § 1, 2011; Ord. 1667 § 5, 2010; Ord. 1344 § 1 (part), 1997).

18.08.449 Sign.

“Sign” means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes. Refer to Section [18.16.110](#). (Ord. 1344 § 1 (part), 1997).

18.08.451 Site improvement.

“Site improvement” means any structure or other addition to land, including construction of roadways, utilities or other improvements on the property. (Ord. 1344 § 1 (part), 1997).

18.08.453 Site improvement, required.

“Required site improvement” means any specific design, construction requirement or site improvement which is a condition of approval for any permit issued under the provisions of this title or which is a part of any site plan approved under the provisions of this title. (Ord. 1344 § 1 (part), 1997).

18.08.455 Site plan, detailed.

“Detailed site plan” means a general site plan incorporating such additional factors as landscaping, drainage, and others as may be specified. (Ord. 1344 § 1 (part), 1997).

18.08.457 Solid waste.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, wood waste, dangerous waste, and problem wastes. Definition is the same as WAC [173-304-100](#)-(73). (Ord. 1344 § 1 (part), 1997).

18.08.459 Seminude.

“Seminude” means a state of dress in which clothing completely and opaquely covers no more than the genitals, pubic region, and areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices. (Ord. 1344 § 1 (part), 1997).

18.08.461 Specified anatomical areas.

“Specified anatomical areas” means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, anus, or areola of the female breasts or any artificial depiction of the same; or

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered. (Ord. 1344 § 1 (part), 1997).

18.08.463 Specified sexual activities.

“Specified sexual activities” means and includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (3) Masturbation, actual or simulated; or
- (4) Human genitals or artificial depictions of the same in a state of sexual stimulation or arousal; or
- (5) Excretory functions as part of or in conjunction with any of the activities set forth in subsections (1) through (4) of this section. (Ord. 1344 § 1 (part), 1997).

18.08.465 Stock-in-trade.

“Stock-in-trade” means:

- (1) The dollar value of all merchandise, goods, or services, readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding merchandise located in any store room, under the counter or in any portion of the premises not open to patrons;
- (2) The total volume of shelf space and display area in those portions of the establishment open to patrons. (Ord. 1344 § 1 (part), 1997).

18.08.466 Storage container.

“Storage container” means a unit originally or specifically used or designed to store goods or merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers or multi-modal shipping containers; does not include apple bins, wooden or cardboard shipping crates or similar items. (Ord. 1877 § 1(9), 2019).

18.08.467 Storage facilities, bulk.

“Bulk storage facilities” means either enclosed (See “warehouses”) or outdoor areas designed for the storage of either large quantities of materials or materials of a large size. (Ord. 1344 § 1 (part), 1997).

18.08.469 Storage facilities, residential mini-storage.

“Storage facilities, residential mini-storage” means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure. (Ord. 1344 § 1 (part), 1997).

18.08.471 Story.

“Story” means that portion of a building that is included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement is more than six feet above the finished grade, then the basement shall be considered a story. (Ord. 1344 § 1 (part), 1997).

18.08.473 Story, half.

“Half story” means a space under a sloping roof which has its top floor level no more than four feet below the point of intersection of the roof decking and the exterior wall. (Ord. 1344 § 1 (part), 1997).

18.08.475 Street.

“Street” means public or private road. (Ord. 1344 § 1 (part), 1997).

18.08.477 Structural alteration.

“Structural alteration” means:

- (1) Any change in a major component or other supporting members of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, rafters;
- (2) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure. (Ord. 1344 § 1 (part), 1997).

18.08.478 Structure.

“Structure” means any object constructed or installed by humans, including but not limited to buildings, towers, smokestacks, earth formations, and overhead transmission lines. (Ord. 1358 § 1(V), 1997).

18.08.479 Structure, temporary.

“Temporary structure” means a permitted structure whose bearing components are not permanent in nature which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased. (Ord. 1344 § 1 (part), 1997).

18.08.481 Supported living arrangement.

“Supported living arrangement” means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance. (Ord. 1344 § 1 (part), 1997).

18.08.483 Tavern.

“Tavern” means an establishment operated primarily for the sale of wine, beer, or other alcoholic beverages with any service of food incidental thereto. (Ord. 1344 § 1 (part), 1997).

18.08.484 Taxiway.

“Taxiway” means areas designated for the moving of aircraft on the ground, but not for landing or takeoff of aircraft. (Ord. 1358 § 1(W), 1997).

18.08.484.1 Temporary market.

“Temporary market” means an occasional, temporary commercial sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. This definition does not include the sale of livestock, sale of automobiles or vehicles of any kind, private garage sales, or special events such as Art in the Park, Okanogan Valley Farmers Market and other scheduled annual events held under approval of the city council in a city-owned park. (Ord. 1667 § 1(K), 2010).

18.08.485 Tourist accommodations.

“Tourist accommodations” means a facility for the lodging of transients/tourists, including bed and breakfasts, hotels, motels, inns, lodges, time-share condominiums or overnight rental. (Ord. 1344 § 1 (part), 1997).

18.08.487 Townhouse.

“Townhouse” means an attached dwelling unit in a row of at least two and not more than six such units, separated by property lines and by vertical common fire-resistant walls from other dwelling units in the row and having individual outside access and legal frontage on a public or approved private street. Each dwelling unit shall be designed for and occupied exclusively by one family and the household employees of that family. A townhouse shall extend from foundation to roof, and no townhouse shall be located over another unit. Common walls between townhouses shall have no doors, windows or other provisions for human passage or visibility. Each townhouse shall be attached to other units in the row by not more than two common walls. The principal access shall be at or near grade. Townhouses shall be considered multifamily dwellings and regulated as such. (Ord. 1667 § 6, 2010).

18.08.489 Trail, mixed-use.

“Mixed-use trail” means a trail dedicated to the use of alternative land-based transportation other than the automobile. A mixed-use trail may consist of several trails within the same corridor to separate conflicting uses (such as bicycles and equestrians). (Ord. 1344 § 1 (part), 1997).

18.08.491 Transfer of ownership or control.

“Transfer of ownership or control” means and includes any of the following:

- (1) The sale, lease, or sublease of a business, or substantially all of the assets of a business.
- (2) The transfer of securities which constitute a controlling interest in a business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of a business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control. (Ord. 1344 § 1 (part), 1997).

18.08.492 Transitional surfaces.

“Transitional surfaces” means surfaces which extend outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 (seven feet horizontally for each foot vertically) from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. (Ord. 1358 § 1(X), 1997).

18.08.493 Travel trailer.

“Travel trailer” means a trailer or other unit designed as a temporary dwelling for travel or recreational uses and which is moved upon public streets and highways and is thirty-five feet or less in length and eight feet or less in width. (Ord. 1344 § 1 (part), 1997).

18.08.494 Tree.

“Tree” means any object of natural growth whether planted by humans or of natural origin. (Ord. 1358 § 1(Y), 1997).

18.08.495 Use.

“Use (development)” means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof. (Ord. 1344 § 1 (part), 1997).

18.08.497 Use district.

“Use (Zone) district” means a portion of the city of Omak within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open space may be required and specific lot areas are established, all as set forth and specified in this title. (Ord. 1344 § 1 (part), 1997).

18.08.498 Use, multifamily.

“Use, multifamily” means two or more single-family dwellings; or two or more duplexes, triplexes or multifamily dwellings; or any combination of two or more of the above located on a single lot. (Ord. 1667 § 1(O), 2010).

18.08.499 Use, principal.

“Principal use” means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted. (Ord. 1344 § 1 (part), 1997).

18.08.501 Utilities.

“Utilities” are those businesses, institutions, or organizations which use pipes, wires or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to the public, including sewer, water, power, phone and cable communications services. (Ord. 1344 § 1 (part), 1997).

18.08.503 Utility services.

“Utility services” means facilities operated by utilities but not including local transmission and collection lines, pipes, and conductors. Such facilities include, but are not limited to, electrical power substations, water reservoirs, and sewage treatment plants. (Ord. 1344 § 1 (part), 1997).

18.08.505 Variance.

“Variance” means a modification of the terms of this title that may be granted because of the unusual shape, exceptional topographic conditions, or other extraordinary situation or condition in connection with a specific piece of property when the literal enforcement of this title would involve practical difficulties and cause undue hardship unnecessary to carry out the spirit and intent of this title. (Ord. 1344 § 1 (part), 1997).

18.08.507 Vision area, clear.

“Clear vision area” means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (Ord. 1344 § 1 (part), 1997).

18.08.509 Warehouse.

“Warehouse” means a structure used for the storage of goods and materials. Also see “agricultural building”. (Ord. 1344 § 1 (part), 1997).

18.08.511 Waste material processing and junk handling.

“Waste material processing and junk handling” means a place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excludes the processing and sorting of garbage, or for the sale, purchase, storage or dismantling of two unregistered automotive vehicles and machinery. This definition does not include the processing, storage or disposal of hazardous materials. (Ord. 1344 § 1 (part), 1997).

18.08.513 Water system.

“Water system” means any water system or water supply used for human consumption or other domestic uses. This definition includes source, treatment, storage, transmission and distribution facilities. (Ord. 1344 § 1 (part), 1997).

18.08.515 Wholesale trade.

“Wholesale trade” means those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. (Ord. 1344 § 1 (part), 1997).

18.08.517 Yard.

“Yard” means an open space on the same lot with a structure. (Ord. 1344 § 1 (part), 1997).

18.08.519 Yard, front.

“Front yard” means the open area extending along and parallel to the entire length of the front lot line and measured from the property line to the nearest point of the structure. (Ord. 1344 § 1 (part), 1997).

18.08.521 Yard, rear.

“Rear yard” means the open area at the back of the structure extending the entire width of the lot and measured from the nearest point of the structure to the rear property line. (Ord. 1344 § 1 (part), 1997).

18.08.523 Yard, side.

“Side yard” means an open area between the nearest point of the side of the structure and the side line of the lot. (Ord. 1344 § 1 (part), 1997).

18.08.525 Youth residential facility.

“Youth residential facility” means a full-time or temporary residential use providing supervised housing for a group of persons under eighteen years of age; and/or for persons between eighteen and twenty-four years of age; and where required is licensed by the state to provide such services to non-adult persons; and provides supportive services. Supportive services include meal service, cleaning service, health services, counseling, vocational training, or similar. This facility would not include facilities which persons are assigned to pursuant to a criminal conviction or those where residents, individually or by their legal guardian, are not free to terminate their residency at will. (Ord. 1930 § 1 (Exh. A), 2023).

**Chapter 18.10
USE DISTRICTS****Sections:**

- 18.10.010 Zoning map.
- 18.10.020 Zoning map adoption.
- 18.10.030 Zoning map amendment.
- 18.10.040 Boundaries of use districts.
- 18.10.050 Annexed areas.
- 18.10.060 District overlays defined.
- 18.10.010 Zoning map.

The city of Omak is divided into use districts as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared part of this title. (Ord. 1286 (part), 1995).

18.10.020 Zoning map adoption.

The official zoning map shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the city of Omak under the words, “This is to certify that this is the official zoning map of the City of Omak, Washington, adopted as part of Ordinance No. 1286.” (Ord. 1286 (part), 1995).

18.10.030 Zoning map amendment.

If amendments as authorized by Chapter 18.52 are made in the use district boundaries or other matter portrayed on the official zoning map, such changes shall be mapped, properly identified, and attached to the original official zoning map.

No defacement or changes shall be made to the original official zoning map, and it shall be kept in its original condition. It shall be the responsibility of the city clerk to record and keep safe the original official zoning map together with any amendments subsequently adopted. (Ord. 1286 (part), 1995).

18.10.040 Boundaries of use districts.

(a) The boundaries of a use district shall be construed to be on the centerline of streets and alleys, or on lot lines unless otherwise indicated on the official zoning map. Boundaries which are other than street, alley, or lot lines shall be identified in the ordinance setting the limits of the use district or shall be shown by distances in figures on the official zoning map. The planning commission shall issue a ruling in the event the actual location of a boundary is called into question.

(b) Where a use district boundary divides a parcel of land under a single ownership at the time of passage of the ordinance codified in this title, the least restrictive regulations may be extended to that portion lying in the more restrictive use district for a distance not to exceed fifty feet beyond the use district boundary. (Ord. 1286 (part), 1995).

18.10.050 Annexed areas.

Private land annexed to the city after the effective date of the ordinance codified in this title shall be given a zoning use district classification that is consistent with the greater Omak comprehensive plan, as it exists now or is hereafter amended. (Ord. 1286 (part), 1995).

~~18.10.060 District overlays defined.~~

~~The district overlays contained herein are additional conditions for uses within areas regulated under the Shoreline Management Act, critical areas as required by the Growth Management Act, for airport safety, and for those areas designated as "Mixed Use" in the greater Omak area comprehensive plan.~~

~~Overlay districts included in this title include the MUO—Mixed Use Overlay, the SO—Shorelines Overlay, and the CAO—Critical Areas Overlay. Overlay Districts are further defined in Chapter 18.44.~~

~~Special overlays are established to meet FAA airport safety requirements at Omak Municipal Airport. Overlays in the AI—Airport Industrial district are explained in Chapter 18.38. (Ord. 1358 § 2, 1997; Ord. 1286 (part), 1995).~~

Chapter 18.11
GENERAL USE REGULATIONS*

Sections:

18.11.010 Permitted uses.

18.11.020 Accessory uses.

18.11.030 Prohibited uses.

18.11.040 Temporary uses.

18.11.045 Illegal uses prohibited.

18.11.050 District use chart.

* Conditional Uses: refer to Chapter [18.50](#)

* Nonconforming Uses: refer to Chapter [18.52](#)

18.11.010 Permitted uses.

(a) Those uses listed within the various use districts as indicated in Table 1, Chapter [18.16](#) shall be permitted outright with no special zoning permits; the decision as to whether a proposed use conforms with the purpose and intent of those uses shall rest with the administrator.

(b) Lot Width Exemption. A single-unit detached dwelling may be allowed on any lot of fifty feet in width or greater in areas platted before January 8, 1962 and on any lot of sixty feet wide or greater in areas platted thereafter.

(c) Off-street parking shall be provided in accordance with Chapter [18.16](#) in all districts.

(d) Housing for Persons with Functional Disabilities. When housing facilities for people with functional disabilities are allowed as a permitted accessory or conditional use within any zoning district, they must provide documentation that the proposed use is in compliance with RCW [70.128](#) or is exempt from said requirements.

(e) In the residential (RS, RD and RM) districts, travel trailers, boats, campers, and similar equipment may be stored on the premises if such storage is determined by the administrator not to be detrimental to surrounding properties, that are off-street and do not create a nuisance or public health/safety problem.

(f) Day-care centers in a residential (RS, RD, RM) district must be the responsibility of a family day-care provider (Section [18.08.132](#)). (Ord. 1286 (part), 1995).

18.11.020 Accessory uses.

(a) General. These uses shall be limited to those normally found in conjunction with one of the primary permitted uses and are allowed outright but only in conjunction with an existing, permitted use.

(b) Accessory Buildings. These buildings shall not exceed the allowable height as defined in Section [18.16.020](#) for each applicable zoning district. The location of a detached accessory building shall generally be located in the rear yard of the lot, and shall not project beyond the minimum front yard setback as defined in Section [18.16.020](#) for each applicable zoning district.

(c) Accessory Dwellings. Accessory dwellings shall be permitted subject to Section [18.11.050](#), District use chart, and Section [18.16.124](#). (Ord. 1896 § 1, 2020).

18.11.030 Prohibited uses.

(a) General. Those uses listed within the various use districts shall be prohibited as indicated in the general use chart, or as designated elsewhere in this title.

- (b) Mobile homes, as defined in Chapter [18.08](#), are considered nonconforming structures and shall not be relocated or brought into the community unless allowed under the conditions of an existing approved mobile/manufactured home park.
- (c) Outside storage of inoperable motor vehicles and appliances is prohibited.
- (d) Outside storage of commercial vehicles is prohibited in the PU, RS and RD districts. Conditional use permits are required in all other districts.
- (e) Poultry and livestock rearing for commercial purposes, and retail sale of produce are prohibited except in the LI and HI districts and in the AI district with a conditional use permit. (Ord. 1877 § 5, 2019; Ord. 1286 (part), 1995).

18.11.040 Temporary uses.

The administrator is authorized to approve the following temporary uses:

- (a) Contractor's offices and equipment storage on the premises of a construction project, which are not to exceed one year or not to exceed the period of construction.
- (b) Circuses, Carnivals and Tent Shows. Subject to approval of the council, circuses, carnivals, and other tent shows may be allowed in the CB, PS, HB and LI districts for a specific period of time. (Ord. 1286 (part), 1995).

18.11.045 Illegal uses prohibited.

- (a) General. No use that is illegal under local, state or federal law shall be allowed in any zone within the city.
- (b) Specific Application—Medical Marijuana Dispensaries and Collective Gardens. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating dispensaries of cannabis and/or collective gardens for the production, distribution and dispensing of cannabis for medical uses, all as further defined and set forth in Chapter [69.51A](#) RCW and E2SSB 5073, Laws of 2011 of the State of Washington, such uses are not allowed in any zone within the city. For purposes of this section, "dispensary" means any person, entity, site, location, facility, business, cooperative, collective, whether for profit or not-for-profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges or gives away cannabis for medicinal or other purposes. (Ord. 1756 § 2, 2013).

18.11.050 District use chart.

The district use chart (Chart 1.0) provides a detailed list of uses and identifies the conditions for their implementation within the city of Omak. Please note that this chart does not provide all requirements for all uses within the various districts including those additional restrictions of district overlays.

Chart 1.0 - DISTRICT USE CHART**Abbreviations:**

blank = Allowed Use

SPD = Single Use Planned Development¹⁰

CUP = Conditional Development

X = Prohibited Use

BSP = Binding Site Plan

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Accessory Dwelling Unit ¹⁸							CUP		CUP	CUP	X
Adult Entertainment Uses	X	X	X	X	X	CUP ¹³	X	CUP ¹³	CUP ¹³	X	X
Adult Family Home											
Adult Residential Facility	X	CUP	CUP	CUP	CUP	CUP	X		X	X	X
Advertising Devices (signs) ²											CUP
Agricultural Building	X	X	X	X	X	X	CUP	X	CUP	CUP	X
Agricultural Farms	X	X	X	X	X	X	CUP	X			X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Agricultural Market	X	X	CUP	X		X	CUP	X			CUP
Agriculture-Related Industries	X	X	X	X	X	X	CUP	X	CUP		X
Aircraft Parts, Sales and Manufacture	X	X	X	X	X	X		CUP ¹¹	¹²		X
Aircraft Repair/Salvage	X	X	X	X	X	X		CUP ¹¹	CUP ¹²		X
Airports and Landing Fields	X	X	X	X	X	X		X	CUP ¹²	CUP	CUP
Air Terminals	X	X	X	X	X	X		X	CUP ¹²	CUP	CUP
Alcohol, Retail Sales	X	X	X				X			X	X
Amusement Park/Zoo	X	X	X	X	X	X	X	X	X	X	CUP
Animal Auctions—Commercial	X	X	X	X	X	X	X	X	CUP ¹²		X
Animal Hospital/Clinic	X	X	CUP	CUP	CUP	CUP	X	CUP			X
Animal Shelter	X	X	X	X	X	CUP	X	CUP			CUP
Antique/Gift, Retail	X	X	CUP				X				X
Art Galleries	X	X	CUP				X				CUP

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Art Supply, Retail	X	X	CUP				X				X
Asphalt Plant	X	X	X	X	X	X	X	X	CUP ¹²		X
Assembly of Machines/ Appliances, Prefab Parts	X	X	X	X	X	X	CUP	CUP ¹¹	¹²		X
Automobile/Car Wash	X	X	X	X			CUP				X
Automobile Parking, Commercial	X	X					CUP				CUP
Automobile Sales	X	X	X	X	CUP		X				X
Automobile Wrecking	X	X	X	X	X	X	X	X	CUP ¹²		X
Auto Repair, Minor	X	X	X	CUP	CUP		X				X
Bakery Shops ²	X	X	CUP				X				X
Barber/Beauty Salon ²	X	X	X				X				X
Bed & Breakfast	CUP	CUP	CUP	¹	¹	¹	X ^{1,14}	¹	¹	¹	X ¹
Beverage Bottling Plant	X	X	X	X	X	X	X	CUP ¹¹	CUP ¹²		X
Beverage Industries	X	X	X	¹⁷	¹⁷	¹⁷	X				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Bicycles Sales/Repair ³	X	X	CUP				X				X
Blacksmith or Horseshoeing	X	X	X	X	X	X	X	CUP ¹¹	¹²		X
Blueprinting, Photostating Services	X	X	X				CUP				X
Boarding, Lodging, or Rooming House	X	CUP	CUP		X		X				X
Boat Building	X	X	X	X	X	X	X	CUP ¹¹	CUP ¹²		X
Boat Sales/Repair	X	X	X	X	CUP		X				X
Book Bindery	X	X	X	X	X	X	X	¹¹	¹²		X
Book/Stationery Stores	X	X	CUP				X				X
Bus Repair/Storage Terminals	X	X	X	X	X	X		CUP ¹¹	¹²		CUP
Bus Terminals, Passenger	X	X	CUP	CUP	CUP		CUP				CUP
Campgrounds	X	X	X	X	X	BSP	BSP	BSP	BSP	BSP	BSP
Carpet Cleaning Business ³	X	X	X				X				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Catering Business ³	X	X	CUP				X				X
Cement/Concrete Plants	X	X	X	X	X	X	X	X	CUP ¹²		X
Cemeteries	X	X	CUP	X	X	CUP		CUP	CUP	X	CUP
Child Care Home, Family	9	9	9				X ¹⁴			X	CUP
Child Day Care Center	X	CUP	CUP	CUP	CUP		X ¹⁴		CUP	X	CUP
Churches, Temples, Synagogues	CUP	CUP	CUP		SPD	CUP	X	CUP			X
Clinics, Medical and Dental	X	X	CUP				X				SPD
Clothing Manufacture	X	X	X	X	X	X	X	¹¹	CUP ¹²		X
Clothing Sales, Retail	X	X	X				X				X
Cold Storage Plants	X	X	X	X	X	X	CUP	CUP ¹¹	¹²		X
Coliseums, Stadiums	X	X	X	X	X	CUP	X	CUP	SPD	SPD	CUP
Colleges and Trade Schools, Nonresident	X	X	CUP	CUP	CUP		X		CUP		SPD
Commercial Recreation	X	X	CUP			CUP	X	CUP			CUP

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Community Center, Meeting Hall, Fraternal Organization	X	X	CUP		CUP		X				CUP
Condominiums	X	SPD	SPD	SPD	SPD	SPD	X ¹⁴	SPD	SPD	SPD	X
Contractors Plants, Storage Yards	X	X	X	X	X	X	CUP	X	¹²		X
Contract Truck Hauling	X	X	X	X	X	X	CUP	X	¹²		X
Convalescent, Nursing Home	X	CUP		X	X		X			X	X
Correctional Institutions	X	X	SPD	X	X	CUP	X	CUP	CUP	CUP	SPD
Crematories	X	X	X	X	X	CUP	X	CUP	CUP		CUP
Department/Variety Stores	X	X	X				X				X
Domestic Farm Animals (see Title 6)	X	X	X	X	X	X	CUP	X			X
Drinking Establishment, Alcohol	X	X	X			CUP	CUP	CUP			X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Drive-In Windows, Accessory	X	X	X				X				X
Drugstores	X	X	CUP				X				X
Dry Cleaning, Commercial	X	X	CUP				X				X
Dwellings, Multi Unit	X	SPD		SPD	SPD		X	SPD	SPD	X	X
Dwellings, Single Unit	4	4	4	X	X ⁵	4	X ¹⁴	X ⁵	X ⁵	X ⁵	X ⁵
Dwellings, Two Unit	CUP ⁴	4	4	X ⁵	X ⁵	CUP ⁴	X	X ⁵	X ⁵	X ⁵	X ⁵
Electric Components, Manufacture	X	X	X	X	X	X	CUP	CUP ¹¹	CUP ¹²		X
Electric Light/Power Distribution Station	X	X	X	X	X	X	X	CUP ¹¹	¹²		CUP
Employment Agencies	X	X	X				X				CUP
Engineer, Medical and Scientific Instruments, Manufacture	X	X	X	X	X	X	CUP	CUP ¹¹	CUP ¹²		X
Fabricated Structural Metal Products	X	X	X	X	X	X	CUP	CUP ¹¹	¹²		X
Fabric Stores	X	X	X				X				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Farm Supplies, Retail ³	X	X	X				X				X
Farm Supplies, Bulk or Wholesale	X	X	X	X	CUP	CUP	X	CUP ¹¹	¹²		X
Finance and Loan Companies	X	X					X				X
Fire/Police Stations	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			X
Florist, Retail	X	X	X				X				X
Food Processing, On-Site Sales	X	X	X	CUP	CUP	CUP	X	CUP ¹¹	¹²		X
Frozen Food Lockers	X	X	CUP	CUP			X				X
Fuel, Oil, etc., Distributors, Bulk	X	X	X	X	X	X	X	X	CUP ¹²		X
Funeral Homes	CUP	CUP	CUP	CUP	SPD	CUP	X	CUP			X
Furniture Sales, Retail	X	X	X				X				X
Furniture, Cabinet Shops ³	X	X	X	CUP			X				X
Game/Card Rooms, Video Games	X	X	X		CUP	CUP	X	CUP	X	X	X
Gas Stations	X	X	X	CUP			CUP				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Gases in approved metal cylinders, storage/sales	X	X	X	CUP	CUP	CUP	CUP	CUP ¹¹	¹²		X
Glass, Pottery Stores	X	X	X				X				X
Gravel Pits	X	X	X	X	X	X	CUP	X	CUP ¹²	CUP	CUP
Greenways and Multi-Use Trails							CUP				
Grocery Store	X	X	X				X				X
Group Homes	CUP	CUP	CUP	X	X	CUP	X	CUP	CUP	CUP	CUP
Gyms, Exercise Facilities, Spas, Commercial	X	X	CUP				X				CUP
Halfway Houses	CUP	CUP	CUP	CUP	CUP	CUP	X	CUP	CUP	CUP	CUP
Hardware Stores	X	X	X				X				X
Hazardous Materials, Manufacture, Processing, Storage	X	X	X	X	X	X	X	X	CUP ¹²	CUP	CUP
Hazardous Waste, Treatment and/or Storage ⁶	X	X	CUP	CUP	CUP	CUP	CUP	CUP ¹¹	CUP ¹²	CUP	CUP

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Heli-Pad	X	X	X	X	X	CUP		CUP ¹¹	CUP ¹²	CUP	CUP
Heli-Port	X	X	X	X	X	X		CUP ¹¹	CUP ¹²	CUP	CUP
Hospitals	X	CUP	CUP	CUP	CUP	CUP	X	CUP	SPD	CUP	SPD
Hotels, Motels, Inns	X	X	SPD				CUP				X
Housing for People with Functional Disabilities	5	5	4	CUP ⁴	CUP ⁴	CUP ⁴	X	CUP ⁴	CUP ⁴	CUP ⁴	CUP ⁴
Insulation Material Manufacture	X	X	X	X	X	X	X	CUP ¹¹	CUP ¹²		X
Insurance Agencies ³	X	X	CUP				X				X
Jewelry, Watches, Retail Sales/Repair	X	X	X				X				X
Junk Yards/Auto Wrecking	X	X	X	X	X	X	X	X	CUP ¹²	CUP	X
Kennels	X	X	X	X	X	CUP	X	CUP ¹¹	¹²		X
Laboratories, Research & Testing	X	X	X	X	X	X	CUP	¹¹	¹²		X
Laundries, Laundromats	X	CUP	CUP				CUP				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Land Fills— Reclamation Using Earth & Fill (Doesn't Include Sanitary Landfills)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP ¹¹	CUP ¹²	CUP	CUP
Leather Goods, Manufacture	X	X	X	CUP	CUP	CUP	X	CUP ¹¹	¹²		X
Libraries, Museums	X	X					X				
Locks and Gunsmiths ³	X	X	X				CUP				X
Lumber Yards, Building Materials, Storage and Sales	X	X	X	X			X	¹¹	¹²		X
Machine Shops	X	X	X	X	CUP		CUP	CUP ¹¹	¹²		X
Machine Tool, Manufacture	X	X	X	X	X	X	CUP	¹¹			X
Manufactured Home ²	⁴	⁴	⁴	X	X	X	X	X	X	X	X
Manufactured Home Parks	X	BSP	BSP	X	X	BSP	SPD ¹⁴	BSP	BSP	X	X
Manufacturing of Chemicals	X	X	X	X	X	X	X	CUP ¹¹	CUP		X
Mausoleums	X	X	X	X	X	CUP	X	CUP	CUP		CUP

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Microbrewery ²⁰	X	X	X				X		X	X	X
Microwave Relay Stations	X	X	X	CUP	X	X	X	X			X
Miniature Golf/Driving Range	X	X	X	X	CUP	CUP	X	CUP			CUP
Mobile Home ²	X	X	X	X	X	X	X	X	X	X	X
Mobile/Manufactured Home Sales	X	X	X	X		CUP	X	CUP			X
Modular/Factory-Built Home	4	4	4	X	X	X	X	X	X	X	X
Motorcycle Sales/Repair	X	X	X	CUP			X				X
Music Stores	X	X	CUP				X				X
Nanobrewery ²⁰	X	X	X				X				X
Nursery, Retail	X	X	X	CUP			X				X
Nursery, Landscape Materials	X	X	X	CUP	CUP		X				X
Office Buildings	X	X	CUP				CUP		CUP	CUP	

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Office Equipment, Sales and Service ²	X	X	X				X				X
Optical, Musical Instrument Sales	X	X	X				X				X
Outside Storage of Commercial Vehicles (Section 18.11.030(d))	X	X	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	X
Outside Storage of Inoperable Vehicles and Appliances (Section 18.11.030(c))	X	X	X	X	X	X	X	X	X	X	X
Outdoor Mobile Vendors ¹⁹	X	X	X	CUP	CUP	CUP	X				X
Overnight Rentals and Single Unit Tourist	CUP	CUP	CUP				X ¹⁴				X
Paint, Glass, Wallpaper Sales	X	X	X				X				X
Parks, Nonprofit Recreational Uses				CUP	CUP		CUP				
Pawn Shops	X	X	X				X				X
Pet Shops	X	X	X				X				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Pharmaceutical, Manufacture	X	X	X	X	X	X	CUP	CUP ¹¹	CUP ¹²		X
Photographic Studios ³	X	X	X				X				X
Picobrewery ²⁰	21	21	21				X				X
Planing/Saw Mills	X	X	X	X	X	X	X	X	CUP ¹²		X
Plumbing Shop	X	X	X	CUP	CUP		X				X
Preschool, Private	X	CUP	CUP		CUP	CUP	X	CUP			CUP
Printing/Publishing	X	X	X				CUP				X
Public and Private Schools	CUP	CUP	CUP	CUP	CUP		X ¹⁴				
Public Transit Shelter	CUP	CUP	CUP				CUP				
Public Utility Installations	CUP ¹⁶	CUP ¹⁶	CUP ¹⁶				CUP ¹⁴				CUP
Public Utility Service and Storage Area	X	X	X	X	X	CUP	CUP ¹⁴	CUP			CUP
Radio Antennas, Radio Stations							X				
Radio, Television, Retail Sales/Service	X	X	X				X				X

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Real Estate Offices	X	X	CUP				X				X
Recycling Centers	X	X	X	CUP	CUP		CUP	CUP ¹¹	¹²		CUP
Recycling Drop-off Stations (Enclosed)	X	X	CUP	CUP	CUP		CUP				CUP
Rental—Autos and Trucks	X	X	X	CUP	CUP		CUP				X
Rental—Heavy Equipment	X	X	X	X	X	CUP	CUP	CUP			X
Rental—Small Tools, Garden Equipment, Sporting Goods	X	X	X				CUP				X
Repair/Service— Industrial Equipment	X	X	X	X	X	CUP	CUP	CUP ¹¹	¹²		X
Repair/Service, Office and Household Items ³	X	X	X				CUP				X
Repairs—Upholstery, Furniture ³	X	X	X	CUP			CUP				X
Repairs—Small Engine, Garden Equipment	X	X	X	CUP			CUP				X
Restaurants, Cafes	X	X	CUP				CUP				CUP

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Retirement Homes	X	X	CUP	X	X	X	X	X			SPD
Rodeo/Fairgrounds	X	X	X	X	X	CUP	X	CUP			SPD
Sheet Metal Shops	X	X	X	X	X	CUP	CUP	CUP ¹¹	¹²		X
Shoe Repair/Shine ³	X	X	CUP				CUP				X
Sign Manufacture, Painting, Service	X	X	X	CUP	CUP		CUP	CUP ¹¹	¹²		X
Skating Rinks— Commercial	X	X	X	CUP	CUP		X				CUP
Sporting Goods Sales	X	X	X				X				X
Stone Cutting, Monument Manufacture	X	X	X	X	X	CUP	X	CUP ¹¹	¹²		X
Storage, Commercial (Mini-Storage)	X	X	X	CUP	X	CUP	X	CUP	CUP		X
Storage Containers	X	X		X							
Storage Facility, Bulk	X	X	X	X	X	X	CUP ^{9,14}	CUP ¹¹	CUP ¹²		X
Supported Living Arrangements	CUP			CUP ¹	CUP ¹	CUP ¹	X ¹	CUP ¹	CUP ¹	CUP ¹	X ¹

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Swimming Pools, Public	X	CUP	CUP	CUP	CUP		X		CUP	CUP	CUP
Swimming Pools, Outdoor-Private				CUP ¹	CUP ¹	CUP ¹	X ¹	CUP ¹	CUP ¹	CUP ¹	X ¹
Tailors, Dressmakers, Milliners ³	X	X	CUP				X				X
Taxi Terminals/Dispatch	X	X	X	CUP	CUP			¹¹	¹²		X
Taxidermist ³	X	X	CUP	CUP	CUP		X				X
Temporary Buildings	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP ¹¹	CUP ¹²	CUP	CUP
Textile Manufacture	X	X	X	X	X	X	CUP	CUP ¹¹	CUP ¹²		X
Theaters and Similar Indoor Structures	X	X	X				X				X
Tire Recapping & Retreading	X	X	X	X	CUP		X	CUP ¹¹	¹²		X
Toy, Hobby, Variety Shops	X	X	X				CUP				X
Trailer Parks— Commercial (RV)	X	X	X	X	BSP	BSP	BSP	BSP	BSP	BSP	BSP

Type of Use	RS Residential Single Unit	RD Residential Duplex	RM Residential Multi-Unit	CB Central Business District	PS Planned Shopping District	HB Highway Business	AI Airport Industrial	CI Commercial Industrial	LI Light Industrial	HI Heavy Industrial	PU Public Use
Truck Terminals, Repair, Storage	X	X	X	X	X	CUP	CUP	CUP ¹¹	¹²		CUP
Upholstery, Decorator Shops, Retail ³	X	X	X				X				X
Used Car Lots	X	X	X	X	CUP		CUP				X
Waste (Nonhazardous) Materials Processing, Handling	X	X	X	X	X	X	X	X	¹²		X
Wholesale Trade	X	X	X	X	X	CUP	CUP	CUP ¹¹	¹²		X
Woodworking Shops, Millwork	X	X	X	CUP	CUP		X	CUP ¹¹	¹²		X
Youth Residential Facility	X	CUP	CUP		X	CUP	X		X	X	X

¹ = Only allowed in association with existing residences.

² = Refer to the Omak sign ordinance.

³ = Allowed upon issuance of a home business permit.

⁴ = Must comply with Section 18.16.080, except on the Colville Reservation and in approved manufactured home parks.

⁵ = Only existing residences allowed.

⁶ = Allowed only as accessory use to permitted or conditional use.

⁷ = Permitted under conditions of an approved manufactured home park.

~~8 = Airport related uses allowed.~~

~~9 = Requires a licensed family day care provider (ref. Section 18.08.132).~~

~~10 = Unless use is developed as part of a mixed use planned development.~~

~~11 = Allowed and conditional industrial uses must be compatible with the purpose statement found in Section 18.33.010.~~

~~12 = Allowed and conditional industrial uses must be compatible with the purpose statement found in Section 18.34.010.~~

~~13 = Must comply with locational standards and regulations contained in Section 18.50.180.~~

~~14 = Refer to Section 18.11.030, Prohibited uses.~~

~~15 = Must comply with the development standards for the residential multifamily district set forth in Chapter 18.16, Table 1.0.~~

~~16 = Applies only to new or significant expansion of existing installations.~~

~~17 = Beverage industries with capacities exceeding “microbreweries” shall be required to obtain a conditional use permit.~~

~~18 = Subject to the requirements of Section 18.16.124 and limited to second story or above in the CB, PS and HB zones.~~

~~19 = Requires CUP where listed unless use is accessory to an existing permitted use. All outdoor mobile vendors are subject to the requirements of Section 18.16.126.~~

~~20 = Subject to licensing and requirements of the WSLCB.~~

~~21 = Subject to conditions listed in Section 18.16.030(b)(3).~~

(Ord. 1932 § 1 (Exh. A), 2024; Ord. 1930 § 1 (Exh. A), 2023; Ord. 1877 § 13, 2019; Ord. 1667 § 17, 2010; Ord. 1519 §§ 1, 2, 2004; Ord. 1358 § 7, 1997; Ord. 1344 § 1 (part), 1997; Ord. 1310 § 2, 1996; Ord. 1286 (part), 1995.)

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
RESIDENTIAL USES											
Accessory Dwelling Unit ¹							CUP	CUP	CUP	CUP	CUP
Adult Family Home ²							<u>X³</u>	<u>X³</u>	<u>X³</u>	<u>X³</u>	<u>X</u>
Bed & Breakfast	CUP	CUP	CUP	4	4	4	4	4	4	X	X
Boarding, Lodging, or Rooming House	X	CUP	CUP		X					X	X
Condominiums	X	SPD	SPD	SPD	SPD	SPD	SPD	X	X	X	X
Dwellings, Multi- Unit	X	SPD		SPD	SPD			X	X	X	X
Dwellings, Single- Unit ⁵						5		X	X	X	X
Dwellings, Two-Unit	CUP ⁵	5	5	6	6	5	6	6	6	X	X
Manufactured Home ⁵				X ⁷	X ⁷	X ⁷	X ⁷	X	X	X	X

¹ - Subject to the requirements of Section [18.16.124](#) and limited to second story or above in the CB, PS and HB zones.

² - ~~Limited to single-family homes existing on January 1, 2025.~~

³ - ~~Limited to single-family homes existing on January 1, 2025.~~

⁴ - Only allowed in association with existing single-family residences.

⁵ - Must comply with [18.16.080](#), except on the Colville Reservation or in approved manufactured home parks.

⁶ - Limited to two-family homes existing on January 1, 2025.

⁷ - Permitted under the conditions of an approved manufactured home park.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Manufactured Home Parks	X	BSP	BSP	X	X	BSP	BSP	BSP	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X	X	X
Modular/Factory-Built Home ⁵				X ⁷	X ⁷	X ⁷	X ⁷	X	X	X	X
Nightly Rentals	CUP	CUP	CUP					X	X	X	X
RESIDENTIAL/DAY CARE USES											
Adult Residential Facility	X	X	CUP	X	X	CUP	CUP	CUP	X	X	X
Convalescent, Nursing Home	X	CUP		X	X			X	X	X	X
Child Day Care Center ⁸	X	CUP	CUP	CUP	CUP			CUP	X	X	CUP
Child Day Care Home, Family ^{9, 8}								X	X	X	X
Child Day Care, Mini ⁸	X	CUP						X	X	X	X
Correctional Institutions	X	X	X	X	X	X	CUP	CUP	CUP	X	CUP

⁸ - Requires a licensed family day care provider.

⁹ - Limited to single-family homes existing on January 1, 2025.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Group Homes	X	CUP	CUP	X	X	CUP	CUP	CUP	CUP	X	CUP
Halfway Houses	X	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	X	CUP
Housing for People with Functional Disabilities ⁹				CUP	CUP	CUP	CUP	X	X	X	CUP
Retirement Homes	X	CUP		X	X			X	X	X	X
Supported Living Arrangements ⁹	CUP			CUP	CUP	CUP	CUP	X	X	X	X
Youth Residential Facility	X	CUP	CUP		X			X	X	X	X
GENERAL USES											
Advertising Devices (signs) ¹⁰											CUP
Adult Entertainment Uses	X	X	X	X	X	CUP ¹¹	CUP ¹¹	CUP ¹¹	X	X	X
Cemeteries	X	X	CUP	X	X	CUP	CUP	CUP	X		CUP
Domestic Farm Animals (see Title 6 OMC)	X	X	X	X	X	X	X			CUP	X

¹⁰ - refer to Omak Sign Code, Chapter 14.24 OMC.

¹¹ - Must comply with locational standards and regulations contained in Section [18.50.180](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
<u>Essential Public Facilities</u> <u>Fire/Police Stations</u>	~~X~~ CUP	~~X~~ CUP	CUP	CUP	CUP	CUP	CUP			CUP	X
Funeral Homes	CUP	CUP	CUP	CUP	SPD	CUP	CUP			X	X
Hospitals	X	CUP	CUP	CUP	CUP	CUP	CUP	SPD	CUP	X	SPD
Mausoleums	X	X	X	X	X	CUP	CUP	CUP		X	CUP
Microwave Relay Stations	X	X	X	CUP	X	X	X			X	X
Public Transit Shelter	CUP	CUP	CUP							CUP	
Public Utility Installations	CUP ¹²	CUP ¹²	CUP ¹²							CUP ¹ ₂	CUP
Public Utility Service and Storage Area	X	X	X	X	X	CUP	CUP			CUP ¹ ₂	CUP
Radio Antennas, Radio Stations										X	
Radio, Television, Retail Sales/Service	X	X	X							X	X
Storage Containers	X	X		X							

¹² - Applies only to new or significant expansion of existing installations.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Temporary Buildings	CUP	CUP	CUP	CUP	CUP	CUP	CUP ¹³	CUP ¹³	CUP	CUP	CUP
AGRICULTURAL USES											
<u>Commercial</u> Agricultural Building	X	X	X	X	X	X	X	CUP	CUP	CUP	X
Agricultural Farms	X	X	X	X	X	X	X			CUP	X
Agricultural Market	X	X	CUP	X		X	X			CUP	CUP
Agriculture-Related Industries	X	X	X	X	X	X	X	CUP		CUP	X
Animal Auctions— Commercial	X	X	X	X	X	X	X	CUP ¹⁴		X	X
Farm Supplies, Bulk or Wholesale	X	X	X	X	CUP	CUP	CUP ¹⁴	¹⁴		X	X
AIRPORT RELATED USES											
Aircraft Parts, Sales and Manufacture	X	X	X	X	X	X	CUP ¹⁴	¹⁴			X

¹³ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

¹⁴ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Aircraft Repair/Salvage	X	X	X	X	X	X	CUP ¹⁴	CUP ¹⁴			X
Airports and Landing Fields	X	X	X	X	X	X	X	CUP ¹⁴	CUP		CUP
Air Terminals	X	X	X	X	X	X	X	CUP ¹⁴	CUP		CUP
Heli Pad	X	X	X	X	X	CUP	CUP ¹⁴	CUP ¹⁴	CUP		CUP
Heli Port	X	X	X	X	X	X	CUP ¹⁴	CUP ¹⁴	CUP		CUP
RETAIL USES											
Alcohol, Retail Sales	X	X	X						X	X	X
Antique/Gift, Retail	X	X	CUP							X	X
Art Galleries	X	X	CUP							X	CUP
Art Supply, Retail	X	X	CUP							X	X
Automobile Sales	X	X	X	X	CUP					X	X
Bakery Shops	X ¹⁵	X ¹⁵	CUP							X	X
Bicycles Sales/Repair	X ¹⁵	X ¹⁵	CUP							X	X
Book/Stationery Stores	X	X	CUP							X	X

¹⁵ - Allowed upon issuance of a home business permit.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Clothing Sales, Retail	X	X	X							X	X
Department/Variety Stores	X	X	X							X	X
Fabric Stores	X ¹⁵	X ¹⁵	X							X	X
Farm Supplies, Retail	X	X	X							X	X
Florist, Retail	X ¹⁵	X ¹⁵	X ¹⁵							X	X
Furniture, Cabinet Shops	X ¹⁵	X ¹⁵	X ¹⁵	CUP						X	X
Furniture Sales, Retail	X	X	X							X	X
Glass, Pottery Stores	X	X	CUP							X	X
Grocery Store	X	X	X							X	X
Hardware Stores	X	X	X							X	X
Jewelry, Watches, Retail Sales/Repair	X	X	CUP							X	X
Locks and Gunsmiths	X ¹⁶	X ¹⁶	X ¹⁶							CUP	X

¹⁶ - Allowed upon issuance of a home business permit.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Lumber Yards, Building Materials, Storage and Sales	X	X	X	X			17	17		X	X
Microbrewery ¹⁸	X	X	X					X	X	X	X
Mobile/Manufactur ed Home Sales	X	X	X	X		CUP	CUP			X	X
Motorcycle Sales/Repair	X	X	X	CUP						X	X
Nursery, Retail	X	X	X	CUP						X	X
Nursery, Landscape Materials	X	X	X	CUP	CUP					X	X
Office Equipment, Sales and Service	X ¹⁶	X ¹⁶	X ¹⁶							X	X
Optical, Musical Instrument Sales	X	X	X							X	X
Outdoor Mobile Vendors ¹⁹	X	X	X	CUP	CUP	CUP				X	X
Paint, Glass, Wallpaper Sales	X	X	X							X	X

¹⁷ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

¹⁸ - Subject to licensing and requirements of the WSLCB.

¹⁹ - Requires CUP where listed unless use is accessory to an existing permitted use. All outdoor mobile vendors are subject to the requirements of Section [18.16.126](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Pawn Shops	X	X	X							X	X
Pet Shops	X	X	X							X	X
Plumbing Shop	X	X	X	CUP	CUP					X	X
Restaurants, Cafes	X	X	CUP ²⁰							CUP	CUP
Sheet Metal Shops	X	X	X	X	X	CUP	CUP ²¹	²¹		CUP	X
Sporting Goods Sales	X	X	X							X	X
Tailors, Dressmakers, Milliners ²²	X	X	CUP							X	X
Toy, Hobby, Variety Shops	X	X	X							CUP	X
Upholstery, Decorator Shops, Retail ²²	X	X	CUP							X	X
Used Car Lots	X	X	X	X	CUP					CUP	X
Drinking Establishment, Alcohol	X	X	X			CUP	CUP			CUP	X

²⁰ - except when part of a mixed used, residential commercial development

²¹ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

²² - Allowed upon issuance of a home business permit.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Drive-In Windows, Accessory	X	X	X							X	X
Drugstores Pharmacy	X	X	X							X	X
Food Processing, On-Site Sales	X	X	X	CUP	CUP	CUP	CUP ²¹	²¹		X	X
Gases in approved metal cylinders, storage/sales	X	X	X	CUP	CUP	CUP	CUP ²³	²³		CUP	X
Laundries, Laundromats	X	CUP	CUP							CUP	X
Music Stores	X	X	CUP							X	X
Nanobrewery ²⁴	X	X	X							X	X
Picobrewery ²⁴	X ²⁵	X ²⁵	X ²⁵							X	X
Rental—Small Tools, Garden Equipment, Sporting Goods	X	X	X							CUP	X
SERVICES											

²³ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

²⁴ - Subject to licensing and requirements of the WSLCB.

²⁵ - Allowed upon issuance of a home business permit.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Animal Hospital/Clinic	X	X	CUP	CUP	CUP	CUP	CUP			X	X
Animal Shelter	X	X	X	X	X	CUP	CUP			X	CUP
Automobile/Car Wash	X	X	X	X						CUP	X
Automobile Parking, Commercial	X	X								CUP	CUP
Auto Repair, Major	X	X	X	X	CUP	CUP				X	X
Auto Repair, Minor	X	X	X	CUP	CUP					X	X
Barber/Beauty Salon	X ²⁶	X ²⁶	X ²⁶							X	X
Blacksmith or Horseshoeing	X	X	X	X	X	X	CUP ²⁷	²⁷		X	X
Blueprinting, Photostating Services	X	X	X							CUP	X
Boat Sales/Repair	X	X	X	X	CUP					X	X
Bus Terminals, Passenger	X	X	CUP	CUP	CUP					CUP	CUP
Catering Business	X ²⁸	X ²⁸	CUP							X	X

²⁶ - Allowed upon issuance of a home business permit.

²⁷ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

²⁸ - Allowed upon issuance of a home business permit.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Clinics, Medical and Dental	X	X	CUP							X	SPD
Crematories	X	X	X	X	X	CUP	CUP	CUP		X	CUP
Employment Agencies	X	X	X							X	CUP
Finance and Loan Companies	X	X								X	X
Frozen Food Lockers	X	X	CUP	CUP						X	X
Gas Stations	X	X	X	CUP						CUP	X
Insurance Agencies	X ²⁸	X ²⁸	CUP							X	X
Kennels	X	X	X	X	X	CUP	CUP ²⁷	²⁷		X	X
Laboratories, Research & Testing	X	X	X	X	X	X	²⁷	²⁷		CUP	X
Machine Shops	X	X	X	X	CUP		CUP ²⁷	²⁷		CUP	X
Office Buildings	X	X	CUP					CUP	CUP	CUP	
Photographic Studios	X ²⁸	X ²⁸	X ²⁸							X	X
Real Estate Offices	X	X	CUP							X	X
Recycling Drop-off Stations (Enclosed)	X	X	CUP	CUP	CUP					CUP	CUP
Rental—Autos and Trucks	X	X	X	CUP	CUP					CUP	X

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Rental—Heavy Equipment	X	X	X	X	X	CUP	CUP			CUP	X
Repair/Service, Office and Household Items	X ²⁹	X ²⁹	X ²⁹							CUP	X
Repairs—Upholstery, Furniture	X ²⁹	X ²⁹	X ²⁹	CUP						CUP	X
Repairs—Small Engine, Garden Equipment	X	X	X	CUP						CUP	X
Shoe Repair/Shine	X ²⁹	X ²⁹	CUP							CUP	X
Taxi Terminals/Dispatch	X	X	X	CUP	CUP		30	30			X
Taxidermist ³⁰	X ²⁹	X ²⁹	CUP	CUP	CUP					X	X
Woodworking Shops, Millwork	X	X	X	CUP	CUP		CUP ³⁰	30		X	X
MANUFACTURING/INDUSTRIAL USES											
Asphalt Plant	X	X	X	X	X	X	X	CUP ³⁰		X	X

²⁹ - Allowed upon issuance of a home business permit.

³⁰ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Assembly of Machines/ Appliances, Prefab Parts	X	X	X	X	X	X	CUP ³²	³²		CUP	X
Automobile Wrecking	X	X	X	X	X	X	X	CUP ³²		X	X
Beverage Industries	X	X	X	³¹	³¹	³¹				X	X
Boat Building	X	X	X	X	X	X	CUP ³²	CUP ³²		X	X
Bus Repair/Storage Terminals	X	X	X	X	X	X	CUP ³²	³²			CUP
Cement/Concrete Plants	X	X	X	X	X	X	X	CUP ³²		X	X
Clothing Manufacture	X	X	X	X	X	X	³²			X	X
Cold Storage Plants	X	X	X	X	X	X	CUP ³²	³²		CUP	X
Contractors Plants, Storage Yards	X	X	X	X	X	X	X	³²		CUP	X
Contract Truck Hauling	X	X	X	X	X	X	X	³²		CUP	X
Dry Cleaning, Commercial	X	X	X							X	X

³¹ - Beverage industries with capacities exceeding “microbreweries” shall be required to obtain a conditional use permit.

³² - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Electric Components, Manufacture	X	X	X	X	X	X	CUP ³²	CUP ³²		CUP	X
Electric Light/Power Distribution Station	X	X	X	X	X	X	CUP ³²	³²		X	CUP
Engineer, Medical and Scientific Instruments, Manufacture	X	X	X	X	X	X	CUP ³³	CUP ³³		CUP	X
Fabricated Structural Metal Products	X	X	X	X	X	X	CUP ³³	³³		CUP	X
Fuel, Oil, etc., Distributors, Bulk	X	X	X	X	X	X	X	CUP ³³		X	X
Gravel Pits	X	X	X	X	X	X	X	CUP ³³	CUP	CUP	CUP
Hazardous Materials, Manufacture, Processing, Storage	X	X	X	X	X	X	X	CUP ³³	CUP	X	CUP

³³ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Hazardous Waste, Treatment and/or Storage ³⁴	X	X	X	X	X	X	CUP ³³	CUP ³³	CUP	X	CUP
Insulation Material Manufacture	X	X	X	X	X	X	CUP ³³	CUP ³³		X	X
Junk Yards/Auto Wrecking	X	X	X	X	X	X	X	CUP ³³		X	X
Land Fills— Reclamation Using Earth & Fill (Doesn't Include Sanitary Landfills)	CUP	CUP	CUP	CUP	CUP	CUP	CUP ³³	CUP ³³	CUP	CUP	CUP
Leather Goods, Manufacture	X	X	X	CUP	CUP	CUP	CUP ³³	³³		X	X
Machine Tool, Manufacture	X	X	X	X	X	X	³⁵			CUP	X
Manufacturing of Chemicals	X	X	X	X	X	X	CUP ³⁵	CUP		X	X
Outside Storage of Commercial Vehicles	X	X	X	CUP	CUP	CUP				CUP	X

³⁴ - Allowed only as accessory use to permitted or conditional use.

³⁵ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
(Section 18.11.030(d))											
Outside Storage of Inoperable Vehicles and Appliances (Section 18.11.030(c))	X	X	X	X	X	X	X	X	X	X	X
Pharmaceutical, Manufacture	X	X	X	X	X	X	CUP ³⁵	CUP ³⁵		X	X
Planing/Saw Mills	X	X	X	X	X	X	X	CUP ³⁵		X	X
Printing/Publishing	X	X	X							CUP	X
Recycling Centers	X	X	X	CUP	CUP		CUP ³⁵	³⁵		CUP	CUP
Repair/Service—Industrial Equipment	X	X	X	X	X	CUP	CUP ³⁵	³⁵		CUP	X
Sign Manufacture, Painting, Service	X	X	X	CUP	CUP		CUP ³⁵	³⁵		CUP	X
Stone Cutting, Monument Manufacture	X	X	X	X	X	CUP	CUP ³⁵	³⁵		X	X

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Storage, Commercial (Mini Storage)	X	X	X	CUP	X	CUP				X	X
Storage Facility, Bulk	X	X	X	X	X	X	CUP ³⁶	CUP ³⁷		CUP ₃₇	X
Textile Manufacture	X	X	X	X	X	X	CUP ³⁷	CUP ³⁷		CUP	X
Tire Recapping & Retreading	X	X	X	X	CUP		CUP ³⁷	³⁷		X	X
Truck Terminals, Repair, Storage	X	X	X	X	X	CUP	CUP ³⁷	³⁷		CUP	CUP
Waste (Nonhazardous) Materials Processing, Handling	X	X	X	X	X	X	X	³⁷		X	X
Wholesale Trade	X	X	X	X	X	CUP	CUP ³⁷	³⁷		CUP	X
CULTURAL/RECREATIONAL/EDUCATIONAL											
Amusement Park/Zoo	X	X	X	X	X	X	X	X	X	X	CUP
Campgrounds	X	X	X	X	X	BSP	BSP	BSP	BSP	BSP	BSP

³⁶ - Allowed and conditional industrial uses must be compatible with the purpose statement found in Section [18.33.010](#).

³⁷ - Refer to Section [18.11.030](#), Prohibited uses.

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
<u>Camping</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Churches, Temples, Synagogues	CUP	CUP	CUP				CUP	X	X	X	X
Coliseums, Stadiums											
Community Center, Meeting Hall, Fraternal Organization	X	X	CUP		CUP					X	CUP
Greenways and Multi-Use Trails										CUP	
Gyms, Exercise Facilities, Spas, skating rink, Commercial	X	X	CUP							X	CUP
Miniature Golf/Driving Range	X	X	X	X	CUP	CUP	CUP			X	CUP
Parks, Nonprofit Recreational Uses				CUP	CUP					CUP	
Public and Private Schools	CUP	CUP	CUP	CUP	CUP					X	

Type of Use	RS	RD	RM	CB	PS	HB	CI	LI	HI	AI	PU
	Residential Single Unit	Residential Duplex	Residential Multi-Unit	Central Business District	Planned Shopping District	Highway Business	Commercial Industrial	Light Industrial	Heavy Industrial	Airport Industrial	Public Use
Swimming Pools, Outdoor Private				CUP ³⁸	CUP ³⁹	CUP ³⁹	CUP ³⁹	CUP ³⁹	CUP ³⁹	X ³⁹	X ³⁹
Theaters and Similar Indoor Structures	X	X	X							X	X
Trailer Parks— Commercial (RV)	X	X	X	X	BSP	BSP	BSP	BSP	BSP	BSP	BSP
Colleges and Trade Schools, Nonresident	X	X	CUP	CUP	CUP				CUP	X	
Game/Card Rooms, Video Games	X	X	X		CUP	CUP	CUP	X	X	X	X
Hotels, Motels, Inns	X	X	SPD							X	X
Libraries, Museums	X	X								X	
Preschool, Private	X	CUP	CUP		CUP	CUP	CUP		X	X	CUP
Rodeo/Fairgrounds	X	X	X	X	X	CUP	CUP			X	
Swimming Pools, Public	X	CUP	CUP	CUP	CUP			CUP	X	X	

³⁸ - Only allowed in association with existing residences.

Sections:

[18.16.010 Intent.](#)

[18.16.015 Building codes.](#)

[18.16.020 General development standards.](#)

[18.16.023 Lot size regulations.](#)

[18.16.027 Height regulations.](#)

[18.16.030 Home businesses.](#)

[18.16.040 Landscaping.](#)

[18.16.070 Automobile parking and loading.](#)

[18.16.080 Single-family dwellings and duplexes.](#)

[18.16.085 Manufactured homes.](#)

[18.16.090 Clear vision requirements.](#)

[18.16.100 Fences.](#)

[18.16.110 Signs.](#)

[18.16.112 Performance standards.](#)

[18.16.114 Mobile vendors.](#)

[18.16.116 Temporary markets.](#)

[18.16.118 Recreational vehicles.](#)

[18.16.120 Site clearance.](#)

[18.16.122 Accessory structures.](#)

[18.16.124 Accessory dwelling units.](#)

[18.16.126 Outdoor mobile vendors.](#)

[18.16.128 Storage containers.](#)

18.16.010 Intent.

The purpose of the general district regulations is to provide a general, concise reference to requirements that are common to many different zoning districts, thereby providing a more efficient utilization of this title. (Ord. 1286 (part), 1995).

18.16.015 Building codes.

In accordance with the standards and definitions contained in this title, all structures built subsequent to the effective date of the ordinance codified in this title must meet the requirements described and adopted in Chapter [14.12](#) as the same exists now or may be hereafter amended, except that structures that are not built on site shall comply with the provisions of this title and applicable state laws. (Ord. 1877 § 7, 2019).

18.16.020 General development standards.

General development standards including setbacks, unit size, building height, lot size, lot coverage, and density for all districts are listed below in Table 1.0. Additional specific development standards may be listed within Chapters [18.20](#) through [18.40](#).

Table 1.0

GENERAL DEVELOPMENT STANDARDS FOR ALL DISTRICTS*

DISTRICT	Residential Single Unit RS	Residential Duplex RD	Residential Multi Unit RM	Central Business CB	Planned Shopping PS	Highway Business HB	Commercial Industrial CI	Light Industrial LI	Highway Industrial HI	UNITS
Setback: front	20	20	20	0	0	0	15	15	15	feet
Setback: side, interior	5	5	^c	0 ^f	0 ^f	0 ^f	10 ^h	10 ^h	10 ^h	feet
Setback: side, street	15	15	15	0	0	0	10	10	10	feet
Setback: rear, main building	20	20	20	8 ^g	8 ^g	8 ^g	10 ^h	10 ^h	10 ^h	feet
Setback: rear, accessory building	5	5	5	8 ^g	8 ^g	8 ^g	10 ^h	10 ^h	10 ^h	feet
Minimum unit size	500	500	320	320 ^e	320 ^e	320 ^e	320 ^e	320 ^e	320 ^e	square feet
Maximum building height	35	35	45	50	50	50	50	50	50	feet
Minimum lot size	6000 ^a	6000	^b	0	5000	0	0	0	0	square feet
Maximum building coverage	45	45 ^d	45 ^d	—	60	—	—	—	—	percent of area
Allowed density	6	10	36	—	—	—	—	—	—	units per acre

* Except AI—Airport Industrial (Chapter [18.38](#)) and PU—Public Use (Chapter [18.40](#)) districts. Refer to their respective sections.

^a Except a single unit (detached) dwelling may be allowed on any lot of fifty feet in width in areas platted before January 8, 1962, and on any lot of sixty feet wide in areas platted thereafter.

^b Minimum Lot Sizes. Single-unit dwelling: 6,000 sf. Duplexes: 8,000 sf. Apartment buildings: 6,000 sf. plus 1,000 sf. for each additional unit over six. All other uses: 10,000 sf.

^c 10 ft. when abutting an RS, or RD district; 5 ft. when abutting a CB, HB, PS, LI, HI, or AI district; no setback when abutting PU or other RM properties.

^d Unless the required off-street parking is under cover, then the building coverage may be increased to sixty percent.

^e Limited to second story or above residential uses unless part of an approved multifamily or mixed-use complex.

^f 10 ft. when abutting an RS, RM, or RD district.

^g 12 ft. when abutting an RS, RM, or RD district.

^h 20 ft. when abutting an RS, RM, or RD district.

(Ord. 1896 § 2, 2020).

18.16.023 Lot size regulations.

(a) No yard shall be reduced in size so as to make it smaller than the minimum dimensions required by this title.

(1) Exemption Due to Adjacent Structures. The front yard may be reduced if there are structures on both abutting lots with front yards that are less than the required width, provided the front yard of the subject property does not exceed the average front yards of the abutting lots. If there is a structure on one abutting lot with a front yard of less than the depth required, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

(2) Projections. No portion of any building or structure shall project onto any required yards with the exception of landscaping structures and unroofed stairways and steps. (Ord. 1286 (part), 1995).

18.16.027 Height regulations.

(a) General Exceptions. The following types of structures are not subject to the building height limitations of this title: elevated tanks, church spires, belfries, domes, monuments, transmission towers, smoke stacks, radio and television towers or aerials, and other similar structures.

(b) Fences not over forty-two inches in height may occupy a front yard except that fences of chain link without weaving may not exceed forty-eight inches. (Ord. 1667 § 15, 2010; Ord. 1286 (part), 1995).

18.16.030 Home businesses.

(a) Home businesses are allowed in all districts unless restricted otherwise and must obtain a business license issued under Chapter [4.20](#).

(b) Allowed Businesses. Home businesses may include personal specialty business (including professional services), offices, repair shops for household items, manufacture or assembly of small items, and similar uses.

(1) Prohibited Home Businesses. Businesses such as veterinary offices and clinics, hospitals, mortuaries, major and/or minor automobile repairs, restaurants, stables and kennels are prohibited.

(2) Activities not specifically listed in subsection (B) of this section will be addressed on an individual basis as to suitability, impact and conformity with the neighborhood. The planning commission will make a case by case finding as to whether or not the business will be allowed.

(3) Picobreweries allowed as a home business shall be subject to the following conditions:

(A) No deliveries that require pallets or freight trucks.

(B) No additional parking or traffic that would not be normally expected from a household.

(C) No display of merchandise or signs.

(D) Maintain the appearance that no business is being operated from the premises.

(E) No sales being made on the property.

(F) All operations and storage must have space separate (with no shared door) from the dwelling space.

(G) No outdoor storage of equipment or supplies.

- (H) Must provide a waste plan with estimated quantities and place of disposal.
- (I) Use must comply with licensing and permitting requirements of the Washington State Liquor and Cannabis Board.
- (J) Any violation of the conditions may result in revocation of home occupation permit.
- (K) Written and notarized approval of the landowner where operation is located.
- (c) Exterior Modifications. There shall be no exterior modification of the building in order to accommodate the business nor shall there be any outside manifestation of the fact that a business is being conducted within the premises. The primary use of the premises shall be for dwelling and at no time shall the home business be the principal use of the home.
- (d) Employees. One assistant or employee in addition to the residing homeowner/operator may engage in the business on the premise. Family members residing within the home are exempt from this requirement.
- (e) Retail Sales. The retail sales of goods are prohibited unless allowed as a conditional use as identified in the District use chart (Chart 1.0) or as approved by the planning commission.
- (f) Thirty-five Percent Maximum Floor Area. The gross floor area for the business activity shall be no more than thirty-five percent of the dwelling and accessory building it shares.
- (g) Parking. The administrator shall determine the number of parking spaces required when granting approval for a home business, unless the approval of the home business requires a conditional use permit, in which case the hearings examiner shall determine the number of required parking spaces. (Ord. 1932 § 1 (Exh. A), 2024; Ord. 1891 § 15, 2020; Ord. 1667 § 20, 2010; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

18.16.040 Landscaping.

- (a) Purpose. The purpose of the landscaping and screening requirements of this section is to increase compatibility between different intensities of land uses by encouraging visual barriers that interrupt the barren expanse of paved parking lots, screen undesirable views of selected industrial uses, promote desirable land use patterns, and to improve and maintain the inherent beauty of our city. It is the intent of these requirements to reduce the impact of erosion and storm-water runoff; promote pervious surfacing to allow natural groundwater recharge; reduce heat, air, dust, and noise pollution; promote safety through reduced glare; create a community-wide asset while mitigating hardships for business and property owners; and preserve and enhance the ecology of the region and the natural character of the community.
- (b) Water Conservation. The city of Omak herein recommends water consumption for all required landscaping be kept to a minimum through the careful selection of planting materials and other creative strategies.
- (c) General Requirements. This landscape section shall apply to all permitted and conditional uses, manufactured home parks and recreational vehicle parks. This section does not apply to: single unit dwellings, duplexes, accessory uses, remodels representing less than fifty percent of the assessed valuation of the structure, and areas within the central business district.
- (1) The administrator shall review and may approve, approve with modifications, or disapprove site landscape development plans for all new developments in accordance with the provisions of this chapter.
- (2) Developments involving additions or alteration to existing structures in which the cost of the additions or alterations exceeds fifty percent of the value of the existing structure(s) or improvements (value shall be determined from official city records) shall be subject to the provisions of this section, provided that where existing structures of improvements are situated so as to preclude installation of required landscaping, such required landscaping may be waived by the administrator.
- (3) The landscaping requirements herein shall be supported by a set of guidelines or recommendations approved by the planning commission. Landscaping guidelines are available upon request at Omak City Hall.
- (d) District Landscaping Designations.

(1) PS—Planned shopping district and

HB—Highway business district:

(A) Landscaped Area. Ten percent of the gross area of each lot in the PS and HB districts shall be dedicated to landscaping and groundwater retention. The ten percent requirement may be reduced if the retention of existing mature (at least three years old) summer vegetation would result in as good or better satisfaction of the purpose statement of Section [18.16.040](#), Landscaping standards.

(B) Buffers. Physical and visual separation of at least four feet in height shall be provided along those lot lines adjacent to, or across a public roadway or alley from, an RS, RD, or RM district.

(2) Conditional Uses/Nonresidential Uses in residential (RS, RD, RM) districts:

(A) Character. Landscaping should relate or be of similar character to that of nearby RS and RD districts.

(B) Buffers. Undesirable views shall be buffered to protect adjacent residential uses.

(3) Industrial (CI, LI and HI) districts:

(A) Buffer from Residential Areas. Buffers or other means of providing light and glare protection, visual screening, and sound dampening are required if adjacent to any residential district.

(B) Buffer from Major Streets. Buffers providing visual screening of developed portions of lots are required if adjacent to a roadway designated as an arterial or collector street.

(4) RM—Residential Multi-Unit District.

(A) Landscaping should relate or be of similar character to that of nearby RS and RD districts.

(e) Landscape Plan Requirements. Prior to the issuance of building permit, a scaled landscape site plan shall be submitted to and approved by the zoning administrator consistent with the provisions herein.

(1) Location of all existing plant material to remain on site;

(2) Indication of screening and buffer plantings required by ordinance;

(3) Indication of the lot size and area that shall be dedicated to landscaping;

(4) Describe proposed landscaping and/or buffer(s);

(5) Description of plans for maintaining landscaping and/or buffer(s).

(f) Adjustment of Landscaping Requirements. The administrator may authorize reduced plantings or may waive some of the landscaping requirements in the following instances:

(1) When the retention of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of this section.

(2) When the landscaping would interfere with the adequate flow of stormwater runoff, as determined by the public works department, along drainage easements and/or when the landscaping would interfere with the adequate treatment of stormwater in grassed percolation areas.

(g) Landscape Maintenance.

(1) Irrigation. An irrigation system or hose bibs shall be provided with adequate water pressure and spacing to serve all landscaped areas, except for areas planted with native materials or other methods are provided for watering. The city strongly encourages the utilization of water conservation techniques.

(2) Plant Health. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal. If the administrator determines the maintenance required under this paragraph has not been performed, the city shall perform the work and bill the property owner.

(3) Defined Edges. Planting areas shall be clearly delineated from parking areas and driveways by a raised curb or other suitable formal separation. Planting areas shall not have artificial impervious material underlying the top soil. Required distance shall be measured from the inside of the curbs and other separators.

(4) Noxious weeds shall be controlled pursuant to RCW [17.10](#), the Washington State Weed Law.

(5) All walls, fences and screens shall be maintained to retain their original purpose.

(h) Performance Assurance.

(1) The required landscaping must be installed prior to issuance of the certificate of occupancy unless the building inspector determines that a performance assurance device, for a period of not more than one year, will adequately protect the interest of the city. In no case may

the property owner/developer delay performance for more than one year.

(2) The city may accept, as an alternative to a performance assurance device, a contractual agreement or bond between the owner/developer and professional landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection A of Section [18.16.040](#), Landscaping standards.

(3) If a performance assurance device or evidence of a similar device is required under previous subsections (18.16.040(h)(1) and (h)(2)). The enforcing officer shall determine the specific type of assurance device required in order to insure completion of the required landscaping in accordance with the approved landscaping plan. The value of this device must equal one hundred twenty percent of the estimated cost of the landscaping to be performed, and shall be utilized by the city to perform any necessary work, and to reimburse the city for documented administrative costs associated with action on the device. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit.

(i) Exceptions for Clear Vision Requirements. Landscaping as required in this section is subject to those clear vision requirements as defined in Section [18.16.090](#). (Ord. 1344 § 1 (part), 1997; Ord. 1325 § 4, 1996; Ord. 1286 (part), 1995).

18.16.070 Automobile parking and loading.

(a) General. Off-street parking shall be provided in accordance with the requirements found in this section.

(b) Conditions. Off-street parking and loading spaces shall be provided at any time one of the following conditions occur:

(1) When a main building is erected; or

(2) When a main building is relocated; or

(3) When a use is changed and there is space on the site for the required parking; or

(4) When the number of required spaces is increased by the addition of dwelling spaces, floor area, or any other unit of measure used to determine parking and loading spaces; or

(5) In the event the expansion or enlargement results in ten percent or less increase in the number of spaces necessary to comply with subsection [18.16.070\(b\)\(4\)](#) above, the provision of additional spaces is not required.

(c) Parking Space Area. Each parking space shall have a net area of not less than one hundred sixty square feet exclusive of access drives or aisles, and shall be of usable shape and condition. If determined on a gross area basis, three hundred square feet shall be allowed per vehicle.

(d) Requirements. A public or private parking area that has a capacity of five or more vehicles shall be developed and maintained in accordance with the following requirements:

(1) Development of such parking areas shall be in accordance with plans that must be submitted to and approved by the building inspector prior to site preparation or development work.

(2) Parking areas shall be improved with a properly bound, durable and dustless impermeable surface. Alternative parking surfaces, such as grass with weight transferring plastic or concrete blocks, are recommended for low frequency-of-use parking and loading areas.

(3) Adequate drainage of the parking area shall be provided in such a manner so as to protect adjacent properties from excess stormwater and erosion, and to prevent the overtaxing of public or private storm drainage systems, and such drainage shall not be allowed to flow across sidewalks.

(e) Off-Street Parking Standards. The minimum number of off-street parking spaces required per use shall be as indicated in Table 2, below. Any use clearly similar to any of the listed uses shall meet such use's requirements. If the similarity of the uses is not apparent, the planning commission shall recommend to the city council the standards that should be applied to the use in question.

(f) Loading Berth Standards.

(1) Any building being or intended to be used for retail, wholesale, warehousing, freight, hospital, industrial and manufacturing shall be provided with off-street loading berths according to the following schedule:

(A) One loading berth for each building containing five thousand to twenty thousand square feet of floor area;

(B) Two loading berths for each building containing twenty thousand or more square feet of floor area;

(C) A loading berth can be counted as equivalent to one parking space when estimating the required parking except for residential uses in the central business district.

(2) Any building being or intended to be used for offices, hotel, restaurant, assembly space or similar use shall be provided with off-street loading berths according to the following schedule:

(A) One berth per building or as designated by the building inspector, whose decision shall be based on the type of use, the amount of activity, and the size of vehicles servicing the use.

(g) Exemptions for Joint Use. The board commission, administrator or council, depending on the type of approval involved, may authorize the joint use of parking facilities upon review of each request and a determination by the board of adjustment that compliance with the intent of this chapter will be assured.

(h) Central Business District Exemptions. There are no requirements for off-street parking for commercial uses in the central business district. Residential uses require one parking space per unit. Loading berths do not qualify as required parking for residential uses in the central business district.

(i) Off-Street Parking in Residential Districts. Off-street parking spaces shall not be located in a required front yard in any residential (RS, RD, RM) district unless within a designated driveway or parking lot.

(j) Uses Not Specified. In case of a use not specifically mentioned in the parking requirements in Table 2, the requirements for off-street parking facilities shall be recommended by the planning commission. Such determination shall be based upon the requirements for the most comparable use listed.

(k) Additional Standards and Bonds. In addition to the basic standards and requirements established by this chapter, the planning commission or the building inspector may make such other requirements or restrictions as may be deemed necessary in the interests of public health, safety and general welfare, including, but not limited to: lighting, joint development of facilities, entrances and exists, accessory uses and conditional uses; provided further, that performance bonds may be required where it is determined that such are necessary to guarantee proper compliance within the time periods specified.

(l) Parking Standard Modifications. The parking requirements in this section can be changed to better reflect the actual parking demand for a particular use. The planning commission shall review case by case requests for modifications and permit the requests should they meet the following requirements:

(1) Applicants identify the quantity of off-street parking spaces required by current city standards;

(2) Applicants identify the quantity of off-street parking spaces they intend to install;

- (3) Applicants submit at least one example of a similar parking condition and property use with a complete description of all relevant and unique conditions;
- (4) The request will not create any foreseeable off-site parking demands on unrelated adjacent parcels or on public rights-of-way.

Table 2.0**GENERAL AUTOMOBILE OFF STREET PARKING STANDARDS**

Use	No.	Per Unit of Measure
Residential	2	Dwelling unit
Boardinghouse or rooming house	1	2 guests
Hotel	1	2 guest rooms
Motel	1	Guest room
Medical care facility	1	4 beds
Nursing homes	1	6 beds
Medical, dental offices	1	150 square feet of gross floor area
Financial institutions, offices with customer	1	400 square feet of gross floor area
Libraries, museums, etc.	1	200 square feet of gross floor area
Churches, centers, theaters, and other enclosed	1	6 seats or 50 square feet of assembly floor area
Stadiums, arenas, and other open air assemblies	1	8 seats or 100 square feet of assembly floor area
Offices with no on-site customer service	1	800 square feet of gross floor area
Bowling alleys	6	Alley
Mortuaries and funeral chapels	1	75 square feet of assembly area
Eating and drinking establishments	1	200 square feet of gross floor area
Furniture, appliance, hardware, clothing, shoe	1	600 square feet of gross floor area
Other retail—less than 5,000 square feet of enclosed	1	300 square feet of gross floor area
Other retail—outside sales	1	300 square feet of sales area

Table 2.0**GENERAL AUTOMOBILE OFF STREET PARKING STANDARDS**

Use	No.	Per Unit of Measure
Other retail—5,000 square feet or more of enclosed floor	17 + 1	100 square feet floor area over 5,000 or 2 square feet
Warehouse, storage and wholesale	1	2 employees
Industrial and manufacturing	1	Each employee
Mixed uses		The sum of requirements for each use computed

(Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995)

18.16.080 Single-family dwellings and duplexes.

The following standards apply to all single-family dwellings and duplexes, including manufactured, modular and factory-built homes, or other prefabricated structures, to be placed outside of an existing or permitted manufactured home park:

- (1) Construction shall meet applicable building, plumbing, electrical and mechanical codes (see Section [18.16.015](#)).
- (2) Minimum Square Footage. The minimum square footage is dependent upon zoning district requirement as identified in Section [18.16.020](#), Table 1.0, General Development Standards for All Districts.
- (3) Exterior siding must be similar in appearance to siding materials commonly used on conventional site-built International Residential Code single-family residences and duplexes.
- (4) All residential structures must have a permanent foundation that meets or exceeds applicable building code requirements for residential construction.
- (5) Attached Structures. Attached structures shall meet the city requirements for new buildings. Attached structures for manufactured, modular/factory-built homes must meet applicable state and federal requirements.
- (6) Site Plan. A site plan, drawn to scale, shall be required that accurately depicts the location of any existing and planned structures, property lines, building setbacks, utilities and access.
- (7) Utilities. A utilities plan identifying the location and mode of all utilities must be submitted to the building inspector. Installation shall comply with all standards required by the city of Omak.
- (8) Alternative and prefabricated structures not meeting the definition contained in the International Residential Code shall require that plans, profiles and specifications be submitted, applicable fees paid and plans approved prior to issuance of required permits. (Ord. 1877 § 8, 2019).

18.16.085 Manufactured homes.

- (a) Manufactured homes must be no more than ten years old.
- (b) Manufactured homes must comply with all local design standards applicable to other homes within the neighborhood (Section [18.16.080](#)). (Ord. 1877 § 10, 2019).

18.16.090 Clear vision requirements.

- (a) Intersections—Requirement. A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. A clear vision area shall contain no sight-obscuring or -obstructing planting, fence,

or other temporary or permanent obstruction from the top of the curb or, where no curb exists, from the established center line grade of the street.

(b) Intersection—Measurement. A clear vision area shall consist of a triangle, two sides of which are curb line (or street edge lines) and the third side of which is a line across the corner of the lot connecting the ends of the other two sides. The size of the clear vision area is determined by the distance from the intersection of the two street lines to the third side, measured along the street. The required size in all districts is fifteen feet for each of the two street sides. (Ord. 1286 (part), 1995).

18.16.100 Fences.

(a) In residential (RS, RD and RM) districts, the CB—Central Business District, and the PS—Planned Shopping District, sight-obscuring perimeter fences shall not exceed six feet in height unless noted herein.

(b) Fences are subject to provisions of the International Building Code. (Ord. 1667 § 16, 2010; Ord. 1286 (part), 1995).

18.16.110 Signs.

(a) Omak sign ordinance includes standards for all signs and selected advertising devices within the city.

(b) Signs and advertising devices are defined in Chapter [18.08](#) of this title. (Ord. 1286 (part), 1995).

18.16.112 Performance standards.

(a) The following performance standards are intended to protect the public health, safety and general welfare by ensuring adequate access to light, air, privacy

and open space; minimizing traffic congestion and utility overload; and protecting the citizens of Omak from objectionable influences that may interfere with the use, value and enjoyment of property, sleep and repose, and the quality of the environment in all zoning districts.

(b) The performance standards herein are intended to be used to evaluate the general impacts of a given use. They are not intended to be used as a remedy for nuisances.

(c) General Performance Standards. The following standards are applicable to all new and major expansion of existing uses, irrespective of zoning classifications, in order to minimize potential impacts to public health, safety, welfare, and aesthetic values associated with land uses located in the city. Any use that does not comply with the general performance standards is prohibited.

(1) Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment uses or processes with electrical apparatus in nearby buildings or land uses.

(2) Electromagnetic Radiation. No use of electromagnetic radiation shall be permitted for such purposes as communication, experimentation, entertainment, broadcasting, hearing, therapy, vehicle velocity measurement, weather survey, topographic survey, personal pleasure, or any other use directly or indirectly associated with those purposes that does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation. The FCC enforces its regulations within the city.

(3) Hazardous Substances or Waste.

(A) Storage of animal or vegetable waste shall be managed and maintained in a manner that does not attract insects or rodents or otherwise create a health hazard. No waste products shall be exposed to view, from eye level, beyond the property line of the use storing the waste.

(B) No hazardous substances or wastes shall be released into the environment so as to cause dangerous or offensive emission or contamination of any public or private water supply, sewage treatment processes, watercourse or water body, the air or the ground, except in accordance with standards approved by provisions of federal, state, and local laws and regulations. The discharge of any materials into any manmade or natural body of water or drainage system shall be regulated by the Washington Department of Ecology or city ordinances.

(C) Manufacturing uses shall indicate the method of storage and disposal of all industrial waste prior to project approval.

(4) Odor. The emission of obnoxious odors or any toxic or corrosive fumes, gases, or other matter that may injure people or property shall not be permitted as determined by the building official.

(5) Particulate Matter Emissions.

(A) All uses that produce emissions shall comply with the requirements of the Environmental Protection Agency and/or the Washington Department of Ecology.

(B) No residential or commercial activity that chronically emits observable dust, dirt, fly ash or other airborne solids shall be permitted except as related to construction activity or with a land use permit and approved mitigation plan.

(C) Air pollution from private roads, parking lots, and open areas shall be controlled as follows. The performance goal is to allow no degradation of the air quality of the Omak area, and to prevent degradation of the ambient air quality by utilizing sufficient dust control measures both during periods of construction, and after project completion:

(i) Visible dust generated by construction, repair, or cleaning of roads and parking areas shall be minimized by means that minimize detrimental effects to water quality. Chemical dust suppressants labeled for such use may be used in accordance with all applicable health and safety standards.

(ii) Private roads and parking areas shall be controlled by providing paving or other surface treatment that minimizes visible dust emissions and mud tracking. Housekeeping measures shall be used to minimize the accumulation of mud or dust on the surface of roads.

(iii) Unpaved shoulders shall be maintained in such a way as to minimize generation of visible dust by wind or traffic. Unpaved nonvehicular areas shall be controlled by vegetative cover or other equally effective methods of minimizing windblown dust.

(iv) Air emissions from manufacturing uses or other activities shall be controlled. No emissions shall exceed the allowances set forth by the Environmental Protection Agency.

(6) Vibration. Any use permitted by this title that causes ground vibration or concussion that is detectable beyond the property lines without the aid of instruments shall be regulated as a conditional use. The following uses shall be exempted:

(A) Vibration originating from heavy transport vehicles (e.g., trucks);

(B) Temporary vibration originating from small-scale site construction activity, such as a home remodel;

(C) Vibration from heavy equipment resulting during the normal course of business.

In the event that a construction project is likely to cause continuous or intermittent vibration for an extended period of time, it shall be the responsibility of the administrator or building official to ensure that a SEPA review has been conducted and that activities anticipated to cause vibration have been mitigated under SEPA review. If no SEPA review has been conducted, it shall be the responsibility of the administrator to condition the use of vibrating machinery under a CUP.

(d) Specific Performance Standards. The following standards shall be used to assess the impacts of allowed or permitted uses, or uses not listed in the district use chart, in the context of the zoning district, the neighborhood, and the surrounding uses in the area in which the use is proposed, in order to minimize potential impacts on public health, safety, welfare, and aesthetic values associated with land uses located in the city. Any use that does not comply with the applicable specific performance standards is prohibited.

(1) Any use not specifically allowed, based on the district use chart, must be harmonious with the design, character, and appearance of the neighborhood in which it is proposed, and must not adversely affect the established character of the surrounding neighborhood. Among the factors to be considered are the specified intent of the zoning district in which the use is proposed; aesthetic consistency with existing structures and land

use patterns and the overall character of the neighborhood and the city; and consistency in terms of visual impacts of parking areas, building facades, and accessory structures;

(2) Any use not specifically allowed, based on the district use chart, must have no more adverse effect on the health, safety, general welfare and interest of persons living or working in the area, and must be no more injurious, economically or otherwise, to property or improvements in the surrounding area, than would any use generally permitted in the district. Among matters to be considered are traffic generation; traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service area; utilities; screening and buffering; signs; yards and other open areas; height, bulk, and location of structures; location of proposed open space uses; hours and manner of operation; and noise, light, glare, dust, odor, fumes and vibration;

(3) Any use not specifically allowed, based on the district use chart, must make efficient use of public services and facilities, and must not place an undue burden on the city's public services and facilities or reduce the city's public services and facilities level of service below that intended for uses allowed by right;

(4) Any use not specifically allowed, based on the district use chart, must be consistent with the city's adopted comprehensive plan, and with the objectives of any code, ordinance, regulation, specifications or plan in effect to implement said comprehensive plan. (Ord. 1667 § 7, 2010).

18.16.114 Mobile vendors.

(a) A mobile vendor shall obtain a peddler's permit in compliance with Chapter [4.24](#) prior to initiating the use.

(b) Mobile vendors shall comply with the following standards, in addition to any other conditions of said peddler's permit:

(1) Covered trash receptacles must be provided for customer use. The mobile vendor must contain and immediately remove any litter from the site on which the use is located. Disposable containers and other disposable pieces must bear the name or logo of the mobile vendor.

(2) The mobile vendor must maintain any health certification required by state and local regulations for the type of food or beverage service offered.

(3) Employees must have access to sanitary facilities during working hours.

(4) Written permission of the owner of the site on which the mobile vending unit will be located is required. (Ord. 1667 § 8, 2010).

18.16.116 Temporary markets.

(a) A temporary market shall obtain a permit in compliance with Chapter [4.24](#) prior to initiating the use.

(b) Temporary markets shall comply with the following standards, in addition to any other conditions of said permit:

(1) Hours of operation: beginning no earlier than nine a.m. and ending no later than seven p.m. Setup may start no earlier than seven a.m.

(2) Parking: the applicant shall provide adequate off-street parking for vendors and customers.

(3) Sanitation: the applicant shall provide adequate sanitary facilities for vendors and customers.

(4) Trash: the applicant shall provide adequate trash receptacles for vendors and customers.

(5) The applicant shall remove all trash from the site at the end of the use and shall return the area to a condition as good as or better than that in which it was found, ensuring that no record of the use remains visible.

(6) Alcohol and illegal substances shall not be allowed on the premises during the temporary market, except as approved by the city council.

(7) Noise levels shall be consistent with prevailing standards in the neighborhood in which the temporary market is held. (Ord. 1667 § 9, 2010).

18.16.118 Recreational vehicles.

Recreational vehicles shall not be used as permanent, full-time housing. Recreational vehicles must adhere to the following provisions:

- (1) A recreational vehicle may be occupied for extended temporary residential habitation for a period up to, but not exceeding, one year for the sole purpose of temporary housing during construction of a permanent dwelling unit on the lot where the recreational vehicle is located, pursuant to issuance of an approved building permit. The use may not be extended beyond the two-year limitation. Permit and fee shall apply to an extended temporary residential recreational vehicle. Occupancy of the recreational vehicle is subject to a sanitary inspection as described herein.
- (2) A short-term recreational vehicle may be occupied for a period of up to thirty days per calendar year as an accessory to an existing single-family residence. Holding tank contents for short-term recreational use must be emptied in an approved manner. Sewer stubs for recreational vehicles must be permitted and installed per the Uniform Plumbing Code, and at no time shall the recreational vehicle be connected on a permanent basis except as permitted in subsection (a)(4) of this section.
- (3) Allowed temporary recreational vehicle uses described herein shall be subject to all pertinent city health and safety regulations.
- (4) A recreational vehicle that is being used on an extended, temporary basis shall be allowed to connect to city sewer and water utilities after a sanitary inspection has been completed to ensure that chemical contaminants will not enter the city's wastewater system. A connection permit and fee shall be applied upon completion of inspection. This permit shall be limited to a one-time connection only, and any subsequent connection within the permitted timeline shall undergo a repeat inspection for reconnection.
- (5) Allowed temporary recreational vehicle uses described herein must comply with the following standards:
 - (A) The recreational vehicle may not be parked in a right-of-way or public easement.
 - (B) The recreational vehicle may not be parked in any required setback.
 - (C) The recreational vehicle may not be parked in any required parking space.
 - (D) No decks, covers, or other structures appurtenant to the recreational vehicle shall be erected or installed.
 - (E) The recreational vehicle's holding tank must be emptied at an approved facility. The holding tank shall be emptied as often as necessary to prevent development of a nuisance.
- (6) The city may impose additional conditions on the allowed uses of recreational vehicles to minimize nuisance-causing features and ensure public health and safety. Such conditions may include, but are not limited to, landscaping and lot maintenance. (Ord. 1667 § 10, 2010).

18.16.120 Site clearance.

- (a) Requirements. Prior to issuance of any zoning or building permit, the lot must be clear of all existing nuisance structures, abandoned or defunct vehicles, solid waste or other human-made hazards to public health and safety, and improvements shall be approved by the administrator.
- (b) Recommendation. The city of Omak herein recommends property owners maintain native vegetation where possible to prevent wind and water erosion. (Ord. 1286 (part), 1995).

18.16.122 Accessory structures.

The following regulations apply to detached accessory structures such as sheds and garages associated with single-family residences in all zoning districts:

- (1) All accessory structures shall meet the minimum front and side yard setbacks in the applicable zoning district and a minimum five-foot setback in the rear yard. All such accessory structures shall also meet the requirements of the building code currently in use by the city at the time of construction for setbacks between buildings.

- (2) The maximum building footprint of an accessory structure shall be subject to building coverage standards in Table 1.0 in Section [18.16.020](#).
- (3) The maximum height of accessory structures shall be limited by the maximum building height for the zoning district in which it is located.
- (4) With the exception of approved accessory dwelling units, accessory structures shall not be designed, constructed, or used as habitable structures for living, sleeping, eating, or cooking unless the structure is associated with a business that requires such facilities under which a CUP will be required.
- (5) Each accessory structure shall be compatible with the character of the zone in which it is located and the allowed uses therein. Accessory structures in excess of 12 feet in height or 300 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.
- (6) No accessory structure shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the well-being of the city and the area in which the accessory use or structure is located. (Ord. 1896 § 3, 2020).

18.16.124 Accessory dwelling units.

(a) Intent. The provision of accessory dwelling units (ADUs) promotes an efficient use of housing and allows more flexible living environments for all residents. The following regulations are designed to meet a need for an alternative form of housing without compromising the existing character or appearance of single-family residential neighborhoods.

(b) Eligibility. Accessory dwelling units appurtenant to duplexes are prohibited. ADUs may be located in a separate, detached, accessory structure or incorporated within the principal dwelling. For the purposes of this subsection, the term “incorporated or attached” shall mean completely within an existing principal residence, provided both dwelling units are attached by a common wall, floor, or ceiling and not simply by an attached breezeway or porch. An ADU may be allowed only on conforming lots in the RS, RD, RM, CB, or HB zoning districts; an ADU is subject to approval and conditions by the administrator; and an ADU must follow the minimum lot sizes and conditions hereafter listed:

- (1) RS, 86,000 square feet. ~~ADU must be located in a separate structure from the principal structure.~~
- (2) RD, 86,000 square feet. ADU may be incorporated or separate from principal structure.
- (3) RM, 56,000 square feet. ADU may be incorporated or separate from principal structure.
- (4) CB or HB, 7,500 square feet for separate structures. Incorporated ADUs in CB and HB shall be limited to the second story or above and shall be considered single or multifamily dwellings and are therefore permitted as listed in the district use chart.

(c) Application. The following shall be required for every accessory dwelling unit:

- (1) A minimum housing inspection report from the city building official certifying that the accessory dwelling unit complies with the minimum housing code, as defined in the edition of the building code in effect in the city at the time of application, including all provisions regarding setbacks between structures. If the ADU is incorporated within the principal dwelling on the lot, the housing inspection report must certify that the entire principal structure meets minimum housing code standards.
- (2) An ADU shall be required to meet the city’s requirement for water and sewer concurrency to address increased demand on the city’s water and sewer systems stemming from increased density in residential zoning districts.

(d) Development Standards. The following development standards shall be met to qualify for the occupation of an accessory dwelling unit:

- (1) The accessory dwelling unit must comply with all applicable provisions of the Omak Municipal Code in effect at the time the accessory dwelling unit is approved, including setback and lot coverage requirements for the zoning district in which the accessory dwelling unit is located.

(2) Only the principal structure on each lot shall be considered in determining compliance with lot size and density requirements.

~~(3) Maximum occupancy of the unit shall not exceed one and one-quarter persons per habitable room, as defined in the edition of the International Building Code in effect in the city at the time of application.~~

(4) The maximum livable area of an accessory dwelling unit shall be no greater than the livable area of the principal dwelling, ~~and shall not, under any circumstances, exceed eight hundred square feet.~~

(5) The owner of the lot shall provide one off-street parking space for the exclusive use of the occupants of the accessory dwelling unit, in addition to the off-street parking required for the principal dwelling. A garage or carport may provide off-street parking where, in fact, the garage or carport is usable for parking cars. All off-street parking areas shall be surfaced to provide long-term dust control.

(6) Only one ADU per single-family lot shall be permitted.

(7) Addition of an ADU shall not result in any modifications to the principal structure or the residential lot that would compromise the single-family residential character of the principal structure or be detrimental to the character of the neighborhood.

(8) An ADU shall be required to obtain water and sewer connections separate from the principal structure on the property.

(e) Accessory dwelling units in RS, RD, and RM zoning districts must be sited so that they will conform with all applicable regulations, including setbacks. Subsequent subdivision of lots in said zones with accessory structures must meet minimum lot sizes. (Ord. 1667 § 12, 2010).

18.16.126 Outdoor mobile vendors.

All outdoor mobile vendors, where allowed by Section [18.11.050](#), District use chart, shall meet the following standards to protect the aesthetics of surrounding properties:

(1) Exemptions. The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from coverage of this section. This exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

(A) Stands used to sell or distribute flowers, fruit, vegetables, produce or plants ~~grown on the property where the stand is located;~~

(B) Outdoor mobile vendors under the umbrella of an event sponsor set up only during community-sponsored events;

(C) ~~Temporary business registration~~ Vendors that operate for thirty days ~~less~~ 5 days or less on private property or ~~no more than 3 times in a calendar year;~~ provided, that consecutive/concurrent temporary licenses are not applied for.

(2) Application. Applicants for an outdoor mobile vendor permit shall provide the administrator with a written application describing the proposed business in detail and specifically including as a minimum the following:

(A) The proposed manner of operation of the business;

(B) The goods, wares, services, merchandise or articles to be offered for sale;

(C) The proposed dates, hours and duration of operation;

(D) The proposed location of operation;

(E) Available parking;

(F) The proposed fire safety features and proposed lighting;

(G) Proposed structures;

(H) Site plan;

(I) Written authorization of landowner.

The administrator shall review the application based on such issues as public safety, pedestrian and vehicular traffic, public disturbance and noise concerns. The administrator shall grant, deny or condition the permit based on the above considerations. Written notice of action on the application shall be provided to the applicant within fourteen days of the city's receipt of a completed permit application.

(3) Required Approvals.

(A) All outdoor mobile vendors shall obtain approval from the Okanogan County health district prior to commencing any activities. Outdoor mobile vendors are required to comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with Chapter [246-215](#) WAC, as amended, and any other rules and regulations respecting such vehicles, equipment, and devices as may be established by the Okanogan County health district.

(B) All outdoor mobile vendors shall obtain a city business registration.

(C) All outdoor mobile vendors shall provide in writing and on a site plan the locations of utilities (water, sewer, stormwater, etc.) servicing the stand or a plan for how water, sewer and stormwater, etc. will be handled. All service locations shall be reviewed by the public works department for approval prior to commencement of activities at any location.

(D) All outdoor mobile vendors shall obtain required permits from the city fire chief for installation of LPG tanks and piping.

(E) All outdoor mobile vendors that are constructed to use electricity shall obtain a permit from Labor and Industries.

(F) Any structure or accessory structure that is to be placed and used as a commercial stand shall require review for compliance with Omak Municipal Code as amended, which includes at minimum Title [14](#), Building Construction; Title [4](#), Business—Taxation, Regulation and Licensing; and this title.

(4) Development Standards.

(A) Shall not conduct business so as to violate any ordinances of the city, including those regulating traffic and rights-of-way, as now in effect or hereafter amended.

(B) Shall not be located in such a manner as to cause a traffic hazard.

(C) Shall not obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley or any other public place by causing people to congregate at or near the place where services are being sold or offered for sale.

(D) Are prohibited from occupying required parking spaces and vehicular traffic areas of existing businesses.

(E) Employees must have access to sanitary facilities during working hours.

(F) All outdoor mobile vendors' operations related to cooking, sale of goods, displays, and other portions of the operation, outside of seating, landscaping, and singular display of goods, menus, and signage attached to the stand, shall take place from within the enclosed mobile vending unit.

(G) Shall provide garbage receptacles for customer use and provide for appropriate waste disposal.

(H) All outdoor mobile vendors shall be maintained in a neat and orderly condition and manner, free of debris and litter.

(I) Outdoor mobile vendors shall occupy an area no larger than four hundred square feet. The size of an outdoor mobile vendor shall be counted as part of the lot coverage for the specific lot. If more than one outdoor mobile vendor per lot, then the total square footage is reduced to two hundred fifty square feet per outdoor mobile vendor. The occupied area of an outdoor mobile vendor should not constitute access, parking, or uncovered outside sitting areas that may make up the use area.

(J) At the conclusion of business activities at a given location, the vendor shall clean all areas surrounding his or her commercial stand of all debris, trash and litter generated by the vendor's business activities.

(K) Vendors shall remove the vending unit from the property each day at the conclusion of business. Vendors operating at a location for thirty days or less are exempt from this requirement.

(L) All advertising shall be placed via wall standards and be placed on the commercial stand. Wall sign regulations shall follow those of the underlying zoning district in relation to the size of the commercial stand; no other signage shall be allowed.

(M) Outdoor mobile vendors shall submit a site plan providing accurate dimensions and locations of the following:

- (i) Proposed and existing structures;
- (ii) Proposed and existing land uses;
- (iii) Garbage and trash receptacles;
- (iv) Proposed and existing storage areas;
- (v) Location of adjacent streets, avenues, and alleys;
- (vi) Ingress and egress locations;
- (vii) Use area;
- (viii) Proposed and existing landscaping;
- (ix) Proposed and existing off-street parking.

(N) For the purposes of this chapter, the use area is defined as an area described in the tenancy agreement between the landowner and tenant (person allowed to possess property belonging to the landowner for rights and privileges detailed in the tenancy agreement) of adequate size to carry on the agreed-upon use consistent with city code.

(O) Outdoor mobile vendors shall submit a written and notarized consent form from the property owner authorizing the property to be used for the proposed use and approving the accuracy of the site plan.

(P) All outdoor mobile vendors shall provide a minimum of two off-street parking spaces plus sufficient stacking for six vehicles for stands with a drive-through component. (Ord. 1877 § 11, 2019).

18.16.128 Storage containers.

Storage containers shall be permitted subject to Section [18.11.050](#), District use chart. (Ord. 1877 § 12, 2019).

Chapter 18.17**Lighting**

Sections:

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[18.17.020 Definitions.](#)

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[18.17.090 Appeals.](#)

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18.17.010 Purpose.

This chapter is established for the following purposes:

- (1) To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
- (2) To discourage excessive lighting.
- (3) To regulate the type of light fixtures, lamps and standards.
- (4) To protect low and low-moderate density residential zones from the ill effects associated with nonresidential and multi-family exterior lighting.
- (5) To create a safe environment during hours of darkness.
- (6) To promote the conservation of energy. (Ord. 1598 § 1 (part), 2007).

18.17.020 Definitions.

The "IES" (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition, the city of Omak zoning code, and the building code shall be used for the definition of terms used in this chapter but not defined herein. In the case where a definition of a term of this chapter is found to be in conflict with a definition of a term of any other ordinance, "IES" handbook or regulation, the more restrictive definition will apply.

"Area light" means light that produces over two thousand fifty lumens. Area lights include, but are not limited to, street lights, parking lot lights and yard lights.

"Automatic timing device" means a device that automatically controls the operation of a light fixture or fixtures, circuit or circuits. Photocells and light and/or motion sensors shall be considered automatic timing devices.

"Average foot-candle" means the level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground surface.

"Bulb" means the source of electric light to be distinguished from the whole assembly (see "Luminaire").

“Candela (cd)” means unit of luminous intensity.

“Eighty-five-degree full cut-off type fixtures” means fixtures that do not allow light to escape above an eighty-five-degree angle measured from a vertical line from the center of the lamp extended to the ground.

“Exterior lighting” means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this chapter.

“Fixture” means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

“Floodlight” means a light that produces up to one thousand eight hundred lumens and is designed to “flood” a well defined area with light. Generally, floodlights produce from one thousand to one thousand eight hundred lumens.

“Foot-candle” means illuminance produced on a surface one foot from the uniform point source of one candela measured by a light meter.

“Full cut-off fixture” means a fixture which, as installed, gives no emission of light above a horizontal plane.

Glare (Direct). “Direct glare” is defined as the visual discomfort resulting from insufficiently shielded light sources in the field of view.

“Holiday lighting” means festoon-type lights, limited to small individual bulbs on a string, where the output per bulb is no greater than fifteen lumens.

“Illuminance” means density of luminous flux incident on a surface. Unit is foot-candle or lux.

“Illuminating devices” means:

(1) Light Fixture Types.

(A) Full Cut-off Fixture Types. A fixture which, as installed, gives no emission of light above a horizontal plane.

(B) Floodlights and Spotlights. Fixtures defined as having a full beam width or beam spread of less than one hundred ten degrees.

(2) Lamp Types.

(A) Incandescent Lamps. Lamps which produce light via an electrically heated metallic filament.

(B) Fluorescent Lamps. Lamps that use fluorescence of a phosphor to produce visible light.

(C) High Intensity Discharge Lamps. Lamps which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, metal halide, high-pressure sodium, low-pressure sodium and mercury vapor. For purposes of this chapter, fluorescent lights are not considered HID lighting.

“Illuminating Engineering Society of North America (IES or IESNA)” means the professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

“Lamp” or “bulb” means the light-producing source installed in the socket portion of a luminaire.

“Light pollution” means any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

“Lighting” means any or all parts of a luminaire that function to produce light.

“Lighting trespass” means light emitted by a luminaire falls where it is not wanted or needed or shines beyond the property where the luminaire is installed.

“Lumen” means a unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square meter.

“Luminaire” means the complete lighting unit, including the lamp, the fixture, and other parts.

Luminance. At a point and a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point, divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The “luminance” is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

“Measurement” means:

(1) Lamp Output.

(A) Total Output. Measurement of total output is in lumens. This should be understood to be the initial lumen value for the lamp.

(B) Illuminance. Measurements of illuminance are expressed in initial lumens per square foot. (A desktop illuminance of twenty initial lumens per square foot is adequate for most purposes.)

In measuring illuminance, the light detector should be pointed at the light source or sources. The intervening light path should be free of obstruction.

“Outdoor light fixture” means an outdoor illuminance device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

- (1) Parking lot lighting;
- (2) Roadway lighting;
- (3) Buildings and structures;
- (4) Recreational areas;
- (5) Landscape buildings;
- (6) Billboards and other signs (advertising or other);
- (7) Product display area lighting;
- (8) Building or structure decoration;
- (9) Building overhangs and open canopies.

“Recessed” means a light built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

“Partially shielded” means the bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.

“Shielded” means the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

“Spotlight” or “floodlight” means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction (see definition for “Floodlight”).

“Temporary lighting” means lighting that is intended to be used for a special event for seven days or less.

“Uplighting” means lighting that is directed in such a manner as to shine light rays above the horizontal plane. (Ord. 1598 § 1 (part), 2007).

18.17.030 Scope and applicability.

(a) New Lighting. All exterior outdoor lighting installed after the effective date of the ordinance codified in this chapter in any and all zones in the city of Omak shall conform with the requirements established by this chapter and other applicable ordinances unless otherwise exempted. This chapter does not apply to indoor lighting.

(b) Existing Lighting. All existing lighting located on a subject property that is part of a land use application or building permit, dependent on the value of the project, shall be brought into conformance with this chapter.

(1) When development or redevelopment exceeds fifty percent of the Okanogan County assessor's actual value of the existing structure, then:

(A) All exterior lighting, except existing parking lot lighting, shall be brought up to conformance with this chapter; and

(B) All existing parking lot light fixtures shall be retrofitted with shielding to prevent light trespass.

(2) When development or redevelopment exceeds seventy-five percent of the Okanogan County assessor's actual value of the existing structure, then all exterior lighting fixtures shall be brought into full conformance with the requirements of this chapter.

(3) Replacement of Fixtures. If an existing light fixture is removed, it shall be replaced with a conforming light fixture.

(c) Conformity shall occur prior to issuance of certificate of occupancy, final inspection, or final plat recordation, when applicable.

(d) The regulation of sign lighting is governed by Chapter 14.24, Sign Code. (Ord. 1598 § 1 (part), 2007).

18.17.040 Exemptions and exceptions.

(a) Federally funded and state-funded roadway construction projects are exempted from the requirements of this chapter only to the extent it is necessary to comply with federal and state requirements.

(b) These regulations do not apply to public rights-of-way and shall not conflict with the city of Omak street light standards and design criteria.

(c) These regulations do not apply to individual dwelling units, with the exception to common areas, which are regulated. Examples of common areas include, but are not limited to, pathways, clubhouses, shared driveways, parking lots and play areas.

(d) Fossil Fuel Light. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempted from the provisions of this chapter.

(e) Holiday Lighting.

(f) Lighting of sports facilities or stadiums prior to eleven p.m. Illumination after eleven p.m. is also permitted if it is necessary in order to conclude a recreational, or sporting or other scheduled activity, which is in progress prior to that time.

(g) Specialized lighting necessary for safety, such as navigation or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.

(h) Traffic control signals and devices. (Ord. 1598 § 1 (part), 2007).

18.17.050 Approved materials and methods of installation.

The provisions of this chapter are not intended to prevent the use of any design, material or method of installation or operation not specifically prohibited by this chapter, provided such alternative design, material or method conforms with the intent of this chapter and has been approved by the building official. The building official/administrator may approve an alternate design provided he/she finds that:

(1) It complies with the applicable specific requirements of this chapter; or

(2) It has been designed or approved by a registered professional engineer and complies with the purpose of this chapter. (Ord. 1598 § 1 (part), 2007).

18.17.060 Submittals.

All applications for building permits or land use planning reviews which include installation of outdoor lighting shall include lighting plans conforming to the provisions of this chapter.

(1) The submittal shall contain the following information and be submitted as part of the site plan to the planning and building department for approval:

(A) Plans indicating the location, type, intensity, and height of luminaires including both building- and ground-mounted fixtures;

(B) A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

(C) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground; and

(D) Additional information as may be required by the city in order to determine compliance with this chapter.

(2) Applications for single-/multi-family residential or other projects where any single outdoor light fixture exceeds two thousand fifty lumens output shall be required to comply with subsection (1) of this section. (Ord. 1598 § 1 (part), 2007).

18.17.070 General standards.

The following general standards shall apply to all outdoor lighting installed after the effective date of the ordinance codified in this chapter, which is not exempted above:

(1) Site lighting trespass onto adjacent residential zones shall be minimized.

(2) Site lighting shall minimize light spill into the dark night sky.

(3) All areas lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five-degree full cut-off type fixtures. Street lights shall be high-pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the city that another type is more efficient.

(4) Canopy Lights. Lighting fixtures mounted under canopies used for vehicular shelter shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. A full cut-off light fixture may project below the underside of a canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting, except that permitted by the sign code, shall be permitted on the top or sides of a canopy.

(5) Open Air Parking Lot Lighting.

(A) Open air parking lots shall comply with the standards of this section in addition to the other requirements of this chapter.

(B) Open air parking lot lighting shall be designed to provide adequate vision, comfort and safety.

(C) Open air parking lot lighting shall be designed to provide for uniform lighting throughout the facility with no dark patches or pockets.

(D) Open air parking lot lighting shall be designed to provide the minimum value of lighting necessary for the safety and identification of features.

(E) The maximum permissible mounting height of open air parking lot lighting fixtures shall be twenty-five feet.

(6) **Illumination Levels.** Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society. Recommended standards of the Illuminating Engineering Society shall not be exceeded.

(7) All outdoor lighting systems shall be designed and operated so that the area twenty feet beyond the property line of the premises receives no more than one-half of a foot-candle of light from the premises lighting system.

(8) **Temporary Lighting.** Temporary lighting that conforms to the requirements of this chapter shall be allowed. Nonconforming temporary exterior lighting may be permitted by the building official only after considering: (A) the public and/or private benefits which will result from the use of temporary lighting; (B) any annoyance or safety problems that may result from the use of the temporary lighting; and (C) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the building official.

(9) **Towers.** All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

(10) **Flagpoles.** A flagpole meeting the requirements of Section [14.24.060](#)(d) may be illuminated by one upward-aimed, fully shielded spotlight light fixture which shall not exceed three thousand five hundred lumens. The light fixture shall be placed as close to the base of the flagpole as reasonably possible. (Ord. 1598 § 1 (part), 2007).

18.17.080 Nonpermitted lighting.

(a) Newly installed fixtures, which are not full cut-off fixtures.

(b) Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.

(c) Any light fixture which may be confused with or construed as a traffic control device.

(d) Searchlights, beacons, and laser source light fixtures, except as provided for in Section [18.17.070](#)(8). (Ord. 1598 § 1 (part), 2007).

18.17.090 Appeals.

If an application is denied, an individual shall have the right of appeal to the city of Omak hearing examiner. (Ord. 1598 § 1 (part), 2007).

18.17.100 Violations.

Any person, firm or corporation violating any part of the provisions of this chapter shall be deemed to have committed a civil infraction of the laws of the city. (Ord. 1598 § 1 (part), 2007).

18.17.110 Penalty.

Any person, firm or corporation deemed to have committed this civil infraction of the laws of the city shall be subject to civil penalty of up to five hundred dollars for each day or portion thereof during which any violation of this chapter is committed or permitted. (Ord. 1598 § 1 (part), 2007).

18.17.120 Severability.

The provisions of this chapter are severable and if any paragraph, section, subsection, or part of this chapter is held to be invalid, unenforceable, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair the remainder of this chapter. (Ord. 1598 § 1 (part), 2007).

Chapter 18.20
CRITICAL AREAS REGULATIONS

Sections:

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18.20.010 Purpose.

The purpose of this chapter is to regulate development in critical areas as required by the Growth Management Act, as it now exists or hereinafter amended, to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This chapter is intended to:

- (a) Implement the Omak Comprehensive Plan and the requirements of the Growth Management Act;
- (b) Protect critical areas, in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC [365-195-900](#) through [365-195-925](#), and in consultation with state and federal agencies and other qualified professionals;
- (c) Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, or steep slopes failure;
- (d) Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
- (e) Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat;

- (f) Provide flexibility and attention to site specific characteristics, so as to ensure reasonable use of property;
- (g) Meet the requirements of the National Flood Insurance Program and maintain Omak as an eligible community for federal flood insurance benefits; and
- (h) Provide appropriate guidance and protection measures for addressing the needs and concerns associated with resource lands and critical areas that help define the quality of life in Omak. (Ord. 1776 §§ 1, 2, 2014; Ord. 1542 § 1 (part), 2005).

18.20.020 Applicability.

These critical areas regulations shall apply as an overlay to zoning and other land use regulations established by the city. Critical areas lying within the jurisdiction of the city of Omak shoreline master program shall be regulated under the provisions of said SMP.

- (a) All land uses and/or development permit applications on all lots or parcels within the city that lie within a critical area designated in the city of Omak comprehensive plan (see critical areas section and map appendix) shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any critical area except as consistent with the purposes, objectives and intent of this chapter.
- (b) Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area. Where it is determined that a designated critical area is located within the jurisdiction of the city's shoreline master program, the regulations contained in the shoreline master program shall apply. However, any standards found in this chapter may also be applied to a proposal as optional and/or supplemental items to the provisions of the shoreline master program (as it now exists or hereinafter amended). For designated critical areas outside of the shoreline jurisdiction, the provisions of this chapter shall apply.
- (c) These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination. (Ord. 1876 § 1, 2019; Ord. 1776 §§ 3—5, 2014; Ord. 1542 § 1 (part), 2005).

18.20.030 Exemptions.

The activities listed below are exempt from the provisions of this chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. Exemption from the chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated at the responsible party's expense.

- (a) Emergency construction necessary to protect life or property from immediate damage by the elements. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health, safety, or the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be subject to and brought into full compliance with this title;
- (b) Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems, provided the activity does not further alter, encroach upon, or increase impacts to critical areas or associated buffers;
- (c) Existing agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices including the raising of crops or the grazing of livestock;
- (d) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, critical area impacts should be minimized and disturbed areas shall be immediately restored; and
- (e) Passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, and bicycling provided the activity does not alter the critical area or its buffer by changing existing topography, water conditions or water sources. (Ord. 1542 § 1 (part), 2005).

18.20.040 Public agency and utility exception.

(a) If application of this title would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section. To qualify for an exception, the agency or utility must demonstrate the following:

- (1) That there is no other practical alternative to the proposed development which has less impact on critical areas;
- (2) The application of this title would unreasonably restrict the ability to provide utility services to the public;
- (3) That the proposed use does not pose a threat to the public health, safety or welfare;
- (4) That the proposal protects critical areas functions and values to the extent possible and provides for mitigation in accord with the provisions of this title; and
- (5) The proposal is consistent with other applicable regulations and standards.

(b) A request for exception shall be submitted to the city with the application materials for the particular development proposal. The application shall be supplemented with an explanation as to how the public agency and utility exception criteria are satisfied. The administrator may require additional information or studies to supplement the exception request.

(c) A reasonable use exception shall be processed according to the provisions of Chapter [18.52](#) of this title governing a Type II permit process. (Ord. 1542 § 1 (part), 2005).

18.20.050 Reasonable use exception.

(a) If the application of this title would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section. To qualify for an exception, the applicant must demonstrate all of the following:

- (1) That no other reasonable use can be made of the property that will have a lesser adverse impact on the critical area and adjoining and neighboring lands;
- (2) That the proposed use does not pose a threat to the public health, safety or welfare;
- (3) Any alteration is the minimum necessary to allow reasonable use of the property; and
- (4) The inability of the proponent to derive reasonable use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter.

(b) A request for a reasonable use exception shall be submitted to the city with the application materials for the particular development proposal. The application shall be supplemented with an explanation as to how the reasonable use exception criteria are satisfied. The city may require additional information or studies to supplement the reasonable use exception request.

(c) A reasonable use exception shall be processed according to the provisions of Chapter [18.52](#) of this title governing a Type II permit process. (Ord. 1542 § 1 (part), 2005).

18.20.060 Reference maps and materials.

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Since boundaries are generalized, the application of this chapter and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's comprehensive plan maps and the criteria and standards established in this chapter, or the site-specific conditions, the criteria, standards and/or site-specific conditions shall prevail. Reference maps and inventories shall include, but are not limited to, the following:

- (a) Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands Inventory;

- (b) Fish and wildlife habitat area maps and management recommendations, based upon Washington Department of Fish and Wildlife Priority Habitats and Species data;
- (c) Soils maps, based upon soils survey prepared by the Natural Resources Conservation Service (2009);
- (d) Flood Insurance Rate Map Community Panel No. 530120 0001C, November 16, 1982;
- (e) City of Omak comprehensive plan and map appendix, as it now exists and hereinafter amended;
- (f) City of Omak shoreline master program, as it now exists and hereinafter amended;
- (g) Washington State Wetlands Rating System for Eastern Washington, as revised;
- (h) Aerial photos;
- (i) Management Recommendations for Washington's Priority Habitats—Riparian, December 1997, as amended;
- (j) Priority Habitats and Species List, July 1999, as amended;
- (k) U.S. Army Corps of Engineers (2006), Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), as amended;
- (l) Wetlands in Washington State—Volume 1: A Synthesis of the Science, Washington State Department of Ecology, Publication No. 05-06-006;
- (m) Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands, Washington State Department of Ecology, Publication No. 05-06-008; and
- (n) Approved special reports previously completed for a subject property that meet the criteria of best available science. (Ord. 1876 § 2, 2019; Ord. 1776 § 9, 2014; Ord. 1542 § 1 (part), 2005).

18.20.070 Review process.

All land use and building permits shall be reviewed by the building official for a determination whether the project/development requires that the applicant disclose activities within one hundred feet of a known or suspected critical area except in shoreline areas and associated wetlands where the distance would be two hundred feet. Such a determination must be made in writing and provided to the applicant with the requirement that the applicant disclose any activities planned for these areas. The provisions of this chapter shall be applied to any such proposals. The review process shall proceed in accordance with Section [19.05.030](#). (Ord. 1876 § 3, 2019; Ord. 1776 §§ 10—12, 2014; Ord. 1542 § 1 (part), 2005).

18.20.080 Critical areas report.

If the administrator determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the administrator.

- (a) The requirement for critical areas reports may be waived by the administrator if there is substantial evidence that:
 - (1) There will be no alteration of the critical area(s) and/or the required buffer(s);
 - (2) The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the comprehensive plan; and
 - (3) The minimum standards of this chapter will be met.
- (b) No critical area report is required for proposals that are exempt from the provisions of this chapter as set forth in Section [18.20.030](#) of this chapter.
- (c) Critical area reports shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the administrator.¹

(d) At a minimum, a required critical areas report shall contain the following information:

- (1) Applicant's name and contact information; permits being sought, and description of the proposal;
 - (2) A copy of the site plan for the development proposal, drawn to scale and showing:
 - (A) Identified critical areas, buffers, and the development proposal with dimensions,
 - (B) Limits of any areas to be cleared, and
 - (C) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
 - (3) The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - (4) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
 - (5) An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;
 - (6) An analysis of site development alternatives;
 - (7) A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
 - (8) A mitigation plan, as needed, in accordance with the mitigation requirements of this chapter, including, but not limited to:
 - (A) The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area, and
 - (B) The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 - (9) A discussion of the performance standards applicable to the critical area and proposed activity;
 - (10) Financial guarantees to ensure compliance; and
 - (11) Any additional information required for specific critical areas as listed in subsequent sections of this chapter.
- (e) The administrator may request any other information reasonably deemed necessary to understand impacts to critical areas. (Ord. 1776 § 13, 2014; Ord. 1542 § 1 (part), 2005).

18.20.090 Mitigation requirements.

The applicant shall, to the greatest extent possible, comply with the requirements of Section [19.05.037](#) and avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with Section [19.05.037](#). (Ord. 1876 § 4, 2019; Ord. 1542 § 1 (part), 2005).

18.20.100 Agency review.

In cases where the administrator does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical area report or mitigation plan, said reports or plans shall be submitted to appropriate agencies for review and recommendations prior to acceptance by the city. (Ord. 1542 § 1 (part), 2005).

18.20.110 Surety/bonding.

If a development proposal is subject to mitigation, maintenance or monitoring plans, the city of Omak, in a form acceptable to the city attorney, may require an assurance device or surety. (Ord. 1542 § 1 (part), 2005).

18.20.120 Permit conditions.

Through the review process, the city of Omak shall have the authority to attach such conditions to the granting of any approval under this chapter as deemed necessary to alleviate adverse impacts to critical area(s) and to carry out the provisions of this chapter. Such conditions of approval may include, but are not limited to, the following:

- (a) Specification of allowable lot sizes;
- (b) Provisions for additional buffers relative to the intensity of a use or activity;
- (c) Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc., of structure(s);
- (d) Dedication of necessary easements for utilities, conservation, open space, etc.;
- (e) Imposition of and filing with county auditor, easement agreements, sureties, deed restrictions, covenants, etc., on the future use and/or division of land;
- (f) Limitations on the removal of existing vegetation;
- (g) Additional measures to address issues such as erosion control, stormwater management, filling, grading, etc.;
- (h) Development of a mitigation plan to create, enhance, or restore damaged or degraded critical area(s) on- and/or off-site; and
- (i) Any monitoring and/or maintenance plans necessary to implement the provisions of this chapter. (Ord. 1542 § 1 (part), 2005).

18.20.130 Enforcement.

Violation of the provisions of this chapter, or failure to comply with any of its requirements, shall be subject to enforcement actions by the city of Omak that are authorized in the zoning ordinance, subdivision ordinance, shoreline master program or any other land use regulation of the city of Omak. The city attorney, when authorized by the mayor and council, shall seek penalties, remedies, injunctions and other legal sanctions necessary for the enforcement of this chapter. In addition to costs allowed by these regulations, the prevailing party in an enforcement action may, at the court's discretion, be allowed interest and reasonable attorney's fees. The city attorney shall seek such costs, interest, and the reasonable attorney's fees on behalf of the city of Omak when the city is the party.

(1) Administrative, Technical and Procedural Violations. Because of their nature, the following are civil infractions:

(A) Noncompliance. Any person who fails to conform to the terms of a permit issued under this title or who undertakes work or use of an improvement without first obtaining any permit required under this title or fails to comply with a cease-and-desist order issued under these regulations shall also be subject to a civil penalty subject to the provisions of Chapter [1.16](#). Each permit violation or each day of continued work and/or use without a required permit shall constitute a separate violation.

(B) Aiding and Abetting. Any person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(2) Violator Liabilities—Damages, Attorney's Fees/Costs. Any person subject to the regulatory provisions of this title who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to a safe and stable condition.

(3) Violations Declared a Public Nuisance. All violations of this title are hereby declared a public nuisance and may be abated in a manner as prescribed by Chapter [14.16](#). (Ord. 1776 §§ 14, 15, 2014; Ord. 1542 § 1 (part), 2005).

18.20.140 Aquifer recharge areas.

(a) Classification. Aquifer recharge areas are classified in accordance with the provisions of the comprehensive plan and are based on the potential for contaminants to enter the aquifer using data from the most current NRCS soil survey for Okanogan County and the Colville Indian Reservation.

(b) Designation. No aquifer recharge areas are known to have been mapped within the city or surrounding planning area. Therefore, aquifer recharge areas in Omak shall be designated based on potential using the classification provisions in the comprehensive plan. Because the designation focuses on areas where recharge potential exists, protections shall be broad enough to preserve essential aquifer recharge functions and values. Maps A6 and A7 in the map appendix to the comprehensive plan designate potential aquifer recharge areas.

(c) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

(1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect recharging of the aquifer.

(2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.

(3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency, State Departments of Health and Ecology, and the Okanogan County Health District.

(4) On-site stormwater facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development consistent with the “Stormwater Management Manual for Eastern Washington” as it now exists or hereinafter amended.

(5) All development occurring within aquifer recharge areas shall be required to connect to city sewer and water, and on-site sewage disposal shall be prohibited.

(6) Landfills, junkyards/salvage yards, mining, wood treatment facilities, or any other activity that could impair the recharge of critical aquifer recharge areas. Such activities may be permitted in areas with high or moderate recharge potential in accord with applicable zoning regulations, providing the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.

(7) All storage tanks, whether above or underground shall be required to be constructed so as to be protected against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, ground waters, or surface waters, and to utilize appropriate containment methods.

(8) Any agricultural activities conducted within aquifer recharge areas shall incorporate best management practices concerning waste disposal, fertilizer/pesticide/herbicide use, and stream corridor management. If necessary applicants shall seek technical assistance from the Okanogan County Conservation District or the WSU Cooperative Extension Office.

(9) Application of pesticides, herbicides and fertilizers within aquifer recharge areas shall comply with timing and rates specified on product packaging.

(10) Vehicle repair and servicing activities must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Floor drains shall include an oil/water separator. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur. (Ord. 1876 § 5, 2019; Ord. 1776 §§ 16—19, 2014; Ord. 1542 § 1 (part), 2005).

18.20.150 Fish and wildlife habitat conservation areas.

(a) Classification. Fish and wildlife habitat conservation areas are classified in accordance with the provisions of the comprehensive plan and are based on data from the Department of Fish and Wildlife Priority Habitats and Species Program (PHS). “Priority habitats” are considered to be priorities for conservation and management. “Priority species” require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitat and species (PHS) maps prepared in cooperation with Okanogan County based on WDFW data depict general locations of habitat

conservation areas. However, because species populations and habitat systems are dynamic, site review shall be required to verify designation as a habitat conservation area.

(b) **Designation.** Fish and wildlife conservation areas are designated in accordance with the provisions of the comprehensive plan. Map A8 in the map appendix to the comprehensive plan designates fish and wildlife habitat conservation areas.

(c) **Standards.** In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to fish and wildlife habitat conservation areas:

(1) **Habitat Assessment.** Critical area reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a critical species or habitat.

(2) All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified to upon a site.

(3) The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site.

(4) When needed to protect the functions and values of habitat conservation areas, the administrator shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration. Buffer widths shall reflect the classification and sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the State Department of Fish and Wildlife and other management recommendations that meet the criteria of best available science.

(5) Any approved alteration or development shall be required to minimize impacts to native vegetation. Where disturbance is unavoidable, the applicant shall restore the area to the extent possible using native plants appropriate to the site. New plantings shall be monitored and maintained in good growing condition and kept free of invasive weeds until well established upon the site.

(6) Within riparian habitat conservation areas, vegetation shall not be removed unless no other alternative exists. In such cases, clearing shall be limited to those areas necessary and disturbed areas shall be replanted with site-appropriate native riparian vegetation.

(7) Access to habitat conservation areas or buffers may be restricted in accord with the findings of a critical areas report, mitigation report, priority habitats and species management recommendations or other best available science. Access restrictions may include fencing and signs, as needed to ensure protection of habitat functions and values. Restrictions may be seasonal in nature.

(8) Subdivision of lands within habitat conservation areas shall be subject to the following:

(A) Uplands: Chapter [17.32](#) and any conditions established through review under Sections [18.20.080](#) and [18.20.090](#);

(B) Riparian: Chapter [17.32](#) and any conditions established through review under Sections [18.20.080](#) and [18.20.090](#) and the city's shoreline master program as it now exists or hereinafter amended.

(9) All activities, uses and alterations proposed to be located in or adjacent to water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of associated habitats. (Ord. 1776 §§ 20—23, 2014; Ord. 1542 § 1 (part), 2005).

18.20.160 Wetlands.

(a) **Classification.** Wetlands in Omak and its urban growth area shall be classified in accordance with the provisions of the comprehensive plan using the Washington State Wetlands Rating System for Eastern Washington.

(b) **Designation.** Wetlands in Omak and its UGA are designated using the provisions of the comprehensive plan. To date, there has been no wetlands mapping done specifically for the Omak area. To remedy this, the city should

pursue an accurate accounting of all wetlands in its planning area based on the Washington State Wetlands Rating System for Eastern Washington and the definition in Section [18.20.210](#).

However, until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps are used as a basis for designation. The NWI maps, along with other supportive documentation, shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the classification criteria shall be part of the standard process for identifying and designating wetlands. Map A9 in the map appendix to the comprehensive plan designates wetlands.

(c) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to wetland areas:

(1) Activities and uses shall be prohibited from wetlands or wetland buffers unless the applicant can show that the proposed activity will not degrade the functions and values of the wetland or other critical areas, or as otherwise provided in this chapter. The following table describes the level of impact expected from different land uses:

Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands. Level of impact from proposed change in land use	Types of land use based on common zoning designations
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 du/acre) • Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tillage and raising and maintaining animals) • High intensity recreation (golf courses, ball fields, etc.) • Hobby farms
Moderate	• Residential (1 du/acre or less) • Moderate intensity open space (parks with biking, jogging, etc.) • Conversion to moderate intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	• Forestry (cutting of trees only) • Low intensity open space (hiking, birdwatching, preservation of natural resources, etc.)

Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands. Level of impact from proposed change in land use	Types of land use based on common zoning designations
	• Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

(2) Buffer Widths. The following standard buffer widths have been established in accord with best available science to provide predictability in the regulation of wetlands:

(A) Category I	
High intensity	300 feet
Low intensity	200 feet
(B) Category II	
High intensity	200 feet
Low intensity	100 feet
(C) Category III	
High intensity	100 feet
Low intensity	50 feet
(D) Category IV	
High intensity	50 feet
Low intensity	25 feet

The standard buffer widths shall be applied unless the administrator determines through a scientifically supportable method that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may not be reduced by more than twenty-five percent. Greater buffer widths or rehabilitation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.

(3) Revise to state explicitly the acceptable methods for delineating buffers on the ground. A good example of how this might be handled is in subsection (c)(9) of this section.

Measurement and Delineation of Wetland Buffers. All buffers shall be measured on a horizontal plane from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The same buffer widths and measurement criteria shall apply to any wetland created, restored, or enhanced as compensation for approved wetland alterations. Buffers shall be clearly marked on the ground and the administrator may require temporary or permanent signs and/or fencing along the

perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.

(4) Wetland Buffer Width Averaging. The administrator may allow averaging of wetland buffer widths in accordance with an approved critical areas report, provided the following conditions are met:

(A) There will be no reduction in wetland functions and values;

(B) The wetland contains variations in sensitivity due to physical characteristics or the character of the buffer varies in slope, soils, or vegetation such that the wetland would benefit from a wider buffer in some areas and a narrower buffer in other places; and

(C) The total area contained in the buffer area is no less than would have otherwise been applied under a constant buffer width.

(5) Where other critical areas coincide with wetlands, buffers shall be configured so as to protect aggregate functions and values. Particular consideration shall be given to habitat connectivity.

(6) Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, re-vegetation with native plant materials will be required.

(7) The following activities shall be allowed within wetland buffers:

(A) Conservation or restoration activities aimed at protecting soil, water, vegetation or wildlife;

(B) Passive recreation, including walkways or trails located in the outer twenty-five percent of the buffer area, wildlife viewing structures, and fishing access areas, provided these are designed and approved as part of an overall site development plan;

(C) Educational and scientific research activities; and

(D) Normal and routine maintenance and repair of any existing public or private facilities provided appropriate measures are undertaken to minimize impacts to the wetland and its buffer and that disturbed areas are restored to a natural condition.

(8) Stormwater management facilities shall be allowed within the outer twenty-five percent of a wetland buffer provided there is no other feasible location and that the location of such facilities will not adversely impact the functions and values of the wetland.

(9) As a condition of any permit or authorization pursuant to this chapter, the administrator may require temporary or permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.

(10) Wetland alteration proposals shall be approved only if no alternative is available. If alteration is unavoidable, all adverse impacts shall be mitigated as set forth in an approved critical areas report and mitigation plan in compliance with Sections [19.05.030](#) and [19.05.037](#).

(11) Mitigation shall achieve equivalent or greater biological functions as existed in the wetland prior to mitigation.

(12) When possible, mitigation shall be on-site and sufficient to maintain the functions and values of the wetland and buffer areas. If on-site mitigation is not feasible, then the applicant shall demonstrate that the site is the nearest that can reasonably achieve the goals of mitigation with high likelihood of success.

(13) Mitigation actions that require compensation by replacing, enhancing or substitution shall occur in the following order of preference:

(A) Restoring, replacing or enhancing the wetland on the site of the project;

(B) Restoring, replacing or enhancing degraded wetlands in the same sub-basin;

(C) Creating wetlands on upland sites that were former wetlands or that are disturbed upland sites;

(D) Preserving high quality wetlands that are under imminent threat.

(14) The following ratios apply to the creation, restoration or preservation of wetlands that is in-kind, on site, the same category, timed prior to or concurrent with alteration, and has a high probability of success:

Category and Type of Wetland	Creation or Re-Establishment	Rehabilitation	Enhancement
(A) Category I	6:1	12:1	24:1
(B) Category II	3:1	6:1	12:1
(C) Category III	2:1	4:1	8:1
(D) Category IV	1.5:1	3:1	6:1

These ratios do not apply to remedial actions resulting from unauthorized alterations.

(15) The mitigation ratio may be increased if the administrator identifies that:

- (A) Uncertainty exists as to the probable success of the proposed restoration or creation;
- (B) A significant time period will elapse between impact and replication of wetland functions;
- (C) Proposed mitigation will result in a lower category of wetland or reduced functions relative to the wetland being impacted; or
- (D) The impact was due to an unauthorized action.

(16) The administrator may decrease the mitigation ratio where:

- (A) Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
- (B) Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values greater than the wetland being impacted; or
- (C) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

(17) The long or short subdivision of lands that include wetlands is subject to the following:

- (A) Land that is located wholly within a wetland or its buffer may not be subdivided.
- (B) Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is located outside of the wetland and its buffer and meets minimum lot size requirements.
- (C) Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the city determines that no other feasible alternative exists.

(18) The administrator may allow greater density of development outside of wetland areas and associated buffers as an incentive, provided:

- (A) A high level of protection for on-site resources is provided and demonstrated in an approved critical areas report and mitigation plan;
- (B) A showing of good and sufficient cause;
- (C) A determination that failure to grant the increase in density would result in exceptional hardship to the applicant. (Ord. 1876 § 6, 2019; Ord. 1776 §§ 24—27, 2014; Ord. 1542 § 1 (part), 2005).

18.20.170 Frequently flooded areas.

(a) Classification. Frequently flooded areas in Omak and its UGA are classified based on the provisions of the comprehensive plan using the flood insurance rate map prepared by the Federal Emergency Management Agency.

(b) Designation. The city of Omak designates those areas of special flood hazard indicated in the flood hazard boundary map/flood insurance rate map and flood boundary/floodway map, together with the accompanying Flood Insurance Study for Community Number 530120 0001C, November 16, 1982. Since flood hazards are not necessarily constrained to those areas detailed in the flood insurance study and maps, the mapping for the areas of local concern should be accomplished as information becomes available. Map A10 in the map appendix to the comprehensive plan designates frequently flooded areas.

(c) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to frequently flooded areas:

(1) All development within Class I and Class II frequently flooded areas shall be reviewed under and subject to the requirements of Chapter [14.28](#) of the Omak Municipal Code.

(2) Where frequently flooded areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.

(3) Structures shall be located outside of frequently flooded areas except where no alternative location exists.

(4) Following construction of a structure within the floodplain where base flood elevation is provided, the applicant shall obtain an elevation certificate that records the elevation of the lowest floor. The elevation certificate shall be completed by a surveyor or engineer licensed in the state of Washington and shall be submitted to the city for recording.

(5) Fill and grading in the floodplain shall only occur upon a determination by a qualified professional that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a defined channel migration zone, whether or not the city has delineated such zones as of the time of application.

(6) Subdivision in frequently flooded areas is subject to the following:

(A) All lots created shall have adequate building space outside flood hazard areas, including the floodway, one hundred-year floodplain, and channel migration zones and protect the functions and values of frequently flooded areas;

(B) Plat maps shall indicate floodway, one hundred-year floodplain and channel migration zones;

(C) Subdivisions shall be designed to minimize or eliminate the potential for flood damage; and

(D) Subdivisions shall provide for stormwater drainage, in accordance with city standards, so as to reduce exposure to flood hazards. (Ord. 1776 §§ 28, 29, 2014; Ord. 1542 § 1 (part), 2005).

18.20.180 Geologically hazardous areas.

(a) Classification. Geologically hazardous areas in Omak and its UGA are classified based on the provisions of the comprehensive plan. Known geologically hazardous areas within the city of Omak consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of this chapter.

(b) Designations. Geologically hazardous areas are designated in the comprehensive plan based on the classification system. Map A11 in the comprehensive plan designates geologically hazardous areas.

(c) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to geologic hazard areas:

- (1) Critical areas reports for a geologically hazardous areas shall include a geotechnical analysis completed by a qualified professional with expertise in the particular hazard(s) present in a given critical area.
- (2) Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
 - (A) Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;
 - (B) Will not adversely impact other critical areas;
 - (C) Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
 - (D) Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.
- (3) Critical areas reports and mitigation plans for geologically hazardous areas shall establish buffer widths as needed to eliminate or minimize risks of property damage, death, or injury resulting from development of the hazard area. Where established, buffers shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s).
- (4) Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.
- (5) Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas.
- (6) Development and activities located within landslide or erosion hazard areas shall provide for long-term slope stability, and design shall incorporate the following standards:
 - (A) Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
 - (B) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 - (C) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 - (D) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
 - (E) Development shall be designed to minimize impervious lot coverage.
- (7) Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available.
- (8) Subdivision of lands in erosion, landslide, and mine hazard areas is subject to the following:
 - (A) Land that is located wholly within erosion, landslide or mine hazard area or its buffer may not be subdivided. Land that is located partially within an erosion, landslide or mine hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the geologic hazard area.
 - (B) Access roads and utilities within identified erosion, landslide or mine hazard areas and associated buffers are prohibited. (Ord. 1776 §§ 30, 31, 2014; Ord. 1542 § 1 (part), 2005).

18.20.190 Composite critical areas map.

The composite critical areas map displays critical areas in Omak and its urban growth area based on the critical areas designations in Section [18.20.140](#) through [18.20.180](#) and on the data described in Section [18.20.060](#) of this chapter. (Ord. 1542 § 1 (part), 2005).

18.20.200 General provisions.

In the event of any conflict between these regulations and any other regulations, that which provides greater protection to the critical area(s) shall apply. The provisions contained herein shall be the minimum requirements and shall be liberally interpreted to serve the purposes of this chapter. The presence of any known critical areas on or within two hundred fifty feet of property that is the subject of a development permit shall be identified by the applicant in the application materials submitted to the city. (Ord. 1776 § 6, 2014).

18.20.210 Definitions.

“Aquifer recharge areas” means an area with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

“Best available science” means the current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC [365-195-900](#) through [365-195-925](#); for when used within the SMP, the most current, accurate, and complete scientific and technical information available (WAC [173-26-201](#)(2)(a)).

“Best management practices (BMPs)” means conservation practices or systems of practices and management measures that:

- (1) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment.
- (2) Minimize adverse impacts to surface water and ground water flow, circulation pattern, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats.
- (3) Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.

“Critical areas” include the following areas and ecosystems, as designated by the city of Omak: wetlands; areas with a critical recharging effect on aquifers used for potable water; aquatic, riparian, upland and wetland fish and wildlife habitat conservation areas; frequently flooded areas; channel migration zones; and geologically hazardous areas.

“Critical areas report” means a report prepared by a qualified professional required by the city that inventories and analyzes the development impacts of a proposed action on a critical area.

“Fish and wildlife habitat conservation areas” means the habitats of priority species, priority habitats, and habitats of local importance for fish and wildlife that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range, movement corridors, and areas of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

“Frequently flooded areas” means lands in the floodplain subject to a one percent or greater chance of flooding in any given year, and includes but is not limited to streams, rivers, lakes, coastal areas, wetlands and the like.

“Function” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; groundwater recharge and discharge; erosion control; and aesthetic value protection and recreation.

“Geologically hazardous areas” means:

- (1) Any area designated as a geologically hazardous area by the local government with jurisdiction; or
- (2) Any other area that is not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns, because of the area’s susceptibility to erosion, sliding, earthquake, or other geological events, including but not limited to:
 - (A) Channel migration zones;

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

(C) Landslide hazard areas: areas that have the potential of risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors;

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

(E) Mine hazard areas: areas that are directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts;

(F) Volcanic hazard areas: areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mud flows, or related flooding resulting from volcanic activity.

"Mine hazard areas" means areas underlain by, adjacent to, or affected by, mine workings such as adits, gangways, tunnels, drifts or air shafts.

"Mineral lands" means lands designated as mineral resource lands, as required by the Growth Management Act, RCW [36.70A.170](#).

"Mitigation" means avoiding, minimizing, rectifying, reducing, compensating for, and/or monitoring an impact as defined in Washington State's SMP rules, WAC [173-26-201](#)(2)(e).

"Native vegetation" means vegetation comprised of plant species that are indigenous to an area.

"Priority habitat" means a habitat type with unique or significant value to one or more species and designated as priority habitat by the Washington Department of Fish and Wildlife.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC [365-195-905](#)(4). A qualified professional will have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and have at least two years of related work experience. A geologist must have a state license.

"Resource lands" means agricultural, mineral, and forest lands that have long-term commercial significance with regard to growing capacity, productivity, and soil composition, in consideration with the land's proximity to population areas, and the possibility of more intense use of the land.

"Restoration" means improving, enhancing or re-establishing a once viable and now degraded critical area to a state in which its stability functions and values approach its unaltered state.

"Riparian area" means those transitional areas between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect water bodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral (with existing riparian vegetation) streams, lakes, and estuarine-marine shorelines.

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

"Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may

include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (Ord. 1776 § 8, 2014).

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Part of the qualifications include an appropriate state license if professional licensing is required by the state (e.g., engineers, land surveyor, etc.).

Chapter 18.21 SHORELINE MASTER PROGRAM

Sections:

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[18.21.110 Nonconforming lots.](#)

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[18.21.120 Unauthorized wetlands alterations and enforcement.](#)

18.21.010 Purpose.

The purpose of this chapter is to regulate development in shoreline areas as required by the Shoreline Management Act, as it now exists or hereinafter amended, to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This chapter is intended to:

- (a) Implement the Omak comprehensive plan and the requirements of the Shoreline Management Act;
- (b) Protect shoreline areas, in accordance with the Shoreline Management Act and through the application of the goals and policies in the comprehensive plan and implementation of the regulations contained herein in consultation with state and federal agencies and other qualified professionals;
- (c) Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, or steep slopes failure within the shoreline area;
- (d) Protect unique, fragile and valuable elements of the shoreline environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;

- (e) Prevent cumulative adverse environmental impacts within the shoreline area to water quality and availability, wetlands, and fish and wildlife habitat;
- (f) Provide flexibility and attention to site-specific characteristics, so as to ensure reasonable use of property; and
- (g) Provide appropriate guidance and protection measures for addressing the needs and concerns associated with shorelines areas that help define the quality of life in Omak. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.020 Applicability.

These shoreline regulations shall apply as an overlay to zoning and other land use regulations established by the city. Critical areas lying within the shoreline area shall comply with the regulations established herein.

- (a) All land uses and/or development permit applications on all lots or parcels within the city that lie within shoreline jurisdiction as designated in the city of Omak comprehensive plan (see shorelines element and Map A12 in the map appendix) shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any shoreline area except as consistent with the purposes, objectives and intent of this chapter.
- (b) These shoreline regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.030 General provisions.

- (a) In the event of any conflict between these regulations and any other regulations, that which provides greater protection to shoreline area(s) shall apply. The provisions contained herein shall be the minimum requirements and shall be liberally interpreted to serve the purposes of this chapter.
- (b) References to the Omak Municipal Code ("OMC"), the Revised Code of Washington ("RCW"), the Washington Administrative Code ("WAC"), the city of Omak comprehensive plan (including maps, addendums, and appendices thereto), or to any other external law, rule, or regulation will be considered a reference to the most current version of each.
- (c) The administrator shall be responsible for making interpretations of the meaning of the provisions of this chapter in the event interpretations are required to give meaning to the provisions of this chapter consistent with the purposes of this chapter and to correct (1) any inaccurate internal cross-references; or (2) any external citations to laws or regulations.
- (d) This chapter repeals and replaces any previously approved city shoreline master program. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.040 Definitions.

This chapter lists the official (legal) definitions of terms used in this chapter. As used in this chapter, unless the context requires otherwise, the following definitions and concepts apply:

"A"

Accessory Structure or Use. See Section [18.08.003](#).

“Accessory utility” means local transmission and collection lines, pipes, and conductors associated with water, sewer, gas, telephone, cable TV, or similar utilities, or with irrigation systems, and other similar facilities intended to serve a development or an individual use, including access roads and appurtenant structures necessary to facilitate the utility use.

“Act” means Shoreline Management Act of 1971, Chapter [90.58](#) RCW, as amended.

“Administrative authority” shall, in the context of these regulations, mean the city of Omak.

Administrator. See Section [18.08.005](#).

Advertising Devices. See Section [18.08.021](#).

“Agricultural equipment” and “agricultural facilities” include, but are not limited to: (a) the following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish-rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, taps, canals, ditches, and drains; (b) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (c) farm residences and associated equipment, lands, and facilities; and (d) roadside stands and on-farm markets for marketing fruit or vegetables.

“Agricultural land” means those specific land areas on which agriculture activities are conducted as of the date of adoption of this chapter pursuant to these guidelines as evidenced by aerial photography or other documentation.

“Agricultural products” includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

Agriculture. See Section [18.08.023](#).

“Animal feeding operation” or “AFO” means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(a) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

“Appurtenance” means development that is necessarily connected to the use and enjoyment of single-family residences and is located landward of the OHWM and/or the perimeter of a wetland. Appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading which do not exceed the threshold established in local SEPA or building regulations, whichever is less, and which do not involve placement of fill in any wetland, floodway, floodplain or waterward of the ordinary high water mark.

“Aquaculture” is the farming of aquatic organisms including fish, mollusks, crustaceans and aquatic plants. Farming implies some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators and so forth.

Aquifer Recharge Area. See Section [18.20.210](#).

“Archaeological resource/site” means archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have been inadvertently uncovered, are located on city of Omak shorelands and including, but not limited to, submerged and submersible lands and the bed of the rivers within the state’s jurisdiction, that contain archaeological objects. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapters [27.44](#) (Indian graves and records) and [27.53](#) RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter [25-48](#) WAC as well as the provisions of this chapter. “Significant” is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) That are associated with the lives of significant persons in our past; or
- (c) That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) That have yielded, or may be likely to yield, information important in history or prehistory.

“Associated wetlands” is synonymous with “wetlands” or “wetland areas” and means wetlands that are in proximity to lakes, rivers or streams that are subject to the SMA and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline water body, formation by tidally influenced geohydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the ground elevations at the center of all exterior walls of the proposed building or structure.

“B”

Bed and Breakfast. See Section [18.08.061](#).

Best Available Science. See Section [18.20.210](#).

Best Management Practices. See Section [18.20.210](#).

“Boating facilities” means developments and uses that support access to shoreline waters for purposes of boating.

“Buffer” means a strip of land established to protect one type of land use from another with which it is incompatible.

“Buffer, shoreline use (Zone 2)” means an area that is contiguous to and protects a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Buffer, shoreline vegetation (Zone 1)" means the vegetation area adjacent to a shoreline that separates and protects the shoreline aquatic area from adverse impacts associated with adjacent land uses.

"Buffer, wetland" means the vegetation area adjacent to a wetland that separates and protects the wetland aquatic area from adverse impacts associated with adjacent land uses.

Building (Structure). See Section [18.08.079](#).

"Bulk storage" means nonportable storage of bulk products in fixed tanks.

"Bulkhead" means a structure erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves or current action.

"C"

"CAFO" means a concentrated agricultural feeding operation, as defined by [40 CFR 122.23](#).

Campground (RV Park). See Section [18.08.097](#).

"CARA" means critical aquifer recharge area.

"Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

"Clearing" means the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

"Commercial use" means facilities used or established to provide goods, merchandise or services for compensation or exchange, excluding facilities for the growth, production, or storage of agricultural products.

"Community boating facilities" including docks, piers, ramps, etc., are typically designed and constructed to serve all or a significant component of the members of a residential development, which typically include waterfront property owners and often include nonwaterfront property owners. A homeowner's association usually owns a shoreline tract(s) or easement(s) providing for the potential placement of the facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized the facilities, then the multiple upland property owners of a residential development would also be considered community boating facilities.

"Community joint-use recreational dock" means a dock intended for the common use of the residents of adjoining parcels or subdivision, shore subdivision, or community located on adjacent uplands. A community joint-use recreational dock shall not be a commercial endeavor and shall not for the purpose of serving the public.

Critical Areas. See Section [18.20.210](#).

Critical Areas Report. See Section [18.20.210](#).

"Cumulative impacts" means the impact on the environment resulting from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of who undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

"D"

Density. See Section [18.08.157](#).

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter [90.58](#) RCW at any stage of water level.

“Development regulations” means the controls placed on development or land uses by the city of Omak, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of this chapter, other than goals and policies approved or adopted under Chapter [90.58](#) RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

“Dike” means an artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

“Dock” means all platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation including but not limited to floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps.

(a) Private Docks. Over-water structures are constructed and utilized for private moorage by a single residential waterfront property owner; or an upland property owner adjacent to publicly owned shoreline where the public entity has authorized the placement of a private dock.

(b) Joint-use docks are constructed and utilized by two or more contiguous residential waterfront property owners. Joint-use dock facilities may also serve one waterfront property owner and one or more contiguous upland property owners; or may consist of two or more upland property owners adjacent to publicly owned shoreline, where the public entity has authorized the placement of a joint-use dock.

(c) Community docks are typically designed and constructed to serve all or a significant component of the members of a residential development, which typically include waterfront property owners and often include nonwaterfront property owners. A homeowner’s association usually owns a shoreline tract(s) or easement(s) providing for the potential placement of the dock facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized dock facilities, the dock facilities for multiple upland property owners of a residential development would also be considered community dock facilities.

(d) Public docks are constructed and utilized for use by the general public, typically owned and managed by a public agency and may include a boat ramp.

“Dredge material disposal” means the disposal of material excavated waterward of the ordinary high water mark according to the DNR disposal procedures manual.

“Dredging” means the removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies or from wetlands.

Dwelling, Multi-Unit. See Section [18.08.171](#).

Dwelling, Single-Unit. See Section [18.08.173](#).

Dwelling Unit. See Section [18.08.177](#).

“E”

“Ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. See WAC [173-26-201\(2\)\(c\)](#).

“Ecological restoration and/or enhancement” means an intentional activity that initiates, accelerates, or is intended to recover ecosystem functions with respect to their health, integrity and sustainability. The practice of ecological restoration and/or enhancement includes a wide scope of projects including, but not limited to: erosion control, reforestation, removal of nonnative species and weeds, revegetation of disturbed areas, daylighting streams (e.g., culvert/pipe removal, bring an artificially underground stream to the surface), reintroduction of native species, as well as habitat and range improvement for targeted species.

“Ecologically intact” shorelines means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies.

“Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

“Emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter.

“Emergency construction” is construed narrowly as that which is necessary to protect property from the elements (RCW [90.58.030\(3\)\(e\)\(iii\)](#)).

Exempt, Single-Family. See “Residential development.”

“Exempt, substantial development” means any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred sixteen dollars¹ or dollar value as amended by the State of Washington Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state, and any development which does not meet the definition of substantial development contained herein.

“Experimental aquaculture” means an aquaculture project that uses methods or technologies that are unprecedented or unproven in the state of Washington.

“F”

“Fair market value” of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, dumping or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or, where no such a value can be calculated, the total of labor, equipment used, transportation, and other costs incurred for the duration of the permitting project.

“Feasible” means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (b) The action provides a reasonable likelihood of achieving its intended purpose; and
- (c) The action does not physically preclude achieving the project's primary intended legal use. In cases where this chapter requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the city may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Feedlot" means an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, a confined area or structure for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods.

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and Wildlife Habitat Conservation Areas. See Section [18.20.210](#).

"Floats" means a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities, that is not anchored or accessed directly from the shoreline.

"Flood control works" means all development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

Floodplain. See Section [18.08.195](#).

"Floodplain management" means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulation, building standards, structural works, and monitoring and warning systems.

"Floodway" means the area that has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps.

Frequently Flooded Area. See Section [18.20.210](#).

"Frontage, shoreline" is the distance measured along the ordinary high water mark.

"Future flow floodplain" means the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights.

"G"

Geologically Hazardous Areas. See Section [18.20.210](#).

“Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

“Grade” (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building (per International Building Code).

“Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

“Guest house” means a small living unit accompanying the main residence permitted on a lot of minimum size or larger for the purpose of housing guests, friends, and relatives and having its own kitchen and toilet facilities. The total floor area of such a unit shall be a minimum of five hundred square feet and not exceed fifty percent of the total area of the main residence. The main residence shall be occupied by the property owner.

“Guidelines” means the state of Washington’s adopted Shoreline Master Program Guidelines (Chapter [173-26](#) WAC, as amended).

“H”

Habitat. See Section [18.08.215](#).

“Hard shoreline stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion including, but not limited to, bulkheads, rip-rap, jetties, groins, breakwaters, and stone reinforcement.

“Height, building” means the distance measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or this chapter specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

“Historic site” means those sites that are eligible to be listed or are listed on the Washington Heritage Register, National Register of Historic Places, or any locally developed historic registry formally adopted by the responsible local government.

Hotel. See Section [18.08.245](#).

“I”

“Industrial use” means a use including manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.

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

"In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

"L"

"Land use, high impact" or "high-intensity land use" means land use that includes the following uses or activities: commercial, urban, industrial, institutional, retail sales, residential (more than one unit/acre), high-intensity new agriculture (dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

"Land use, low impact" means land use that includes the following uses or activities: forestry (cutting of trees only), low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.), unpaved trails, utility corridor without a maintenance road and little or no vegetation management.

"Land use, medium impact" means land use that includes the following uses or activities: residential (one unit/acre or less), moderate-intensity open space (parks with biking, jogging, etc.), conversion to moderate-intensity agriculture (orchards, hay fields, etc.), paved trails, building of logging roads, utility corridor or right-of-way shared by several utilities and including access/maintenance road.

"Landfill" means a disposal site or part of a site at which waste is placed in or on land and which is not a landspreading disposal facility, or as otherwise defined by the city of Omak. The most stringent definition shall apply.

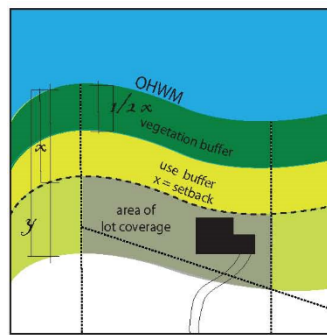
"Large woody debris" or "LWD" means all wood greater than four inches in diameter naturally occurring or artificially placed in streams, including branches, stumps, logs and logjams.

"Litter container" means a container provided on public or private property for temporary disposal of wastepaper, used beverage or food containers, and other small articles of rubbish, trash, or garbage by users of the site. Every litter container shall be closed with a well-fitting lid or designed to reasonably prevent its contents from becoming litter.

"Local government" means any county, incorporated city or town or tribal corporation which contains within its boundaries any lands or waters subject to the Shoreline Management Act.

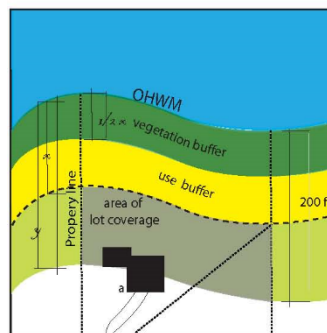
"Lot coverage, shoreline" means that portion of a lot which, when viewed directly from above, would be covered by building(s) and/or structure(s) and/or impervious surfaces. The portion of the lot

covered by the roof projection or eaves beyond the wall of the building(s) and/or structure(s) is not



Lot Coverage regulations apply to the area landward of the setback

Generic example of lot wholly within shoreline with setback, use buffer and vegetation buffer lines, and area where lot coverage standards apply



a. Example of lot partially within shoreline depicting: building setback, use buffer, vegetation buffer, and area where lot coverage standards apply

included as lot coverage in shoreline areas.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and the rear lot line.

"M"

"Manufacturing, heavy" means industrial enterprises and activities which possess potential nuisance or hazard components or place exceptional demands upon public facilities and services. Such facilities generally involve manufacturing, assembly, fabrication and processing, bulk handling, storage, warehousing, and heavy trucking activity and normally require sites of larger size to accommodate these uses.

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

- (a) Manufacture, assembly, finishing, and/or packaging of small items from component parts. Examples include but are not limited to pottery, clothing, assembly of clocks, electrical appliances, or medical equipment.
- (b) Production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, paper, wool or cork; or from textiles, semi-precious or precious metals or stones, or plastics.
- (c) Production or bottling of beverages for human consumption, including but not limited to beer, wine and soft drinks.

"Manure lagoon" means a waste treatment impoundment, in which manure is mixed with sufficient water to provide a high degree of dilution for the primary purpose of reducing pollution potential through biological activity.

“May” means an action is acceptable, provided it conforms to the provisions of this chapter.

“Mineral prospecting” means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

Mineral Resource Lands. See Section [18.20.210](#).

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

Mitigation. See Section [18.20.210](#).

“Mitigation plan” means a written report or authorization (by a state or federal agency) prepared by a qualified professional identifying environmental goals and objectives of the compensation proposed and including:

- (a) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the mitigation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site mitigation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;
- (b) A review of the most current, accurate, and complete scientific and technical information supporting the proposed mitigation and a description of the report author’s experience to date in restoring or creating the type of critical area proposed; and
- (c) An analysis of the likelihood of success of the compensation project.
- (d) The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this title have been met.
- (e) The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as: the proposed construction sequence, timing, and duration; grading and excavation details; erosion and sediment control features; a planting plan specifying plant species, quantities, locations, size, spacing, and density; and measures to protect and maintain plants until established. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

“Mixed-use development” means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design. Mixed-use developments must include a water-dependent use(s) and provide a significant public benefit with respect to the Shoreline Management Act’s objectives such as providing public access and ecological restoration, except as provided for in WAC [173-26-241\(3\)\(d\)](#).

“Monitoring” means evaluating the impacts of development on the environment (which may include biology, geology, hydrology, hydraulics, and other factors related to safety and shoreline ecological function) and determining how well any required mitigation measures are functioning through the monitoring period. Monitoring may also include collection and analysis of data by various methods

for the purpose of understanding and documenting changes in natural ecosystems and features; and does also include gathering baseline data.

Motel. See Section [18.08.315](#).

"Multifamily dwelling (residence)" means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this code, includes triplexes, fourplexes, apartment buildings, and residential condominiums.

"Municipal uses" means those uses and facilities in support of local government functions and services. For the purposes of this chapter, recreational uses and utility facilities are excluded.

"Must" means an action is required.

"N"

"Natural resource lands" means lands designated as agricultural lands, forest lands, or mineral resource lands, as required by the Growth Management Act, RCW [36.70A.170](#).

"Nonconforming structure, shoreline (legal)" means an existing structure built in conformance with the requirements in place at the time of construction or prior to the effective date of the adoption of this chapter that could not be built under the terms of this chapter or any amendment thereto.

"Nonconforming use" means an existing use allowed in conformance with the requirements in place at the time of initiation or prior to the effective date of the adoption of this chapter that could not be built under the terms of this chapter or any amendment thereto.

Nonexempt Single-Family Residence. See "Residential development."

"Nonstructural shoreline stabilization" means areas and activities including building setbacks, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization, vegetation stabilization and bioengineered stabilization.

"Non-water-oriented use" means a use that is not a water-dependent, water-related, or water-enjoyment use.

"Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

"Normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.

"O"

"Official map of shorelines" means all maps adopted as part of the shoreline section of the city of Omak comprehensive plan and this chapter delineating the geographic boundaries of all designated water bodies in Omak coming under the jurisdiction of the Shoreline Management Act of 1971.

"OFM" means the Office of Financial Management of the State of Washington.

Open Space. See Section [18.08.343](#).

“Ordinary high water mark” means on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Over-water structures” means any structure located waterward of the OHWM. Common examples include, but are not limited to, docks, piers and bridges.

“P”

Permit. See Section [18.08.371](#).

“Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

“Placer mining” means the mining (by panning or dredging) of alluvial (waterborne) or glacial deposits of precious metals or minerals, usually in stream beds or valleys adjacent to uplands rich in these minerals.

“Primary utilities” means transmission, collection, production, or treatment facilities that are generally regional or areawide in scope and provide the primary service to a large area and may or may not be connected directly to the uses along the shoreline. Utilities include primary transmission facilities related to a hydropower and communications, and distribution or collection systems for water, sewer mains, gas and oil pipelines, and wastewater and water treatment plants.

Priority Habitat. See Section [18.20.210](#).

“Priority species” means a species requiring protective measures and/or management guidelines to ensure its persistence at genetically viable population levels and designated as a priority species by the Washington Department of Fish and Wildlife.

“Provisions” means policies, regulations, standards, guideline criteria or shoreline designations.

“Public access” means the public’s right to get to and use the state’s public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic roads and overlooks, viewing towers and other public sites or facilities.

“Public trust doctrine” means a legal principle derived from English common law. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses, and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public’s right to use the waters of the state.

“Q”

Qualified Professional. See Section [18.20.210](#).

"R"

"Recreation, low-intensity" means recreation that does not require developed facilities other than unpaved trails and can be accommodated without change to the area or resource other than development of trails and placement of litter containers and directional and interpretive signs. Examples are hiking, shore fishing, and bicycling.

"Recreational development" means the modification of the natural or existing environment to accommodate recreation. This includes clearing land, earth modifications, structures and other facilities such as parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, wildlife enhancement (wildlife ponds are considered excavation), and other low-intensity use outdoor recreation areas.

"Recreational uses" means uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, and other low-intensity use outdoor recreation areas. Recreational uses that do not require a shoreline location, or are not related to the water, nor provide significant public access are considered non-water-oriented. For example, a recreation use solely offering indoor activities would be considered non-water-oriented.

"Residential development" means one or more buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multifamily dwellings, apartment/condominium buildings, mobile homes, short and long divisions of land and other structures that serve to house people:

- (a) Exempt single-family residential: construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family.
- (b) Nonexempt single-family dwellings (e.g., seasonal or year-round rentals), development of a single-family unit not lived in by owner or his/her own family.
- (c) Multifamily residential: can include duplex, three or more residential units, apartments, townhomes, and condominiums.

"Responsible official" means the duly elected mayor or city administrator of the city of Omak or their designee.

Restore, Restoration or Ecological Restoration. See Section [18.20.210](#).

Riparian Area. See Section [18.20.210](#).

"Riprap" means broken stone or other hardening material placed along the shoreline of a lake, river, or stream to prevent erosion or provide stability.

"S"

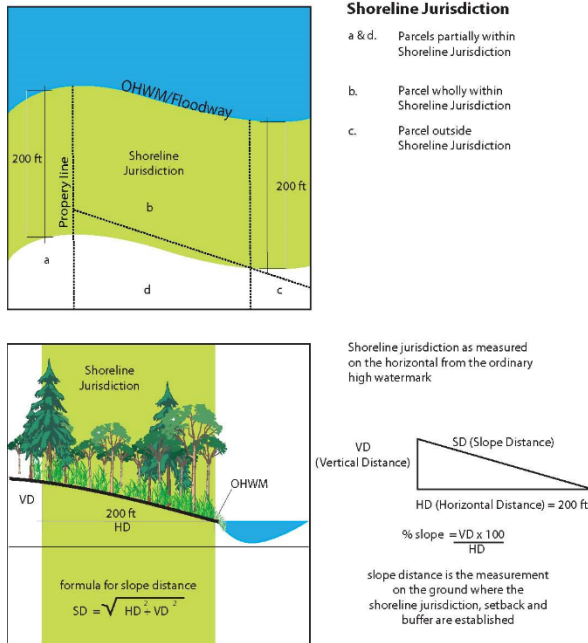
"Sanitary landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

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

Shoreline Ecological Function. See "Ecological function."

“Shoreline frontage” means the land measured in linear feet along the OHWM of a lake, river, or stream subject to this chapter.

“Shoreline jurisdiction” or “shoreline area” means that area lying within two hundred feet on a horizontal plane from the OHWM of the Okanogan River.



“Shoreline master program” or “SMP” means the shoreline section of the land use element of the city of Omak comprehensive plan and this chapter and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in Chapter [90.58](#) RCW.

“Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

“Shoreline of tribal significance” means any shoreline area within the Colville Indian Reservation.

“Shoreline permit” means a shoreline substantial development permit, a shoreline conditional use, or a shoreline variance, or any combination thereof issued by Omak pursuant to Chapter [90.58](#) RCW.

“Shoreline setback” means the required minimum distance between the ordinary high water mark and the outer-most vertical plane of any building, structure, device, fence, swimming pool, landscaped or graded area, or other improvement causing a disturbance to the natural landscape.

“Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except:

- (a) Shorelines of statewide significance;
- (b) Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and

(c) Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

“Shorelines of statewide significance” in Omak means:

- (a) The Okanogan River; and
- (b) Those wetlands associated with the river.

“Shorelines of the state” are the total of all “shorelines” and “shorelines of statewide significance” within the state.

Short Subdivision. See Sections [17.08.150](#) and [17.08.155](#).

“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

“Soft shoreline stabilization” means shore erosion control and restoration practices using only plantings or organic materials to restore, protect or enhance the natural shoreline environment.

Solid Waste. See Section [18.08.457](#).

“Special event” means any event (excluding those events allowed through the festival permitting process) that happens for more than three consecutive days per event and no more than twice a year.

“Special event camping” means any ten or more recreational vehicles, tents, or temporary structures designed for temporary habitation, or any combination thereof, limited to the duration of the special event (whether related to a special event or not) and one week before and one week after.

“Structural shoreline stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion; examples include bulkheads, concrete walls, riprap, jetties, groins, breakwaters, stone reinforcement.

Structure. See Section [18.08.478](#).

Subdivision, Long. See Section [17.08.170](#).

“Substantial accessory use facilities” include but are not limited to rest rooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas associated with recreational development.

“Substantial development” shall mean any development of which the total cost or fair market value exceeds six thousand four hundred sixteen dollars² or dollar value as amended by the State of Washington Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. “Consumer price index” means, for any calendar year, that year’s annual average consumer price index, Seattle, Washington, area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must

calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

"Substantially degrade" means cause significant ecological impact.

"T"

"Temporary" means having a specific, short-term duration. See "Seasonal."

"Temporary sign" means a sign not intended to be permanently installed.

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

"U"

"Upland," when used as an adjective, means outside of the shoreline area.

"Uplands" means those lands outside of the shoreline area and not under shoreline jurisdiction.

"Urban growth area" means a boundary set in an attempt to control urban sprawl by encouraging the area inside the boundary to be used for higher density urban development and the area outside is used for lower density development.

"Use (development)" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. "Use" also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

"V"

"Variance, shoreline" means an adjustment in the application of the bulk, height and setback regulations of this chapter to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived as a result of the imposition of the shoreline regulations of privileges commonly enjoyed by other properties in the same vicinity and shoreline designation. A variance shall be limited to only that adjustment necessary to remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone and subject to the same restrictions. Economic hardship is not grounds for a variance.

"Vegetation conservation" includes activities to prevent the loss of plant communities that contribute to the ecological functioning of shoreline areas. Vegetation conservation deals with the protection of existing diverse plant communities along the shorelines, aquatic weed control, and the restoration of altered shorelines by reestablishing natural plant communities as a dynamic system that stabilizes the land from the effects of erosion.

Visual Public Access. See "Public access."

"W"

"Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the

withdrawal of groundwater or diversion of surface water pursuant to RCW [90.03.250](#) through [90.03.340](#).

“Water-dependent use” means a use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include marinas, water intake systems and sewer outfalls.

“Water-enjoyment use” means a recreational or similar use facilitating public access to the shoreline as a primary character of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of use and which, through location, design and operation, assures the public’s ability to enjoy physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts, and mixed-use commercial; provided, that such uses conform to the above water-enjoyment requirements and the provisions of this chapter.

“Water-oriented use” means any one or combination of water-dependent, water-related or water-enjoyment uses.

“Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Water-related uses may include fish hatcheries.

“Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- (a) A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
- (b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- (c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided, that any structure, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

“Watershed restoration plan” means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city,

a county, or a conservation district, that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter [43.21C](#) RCW, the State Environmental Policy Act.

Wetlands. See Section [18.20.210](#).

“Woody debris” means all wood naturally occurring or artificially placed in streams, including branches, stumps, logs and logjams.

Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “shall” is mandatory and not permissive.

Definitions for terms requiring definitions not found herein shall be determined from the following sources, and if a conflict should arise between sources, such definition shall be established in the following priority:

- (a) Chapter [90.58](#) RCW and Chapters [173-26](#), [173-27](#), and [173-22](#) WAC.
- (b) Black’s Law Dictionary by Henry Campbell Black, 3rd Edition, Publisher’s Editorial Staff, St. Paul, West Publishing Company 1933, and subsequent amendments thereto.
- (c) Webster’s New Collegiate Dictionary, G. & C. Merriam Company, Springfield, Massachusetts, U.S.A., and subsequent amendments thereto. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.050 Exemptions.

- (a) Application and Interpretation of Exemptions.
 - (1) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the requirements for a substantial development permit.
 - (2) An exemption from the substantial development permit process is not an exemption from compliance with the SMA or this chapter, nor from any other regulatory requirements. A development or use that is listed as a conditional use pursuant to 18.21.070 Table 3 herein or is an unlisted use must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.
 - (3) The burden of proof that a development or use is exempt from the permit process is on the applicant.
 - (4) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
 - (5) The city may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this chapter.
- (b) The following developments shall not require substantial development permits:
 - (1) Any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred sixteen dollars³, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For

purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW [90.58.030](#)(2)(d). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(2) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(3) Construction of the normal protective bulkhead common to single-family residences. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife;

(4) Emergency construction necessary to protect property from damage by the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter [90.58](#) RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of Chapter [90.58](#) RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(5) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

- (6) Construction or modification of navigational aids such as channel markers and anchor buoys;
- (7) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter [90.58](#) RCW. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- (8) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if:
 - (A) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
- (9) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
- (10) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- (11) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- (12) Any project with a certification from the Governor pursuant to Chapter [80.50](#) RCW;
- (13) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - (A) The activity does not interfere with the normal public use of the surface waters;
 - (B) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (C) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

- (D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - (E) The activity is not subject to the permit requirements of RCW [90.58.550](#);
- (14) The process of removing or controlling aquatic noxious weeds, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter [43.21C](#) RCW;
- (15) Watershed restoration projects as defined herein. The administrator shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section;
- (16) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
- (A) The project has been approved in writing by the Department of Fish and Wildlife;
 - (B) The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter [77.55](#) RCW; and
 - (C) The city has determined that the project is substantially consistent with the shoreline section of the comprehensive plan and this chapter. The city shall make such determination in a timely manner and provide it by letter to the project proponent;
 - (D) Fish habitat enhancement projects that conform to the provisions of RCW [77.55.181](#) are determined to be consistent with local shoreline goals, policies and regulations, as follows:
 - (i) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria of subsections (b)(16)(D)(i)(a) and (b) of this section:
 - a. A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:
 - 1. Elimination of human-made fish passage barriers, including culvert repair and replacement;
 - 2. Restoration of an eroded or unstable streambank employing the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - 3. Placement of woody debris or other in-stream structures that benefit naturally reproducing fish stocks;
 - b. The Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be

evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

c. A fish habitat enhancement project must be approved in one of the following ways:

1. By the Department of Fish and Wildlife pursuant to Chapter 77.95 (Salmon Enhancement Program) or 77.100 (Volunteer Fish and Wildlife Enhancement Program) RCW;
2. By the sponsor of a watershed restoration plan as provided in Chapter [89.08](#) RCW;
3. By the department as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;
4. Through the review and approval process for the jobs for the environment program;
5. Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;
6. Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
7. Through other formal review and approval processes established by the legislature;

(E) Fish habitat enhancement projects meeting the criteria of subsections (b)(16)(D)(i)(a) and (b) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsections (b)(16)(D)(i)(a) and (b) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW [43.21C.030](#)(2)(c).

(F) A hydraulic project approval permit is required for projects that meet the criteria of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Department of Fish and Wildlife and to the city. The city shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the Department shall either issue a permit with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department shall base this determination on identification during the comment period of

adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department determines that the review and approval process created by this section is not appropriate for the proposed project, the Department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(i) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.

(G) The city may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsections (b)(16)(D)(i)(a) and (b) of this section and that are reviewed and approved according to the provisions of this section. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.052 Shoreline substantial development permits.

(a) A shoreline substantial development permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section [18.21.050](#). Application requirements are contained in Chapter [19.05](#).

(b) In order to be approved, the decision maker must find that the proposal is consistent with the following criteria:

(1) All regulations of this chapter appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance under Section [18.21.056](#).

(2) All policies of the shoreline element of the comprehensive plan appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated.

(3) For projects located on shorelines of statewide significance, the policies in the shoreline element related to such shorelines shall also be adhered to.

(c) The administrator may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this chapter.

(d) Fees for shoreline substantial development permits shall be as set forth in the fee schedule adopted by the city council. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.054 Conditional use permits.

(a) Uses which are specifically prohibited by this chapter may not be authorized as a conditional use.

(b) Uses specifically classified or set forth in this chapter as conditional uses shall be subject to review and condition by the administrator.

(c) Other uses which are not classified or set forth in this chapter may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this chapter.

(d) Conditional Use Permit Review Criteria.

(1) The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW [90.58.020](#). In authorizing a conditional use, special conditions may be attached to the permit by the city of Omak or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the local master program.

(2) Uses which are classified or set forth in this chapter as conditional uses may be authorized; provided, that the applicant demonstrates all of the following:

(A) That the proposed use is consistent with the policies of RCW [90.58.020](#) and the city shoreline master program;

(B) That the proposed use will not interfere with the normal public use of public shorelines;

(C) That the proposed use of the site and design of the project are compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this chapter;

(D) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(E) That the public interest suffers no substantial detrimental effect.

(e) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW [90.58.020](#) and shall not produce substantial adverse effects to the shoreline environment.

(f) Fees for shoreline conditional use permits shall be as set forth in the fee schedule adopted by the city council. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.056 Variances.

(a) The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this chapter and any associated standards appended to this chapter such as critical areas buffer requirements where there are extraordinary or unique circumstances relating to the property and/or surrounding properties such that the strict implementation of this chapter would impose unnecessary hardships on the applicant/proponent or thwart the policy set forth in RCW [90.58.020](#). Use restrictions may not be varied.

(b) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW [90.58.020](#). In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will suffer no substantial detrimental effect.

(c) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW [90.58.030](#)(2)(c), and/or landward of any wetland as defined in RCW [90.58.030](#)(2)(h), may be authorized provided the applicant can demonstrate all of the following:

- (1) That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes, or significantly interferes with, reasonable use of the property;
 - (2) That the hardship described in subsection (c)(1) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or from the applicant's own actions;
 - (3) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan, shoreline element and this chapter and will not cause adverse impacts to the shoreline environment;
 - (4) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - (5) That the variance requested is the minimum necessary to afford relief; and
 - (6) That the public interest will suffer no substantial detrimental effect.
- (d) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW [90.58.030](#)(2)(c), or within any wetland as defined in RCW [90.58.030](#)(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- (1) That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes all reasonable use of the property;
 - (2) That the proposal is consistent with the criteria established under subsections (c)(1) through (6) of this section; and
 - (3) That the public rights of navigation and use of the shorelines will not be adversely affected.
- (e) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW [90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.
- (f) Variances from the use regulations of this chapter are prohibited.
- (g) In authorizing a variance, special conditions may be attached to the permit by the city of Omak or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and this chapter.
- (h) On all variance applications, the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- (i) Fees for shoreline variances shall be as set forth in the fee schedule adopted by the city council. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.060 General regulations.

- (a) General.
- (1) Regulation of private property to implement any shoreline goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and

other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes.

(2) Rights reserved or otherwise held by Indian tribes pursuant to treaties, executive orders, or statutes, including the right to hunt, fish, gather, and the right to reserved water, shall not be impaired or limited by any action taken or authorized by the city under this chapter, and all rights shall be accommodated.

(3) All development or use activity which occurs within the areas coming under the jurisdiction of this chapter and the Shoreline Management Act (SMA), whether it requires a permit or not, must be consistent (in design, development and operation) with the intent of the SMA, conform to Chapter [90.58](#) RCW (SMA), this chapter, adopted comprehensive plans, all applicable local regulations (including current zoning, subdivision, SEPA, critical areas, flood damage prevention or hazard reduction, health, sanitation, and building ordinances or codes), and any applicable state and federal regulations.

(4) Emergency construction may be permitted subject to WAC [173-27-040](#)(2)(d) ("Developments exempt from substantial development permit requirement"), when, as determined by Okanogan County emergency services or other formally designated local official in consultation with the shoreline administrator, that life and/or property is in danger. Emergency construction must be consistent with the policies of Chapter [90.58](#) RCW and this chapter and with the regulations for shoreline modifications (subsections (b), (c) and (e) of this section and Sections [18.21.070](#)(f), (i) and (s)). Prior to emergency construction, the landowner must agree that, upon abatement of the emergency situation, any new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter [90.58](#) RCW, Chapter [173-27](#) WAC, or this chapter, shall be obtained. Mitigation pursuant to consultation with appropriate resource agencies shall be required for any permit issued after an emergency action. Regular flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

(5) The provisions of this chapter do not require modification of or limitations on agricultural activities legally underway on agricultural lands as of the date of adoption of this chapter.

(6) All shoreline and shoreland uses and activities shall be located and designed to minimize or prevent the need for shoreline stabilization measures, flood protection works, filling and/or substantial site re-grading. The use of car bodies, scraps of building materials, tires, asphalt or concrete from street work, or any discarded pieces of equipment, appliances or other debris for the stabilization of shorelines is prohibited. This prohibition shall not preclude the use of recycled/repurposed materials where the applicant has demonstrated the use of such used materials is equivalent to similar new materials. See regulations in subsections (b), (c) and (e) of this section and Sections [18.21.070](#)(f), (i) and (s) for specific shoreline stabilization regulations and standards.

(7) The disposal or dumping of solid waste is strictly prohibited in all shoreline areas, except in litter containers, which shall be regularly emptied, with the contents collected for transportation to an approved sanitary landfill or transfer station.

(8) Dumping and/or burning of residential, commercial, industrial or municipal yard waste within the Zone 1 vegetation buffer is prohibited in all shoreline designations.

- (9) Where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost, bridges, utility lines, and other public utility and transportation structures may be allowed within the channel migration zone or floodway. Where such structures are allowed, mitigation shall address impacted functions and processes throughout the affected water body, including effects upstream and downstream of the project site, and shall be adequate to ensure no net loss of shoreline ecological function. Impacts to views and vistas must also be mitigated.
- (10) No development designed for human habitation (e.g., houseboats, floating homes or cantilever type construction) is permitted on or over water.
- (11) All shoreline development shall be conducted so as to minimize the effects on water quality from the addition of suspended solids, leaching of contaminants, or disturbances to habitat, and shall be consistent with this chapter as well as the requirements of applicable regulatory agencies, including but not limited to the Washington Departments of Ecology and of Fish and Wildlife and the U.S. Army Corps of Engineers.
- (12) In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring habitats and species.
- (13) All uses and activities, including those exempt from the requirement to obtain a shoreline substantial development permit, shall adhere to all required setbacks and other development standards, and shall retain all required buffers, in accordance with the provisions of this chapter unless the use or activity is granted a variance.
- (14) No new development shall be allowed in wetlands, shoreline vegetation conservation areas or their buffers without following mitigation sequencing as regulated by Section [19.05.037\(b\)](#).
- (15) All clearing and grading activities shall be limited to the minimum necessary for the allowed or permitted development and shall comply with the provisions of 18.21.060 Tables 1 and 2 and the regulations in subsections (b) and (c) of this section.
- (16) The city shall give preference to biological or mechanical means rather than herbicides or insecticides for weed and pest control in shoreline areas. When agricultural chemicals, fertilizers and other spray materials are used, provisions shall be made to minimize their entry into any body of water by following guidance found in Eastern Washington Stormwater Manual and seeking guidance provided by Washington State Department of Agriculture. Spraying over open water is prohibited except to control known risks to public health or as approved by the state for treatment of aquatic weeds. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.
- (17) All shoreline uses and activities shall comply with the Stormwater Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as amended). Specific requirements include, but are not limited to:

(A) Solid and liquid wastes, untreated effluents, oil, chemicals, and other hazardous materials shall not be allowed to enter any body of water or to be discharged onto land. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

(B) All shoreline uses and activities in all shoreline designations, both during construction and for the life of the project, shall use stormwater best management practices to minimize any increase in surface water runoff and to control, treat, and release surface water runoff so that receiving water quality and shoreline ecological functions are not adversely affected. Such measures may include but are not limited to low impact development, dikes, catch basins, settling ponds, oil/water separators, grassy swales, interceptor drains, and landscaped buffers. All measures shall be adequately maintained to ensure proper functioning over time. The Stormwater Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as amended) shall provide the preferred guidance for surface water runoff best management practices.

(18) All shoreline areas to be disturbed by proposed individual uses and developments in all shoreline designations which cause adverse environmental impacts to occur to shoreline functions shall be restored in compliance with an approved mitigation management plan as found in Section [19.05.037](#)(f) and be subject to posting a reclamation bond. Vegetation from the recommended list (comprehensive plan Appendix B) or other species authorized by the city shall be used. Planting of nonnative plant species shall be prohibited in Zone 1 buffer areas. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used. The owner, manager, agency or developer maintaining the facility/parcel shall also be responsible for maintaining the vegetation until it is established. See subsection (e) of this section, Vegetation Conservation, for specific regulations and standards.

(19) Any vacation of right-of-way within the shoreline must comply with RCW [35.79.035](#), "Limitations on vacations of streets abutting bodies of water—Procedure," as it now exists and hereinafter amended.

(20) All shoreline modification activities not in support of an existing conforming use or other allowed use are prohibited, unless it can be demonstrated that such activities are necessary to protect primary structures and in the public interest or are for the maintenance, restoration or enhancement of shoreline ecological functions.

(21) Shoreline modifications shall result in no net loss of shoreline ecological functions. The number and extent of shoreline modifications shall be limited to the minimum required.

(22) Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions shall be allowed. Preference shall be given to those types of shoreline modifications that have a lesser impact on ecological functions. For example, planting vegetation that will stabilize the shoreline is preferred rather than a concrete bulkhead.

(23) Ecological impacts of shoreline modifications shall be mitigated in conformance with the regulations contained herein.

(24) All shoreline modification activities must conform to this chapter.

(b) Clearing and Grading.

(1) Clearing and grading shall be addressed and identified in the permit or exemption application for the shoreline use or activity with which they are associated.

(2) Clearing or grading within required Zone 1 vegetation and Zone 2 use buffers and/or wetland buffers shall comply with the requirements of subsections (b) and (d) of this section and 18.21.060 Tables 1 and 2.

(3) No clearing or grading shall be initiated before the permit, exemption or variance approval is issued.

(4) Existing native riparian vegetation shall be retained whenever possible.

(5) Grading Permits.

(A) A grading permit issued by the city shall be required in the following situations:

(i) Where more than fifty cubic yards of material will be moved within a shoreline area for any reason;

(ii) Any clearing or grading within building setbacks or buffers; or

(iii) Where clearing and grading will modify a percentage of a site's shoreline area landward of the building setback that is greater than the percentage as specified in 18.21.060 Table 1.

(B) An increase of up to twenty-five percent cleared and graded area may be permitted through the submittal of a critical areas report and mitigation plan that demonstrates the grading and clearing will not impact the shoreline ecological function or value.

18.21.060 Table 1 Shoreline Clearing and Grading Standards¹

Shoreline Designation	Percent of site located within shoreline jurisdiction that may be cleared and/or graded
High-Intensity	60%
Shoreline Residential	50%
Urban Conservancy	15%
Shoreline Recreation	50%

18.21.060 Table 1 Shoreline Clearing and Grading Standards¹

Shoreline Designation	Percent of site located within shoreline jurisdiction that may be cleared and/or graded
Aquatic	N/A

¹ The standards in the table provide for the maximum percentage that may be cleared outside of vegetation and use buffers.

² The percentages represent the maximum allowable with an increase of up to twenty-five percent permitted subject to critical areas report and mitigation management plan that considers present ecological function, cumulative impacts of the development and restoration opportunities, both on and off site; does not include clearing within the Zone 1 or Zone 2 buffers.

(6) In its review of clearing and grading proposals, the city shall require and utilize a clearing and grading plan that addresses species removal, replanting, irrigation, stormwater control (including runoff from structures and pervious surfaces), erosion and sedimentation control, and plans for protecting shoreline resources and results in no net loss of ecological function.

(7) Grading of a development site shall not alter natural drainage patterns in a manner that would increase the rate or quantity of surface runoff. Such grading activities shall require a grading plan compliant with stormwater best management practices.

(8) Immediately upon completion of the construction or maintenance activity, remaining cleared areas shall be restored to a naturalistic condition using compatible, self-sustaining vegetation in accordance with subsection (e) of this section, Vegetation Conservation.

(9) Clearing by hand-held equipment of invasive nonnative vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list (comprehensive plan Appendix B) or if the site will fully revegetate with plants that will support healthy shoreline function on its own within three growing seasons.

(10) All shoreline development and activity shall use applicable BMPs from Eastern Washington Stormwater Management to minimize increases in surface water runoff that may result from clearing and grading activity.

(11) Soil stabilization associated with clearing and grading shall, whenever feasible, use bioengineering or other soft stabilization techniques.

(12) Any significant placement of materials from off of the site, or substantial creation or raising of dry upland, shall be considered filling and shall comply with the fill provisions of subsection (c) of this section, Fill.

(13) Clearing and grading that is not part of an allowed and permitted shoreline use shall require a conditional use permit except on properties physically separated from the shoreline by another developed property or developed public right-of-way.

(c) Fill.

(1) The city shall require and use the following information in its review of fill proposals and the applicant shall submit the following on their permit or exemption application:

- (A) Proposed use of the fill area.
- (B) Physical characteristics, such as chemical and biological composition if appropriate, depending on where it is to be placed or will be subject to inundation.
- (C) Source of the fill material.
- (D) Method of placement and compaction.
- (E) Location of fill relative to existing drainage patterns and wetlands.
- (F) Location of the fill perimeter relative to the ordinary high water mark.
- (G) Perimeter erosion control or stabilization measures.
- (H) Type of surfacing and runoff control devices.

(2) Fill waterward of the ordinary high water mark or in wetlands shall only be permitted as a conditional use in all shoreline designations, and only when necessary for one of the following purposes:

- (A) Water-dependent use;
- (B) Public access;
- (C) Cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;
- (D) Disposal of dredged material considered suitable under and conducted in accordance with the dredged material management program of the Department of Natural Resources;
- (E) Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project;
- (F) Fill in wetlands must comply with the wetlands provisions of this chapter and shall result in no net loss of wetland area in functions including lost time when the wetland does not perform the function and is subject to mitigation in this chapter.

(3) Pier or pile support shall be utilized whenever feasible in preference to filling. Fills for approved road, bridge or navigational structure development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.

(4) Fills are prohibited in floodplains except where it can be clearly demonstrated that the geohydraulic characteristics and floodplain storage capacity will not be altered to cause increased flood hazard or other damage to life or property in excess of accepted standards provided by state and/or federal agencies.

(5) Fills are prohibited in floodways.

(6) Fills shall be permitted only when it is demonstrated that the proposed action will not:

- (A) Result in significant damage to water quality or fish and wildlife habitat;

- (B) Adversely affect natural drainage and circulation patterns or significantly reduce flood water capacities;
 - (C) Affect slope stability; or
 - (D) Otherwise damage shoreline or aquatic resources.
 - (7) Placing fill in water bodies or wetlands to create usable land for shoreline development is prohibited and shall not be used to calculate parcel size proposed for subdivision.
 - (8) Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetated buffer areas, or other methods, and shall be adequately sloped to prevent erosion and sedimentation both during initial fill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the fill and shall be maintained until self-sustaining. The design shall incorporate natural-appearing and self-sustaining control methods unless they can be demonstrated to be infeasible due to existing environmental conditions such as currents and weather.
 - (9) Fill materials shall be sand, gravel, rock, soil, or similar materials. Use of polluted dredge spoils, solid waste, and sanitary landfill materials is prohibited.
 - (10) Fills shall be designed to allow surface water penetration into groundwater supplies where such conditions existed prior to fill. Fills shall not be permitted in aquifer recharge areas if they would have the effect of preventing percolation of the water.
 - (11) The timing of fill construction shall be regulated to result in no net loss of shoreline ecological functions, including water quality and aquatic life.
 - (12) Fill on dry land shall not result in substantial changes to patterns of surface water drainage from the project site and onto adjacent properties; within shoreline areas; into aquatic areas; or onto steep slopes or other erosion hazard areas.
- (d) Nonwetland Setbacks and Buffers (For Wetland Buffers See Section [18.21.080\(f\)](#)).
- (1) Shoreline buffers⁴ in shoreline areas shall be comprised of a vegetation and use buffers as follows:
 - (A) Zone 1—Vegetation Buffer. The area one-half the distance of the setback (setbacks are listed in 18.21.060 Table 2) in all shoreline areas is designated as a vegetation buffer. The vegetation buffer serves as restrictive protection zone for all shoreline functions and values in general and fish and wildlife habitat specifically. In these areas, existing native vegetation or vegetation from the recommended list (comprehensive plan Appendix B) must be maintained and protected, except as provided for in public access—view corridor provisions (Section [18.21.070\(n\)](#)), general regulations (subsection (a) of this section), and clearing and grading (subsection (b) of this section).
 - (B) Zone 2—Use Buffer. The area between the Zone 1 vegetation buffer and setback line (setbacks are listed in 18.21.060 Table 2) in all shoreline areas is designated as Zone 2 use buffer. In these areas, removal of existing native vegetation shall be limited as provided in 18.21.060 Table 1 and uses limited to low-intensity recreation, agricultural, accessory residential uses and accessory water-dependent and accessory water-related commercial uses.

(2) Measurement.

(A) All setbacks and Zone 1 vegetation buffers⁵ shall be measured on a horizontal plane from the ordinary high water mark (OHWM) unless otherwise noted in 18.21.060 Table 2.

(B) Zone 2 use buffers shall be measured on a horizontal plane from the landward side of the vegetation buffer.

(C) Use of Parallel Shoreline Designations. Parallel shoreline designations have been used throughout most of the community where the waterfront property is either owned by a public entity, lies on the waterward side of the levee or is comprised of an undevelopable steep slope. These areas are designated as urban conservancy with the intent of providing maximum protection to the immediate waterfront⁶. Where parallel shoreline designations have been applied in shoreline jurisdiction, the landward (higher-intensity) shoreline designation's Zone 1 vegetation buffer shall be a minimum of fifteen feet on a horizontal plane from the OHWM or the landward edge of the urban conservancy designation, whichever is greater. The Zone 2 use buffer is measured on a horizontal plane from the landward edge of required Zone 1 vegetation buffer. Where the urban conservancy designation extends landward beyond the required Zone 2 use buffer, the landward edge of the urban conservancy designation shall be the extent of the Zone 2 use buffer.

(D) All nonwetland buffers shall be measured on a horizontal plane from the ordinary high water mark.

(3) All buffers, lot frontage and lot coverage requirements shall be as set forth in 18.21.060 Table 2 except as follows or noted as exempt in subsection (d)(3)(E) of this section:

(A) Standard shoreline setbacks and/or Zone 1 or 2 buffers and/or lot coverage may be reduced by using procedures set forth in subsections (d)(3)(B) and (C) of this section. Lot coverage may be increased by using subsection (d)(3)(D) of this section, Administrative Lot Coverage Increase.

(B) Administrative Buffer Width Averaging. The total required shoreline buffer (Zone 1 plus Zone 2) width may be modified by the administrator for existing lots of record in place at the time of adoption of this program by averaging buffer widths based on a critical areas report and mitigation management plan prepared by a qualified professional and submitted by the applicant. A SEPA document may also be required depending on SEPA requirements found in Chapter [197-11](#) WAC and Chapter [19.05](#). Buffer width averaging shall only be allowed where the applicant demonstrates all of the following:

- (i) The project site and adjoining area contain variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;
- (ii) The width averaging shall not adversely affect the project site and adjoining area and buffer's functional value;
- (iii) The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging unless a standard reduction is permitted through an administrative reduction as specified in administrative buffer reduction (subsection (d)(3)(C) of this section);

- (iv) The minimum buffer width at its narrowest point shall not be less than seventy-five percent of the buffer width established under 18.21.060 Table 2;
- (v) Sites which have had buffer widths reduced or modified by any prior action administered by the local government are not eligible for the provisions of this section. Sites which utilize this provision are not eligible for any future buffer width reductions, under any provisions of this program, except as administered as a Type III permit under Section [19.05.020](#).

(C) Administrative Buffer Reduction. The administrator shall have the authority to reduce buffer widths established in 18.21.060 Table 2 on a case-by-case basis; provided, that the general standards for avoidance and minimization in Section [19.05.037](#)(b) shall apply, based on a critical areas report, mitigation management plan and SEPA document prepared by a qualified professional and submitted by the applicant, and when the applicant demonstrates to the satisfaction of the administrator that all of the following criteria have been met:

- (i) The buffer reduction shall not result in a net loss of functions of the habitat buffer.
- (ii) The maximum buffer width reduction allowed shall not exceed twenty-five percent total required buffer established in 18.21.060 Table 2.
- (iii) The buffer width reduction is contingent upon the submittal and approval of a critical areas report, mitigation management plan and SEPA document in conformance with Sections [19.05.030](#) and [19.05.037](#).
- (iv) Sites which have had buffer widths reduced or modified by any prior action administered by the local government are not eligible for the provisions of this section. Sites which utilize this provision are not eligible for any future buffer width reductions, under any provisions of this program, except as administered under Section [18.21.056](#).
- (v) In cases where there is less than twenty-five feet of existing riparian vegetation, the width of the buffers may be reduced, subject to the buffer width averaging (subsection (d)(3)(B) of this section) or administrative buffer reduction (subsection (d)(3)(C) of this section) standards established above. To support a claim that the buffer should be reduced, a planting plan shall be submitted in combination with a mitigation management plan (Section [19.05.037](#)) and SEPA document prepared by a qualified professional and submitted by the applicant. The administrator's decision may be based on, but is not limited to, photographs of existing site conditions and opinions of qualified professionals. In no case shall the Zone 1 buffer be decreased to less than ten feet or the total slope of the bank, whichever is greater. There is an exception for the water-dependent portion of the development which is allowed to be located directly adjacent to the OHWM.

(D) Administrative Lot Coverage Increase. The administrator shall have the authority to increase the lot coverage allowance in 18.21.060 Table 2 on a case-by-case basis; provided, that the general standards for avoidance and minimization in Section [19.05.037](#) shall apply, and when the applicant demonstrates to the satisfaction of the administrator that all of the following criteria have been met:

- (i) The increase in lot coverage will not increase surface water runoff, either onto other properties or toward the shoreline.
- (ii) The applicant is implementing best management techniques for the parcel's stormwater handling.
- (iii) No net loss of ecological functions and values will occur.
- (iv) Sites which have had lot coverage increased or modified by any prior action administered by the local government are not eligible for the provisions of this section. Sites which utilize this provision are not eligible for any future lot coverage increases, under any provisions of this program, except as administered under Section [18.21.056](#), Variances.

(E) Activities Exempt from Nonwetland Buffers and Setbacks. The following development activities are not subject to buffers and setbacks; provided, that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, these exceptions do not eliminate the proponent's need to apply mitigation sequencing or the need to provide mitigation for development's impacts; and provided further, that they comply with all the applicable regulations herein:

- (i) Water-Dependent Development. Those portions of approved water-dependent development that require a location directly adjacent to the ordinary high water mark of streams, rivers, lakes, ponds, associated wetlands, and/or within their associated buffers.
- (ii) Modifications Necessary for Agency or Court Compliance. Modifications to existing development that are necessary to comply with environmental requirements of any state or federal agency or court, when otherwise consistent with this chapter; provided, that the administrator determines that:
 - a. The facility cannot meet the dimensional standard and accomplish the state, federal or court ordered modifications necessary to bring it into compliance;
 - b. The facility modifications are located, designed, and constructed to meet specified required modification standards necessary while complying with mitigation sequencing and minimizing damage to ecological functions and values of the critical area and/or shoreline; and
 - c. The modification follows necessary provisions for nonconforming development and uses.
- (iii) Shared Moorage. Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility.

(F) Nonwetland Buffer Exemption Criteria. As determined by the administrator, for development proposed on sites separated from the shoreline by intervening and lawfully created public roads, railroads, or an intervening parcel under separate ownership (e.g., city of Omak), the requirements of this code for a vegetation buffer may be waived. For

the purposes of this section, the intervening lots/parcels, roads, or other substantial improvements shall be found to:

- (i) Separate the subject upland property from the water body due to their width or depth;
- (ii) Substantially prevent or impair delivery of most ecological functions from the subject upland property to the water body;
- (iii) Be greater than twenty feet in width, measured horizontally and perpendicular from the OHWM of the shoreline; and
- (iv) Be in separate ownership which has not been subdivided in the last five years and the applicant does not have a vested interest in the waterward intervening parcel; and
- (v) Be developed; the buffer exemption shall not be allowed if the intervening parcel is not developed.

(e) Vegetation Conservation.

- (1) Restoration or enhancement of any shoreline area that has been disturbed or degraded shall use plant materials from the recommended list (comprehensive plan Appendix B) or other species approved by agencies or organizations operating within the jurisdiction, such as the Departments of Ecology, County Extension, Fish and Wildlife or the Native Plant Society.
- (2) Stabilization of erosion-prone surfaces along shorelines shall primarily use vegetative, nonstructural means and shall comply with the provisions of subsection (e) of this section and Section [18.21.070\(s\)](#). More intensive measures may be permitted providing the project will result in no net loss in shoreline function.
- (3) Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited. This does not preclude the removal of noxious weeds, provided a mitigation management plan is submitted and approved.
- (4) Weed abatement shall comply with all provisions of this chapter.
- (5) Nondestructive pruning and trimming of vegetation for maintenance purposes shall be permitted in compliance with view corridor provisions of Section [18.21.070\(n\)](#).
- (6) Permits issued for projects in ecologically degraded areas shall include a condition that appropriate shoreline vegetation shall be planted or enhanced to contribute to the restoration of ecological processes and functions.
- (7) If weather does not permit immediate restoration of disturbed areas, replanting shall be completed during the next planting season, and the soil shall be protected until replanting is complete.
- (8) If necessary, a temporary sterile cover crop (e.g., a sterile nonpersistent member of the grass family such as sterile Triticale, barley, or oats) shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.
- (9) Replanted areas shall be maintained until desired vegetation is well established (a minimum of three years). In the case of transportation, utility, or other capital facility

construction, the agency or developer constructing the facility shall also be responsible for maintaining the vegetation until it is established.

18.21.060 Table 2 Shoreline Development Standards

All uses and activities must comply with all applicable standards for the shoreline designation where the use or activity will occur. All development standards are subject to modification based on a site-specific assessment, but in no case shall the standards be reduced greater than twenty-five percent of the standards stated below without the approval of a shoreline variance.

Standards	Aquatic	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
Zone 1 + 2 Combined Vegetation and Use Buffer Width and Setback					
Non-Water-Dependent or Oriented Uses and Activities	N/A	80'	100'	50'	30' ¹
Water-Oriented Uses and Activities	N/A	30'	30'	30'	25'
Water-Dependent Uses and Activities ²	N/A	0'	0'	0'	0'
Zone 1 Vegetative Buffer Width³					
Non-Water-Dependent or Oriented Uses and Activities	N/A	40'	50'	25'	15'
Water-Oriented Uses and Activities	N/A	15'	15'	15'	12.5'
Water-Dependent Uses and Activities	N/A	0'	0'	0'	0'
% of Vegetation Buffer That May Be Altered for View Corridor ⁴	N/A	20%	10%	25%	30%
Zone 2 Use Buffer Width⁵					
Non-Water-Dependent or Oriented Uses and Activities	N/A	40'	50'	25'	15'
Water-Oriented Uses and Activities	N/A	25'	40'	15'	12.5'
Water-Dependent Uses and Activities	N/A	0'	0'	0'	0'
Zone 2 Use Buffer Allowed Alterations					

18.21.060 Table 2 Shoreline Development Standards

All uses and activities must comply with all applicable standards for the shoreline designation where the use or activity will occur. All development standards are subject to modification based on a site-specific assessment, but in no case shall the standards be reduced greater than twenty-five percent of the standards stated below without the approval of a shoreline variance.

Standards	Aquatic	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
% of Use Buffer That May Be Altered in Total for Allowed Uses and View Corridors	N/A	40%	20%	50%	60%
Dimensions/Lot Coverage Requirements					
Minimum Lot Size (Acres) ⁶	N/A	1	1	5,000 sq ft	2,500 sq ft
Minimum Water Frontage ⁷	N/A	100'	100'	50'	50'
Maximum Lot Coverage	N/A	30%	40%	45%	60%
Side Yard Setbacks	N/A	10'	10'	5'	0' ⁸
Maximum Structure Height⁹					
Non-Water-Oriented Uses and Activities	N/A	35'	35'	35'	35'
Water-Oriented Uses and Activities	N/A	25'	25'	25'	35'
Water-Dependent Uses and Activities	10'	20'	20'	20'	35'

¹ Measured from the top of the bank.

² The setback may be reduced to zero feet for those water-dependent uses (e.g., boat launches) that require location adjoining the water, but in all cases, such a setback shall be limited to the smallest area possible.

³ The Zone 1 vegetation buffer is fifty percent of the particular use setback and is measured on a horizontal plane from the OHWM.

⁴ Percent of shoreline that may be altered is the given percentage or thirty feet for every one hundred feet in shoreline frontage for view corridor, whichever is less. See Section [18.21.070\(n\)\(2\)](#), View Corridor Provisions, for more guidelines.

⁵ The area between the vegetation buffer and setback intended for low impact uses and activities subject to standards. Use buffer measured on a horizontal plane from the landward edge of the vegetation buffer.

⁶ Minimum lot size may be increased based on applicable comprehensive plan and zoning regulations, but in no case shall be reduced without the approval of a variance. In addition, minimum lot size only applies to lots or parcels created subsequent to the date of adoption of this chapter; lots existing at the time of adoption shall be considered existing conforming parcels.

⁷ Minimum water frontage (measured along OHWM) only applies to lots or parcels created subsequent to the date of adoption of this chapter; lots existing at the time of adoption shall be considered existing conforming parcels.

⁸ Zero lot lines may be allowed through submittal of a development plan as part of a permit process (such as a building permit, PD, long plat, binding site plan, etc.) as long as views of the shoreline from upland properties or rights-of-way are maintained and the cumulative side yard setbacks meet or exceed twenty feet.

⁹ Height limitations do not apply to bridges, transmission lines, water crossings and related appurtenances.

(Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.070 Use and designation specific regulations.

The following use and designation specific regulations are in addition to the general regulations contained in Section [18.21.060](#):

(a) Accessory Utilities.

(1) Sites disturbed for utility installation shall be stabilized during and immediately following construction to avoid adverse impacts from erosion.

(2) Sites disturbed for utility installation shall be replanted using native species from the recommended list (comprehensive plan Appendix B), with a diversity and type similar to or better than that which originally occurred on the site. Questions about appropriate diversity, plant type, and plant species shall be directed to agencies with expertise, such as the Departments of Ecology and Fish and Wildlife.

(3) Accessory utilities shall be placed landward of the permitted use setback requirements found in [18.21.060](#) Table 2. If feasible, utility lines shall be placed underground. Where lines must be placed aboveground, consideration shall be given to the maintenance of trees in the vicinity of the lines, and the utility line located to eliminate the need for topping or pruning trees.

(4) Existing rights-of-way and corridors shall be used whenever possible to accommodate the location of utilities. Except where no other feasible alternative exists, accessory utilities that require continued maintenance (i.e., electrical transmission lines that require removal of undergrowth) shall not be placed in Zone 1 or 2 buffers between OHWM and structure setback.

(5) Accessory utilities should not obstruct views or vistas that may alter the visual character of the shoreline environment and its associated water body. Measures to conceal or shield accessory utilities in the shoreline from the water or to protect important viewsheds or vistas from the shoreline may be required as conditions for building and development permits.

(6) Aesthetic measures such as material and color selections to mitigate visual impacts including, but not limited to, light pollution, glare, visual obstructions of views and vistas may be required by the administrator.

(7) Permanent stormwater management systems located in shoreline jurisdiction or serving property within the shoreline shall be designed using best management practices ensuring water quality treatment in compliance with the Stormwater Management Manual for Eastern Washington to prevent stormwater runoff from degrading or adding to the pollution of recipient waters or adjacent properties.

(8) Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.

(b) Agriculture.

(1) New agricultural activities on lands that did not have agricultural activities in place at the time of adoption of this chapter; conversion of agricultural lands or the development of nonagricultural activities on agricultural lands; and uses in support of agricultural activities are governed by the provisions of this chapter and subject to the following criteria:

(A) Nonagricultural land² converted to an agricultural use shall preserve preexisting riparian habitat and will have a buffer strip of native vegetation no less than the Zone 1 vegetation buffer setback for the shoreline designation where it is located. Said buffer will be established and maintained along shorelines to protect shoreline ecological functions. Disturbance of ground in Zone 2 of the use buffer is subject to lot coverage standards (see [18.21.060](#) Table 2).

(B) Uses and activities shall be consistent with regulations specific to the shoreline designation and critical area (if applicable) in which the site is located, including regulations in [18.21.060](#) Tables 1 and 2, Sections [18.21.060](#)(a) and (e), [18.21.070](#) Table 3 and subsection (b) of this section.

(C) Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit shall be required for all agricultural development not specifically exempted by the provisions of RCW [90.58.030](#)(3)(e), as it now exists or hereinafter amended.

(c) Aquaculture. Aquaculture is prohibited in all shoreline designations.

(d) Archaeological, Cultural, Educational, Historic and Scientific Resources. The following regulations apply to all shoreline uses and activities in all shoreline designations and on all sites within shoreline jurisdiction having archaeological, cultural, or historic resources that are recorded at the Washington Department of Archaeology and Historic Preservation (DAHP) and/or with local jurisdictions, including the city, the Confederated Tribes of Colville Reservation (CCT) and affected Indian tribes and bands; or that have been or may be inadvertently uncovered.

(1) Archaeological sites are subject to the National Historic Preservation Act, as amended ([16 USC 470](#)), Chapters [27.44](#) (Indian Graves and Records) and [27.53](#) RCW (Archaeological Sites and Resources), and Chapter [25-48](#) WAC (Archaeological Excavation and Removal Permit).

- (2) The Okanogan River Valley has been identified by the DAHP and/or the CCT as having a high probability of containing significant archaeological and historic resources shall be considered the suspected location of historic, cultural, or archaeological resources.
- (3) Known or Suspected Historic, Cultural, and Archaeological Sites.
- (A) Notification of DAHP or CCT and, if required, preparation of an evaluation and a report meeting the minimum reporting standards of the DAHP or Colville (as appropriate). Such a report shall be prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in [36](#) CFR Part [61](#) and shall be required before the start of any ground disturbance work in any area known to contain archaeological, cultural, or historic resources, regardless of whether a shoreline permit or exemption is required.
- (B) Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties within two hundred feet of a site known to contain an historic, cultural or archaeological resource(s), the local government with jurisdiction shall require an evaluation and a report meeting the minimum reporting standards of the DAHP, Colville (as appropriate), prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in [36](#) CFR Part [61](#); provided, that the provisions of this section may be waived if the administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site.
- (C) The fee for the services of the cultural resource management professional shall be paid by the applicant. The applicant shall submit a minimum of five copies of the site assessment (or electronic equivalent) to the administrator for distribution to the applicable parties for review.
- (4) If the evaluation identifies the presence of significant historic, cultural, or archaeological resources, a cultural resource management plan (CRMP) shall be prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in [36](#) CFR Part [61](#). The fee for the services of the cultural resource management professional shall be paid by the applicant. In the preparation of such plans, the cultural resource management professional shall solicit comments from the DAHP, the History and Archeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable. The applicant shall submit a minimum of five copies (and an electronic equivalent) of the CRMP to the administrator for distribution to the applicable parties for review.
- (5) The recommendations and conclusions of the CRMP shall be used to assist the administrator in making final administrative decisions concerning the presence and extent of historic, cultural, and archaeological resources and appropriate mitigating measures. The administrator shall consult with the DAHP, the History and Archeology Department of the CCT, and any affected Indian or First Nations tribes or bands prior to approval of the CRMP.
- (6) The administrator may reject or request revision of the conclusions reached in a CRMP when the administrator can demonstrate that the assessment is inaccurate or does not fully address the historic, cultural, and archaeological resource management concerns involved.

(7) Upon receipt of a complete development permit application in an area of known or suspected historic, cultural, or archaeological resources, the city shall notify and request a recommendation from appropriate agencies, including the DAHP, the CCT, and any Indian or First Nations tribes or bands known to be affected. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever feasible.

Notification shall include the following information:

- (A) The date of application, the date of notice of completion of the application, and the date of the notification;
- (B) A site map including the street address, tax parcel number, township, range, and section of the proposed project area;
- (C) A description of the proposed project action and a list of the project permits included in the application, and, if applicable, a list of any studies requested by the local government with jurisdiction;
- (D) The identification of other permits not included in the application, to the extent known by the local government with jurisdiction;
- (E) The identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- (F) Any other information determined appropriate by the local government with jurisdiction;
- (G) A statement indicating those development regulations that will be used for project mitigation or a determination of consistency, if they have been identified at the time of notice;
- (H) A statement of the limits of the comment period and the right of each agency to comment on the application consistent with the requirements of Chapter [19.05](#), request a copy of the decision once made, and appeal a decision when allowed by law;
- (I) In granting shoreline permits or statements of exemption for development on properties within five hundred feet of a site known to contain an historic, cultural or archaeological resource(s), the local government with jurisdiction may attach conditions to provide sufficient time and/or conditions for consultation with the DAHP, the CCT, and any affected Indian or First Nations tribes or bands, and to ensure that historic, cultural, and archaeological resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term arrangements. Provision for the protection and preservation of historic, cultural, and archaeological sites shall be incorporated to the maximum extent practicable. Permit or other requirements administered by the DAHP pursuant to Chapters [27.44](#) and [27.53](#) RCW may apply in addition to the provisions of this chapter.

(8) Inadvertent Discovery.

- (A) All shoreline permits shall contain provisions requiring that, whenever historic, cultural or archaeological sites or artifacts are discovered in the process of development in shoreline areas, all work on that portion of the development site shall be stopped

immediately, the site secured, and the find reported as soon as possible to the DAHP and administrator.

(B) Upon notification of such find, the property owner shall notify the DAHP, the History and Archaeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected. Notification to agencies shall include the information specified for notification under subsection (d)(3) of this section (Known or Suspected Historic, Cultural, and Archaeological Sites).

(C) Upon notification of such find, the administrator shall conduct a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the parties listed above, the administrator may require that an immediate evaluation be conducted or may allow stopped work to resume. The evaluation shall meet the minimum reporting standards of the DAHP and shall be conducted by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in [36 CFR Part 61](#) to determine the presence of significant historic, cultural, or archaeological resources. The fee for the services of the cultural resource management professional shall be paid by the landowner or responsible party. The applicant shall submit a minimum of five copies of the evaluation and accompanying report to the administrator for distribution to the applicable parties for review.

(D) If an evaluation is required, the area of inadvertent discovery shall be stabilized, contained or otherwise protected until the evaluation is completed. The evaluation shall be distributed to the DAHP, the History and Archaeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected for a thirty-day review period or, in the case of inadvertent discovery of human remains, a thirty-day review period to determine the significance of the discovery. If the above-listed agencies or governments have determined that the site is not significant, or if the above-listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, stopped work may resume.

(E) Upon receipt of a positive determination of a site's significance, the administrator may invoke the provisions for known sites, above, for a cultural resource management plan.

(9) The requirements of this section shall not apply where an applicant has obtained an approved archaeological excavation and removal permit from the DAHP pursuant to WAC [25-48-060](#); provided, that the applicant must adhere to the requirements of said approved permit.

(e) Boating Facilities.

(1) When establishing regulation of motorized versus nonmotorized uses, whether by Okanogan County, the Colville Confederated Tribes or the city of Omak, hours and other limitations on boating use of waters in and near Omak, the regulations shall be based, in part, on protection of shoreline functions and values.

(2) Mitigation for any adverse development impacts of boating facilities shall be required. On-site mitigation shall be preferred; however, in cases in which meaningful on-site mitigation is not feasible, off-site mitigation may be allowed. In such instances a mitigation management

plan shall be required, and shall specify a suitable mitigation site. Adverse development impacts to adjacent properties shall not be allowed.

(3) New boating facilities shall be consistent with the applicable local comprehensive and recreation plans. When new sites are considered, sufficient evidence must be presented to show that existing boat launches and river access sites are inadequate and cannot be expanded to meet regional demand.

(4) For commercial and public boating facilities, the perimeter of parking and storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas, using primarily native, self-sustaining vegetation from the recommended list (comprehensive plan Appendix B). Landscaping along the waterward side shall also be required. The permit application submittal shall identify the size, location, and species of plants that will be used.

(5) Boating facilities shall be located where no or minimal shoreline stabilization will be necessary and where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other maintenance activities.

(6) When plastics and other nonbiodegradable materials are used in boating facilities, precautions shall be taken to ensure their containment.

(7) Boating facility design shall minimize interference with geohydraulic processes and disruption of existing shore forms.

(8) Parking facilities serving a boating facility shall be located outside shoreline jurisdiction, or, if that is not feasible, shall be located landward of the Zone 2 use buffer ([18.21.060](#) Table 2).

(9) Boating facilities including navigation aids shall be positioned so as not to be a hazard to navigation.

(10) Boating facilities shall provide public access in accordance with subsection (n) of this section, Public Access.

(11) Boating facilities shall be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. Use of natural nonreflective materials is encouraged.

(12) The city shall request technical assistance from agencies with jurisdiction and/or knowledge, including but not limited to the Washington Departments of Ecology, Fish and Wildlife, and Health, U.S. Army Corps of Engineers and Colville Tribes; and shall make available to those agencies the shoreline inventory and characterization (comprehensive plan Appendix A) and maps developed as part of the shoreline chapter in the land use element of the Omak comprehensive plan. The city shall consider the comments received from those agencies before making a decision on whether or not to approve the permit, and any conditions or modifications required.

(13) Overwater structures shall only be placed on portions of the shorelines where the natural flows and velocities shall not be impeded by the structure and where the placement of the structure will not restrict the natural scour and depositional actions of the shoreline.

(14) New pier or dock construction shall be prohibited.

(A) Float-Specific Regulations.

- (i) No more than one float shall be permitted for each shoreline lot.
- (ii) Floats shall not significantly interfere with navigation or with public use of shorelines. No portion of the float shall be placed more than eighty feet from the OHWM by the point at which the depth of the water exceeds seven feet during high water. Floats may be prohibited where necessary to protect navigation or public use of the water body.
- (iii) No float shall have more than one hundred square feet of surface area.
- (iv) All multifamily residences proposing to provide floats shall be limited to a single shared float; provided, that the administrator may authorize more than one shared float if, based on conditions specific to the site, a single float would be inappropriate for reasons of safety, security, or impact to the shoreline environment, and if the additional float or floats will have no net impact on shoreline ecological resources.

(f) Bulkheads.

- (1) All bulkheads are also subject to the provisions of Sections [18.21.060](#), subsections (f) and (s) of this section, and Section [18.21.080](#).
- (2) New or enlarged bulkheads for an existing principal structure or use, including residences and accessory structures, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report prepared according to the local jurisdiction's standards for a critical areas report for geologically hazardous areas, that the principal structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage in a manner that does not degrade shoreline function before considering structural shoreline stabilization. The project design and analysis shall also evaluate vegetation enhancement as a means of reducing undesirable erosion. The geotechnical analysis shall demonstrate that the stabilization measure chosen is the least intrusive means that will be sufficient to achieve stabilization. The geotechnical analysis shall evaluate impacts that could pose stabilization problems to neighboring properties.
- (3) An existing bulkhead may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves. In this case, demonstration of need does not necessarily require a geotechnical report; need must, however, be demonstrated using documentable information sources. The replacement structure shall be designed, located, sized, and constructed to ensure no net loss of ecological functions. Replacement bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to the date of adoption of this chapter, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. The administrator may permit vegetative stabilization that restores ecological functions waterward of the ordinary high water mark.
- (4) A bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed

one foot wider than the gangplank or pier structure on each side nor shall it exceed six feet landward in total distance from the OWHM into the shoreline area.

(g) Commercial Uses and Activities.

(1) Commercial development permitted in shoreline areas are, in descending order of preference:

- (A) Water-dependent uses;
- (B) Water-related uses;
- (C) Water-enjoyment uses; and
- (D) Non-water-oriented uses.

(2) The administrator shall require and use the following information in his or her review of commercial development proposals:

- (A) Consistency with local comprehensive plan and zoning;
- (B) Specific nature of the commercial activity;
- (C) Need for shoreline frontage; determination if use qualifies as water-dependent, water-related or water-enjoyment;
- (D) Provisions for public visual and/or physical access to the shoreline;
- (E) Provisions to ensure that the development will not result in loss of shoreline functions including conditions for ecological restoration;
- (F) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
- (G) The shoreline inventory and characterization (comprehensive plan Appendix B) and accompanying maps.

(3) Non-water-oriented commercial uses are prohibited in all shoreline designations unless they meet two or more of the following criteria:

- (A) The use entails the reuse of an existing structure or developed area;
- (B) The subject property is designated and zoned for commercial development in the city's comprehensive plan and zoning code;
- (C) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
- (D) The commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
- (E) In areas designated or zoned for commercial use, non-water-oriented commercial development may be allowed if the site is physically separated from the water by property under separate ownership (city of Omak) or public right-of-way.

(4) Commercial development shall be designed and maintained in a neat, orderly, and environmentally compatible manner, consistent with the character and features of the surrounding area.

(5) All commercial loading and service areas shall be located on the upland (landward) side of the commercial structure to the maximum extent practical or provisions shall be made to separate and screen the loading and service areas from the shoreline.

(6) Commercial developments where landscaping is proposed shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants from the recommended list (comprehensive plan Appendix B) are preferred. The permit application submittal shall identify the size, location, and species of plants that will be used.

(7) Water-related and water-dependent commercial development on private and public lands shall be required to consider incorporating public access and ecological restoration as mitigation for impacts to shoreline functions and values unless public access cannot be provided which does not result in significant interference with operations or hazards to life or property; where commercial use is proposed for location on land in public ownership, public access shall be required. Refer to subsection (n) of this section and WAC [173-26-221](#)(4) for public access provisions. Any intended public access facilities must be platted, or incorporated into a binding site plan, improved, and maintained and in compliance with local comprehensive planning and shoreline recreational access planning.

(h) Flood Hazard Prevention Projects.

(1) Purpose. It is the purpose of this section to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money and costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (G) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) Methods of Reducing Flood Losses. In order to accomplish its purposes, this section includes methods and provisions for:

- (A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (D) Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - (E) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.
- (3) Lands to Which This Section Applies ([44 CFR 59.22\(a\)](#)). This chapter shall apply to all areas of special flood hazards within the shoreline jurisdiction of the city of Omak, Washington.
- (4) Basis for Establishing the Areas of Special Flood Hazard ([44 CFR 60.3\(c\)\(1\)](#) and [\(d\)\(2\)](#)). The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Omak, Washington" to be completed, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM will be on file at 2 N. Ash when completed. The best available information for flood hazard area identification as outlined in [Section 18.21.080](#) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under said section.
- (5) Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
- (A) Considered as minimum requirements;
 - (B) Liberally construed in favor of the governing body; and
 - (C) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (7) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.
- (8) Use of Other Base Flood Data (in A and V Zones) ([44 CFR 60.3\(b\)\(4\)](#)). When base flood elevation data has not been provided (in A or V zones) in accordance with subsection (h)(4) of

this section, Basis for Establishing the Areas of Special Flood Hazard, the administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this section and Section [18.21.080\(d\)](#), Frequently Flooded Areas.

(9) Alteration of Watercourses ([44 CFR 60.3\(b\)\(6\)](#)).

(A) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(10) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program ([44 CFR 59](#) through [44 CFR 76](#)).

(11) General Standards. In all areas of special flood hazards within shoreline jurisdiction, the standards of this section and Sections [18.21.060\(a\)](#), General Regulations, and [18.21.080\(c\)](#), Frequently Flooded Areas, are required.

(A) Development in floodplains should not significantly or cumulatively increase flood hazards or be inconsistent with comprehensive flood hazard management plans adopted pursuant to Chapter [86.12](#) RCW.

(B) New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be permitted when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

(C) The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:

(i) Actions that protect or restore the ecosystem-wide processes or ecological functions.

(ii) Existing and ongoing agricultural practices; provided, that no new restrictions to channel movement occur.

(iii) Mining when conducted in a manner consistent with subsection (k) of this section, Mining Uses and Activities, the shoreline designation, and with the provisions of WAC [173-26-241\(3\)\(h\)](#).

(iv) Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.

- (v) Repair and maintenance of an existing nonagricultural legal use; provided, that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
 - (vi) Development in incorporated municipalities and designated urban growth areas, as defined in Chapter [36.70A](#) RCW, where structures exist that prevent active channel movement and flooding.
 - (vii) Measures to reduce shoreline erosion; provided, that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- (D) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development; that nonstructural measures are not feasible; that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and that appropriate vegetation conservation actions are undertaken consistent with this chapter, and WAC [173-26-221](#)(5).
- (E) Structural flood hazard reduction measures shall be consistent with adopted comprehensive flood hazard management plans approved by the Department of Ecology.
- (F) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration; provided, that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
- (G) Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigated significant ecological impacts, unavoidable conflict with the proposed use, or cost that is disproportionate and unreasonable to the total long-term cost of the development.
- (H) Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with the provisions of Chapter [173-26](#) WAC and subsections (i) (Dredging and Dredge Material Disposal) and (k) (Mining Uses and Activities) of this section; and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.
- (i) Dredging and Dredge Material Disposal. Dredging and dredge material disposal are prohibited within the shoreline areas of Omak.

(j) Industrial Uses and Activities.

(1) Industrial developments permitted in shoreline areas are, in descending order of preference:

- (A) Water-dependent uses;
- (B) Water-related uses;
- (C) Water-enjoyment uses; and
- (D) Non-water-oriented uses.

(2) New non-water-oriented industrial development shall be prohibited in all shoreline designations except when:

- (A) The use entails reuse of an existing structure or existing developed site;
- (B) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
- (C) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
- (D) In areas designated or zoned for industrial use, non-water-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right-of-way.

(3) The administrator shall require and use the following information in his or her review of industrial development proposals:

- (A) Consistency with local comprehensive plans and zoning;
- (B) Specific nature of the industrial activity;
- (C) Need for shoreline frontage;
- (D) Provisions for public visual and/or physical access to the shoreline;
- (E) Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;
- (F) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
- (G) The shoreline inventory and characterization (comprehensive plan Appendix A) and accompanying maps.

(4) Industrial development shall consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC [173-26-221](#)(4).

(5) Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

(6) Where industrial development is allowed, it shall be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

(7) Industrial development shall be designed and maintained in a neat, orderly, and environmentally compatible manner, consistent with the character and features of the surrounding area. To that end, the administrator may, following a public hearing, adjust the project dimensions and increase required setbacks established in [18.21.060](#) Table 2 and/or prescribe reasonable use-intensity and screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.

(8) New over-water construction for industrial uses is prohibited unless it can be shown to be essential to a water-dependent industrial use.

(9) All loading and service areas shall be located on the upland (landward) side of the industrial facility or provisions shall be made to separate and screen the loading and service areas from the shoreline, unless such provisions are infeasible due to the specific nature of the water-dependent industrial use or the proposed circulation poses a safety hazard to existing traffic patterns.

(10) Industrial development on private and public lands shall consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC [173-26-241](#)(3)(f). Where industrial use is proposed for location on land in public ownership, public access shall be required. Any intended public access facilities must be platted, or incorporated into a planned development or binding site plan, improved, and maintained in compliance with local comprehensive planning and shoreline recreational access planning.

(11) Industrial developments shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants from the recommended list (comprehensive plan Appendix B) are preferred. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used.

(12) Drainage and surface runoff from industrial developments shall be controlled so that pollutants will not be carried into water bodies.

(k) Mining Uses and Activities.

(1) Mineral prospecting and placer mining are allowed subject to compliance with the current edition of the Washington State Department of Fish and Wildlife's Gold and Fish pamphlet; all other prospecting and placer mining activities at different times or locations, or with different equipment than allowed in WDFW Gold and Fish pamphlet, shall be prohibited.

(2) All mining not meeting the definition of mineral prospecting or placer mining shall be prohibited in all shoreline designations.

(l) Municipal Uses and Activities (Includes All Local Governments). Municipal uses are those in support of local government functions and services (e.g., public schools, city hall, maintenance facilities, hospitals, etc.). For the purposes of this section, recreational uses and utility facilities are excluded and shall comply with applicable sections.

- (1) Non-water-oriented municipal uses will be permitted in shoreline areas only when no other feasible location is available, and only in compliance with standards in this chapter including bulk and dimensional standards established in [18.21.060](#) Table 2 and shall be in compliance with the clearing and grading section.
 - (2) The administrator shall require and use the following information in his or her review of municipal use proposals:
 - (A) Specific nature of the proposed activity;
 - (B) Need for shoreline location, including minimizing portion of use within shoreline jurisdictions;
 - (C) Other locations considered and the reasons for choosing a shoreline site;
 - (D) Provisions for public visual and/or physical access to the shoreline;
 - (E) Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;
 - (F) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
 - (G) The Shoreline Inventory and Characterization (comprehensive plan Appendix A) and maps developed as part of this chapter.
 - (3) Municipal uses shall be designed and maintained in a neat, orderly, and environmentally compatible manner, consistent with the character and features of the surrounding area, and result in no net loss of shoreline function. To that end, the administrator may, following a public hearing, adjust the project dimensions and increase required setbacks established in [18.21.060](#) Table 2 and screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
 - (4) All loading and service areas shall be located on the upland (landward) side of the principal structure or provisions shall be made to separate and screen the loading and service areas from the shoreline.
 - (5) Municipal uses shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants from the recommended list (comprehensive plan Appendix B) are preferred. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall include a landscape plan identifying the size, location, and species of plants that will be used.
 - (6) Drainage and surface runoff from municipal uses shall be controlled so that pollutants will not be carried into water bodies complying with the Eastern Washington Stormwater Manual.
 - (7) Public access facilities must be provided, dedicated, improved, and maintained as part of any shoreline municipal use.
- (m) Parking.
- (1) Any new and expanded parking area in a shoreline area shall directly serve an existing (legal at the time of adoption of this chapter) shoreline use.
 - (2) All parking shall be prohibited over water.

(3) Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use.

(4) Parking facilities shall prevent surface water runoff from contaminating water bodies, using the best available technology and best management practices, including compliance with current Eastern Washington Stormwater Manual standards, and a maintenance program to assure proper functioning over time of any stormwater facilities required to comply with this regulation.

(5) New commercial and industrial parking facilities, necessary to support an authorized use, in shoreline areas shall be sited in compliance with bulk and dimensional standards of [18.21.060](#) Table 2, comply with clearing and grading standards and be designed to minimize visual, pedestrian, and other transportation network impacts as well as to minimize environmental impact on shoreline resources.

(6) Commercial parking facilities shall be adequately screened and landscaped along the waterward side with plants from the recommended list (comprehensive plan Appendix B). Where a flood levee exists, it shall be considered screening.

(7) Parking facilities that will serve more than one use, such as recreational use on weekends and commercial use on weekdays, shall be allowed and preferred to single use parking facilities.

(n) Public Access (Physical and Visual).

(1) Physical Access—Regulations.

(A) For the purpose of this chapter, the city of Omak comprehensive plan and parks, recreation and open plans shall be considered the official public access plans. Additional recreation plans approved by the city council may be used to supplement public access provisions of the comprehensive plan for this chapter, provided said plans are not in conflict with the regulations herein.

(B) Development, uses, and activities shall be designed and operated to avoid unnecessarily impairing or detracting from the public's physical or visual access to the water and shorelines.

(C) Public access sites shall be dedicated to a public or nonprofit entity unless a formal homeowners association or other legal entity exists or will be established to ensure the long term viability of the access.

(D) Provisions for public or community access to the shoreline shall be incorporated into the shoreline development proposal for any action requiring such access unless the applicant demonstrates that such access is infeasible because at least one of the following provisions applies:

(i) Unavoidable health or safety hazards to the public exist which cannot be prevented by any practicable means;

(ii) Inherent security requirements of the use cannot be satisfied through the application of alternative design features, such as fencing or limiting hours of use or other solutions;

- (iii) Unacceptable environmental harm will result from the public access which cannot be mitigated;
 - (iv) Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated;
 - (v) In determining that public access (physical and/or visual) is infeasible the shoreline administrator and applicant shall ensure that all reasonable alternatives have been evaluated, including but not limited to:
 - a. Regulating access by such means as limiting hours of use to daylight hours;
 - b. Designing separation of uses and activities, i.e., fences, terracing, hedges, landscaping, signage, etc.;
 - c. Provision of an access at a site physically separated from the proposal such as a nearby street end, providing off-site public access improvements such as building a shoreline view point or establishment or providing improvements to a trail system;
- (E) Dedication and improvement of physical public access shall be required as part of all shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, with the following exceptions:
- (i) Where an approved public access plan developed as part of a regulatory licensing process is submitted. Said public access plan must provide adequate public access to the shoreline, based on a needs analysis. Said public access facilities shall be developed, improved, and maintained as part of an approved shoreline recreation plan and installed in a timely manner in coordination with the approved shoreline development.
 - (ii) Where more effective public access to the shoreline can be achieved through implementation of the adopted recreation plan of the local government with jurisdiction, the public entity proposing the development may contribute proportionally to implementation of the recreation plan in lieu of providing public access on site, unless on-site improvements are part of the public access plan.
 - (iii) Where the community makes a finding that no additional public access is required consistent with local comprehensive plans;
- (F) Dedication and improvement of public physical access shall be required in all shoreline areas as follows:
- (i) As part of commercial boating facilities designed to serve the public or located on and adjoining publicly owned uplands.
 - (ii) As part of all new water-enjoyment, water-related and water-dependent commercial and industrial development, where consistent with local comprehensive plans and subsections (g) and (j) of this section and provided the intended use does not pose a safety threat to the general public.
 - (iii) As part of all primary utility development on public land. The requirement may be waived when an approved public access plan has been adopted as part of a

regulatory licensing process. Said public access plan must provide adequate public access, based on a needs analysis.

(iv) As part of all subdivisions of land into more than five parcels, when consistent with local comprehensive and recreational public access plans.

(v) As part of new structural public flood hazard reduction measures, such as dikes and levees.

(vi) As part of publicly financed or subsidized shoreline erosion control measures, where feasible, incorporate ecological restoration and public access improvements into the project, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. These shoreline erosion measures shall not restrict existing public access to the shoreline;

(G) Adjoining short plats totaling more than eight parcels and submitted within five years of each other by the same applicant shall be subject to public access dedications if consistent with locally adopted plans;

(H) The scope and scale of public access shall be commensurate with the scale of the proposed land use action and the need for public physical and visual access opportunities in the vicinity of the proposed action;

(I) In all cases, the minimum width of shoreline public access easements shall be ten feet, unless the administrator determines that undue hardship would result. In such cases, easement or right-of-way widths may be reduced by no more than twenty-five percent only to the extent necessary to relieve the demonstrated hardship;

(J) Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary;

(K) Public access sites shall be connected directly to a public street by way of a right-of-way or easement dedicated, improved, and maintained for public use. This requirement may be modified if the cost would be disproportionate to the scale of the proposed land use action;

(L) Where feasible, and in accordance with the Americans with Disabilities Act (ADA), public access sites shall be made barrier-free for people with disabilities;

(M) Required public access sites shall be developed and available for public use at the time of occupancy of the use or activity; or in accordance with other provisions for guaranteeing installation through a monetary performance assurance;

(N) Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements;

(O) Public access easements shall be recorded on the deed of title and/or on the face of the plat or short plat as conditions running in perpetuity. Said recording with the Okanogan County auditor's office shall occur at the time of permit approval. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided;

(P) The standard state-approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites.

(2) View Corridor—Regulations.

(A) View corridors shall comply with provisions for vegetation management and buffer requirements for the shoreline designation for the project site. View corridors shall be allowed up to the percentage listed in [18.21.060](#) Table 2 but limited to a width of thirty feet for every one hundred linear feet of shoreline; in no case shall a view corridor be approved that will result in a view corridor greater than thirty feet in width paralleling the shoreline.

(B) View corridors may be allowed, subject to the provisions of this section, to provide the general public and property owners with opportunities for visual access to water bodies associated with shoreline lots.

(C) Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited.

(D) Prior to removing vegetation for a view corridor, the owner of the shoreline parcel on which vegetation alterations are proposed must submit:

- (i) A signed application;
- (ii) A scaled graphic which demonstrates the area and extent of the view corridor (width and depth), showing existing vegetation and proposed alterations; and
- (iii) A graphic and/or site photos for the entire shoreline frontage, which demonstrate that the building site and proposed or existing structure do not, or will not when constructed, have a view of the water body, taking into account site topography and the location of shoreline vegetation on the parcel.

(E) In creating a view corridor, removal of vegetation shall be limited to the minimum necessary to preserve or enhance views. In no case shall the view corridor exceed the provisions found in [18.21.060](#) Table 2.

- (i) The following standards apply:
 - a. View corridors are not allowed in the urban conservancy designations unless associated with an existing use.
 - b. View corridor widths are established as percentages in [18.21.060](#) Table 2 but in no case shall exceed a width greater than thirty feet. A maximum width of thirty feet running parallel to the water's edge is permitted per one hundred linear feet of shoreline in all designations (excluding urban conservancy, where view corridors are prohibited).
 - c. Pruning of native trees shall not exceed thirty percent of a tree's limbs.
 - d. "Topping" of native trees is prohibited.
 - e. Shrubs shall not be pruned to a height of less than six feet.
 - f. Removal or pruning of vegetation waterward of the ordinary high water mark is prohibited.

g. Once a view corridor or other shoreline access corridor has been established, no additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from the regrowth of pruned limbs.

h. On any site on which a buffer has been reduced or modified, a view corridor will be allowed only when a critical areas report (Section [19.05.030](#)(e)) can clearly establish that fragmentation of fish and wildlife habitat will not occur, and that there will be no net loss of shoreline ecological functions.

(ii) The following additional requirements apply:

a. Plants that represent a hazard to safety, security, or shoreline ecological functions may be replaced with plants from the recommended list (comprehensive plan Appendix B), provided a mitigation plan is submitted and approved. The mitigation plan must meet the standards of the city for a mitigation plan for critical fish and wildlife habitat.

b. Nonnative or invasive species may be replaced with plants from the recommended list (comprehensive plan Appendix B), provided a mitigation management plan is submitted and approved. The mitigation plan must meet the standards of Section [19.05.037](#).

c. All developments proposing a view corridor shall provide a mitigation plan that will need to be approved by the administrator. The mitigation plan must meet the standards found in this section and Section [19.05.037](#).

(F) Trimming and removal of trees to provide or enhance visual access shall be limited to the requirements found in this section and [18.21.060](#) Table 1 as well as shoreline modification standards found in Sections [18.21.060](#)(b), (c) and (e) and subsections (f) and (s) of this section.

(G) Removal of diseased, damaged or stressed trees for the purpose of forest stewardship and conservation, property protection, or fire safety is subject to approval through a shoreline exemption.

(o) Utilities.

(1) Utility development shall be located within public rights-of-way or existing infrastructure corridors whenever possible and be coordinated with government agencies to provide for compatible multiple uses.

(2) Utilities shall be located and designed to avoid damage or degradation to shoreline ecological functions including wetlands, marshes, bogs and other swamps; important wildlife areas; and other unique and fragile areas.

(3) Underwater pipelines which transport material intrinsically harmful to aquatic life or potentially injurious to water quality, including sewer lines, shall be provided with automatic shut-off valves at each end of the underwater segments.

(4) Sites disturbed for utility installation shall be stabilized during and immediately following construction to avoid adverse impacts from erosion and shoreline ecological function, including protection of water quality using best management practices.

(5) Sites disturbed for utility installation shall be replanted using native species from the recommended list (comprehensive plan Appendix B), with a diversity and type similar to or better than that which originally occurred on the site. Questions about appropriate diversity, plant type, and plant species shall be directed to agencies with expertise, such as the Departments of Ecology and Fish and Wildlife.

(6) The placing of utility lines shall not obstruct or hinder physical or visual access to shoreline areas from public rights-of-way or public use areas. Utilities shall be placed landward of the primary structural setback requirements found in [18.21.060](#) Table 2. Compliance with local health district standards for the placement of on-site sewer systems shall be indicated on pre-application drawings. If feasible, utility lines shall be placed underground. Where lines must be placed aboveground, consideration shall be given to the maintenance of trees in the vicinity of the lines, and the utility line located to eliminate the need for topping or pruning trees.

(7) Except where no other feasible alternative exists, utilities that require continued maintenance and therefore disrupt ecological processes (i.e., electrical transmission lines that require removal of undergrowth) shall not be placed in vegetation conservation areas (between OHWM and structure setback).

(p) Recreation.

(1) Recreation—Use Regulations.

(A) The location, design and operation of shoreline recreational developments shall be primarily related to access, enjoyment and use of the water and shorelines of the state, consistent with the comprehensive plan and recreation plan of the local government with jurisdiction. All such uses shall not result in a net loss of shoreline function.

(B) Commercial recreational development shall comply with the provisions for commercial development in subsection (g) of this section, Commercial Uses and Activities.

(C) Substantial accessory use facilities, such as rest rooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas, shall be set back from the ordinary high water mark as specified in the development standards table ([18.21.060](#) Table 2), unless it can be shown that such facilities are water-dependent and the planned location will not adversely affect shoreline functions. Such facilities may be linked to the shoreline by walkways.

(D) Shoreline recreational developments shall maintain and, when feasible, enhance or restore desirable shoreline features including those that contribute to shoreline ecological functions and processes, scenic vistas, and aesthetic values. Removal of healthy native vegetation to enhance views shall be allowed only in compliance under Section [18.21.060](#)(e) and subsection (n) of this section.

(E) Recreational uses shall be designed to complement their environment and surrounding land and water uses.

(F) No recreational buildings or structures shall be built over water, other than water-dependent and/or public access structures such as piers, docks, bridges, boardwalks, or viewing platforms.

- (G) Each development proposal shall include a landscape plan that uses native or native-compatible self-sustaining vegetation. Removal of on-site native vegetation shall be limited to the minimum necessary for the permitted development or structures.
- (H) For recreational uses such as golf courses or parklands that require the use of fertilizers, pesticides, or other chemicals, the applicant shall specify the methods that will be used to ensure that the use complies with all provisions of this master program, including preventing the chemicals from entering adjacent water bodies or wetlands. Chemical-free buffer strips may be required at the discretion of the administrator.
- (I) Recreational uses shall provide facilities for nonmotorized access to the shoreline, such as pedestrian and bicycle paths, where those facilities will not result in loss of shoreline ecological functions.
- (J) Recreational uses shall include adequate provisions for water supply, sewage, garbage disposal, and fire protection.
- (K) Recreational development shall include adequate provisions, such as screening, buffer strips, fences, and signs, to buffer adjacent private property and natural areas and protect the value and enjoyment of those sites.
- (L) Trails and paths on steep slopes shall be located, designed, and maintained to protect bank stability.
- (M) Recreational uses shall be consistent with local comprehensive plan provisions and zoning regulations and required buffer and use setbacks in [18.21.060](#) Table 2 and critical area protection regulations in Section [18.21.080](#).
- (N) Nonmotorized recreation trails shall be allowed in the Zone 2 buffer provided they are consistent with the local comprehensive plan and zoning regulations and the regulations contained herein, including standards below. Nonmotorized, nonimpervious surface trails no greater than the minimum width required by state and/or federal statute for the type of facility (e.g., ADA requirements) to provide shoreline access may be allowed in the Zone 1 buffer through the submittal of a vegetation planting plan, mitigation management plan and compliance with mitigation sequencing standards found in Section [19.05.037](#), subject to the following minimum standards:
- (i) Trail facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas;
 - (ii) Trail facilities shall minimize the removal of trees, shrubs, snags and important habitat features. Vegetation management performed in accordance with best management practices as part of ongoing maintenance to eliminate a hazard to trail users is considered consistent with this standard;
 - (iii) Viewing platforms, interpretive centers, campsites, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife and/or critical characteristics of the affected conservation area;
 - (iv) All facilities shall be constructed with materials complementary to the surrounding environment;
 - (v) Trail facilities that parallel the shoreline may be located in Zone 2 setback area and as allowed in this chapter and [18.21.060](#) Table 2, percent alteration of Zone 2;

- (vi) Commercial and public trails shall be the minimum width necessary to meet the designed need, but in no case shall they exceed twelve feet in width;
- (vii) Private trails shall not exceed five feet in width;
- (viii) Trails that provide direct shoreline access (perpendicular or angled to the water) shall not exceed five feet in width and shall be kept to the minimum number necessary to serve the intended purpose;
- (ix) Review and analysis of a proposed trail facility shall demonstrate no net loss of ecological functions and values in conformance with this chapter; and
- (x) Trail facilities shall not be exempt from special report requirements, as may be required by this chapter.

(O) No recreational uses are allowed that require fill.

(q) Residential Development.

- (1) No lot for residential use shall be created that would not accommodate a buildable area, based on the zoning district, comprehensive plan designation and critical areas regulations, that meets the minimum building setback and other standards for the shoreline designation in which the lot is located.
- (2) No lots or plats will be approved that do not meet the minimum requirements of this chapter.
- (3) Plats and subdivisions shall not rely upon new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
- (4) In its review of proposals for multi-lot and/or multi-unit subdivisions and/or planned developments and other large developments, the city shall require and use information about the impacts of the proposed development on shoreline ecological functions, including the cumulative impacts of exempt uses and activities within the development over time, and ensure there will be no net loss of shoreline function.
- (5) All single-family and multi-unit residential developments shall comply with the buffer, setback, bulk and dimensional standards set forth in Section [18.21.060\(d\)](#) and [18.21.060](#) Table 2, and shall be authorized only after approval of a site development plan, indicating the total disturbance footprint as required by this section. The disturbance footprint shall include:
 - (A) All driveways and parking areas;
 - (B) Wildfire defensible space;
 - (C) Building footprint(s);
 - (D) Water access pathway location and width, not to exceed five feet;
 - (E) View access corridor, if applies;
 - (F) Location of storage and staging of materials and equipment during construction;
 - (G) Location of well and septic systems, if applicable;
 - (H) Location of public access, joint-use or community recreational facilities; and

- (l) Location of accessory utilities.
- (6) The construction of home(s) (inside the buffer or utilizing a buffer reduction) shall require preparation of a critical areas report and mitigation management plan as described in Sections [19.05.030](#) and [19.05.037](#).
- (7) Location of the landward boundary of shoreline buffers as specified in [18.21.060](#) Table 2 shall be approved by the administrator, and marked with permanent or temporary fencing sufficient to prevent any incidental incursion into or disturbance of the buffer by equipment, vehicles, building materials or other means.
- (8) Buildings constructed in areas of twenty percent or greater slope, or slide-prone areas, shall conform to the requirements for geologically hazardous areas.
- (9) Except for minimal pathways no greater than five feet in width to afford access to allowed docks, boat access or swimming areas or to remove hazard trees as set forth in Sections [18.21.060](#)(d) and (e), native plant communities and species in buffers specified in [18.21.060](#) Table 2 shall not be disturbed for any reason.
- (10) New parcels/lots created through land division within jurisdiction of this chapter shall accomplish the following:
 - (A) Plats and subdivisions as regulated elsewhere in this chapter must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.
 - (B) Plats and subdivisions as regulated elsewhere in this chapter must be designed, configured and developed in a manner that assures that no need exists for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions. Such review shall require using geotechnical analysis of the site and shoreline characteristics when development is to occur in known or suspected geologically hazardous areas (see Map A11 in the map appendix to the Omak comprehensive plan). New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
 - (C) Plats and subdivisions as regulated elsewhere in this chapter must be designed and configured such that a buildable area is available on each lot in conformance with the comprehensive plan as well as required shoreline and critical area buffer/setbacks, unless a specific, unbuildable lot is being created as a shoreline open space/conservancy lot and is so recorded on the face of the plats.
- (r) Signage. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment; and to temporary and interpretive signs. Highway, public information, and temporary signs are addressed in [18.21.070](#) Table 3, Use Chart.
 - (1) All signs shall comply with applicable regulations of the city and any other applicable regulations (e.g., Scenic Vistas Act).

- (2) Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Except as necessary for safe navigation, moorage, or public safety signs shall be located landward of the required building setback.
 - (3) All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
 - (4) No signs shall be placed on trees or other natural features that will permanently damage or kill the tree or feature.
 - (5) Off-premises and nonappurtenant signs shall not be permitted, with the following exception: Temporary signs and interpretive signs related to shoreline uses and ecological functions shall be allowed where they comply with the other policies of this chapter and, in the case of temporary signs, where adequate provisions are made for timely removal.
 - (6) No sign shall have a surface area larger than thirty-six square feet.
 - (7) Lighting of signs shall be prohibited unless the sign is necessary for safe navigation, moorage, or public safety. On-demand lighting shall be used whenever feasible.
 - (8) Signs shall be located landward of the Zone 1 buffer.
- (s) Shoreline Stabilization (See WAC [173-26-231](#)(3)(a)(iii)).
- (1) New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivisions shall be reviewed to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur. Such review shall require using geotechnical analysis of the site and shoreline characteristics when development is to occur in known or suspected geologically hazardous areas. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
 - (2) New structural stabilization measures shall not be allowed⁸ except to protect an existing primary structure when all of the conditions below apply:
 - (A) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
 - (B) The erosion control structure will not result in a net loss of shoreline ecological functions.
 - (3) New shoreline stabilization for water-dependent development shall not be allowed except when all of the conditions below apply:

- (A) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (B) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (C) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - (D) The erosion control structure will not result in a net loss of shoreline ecological functions.
- (4) New structural stabilization measures shall not be allowed for the restoration of ecological functions or hazardous substance remediation projects pursuant to Chapter [70.105D](#) RCW (as it now exists or hereinafter amended) except when all of the conditions below apply:
- (A) Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient;
 - (B) The erosion control structure will not result in a net loss of shoreline ecological functions.
- (5) Use of shoreline stabilization measures to create new land is prohibited including creation of new lots that will require shoreline stabilization in order to allow development.
- (6) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.
- (7) An existing shoreline stabilization structure may be replaced with a similar structure² if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves.
- (A) The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - (B) Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - (C) Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
 - (D) For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can

no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

(8) A geotechnical report prepared to address the need to prevent potential damage to a primary structure shall address the city's standards for a critical areas report (Sections [19.05.030](#) and [19.05.037](#)) for geologically hazardous areas as well as the issues below.

(9) Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.

(10) Hard armoring solutions shall not be authorized except when a geotechnical report confirms that there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

(11) Shoreline stabilization shall not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.

(12) New uses, including exempt uses, in areas above unstable slopes and moderately unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis.

(13) Where structural shoreline stabilization measures are shown to be necessary, the extent of the stabilization measures shall be limited to the minimum necessary.

(14) Stabilization measures shall be designed to minimize harm to and as much as possible restore ecological functions. Lost functions shall be mitigated to ensure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated to be insufficient to protect the primary structure or structures.

(15) Where stabilization is necessary to alleviate erosion caused by removal of vegetation, vegetative stabilization measures shall be the only stabilization measures allowed, except where a report by a qualified professional is submitted. See Section [18.21.060](#)(e), Vegetation Conservation.

(16) Where feasible, ecological restoration and public access improvements shall be incorporated into public projects. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

(17) All applicable federal, state, and local permits shall be obtained and complied with in the construction of shoreline stabilization measures. All permits must be issued before any stabilization work takes place.

(t) Transportation.

(1) Transportation development serving non-water-dependent uses should avoid the shoreline area where possible to avert damage to shoreline ecological function.

Transportation development serving water-oriented and water-related uses shall be considered as part of that use and subject to the following provisions:

(A) Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.

(i) New roads or road expansions should not be built within shoreline jurisdiction, unless other options are unavailable and infeasible. Design of roadways through shoreline areas should occupy the most narrow horizontal profile (road width) possible to convey traffic in a safe manner measured from ditch to ditch or shoulder to shoulder (whichever is narrowest) to minimize the footprint of roadway.

(ii) Stormwater runoff from roadways should be contained using best management practices.

(iii) De-icing, salting, and graveling of roads should be conducted in accordance with best management practices.

(iv) Surfacing materials should not input or erode sediment into waterways.

(B) Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.

(C) Circulation system planning shall include integrated corridors for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.

(D) Transportation and circulation systems shall be applied for at same time the primary development permit is being applied for, complying with lot clearing and impervious surface standards found in [18.21.060](#) Tables 1 and 2.

18.21.070 Table 3 Shoreline Use and Activity Designation-Specific Regulations

All uses and activities must comply with all applicable provisions of this chapter, including the general, shoreline modification, use-specific, and shoreline designation-specific regulations. Uses and activities not listed in the Shoreline Use and Activity Chart may be allowed (with a conditional use permit), subject to approval by the administrator, if they comply with the standards in this section and with any regulations that apply to similar uses. All shoreline permits and exemptions are subject to conditions providing for maintenance, enhancement, and/or restoration of shoreline functions.

A = Allowed—requires exemption*; or substantial development or conditional use permit, depending on fair market value and/or intensity of use or activity.

E = Exempt from shoreline permitting, but not the regulations contained herein.

SDP = Shoreline substantial development permit required.

CUP = Shoreline conditional use permit required.

X = Prohibited use.

S = Same as in adjacent shoreline designation landward of the OHWM (applicable to areas designated aquatic only).

N/A = Not applicable.

(a) In the event that there is a conflict between the use(s) identified in 18.21.070 Table 3 and the policies in the shoreline element of the Omak comprehensive plan, the policies shall apply.

(b) Aquatic: Water-dependent use only, subject to the use and development regulations of the abutting upland shoreline area designation.

* Exempt uses and activities are defined by statute; see definitions in Section [18.21.040](#).

18.21.070 Table 3 Use and Activity Chart

Uses and Activities	Aquatic ^(b)	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
Utilities (Subsections (a) and (o) of This Section)					
Primary (Subsection (o) of This Section)	CUP	CUP	CUP	SDP	SDP
Accessory (Subsection (a) of This Section)	X ¹	A	A	A	A
Agriculture (Subsection (b) of This Section)					
Grazing/Cultivation/Orchards ²	X	A	A	A	A
Agricultural Buildings	X	A	A	A	A
Feedlots (CAFOS/AFOS)	X	X	X	X	X
Conversion from Nonagricultural Land to Agricultural Use	X	SDP	SDP	SDP	SDP
Aquaculture (Subsection (c) of This Section)					
Floating Net Pen Type and Accessory Structures	X	X	X	X	X

18.21.070 Table 3 Use and Activity Chart

Uses and Activities	Aquatic ^(b)	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
Onshore, Confined Types of Facilities and Accessory Structures	X	X	X	X	X
Archaeological, Scientific, Educational and Historic Resources (Subsection (d) of This Section)					
Archaeological Areas, Scientific, Educational or Historic Sites—Low-Intensity	A	A	A	A	A
Archaeological Areas, Scientific, Educational or Historic Sites—High-Intensity	SDP	SDP	SDP	SDP	SDP
Boating Facilities (Subsection (e) of This Section)					
Piers and Docks	X	X	X	X	X
Covered Moorage (Boat Canopies)	X	X	X	X	X
Covered Moorage (Boat Garages)	X	X	X	X	X
Commercial Wet Moorage	X	X	X	X	X
Commercial Dry Boat Storage	S	SDP	X	X	SDP
Boat Launch Ramps					
Commercial	S	SDP	X	X	SDP
Public	S	SDP	SDP	SDP	SDP
Private, Hard-Surfaced for Motorized Water Craft	X	X	X	X	X
Private, Low Impact Gravel or Cobble for Hand Launching Water Craft	S	SDP	SDP	SDP	SDP
Boat Lifts	X	X	X	X	X
Mooring Buoys/Float Plane Moorage Accessory to Permitted Moorage	X	X	X	X	X
Floats	S	SDP	CUP	SDP	SDP
Bulkheads (Subsection (f) of This Section)					

18.21.070 Table 3 Use and Activity Chart

Uses and Activities	Aquatic ^(b)	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
Bulkheads	S	CUP	CUP	CUP	CUP
Commercial (Subsection (g) of This Section)					
Water-Dependent	CUP ³	SDP	SDP	SDP	SDP
Water-Related/Water-Enjoyment	X	SDP	SDP	SDP	SDP
Non-Water-Oriented	X	X	X	X	X ⁴
Flood Hazard Prevention Projects (Subsection (h) of This Section)					
Flood Hazard Prevention Projects	CUP	CUP	CUP	CUP	CUP
Dredging and Dredge Material Disposal (Subsection (i) of This Section)					
Dredging	X	X	X	X	X
Dredge Material Disposal	X	X	X	X	X
Industrial (Subsection (j) of This Section)					
Water-Dependent	CUP ⁵	X	X	X	SDP ⁶
Water-Related	X	X	X	X	SDP
Non-Water-Oriented	X	X	X	X	SDP
Mining (Subsection (k) of This Section)					
Surface Mining ⁷	X	X	X	X	X
Other Mining	X	X	X	X	X
Mineral Prospecting and Placer Mining ⁸	A	A	A	A	A
Municipal (Subsection (l) of This Section)					
Water-Dependent	SDP	SDP	A	A	A
Water-Related/Water-Enjoyment	SDP	SDP	A	A	A
Non-Water-Oriented	CUP	CUP	CUP	SDP	SDP

18.21.070 Table 3 Use and Activity Chart

Uses and Activities	Aquatic ^(b)	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
Parking (Subsection (m) of This Section)					
Parking Appurtenant to Existing Permitted Use	X	SDP	CUP	SDP	A
Parking as a Primary Use	X	X	X	X	SDP
Commercial Parking	X	X	X	X	SDP
Recreation (Subsection (p) of This Section)					
High Impact	S	SDP	SDP ⁹	SDP	SDP
Medium Impact	S	SDP	SDP ⁹	SDP	SDP
Low Impact	S	A	A ⁹	A	SDP
High-Intensity (Non-Water-Oriented)	X	SDP	CUP ⁹	SDP	SDP
High-Intensity (Water-Oriented)	S	SDP	SDP ⁹	SDP	SDP
Medium-Intensity	S	A	SDP ⁹	SDP	A
Low-Intensity/Passive	S	A	A ⁹	A	A
Residential (Subsection (q) of This Section)					
Exempt Single-Family Dwellings ¹⁰	X	A	A	A	A
Nonexempt Single-Family Dwellings (e.g., Seasonal or Year-Round Rentals)	X	SDP	X	SDP	SDP
Multifamily	X	SDP	X	SDP	SDP
Subdivision	SDP	A	SDP	A	A
Signs (Subsection (r) of This Section)					
Commercial Signs—On-Site Advertising (Private)	X	X ¹¹	X ¹²	SDP ¹¹	SDP ¹¹
Commercial Signs—Off-Site Advertising (Private)	X	X	X	X	X

18.21.070 Table 3 Use and Activity Chart

Uses and Activities	Aquatic ^(b)	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High-Intensity
Public Highway, Safety, Directional and Informational Signs (Public)	A	A	A	A	A
Shoreline Stabilization (Subsection (s) of This Section)					
Dredging and Material Disposal ¹³ (Subsection (i) of This Section)	X	X	X	X	X
Filling ¹⁴ (Section 18.21.060(c))	S	SDP	SDP	SDP	SDP
Clearing and Grading ¹⁵ (Section 18.21.060(b))	X	CUP	CUP	CUP	CUP
Bulkheads and Revetments (Subsection (f) of This Section)	S	CUP	CUP	CUP	CUP
Shoreline Restoration and Enhancement ¹⁶	S	A	A	A	A
Hardening, Structural Approaches ¹⁷	S	CUP	CUP	CUP	CUP
Transportation (Subsection (t) of This Section)					
Roads and Railroads	S	SDP	SDP	SDP	SDP

¹ Accessory utilities shall be prohibited except those required to serve a permitted water-dependent use, which shall require a conditional use permit.

² Preference shall be given to noncommercial, community and/or personal gardens that may be used for personal use or small-scale market gardens.

³ Limited to water-dependent uses that require an over-the-water location and are allowed in the landward shoreline designation.

⁴ Unless approved using subsection (g) of this section.

⁵ Industrial development shall be limited to water-dependent uses that require an over-the-water location and are allowed in the landward shoreline designation.

⁶ Unless approved using subsection (j) of this section and subject to the following: Industrial development shall be water-dependent, water-related or water-oriented or be physically separated from the shoreline by another property under separate ownership, a flood control structure, or public right-of-way and in no case shall non-water-dependent new industrial development warrant construction of flood protection structures or shoreline stabilization.

⁷ Unless the subject property has been designated as mineral lands of long-term commercial significance which shall require a conditional use permit.

- ⁸ If performed in compliance with current version of WDFW Gold and Fish Pamphlet, all others prohibited.
- ⁹ Recreation uses limited to water-oriented uses and activities.
- ¹⁰ RCW [90.58.030](#)(3)(e)(vi). Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence (inclusive of accessory utilities) for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter (See WAC [173-26-211](#)(5)(a)(ii)(C)).
- ¹¹ All outdoor advertising, signs and billboards shall be prohibited except:
- i. Those signs necessary to protect the health, safety, and welfare of the public.
 - ii. Those necessary to give direction or identify and/or interpret a natural or cultural feature.
 - iii. Permitted signs shall not exceed six square feet in surface area.
 - iv. Permitted signs shall not exceed six feet in height.
 - v. Outdoor lighting of signs in the urban conservancy designation shall be prohibited.
- ¹² Outdoor advertising, signs and billboards are allowed subject to a substantial development permit and shall not exceed thirty-six square feet.
- ¹³ All dredging shall be the minimum required to support an existing permitted or proposed allowed use and shall be subject to a conditional use permit.
- ¹⁴ All filling in the shoreline area is prohibited except for fill is limited to the minimum amount required for existing permitted or proposed allowed uses.
- ¹⁵ Clearing and grading that is not part of an allowed and permitted shoreline use shall require a conditional use permit except on properties physically separated from the shoreline by another property or public right-of-way.
- ¹⁶ Restoration and enhancement projects may be exempted if part of an approved recovery plan.
- ¹⁷ Subject to provisions in subsection (s) of this section for shoreline stabilization.

**18.21.070 Table 4 Guidelines for Establishing
Land Use Intensity**

**(To be used in conjunction with this section,
city zoning code and development and
performance standards)**

Level of Land Use Intensity	Types of Land Uses
High	Commercial, industrial, institutional, retail, residential density > 1 du/acre, high-intensity recreation (ball fields,

18.21.070 Table 4 Guidelines for Establishing Land Use Intensity

(To be used in conjunction with this section, city zoning code and development and performance standards)

Level of Land Use Intensity	Types of Land Uses
	golf courses), highways and paved thoroughfares
Moderate	Residential < 1 du/acre, open space with active recreation development and activities, impervious drives serving > 3 du, paved trails, utility corridors and rights-of-way requiring vegetation management and service roads
Low	Open space with passive recreation, agriculture, unpaved roads serving < 2 du, unpaved trails, utility corridor without service road or vegetation management

(Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.080 Critical areas in shoreline jurisdiction.

Critical areas (see Maps A6 to A11 in comprehensive plan map appendix) within shoreline areas shall be protected using the regulations herein unless otherwise specified in this section. Identified critical areas within shoreline jurisdiction are limited to aquifer recharge, fish and wildlife habitat and very limited areas designated as flood hazard, and wetlands. All uses and activities within identified critical areas shall require mitigation sequencing (Section [19.05.037](#)) and may require a critical areas report and mitigation management plan (Sections [19.05.030](#) and [19.05.037](#)) depending on proposed impacts and location of project.

(a) General.

(1) This section establishes protection measures for designated critical areas within shoreline jurisdiction. All development or other alterations within, adjacent to, or likely to affect one or more critical areas, whether public or private, shall be subject to review by the administrator for compliance with this chapter. "Adjacent" shall mean any activity located:

- (A) On a site immediately adjoining a critical area;
- (B) Within a distance equal to or less than the required critical area buffer width and/or building setback, whichever is greater;

- (C) Within a distance equal to or less than one-half mile (two thousand six hundred forty feet) from a bald eagle nest;
 - (D) Within a distance equal to or less than two hundred feet upland from a stream, wetland, or water body;
 - (E) Within a floodway, floodplain, or channel migration zone; or
 - (F) Within two hundred feet from a critical aquifer recharge area.
- (2) General Provisions.
- (A) The presence of any known critical areas on or within one hundred feet of property that is the subject of a development permit shall be identified by the applicant in the application materials submitted to the city.
 - (B) In carrying out any of the provisions of this section, the city may utilize any available technical resources, with any associated costs being paid for by the applicant, including experts/professionals in a particular field, and maps and/or documents including without limitation the following:
 - (i) City of Omak comprehensive plan and critical area maps;
 - (ii) Omak shoreline master program and maps;
 - (iii) Okanogan County Level I, Level II and Level III Habitat Maps;
 - (iv) U.S. Fish and Wildlife Service National Wetlands Inventory;
 - (v) U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps;
 - (vi) Aerial photos;
 - (vii) Approved special reports previously completed for a subject property;
 - (viii) Natural Resources Conservation Service Soils Survey;
 - (ix) Federal Wetlands Delineation Manual (1987);
 - (x) Washington State Wetlands Identification and Delineation Manual (WDOE No. 96-94, March 1997, as amended);
 - (xi) Washington State Wetlands Rating System for Eastern Washington—Revised (WDOE 14-06-030, as updated);
 - (xii) Management Recommendations for Washington’s Priority Habitats and Species, May 1991, as amended;
 - (xiii) Management Recommendations for Washington’s Priority Habitats—Riparian, December 1997, as amended;
 - (xiv) Priority Habitats and Species List, July 1999, as amended;
 - (xv) U.S. Army Corps of Engineers (2006). Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), as amended;
 - (xvi) Wetlands in Washington State—Volume 1: A Synthesis of the Science. Washington State Department of Ecology. Publication No. 05-06-006; and

(xvii) Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication No. 05-06-008.

(3) Special Studies Required. If the administrator determines that the site of a proposed shoreline development potentially includes, or is adjacent to, a critical area(s), the applicant shall be notified in writing that a special study may be required. When required, the expense of undertaking the special study(ies) shall be borne by the applicant. The applicant's choice of consultant or technical expert and the content, format and extent of the special study(ies) shall be approved by administrator.

(A) The requirement for special studies may be waived by the administrator if there is substantial showing that:

- (i) There will be no alteration of the critical area(s) and/or the required buffer(s);
- (ii) The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the comprehensive plan; and
- (iii) The minimum standards of this section will be met.

(B) No special study is required for development proposals that are exempt from the provisions of this section as set forth in Sections [18.20.030](#), [18.20.040](#) and [18.20.050](#).

(C) When required, a special study shall be conducted by a qualified professional who is knowledgeable about the specific critical area(s) in question. In general any required special study shall contain at least the following information, in addition to any other specific information determined pertinent by the administrator (specific plan and special study requirements are found in applicable critical area sections below):

- (i) A map, of a scale no smaller than one inch equals two hundred feet, showing the existing features on the site, such as topography, vegetation, etc., and including the extent of any critical area(s), and the plan for the proposed activity showing the relationship to the location of the critical area(s);
- (ii) A written analysis of the existing critical area(s) and a description of how the proposed development will or will not impact the ecological functions and values of the critical area(s); and
- (iii) A description (written and/or graphic) of any proposed mitigation measures/activities to address impacts to the critical area(s).

(4) General Process. The provisions of this section shall be implemented during the applicable review process for the requested shoreline permit approval, in accordance with the provisions of this chapter.

(5) Surety/Bonding. If a development proposal within a designated critical area within shoreline jurisdiction is subject to mitigation, maintenance or monitoring plans, the city of Omak, in a form acceptable to the city attorney, may require an assurance device or surety consistent with the requirements of Chapter [17.46](#).

(6) Permit Conditions. Through the shoreline development review process, the city of Omak shall have the authority to attach such conditions to the granting of any approval under this section as deemed necessary to alleviate adverse impacts to critical area(s) and to carry out

the provisions of this chapter. Such conditions of approval may include, but are not limited to the following:

- (A) Limitations on minimum lot sizes;
- (B) Provisions for additional buffers relative to the intensity of a use or activity;
- (C) Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc., of structure(s);
- (D) Dedication of necessary easements for utilities, conservation, open space, etc.;
- (E) Imposition of easement agreements, sureties, deed restrictions, covenants, etc., on the future use and/or division of land;
- (F) Limitations on the removal of existing vegetation;
- (G) Additional measures to address issues such as erosion control, stormwater management, filling, grading, etc.;
- (H) Development of a plan to create, enhance, or restore damaged or degraded critical area(s) on and/or off site; and
- (I) Any monitoring and/or maintenance plans necessary to implement the provisions of this chapter.

(b) Aquifer Recharge Areas. All areas within shoreline jurisdiction in Omak are designated as aquifer recharge based on soil types (See Map A7 in the map appendix to the Omak comprehensive plan). The general regulations in Section [18.21.060](#) and specific use and activity regulations in Section [18.21.070](#) are intended to protect these areas.

- (1) Development, uses and activities within identified aquifer recharge areas shall comply with the regulations contained in this chapter and be subject to best management practices in compliance with the Eastern Washington Stormwater Management Manual. Any discharges that negatively affect an aquifer recharge area's water quality are prohibited.
- (2) For aquifer recharge areas found inside the shoreline jurisdiction, the following standards for development shall be required in addition to the general provisions of this chapter and the requirements of the underlying zone:
 - (A) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.
 - (B) All storage tanks, whether above- or underground, shall be required to be constructed so as to protect against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, groundwaters, or surface waters, and to utilize appropriate containment methods.
 - (C) Application of pesticides, herbicides and fertilizers within aquifer recharge areas shall comply with timing and rates specified on product packaging.
 - (D) Vehicle repair and servicing activities must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

(c) Fish and Wildlife Habitat Conservation Areas. Nearly all of the area within shoreline jurisdiction in Omak is designated as fish and wildlife habitat, primarily related to the limited riparian areas immediately adjoining the OHWM of the Okanogan River (See Map A8 in map appendix to Omak comprehensive plan). The shoreline designation applied to these areas—urban conservancy—and the regulations in Section [18.21.060](#) and specific use and activity regulations in Section [18.21.070](#) contained in this chapter have been developed to protect these critical areas and ensure no net loss.

(1) Development, uses and activities within or near identified fish and wildlife conservation areas shall comply with the regulations contained in this chapter.

(d) Frequently Flooded Areas. Portions of the area within shoreline jurisdiction in Omak and its UGA are designated as frequently flooded (flood hazard) areas, primarily outside of the corporate limits which are protected by an Army Corps of Engineers certified levee (See Map A10 in map appendix to Omak comprehensive plan). The shoreline designation applied to these areas, excluding unincorporated land within the Colville Reservation, is urban conservancy, and the regulations in Section [18.21.060](#) and specific use and activity regulations in Section [18.21.070](#) contained in this chapter have been developed to protect these critical areas and ensure no net loss.

(1) Development, uses and activities within identified frequently flooded areas which are also within shoreline jurisdiction shall comply with the general regulations in this chapter, the specific regulations in this section and be compliant with Chapter [14.28](#).

(2) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, frequently flooded areas found inside shoreline jurisdiction, the following minimum standards shall apply to development activities within and adjacent to frequently flooded areas:

(A) All development within frequently flooded areas shall be reviewed under and subject to the requirements of Chapter [14.28](#), Flood Damage Prevention.

(B) Where frequently flooded areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.

(C) Structures shall be located outside of frequently flooded areas except where no alternative location exists.

(D) Fill and grading in frequently flooded areas shall only occur upon a determination by a qualified professional that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a defined channel migration zone, whether or not the city has delineated such zones as of the time of application.

(E) Subdivision in frequently flooded areas is subject to the following:

(i) All lots created shall have adequate building space outside flood hazard areas, including the floodway and channel migration zones, and protect the functions and values of frequently flooded areas;

(ii) Plat maps shall indicate the location of the floodway, one-hundred-year floodplain with related elevations where applicable and channel migration zones;

(iii) Subdivisions shall be designed to minimize or eliminate the potential for flood damage; and

(iv) Subdivisions shall provide for stormwater drainage, in accordance with city standards, so as to reduce exposure to flood hazards.

(e) Geologically Hazardous Areas. According to Map A11 in the map appendix to the Omak comprehensive plan there are designated geologically hazardous areas within shoreline jurisdiction in the city of Omak and its adopted urban growth area.

(1) Development, uses and activities within identified geologically hazardous areas shall comply with the regulations contained in Section [18.21.060](#) and the following:

(A) New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development is prohibited.

(B) New development that would require structural shoreline stabilization over the life of the development is prohibited. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC [173-26-231](#).

(C) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC [173-26-231](#) requirements, and then only if no net loss of ecological functions will result.

(f) Wetlands. There are limited wetland areas designated within the city of Omak and its urban growth area. Map A9 in the map appendix to the Omak comprehensive plan (based on USF&W Service National Wetlands Inventory) shows that wetlands within shoreline jurisdiction are very limited and primarily directly adjoining the water. Development and activities within or adjoining designated wetlands or associated wetland buffers are limited to those uses authorized by this chapter, and are subject to the provisions of this chapter in general and this section specifically.

(1) Identification and Rating.

(A) Wetlands shall be identified and delineated by a qualified wetland professional in accordance with WAC [173-22-035](#) and designated based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements. The city may use the following information sources as guidance in identifying the presence of wetlands and the subsequent need for a wetland delineation study:

(i) Hydric soils, soils with significant soil inclusions, and "wet spots" identified within the local soil survey;

(ii) National Wetlands Inventory;

(iii) Previous wetland rating evaluation; and

(iv) On-site inspection.

(B) Wetland delineations are valid for five years after such date the administrator shall determine whether a revision or additional assessment is necessary. The wetland boundary and any associated buffer area shall be identified on all plats, maps, plans and

specifications submitted for the project. An evaluation of any unrated wetland is necessary when there is a proposed development or activity to be located adjacent to, or within, an area containing a wetland.

(C) Rating. Wetlands shall be conducted by a qualified wetland specialist and be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington (Ecology Publication No. 14-06-030, or as revised and approved by Ecology).

(D) Illegal Modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge or previous owner(s) in cases where the city has started enforcement actions and the owner sells/transfers ownership during the proceedings.

(2) Regulated Activities.

(A) The following activities are subject to the general regulations in this chapter and the specific regulations of this section if they occur in a regulated wetland or its buffer:

- (i) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- (ii) The dumping of, discharging of, or filling with any material.
- (iii) The draining, flooding, or disturbing the water level or water table.
- (iv) Pile driving.
- (v) The placing of obstructions.
- (vi) The construction, reconstruction, demolition, or expansion of any structure.
- (vii) The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
- (viii) Activities that result in:
 - a. A significant change of water temperature.
 - b. A significant change of physical or chemical characteristics of the sources of water to the wetland.
 - c. A significant change in the quantity, timing or duration of the water entering the wetland.
 - d. The introduction of pollutants.

(B) For any regulated activity, a critical areas report or wetland critical areas report (see Section [19.05.030](#)) may be required to support the requested activity.

(3) Exemptions and Allowed Uses in Wetlands.

(A) The following wetlands are exempt from the buffer provisions contained in this chapter and the normal mitigation sequencing process described in Sections [19.05.030](#) and [19.05.037](#). They may be filled if impacts are fully mitigated based on provisions in Sections [19.05.030](#) and [19.05.037](#). In order to verify the following

conditions, a critical area report for wetlands meeting the requirements in Section [19.05.030](#) must be submitted.

- (i) All isolated Category III and IV wetlands less than one thousand square feet that:
 - a. Are not associated with riparian areas or buffer.
 - b. Are not part of a wetland mosaic.
 - c. Do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife or species of local importance identified on Map A-8 in the map appendix to the Omak comprehensive plan.
 - d. Are not a vernal pool.
 - e. Are not an alkali wetland.
 - f. Do not contain aspen stands.

(B) Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area or wetland critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

- (i) Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
- (ii) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
- (iii) Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.
- (iv) Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
- (v) Educational and scientific research activities.

(vi) Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint or use of the facility or right-of-way.

(4) Wetland Buffers.

(A) Buffer Requirements. The standard buffer widths in [18.21.080](#) Table 2 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State wetland rating system for eastern Washington.

(i) The use of the standard buffer widths requires the implementation of the measures in [18.21.080](#) Table 2, where applicable, to minimize the impacts of the adjacent land uses.

(ii) If an applicant chooses not to apply the mitigation measures in [18.21.080](#) Table 3 then a thirty-three percent increase in the width of all buffers is required. For example, a seventy-five-foot buffer with the mitigation measures would be a one-hundred-foot buffer without them.

(iii) The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

(iv) Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring thirty-two points for habitat function would require a buffer of one hundred fifty feet (seventy-five plus seventy-five).

18.21.080 Table 1 Wetland Buffer Requirements

Wetland Category	Buffer Width (In Feet) Based on Habitat Score			
	3—4	5	6—7	8—9
Category I: Based on total score	75	90	120	150
Category I: Forested	75	90	120	150
Category I: Bogs and wetlands of high conservation value	190			
Category I: Alkali	150			
Category II: Based on total score	75	90	120	150

18.21.080 Table 1 Wetland Buffer Requirements

Wetland Category	Buffer Width (In Feet) Based on Habitat Score			
	3—4	5	6—7	8—9
Category II: Vernal pool	150			
Category II: Forested	75	90	120	150
Category III (all)	60	90	120	150
Category IV (all)	40			

18.21.080 Table 2 Required Measures to Minimize Impacts to Wetlands

(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered Establish covenants limiting use of pesticides within 150 feet of wetland Apply integrated pest management
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development Prevent channelized flow from lawns that directly enters the buffer Use low-intensity development techniques (per PSAT publication on LID techniques)

18.21.080 Table 2 Required Measures to Minimize Impacts to Wetlands

(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust
Disruption of corridors or connections	Maintain connections to off-site areas that are undisturbed Restore corridors or connections to off-site habitats by replanting

(v) Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

- a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- c. The adjacent land has minimal vegetative cover or slopes greater than thirty percent.

(vi) Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

- a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.
- b. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

- c. The total area of the buffer after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than either three-quarters of the required width or seventy-five feet for Category I and II, fifty feet for Category III and twenty-five feet for Category IV, whichever is greater.
- (vii) Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:
 - a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
 - b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional. The total buffer area after averaging is equal to the area required without averaging.
 - c. The buffer at its narrowest point is never less than either three-quarters of the required width or seventy-five feet for Category I and II, fifty feet for Category III and twenty-five feet for Category IV, whichever is greater.
- (B) Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.
- (C) Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this section. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.
- (D) Buffer Maintenance. Except as otherwise specified or allowed in accordance with this section, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive nonnative weeds is required for the duration of the mitigation bond.
- (E) Impacts to Buffers. A wetland management and mitigation plan shall be required when impacts associated with development within a wetland or wetland buffer are unavoidable, demonstrated by compliance with requirements for the compensation for impacts to buffers outlined in Sections [19.05.030](#) and [19.05.037](#).
- (F) Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.
- (G) Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this section, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:
 - (i) Conservation and restoration activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

(ii) Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:

a. Walkways and trails; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing nonleaching best practice of nontreated pilings may be acceptable.

b. Wildlife-viewing structures.

(iii) Educational and scientific research activities.

(iv) Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

(v) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

(vi) Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column is disturbed.

(vii) Enhancement of a wetland buffer through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(viii) Stormwater management facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent of the buffer of Category III or IV wetlands only; provided, that:

a. No other location is feasible; and

b. The location of such facilities will not degrade the functions or values of the wetland; and

c. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

(ix) Nonconforming Uses. Repair and maintenance of nonconforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

(5) Signs and Fencing of Wetlands and Buffers.

(A) Temporary Markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

(B) Permanent Signs. As a condition of any permit or authorization issued pursuant to this section, the administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.

(i) Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another nontreated material of equal durability. Signs must be posted at an interval of one per lot or every fifty feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the administrator:

Protected Wetland Area Do Not Disturb

Contact city of Omak Regarding Uses, Restrictions, and Opportunities for Stewardship

(ii) The provisions of subsection (f)(5)(A) of this section may be modified as necessary to assure protection of sensitive features or wildlife.

(C) Fencing.

(i) The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

(ii) Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

(6) Critical area report requirements for wetlands are found in Section [19.05.030](#).

(7) Mitigation and compensatory mitigation requirements for wetlands are found in Sections [19.05.030](#) and [19.05.037](#). (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.090 Shorelines designations map.

The location and boundaries of the shoreline designations applied in this chapter are established as shown on the map entitled the Omak shorelines map. The shorelines map shall be adopted by ordinance with the ordinance number shown thereon, the date adopted, and shall be signed by the mayor. The signed map shall be maintained on display at City Hall and considered a part of this title.

(a) Interpretation of Shoreline Designations Map. Where uncertainty exists as to the boundaries of shorelines designations as shown on the Omak Shorelines Designation Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following the corporate limits of the city shall be construed as following the corporate limits of the city;
- (4) Boundaries indicated as following shorelines shall be construed as following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections (a)(1) through (4) of this section shall be so construed. Distances not specifically indicated on the Omak shorelines designation map shall be determined by the scale of the map;
- (6) Where physical or cultural features existing on the ground are inconsistent with those shown on the Omak shorelines designation map or in other circumstances not covered by subsections (a)(1) through (5) of this section, the administrator shall interpret the designation boundaries.

(b) Designations of Shorelines in Annexations. Any shoreline areas annexed to the city shall be designated consistent with the comprehensive plan shoreline designation for the area to be annexed. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.100 Nonconforming structures.

- (a) Structures that were legally established and are used for a use conforming at the time of establishment, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density established in this chapter, may be maintained and repaired and may be enlarged or expanded upon issuance of a conditional use permit; provided, that no reasonable alternative use is practical and the proposed use will be at least as consistent with the policies and provisions of the Act and this SMP and as compatible with the uses in the area as the preexisting use.
- (b) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- (c) A nonconforming structure which is moved any distance must be brought into compliance with the regulations in this chapter.
- (d) If a nonconforming development is damaged, it may be reconstructed provided the resulting configuration does not increase the nonconformity as it existed immediately prior to the time the development was damaged. An application shall be made for permits necessary to restore the development within one year of the date the damage occurred, all permits are obtained, and the restoration is completed within two years of permit issuance unless otherwise extended.
- (e) Nothing in this section shall be deemed to prevent the normal maintenance and repair of a nonconforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.105 Nonconforming uses.

- (a) Uses that were lawfully established but are nonconforming with regard to the present regulations of this chapter may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residence uses that are located landward of the OHWM may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined herein upon approval of a conditional use permit.
- (b) A use which is listed as a conditional use, but which existed prior to adoption of this chapter or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a lawful nonconforming use.
- (c) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
- (1) The proposed use will be at least as consistent with the policies and provisions of the Act and this chapter and as compatible with the uses in the area as the preexisting use. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this chapter and the Act, and to assure that the use will not become a nuisance or a hazard.
- (d) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (a) of this section shall be considered a conforming use for purposes of this section. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.110 Nonconforming lots.

An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with local and state subdivision requirements prior to the effective date of this chapter, but which does not conform to the present lot size standards, may be developed, if permitted by other land use regulations of the city and so long as such development conforms to all other requirements of this chapter and the Act. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.115 Violations and penalties.

- (a) This part is adopted under RCW [90.58.200](#) and [90.58.210](#) to implement the enforcement responsibilities of the Department and the city under the Shoreline Management Act. The Act calls for a cooperative program between the city and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.
- (b) Policy. These regulations should be used by the city in carrying out enforcement responsibilities under the Act. Enforcement action by the Department or the city may be taken whenever a person has violated any provision of the Act or this chapter or other regulation promulgated under the Act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.
- (c) Order to Cease and Desist. The city and/or the Department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of Chapter [90.58](#) RCW or this chapter.

- (1) Content of Order. The order shall set forth and contain:
 - (A) A description of the specific nature, extent, and time of violation and the damage or potential damage; and
 - (B) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC [173-27-280](#) may be issued with the order.
 - (2) Effective Date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
 - (3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
- (d) Civil Penalty.
- (1) A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW [90.58.140](#), who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by local government. The Department may impose a penalty jointly with city, or alone only upon an additional finding that a person:
 - (A) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
 - (B) Has been given previous notice of the same or similar type of violation of the same statute or rule; or
 - (C) The violation has a probability of placing a person in danger of death or bodily harm; or
 - (D) Has a probability of causing more than minor environmental harm; or
 - (E) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
 - (2) In the alternative, a penalty may be issued to a person by the Department alone, or jointly with the city for violations which do not meet the criteria of subsection (d)(1)(A) through (E) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:
 - (A) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
 - (B) A statement of what is required to achieve compliance;
 - (C) The date by which the agency requires compliance to be achieved;
 - (D) Notice of the means to contact any technical assistance services provided by the agency or others; and
 - (E) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the Department until the individual or business has been given a reasonable time to correct the violation and has not done so.

(3) Amount of Penalty. The penalty shall not exceed five hundred dollars for each violation. Each day of violation shall constitute a separate violation.

(4) Aiding or Abetting. Any person who, through an act of commission or omission, procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(e) Appeal of Civil Penalty.

(1) Right of Appeal. Persons incurring a penalty imposed by the Department or imposed jointly by the Department and the city may appeal the same to the Shorelines Hearings Board. Appeals to the Shorelines Hearings Board are adjudicatory proceedings subject to the provisions of Chapter [34.05](#) RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of Appeal. Appeals shall be filed within thirty days of the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW [43.21B.001](#).

(3) Penalties Due.

(A) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the city and/or the Department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(B) If the amount of a penalty owed the Department is not paid within thirty days after it becomes due and payable, the Attorney General, upon request of the Department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed to the city is not paid within thirty days after it becomes due and payable, the city may take actions necessary to recover such penalty.

(4) Penalty Recovered. Penalties recovered by the Department shall be paid to the State Treasurer. Penalties recovered by the city shall be paid to the local government treasury. Penalties recovered jointly by the Department and the city shall be divided equally between the Department and the city unless otherwise stipulated in the order.

(f) Criminal Penalty. The procedures for criminal penalties shall be governed by RCW [90.58.220](#).

(1) Prosecution. Every person violating any of the provisions of this chapter or the Shoreline Management Act of 1971 shall be punishable upon conviction by the state by a fine not

exceeding one thousand dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.

(g) Injunction. The city attorney may bring such injunctive, declaratory or other actions as are necessary to ensure that no uses are made of the shorelines of the state within the city's jurisdiction which are in conflict with the provisions and programs of this chapter or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this chapter and the Shoreline Management Act of 1971.

(h) Violators Liable for Damages. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The city attorney may bring suit for damages under this subsection on behalf of the city. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party. (Ord. 1859 § 1 (Exh. A) (part), 2018).

18.21.120 Unauthorized wetlands alterations and enforcement.

(a) When a wetland or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the wetland and/or buffer shall be restored. The city shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this section.

(b) Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared and approved by city. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in this section.

(c) The administrator shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

(d) Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland; provided, that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

- (1) The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
- (2) The historic soil types and configuration shall be restored to the extent practicable.
- (3) The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.

- (4) Information demonstrating compliance with other applicable provisions of this chapter shall be submitted to the administrator.
- (e) Site Investigations. The administrator is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.
- (f) Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this section shall be guilty of a misdemeanor.
- (1) Each day or portion of a day during which a violation of this chapter is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The city may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this chapter. The civil penalty shall be assessed at a maximum rate of one hundred dollars per day per violation.
- (2) If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The city may coordinate its preservation or restoration activities with other cities in the watershed to optimize the effectiveness of the restoration action. (Ord. 1859 § 1 (Exh. A) (part), 2018).

1

Dollar value as of September 15, 2012.

2

Dollar value as of September 15, 2012.

3

The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington, area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

4

Shoreline buffers in this chapter shall serve as riparian fish and wildlife habitat buffers.

5

Vegetation buffers are required for all shoreline developments in all environments.

[6](#)

The majority of the waterfront in Omak is occupied by an Army Corps of Engineers approved flood control levee, has been riprapped or otherwise altered.

[7](#)

Nonagricultural lands are those lands that have not been subject to agriculture uses as defined in Section [18.08.023](#).

[8](#)

Except for approved habitat restoration or enhancement projects.

[9](#)

Said replacement structure shall be engineered and designed to address the issues of the failure of the existing structure.

Chapter 18.22

RS—RESIDENTIAL SINGLE UNIT DISTRICT

Sections:

[18.22.010 Purpose.](#)

[18.22.020 General uses.](#)

[18.22.030 Development standards.](#)

[18.22.040 Accessory uses.](#)

18.22.010 Purpose.

The purpose of the RS—Residential Single Unit district is to implement the “low density” designation described in the greater Omak comprehensive plan. This district is intended for existing and new areas characterized by primarily single-unit dwellings (Section [18.08.153](#)). All such areas lie within the urban growth area as identified in the greater Omak area comprehensive plan. Areas within this district either already have access to city services, or such services are readily available due to the close proximity to the city limits. (Ord. 1286 (part), 1995).

18.22.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the RS district. (Ord. 1286 (part), 1995).

18.22.030 Development standards.

Lot size and coverage, setbacks, height and density requirements. Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the RS district. (Ord. 1286 (part), 1995).

18.22.040 Accessory uses.

The following accessory uses which are customarily incidental to the above uses, and carried out only in conjunction with such uses, are allowed in the RS—Residential Single Unit district:

- (1) Housing for people with functional disabilities, including supported living arrangements for two or fewer persons (excluding owner/care provider).
- (2) Amateur radio antenna. (Ord. 1286 (part), 1995).

Chapter 18.24

RD—RESIDENTIAL DUPLEX DISTRICT

Sections:

[18.24.010 Purpose.](#)

[18.24.020 General uses.](#)

[18.24.030 Development standards.](#)

[18.24.040 Accessory uses.](#)

18.24.010 Purpose.

The purpose of the RD—Residential Duplex district is to implement the “medium density” designation described in the greater Omak comprehensive plan. This district is intended to include provisions for duplex, triplex, apartments, planned developments and manufactured home parks in areas within the urban growth area as identified in the greater Omak area comprehensive plan. They are either within or immediately adjacent to the existing corporate limits, and are either presently developed and served by city utilities or are larger, undeveloped parcels (suitable for medium density developments) and have access to city services. Aside from allowing medium density developments through the planned development or conditional use permit process, this district is similar to the RS—Residential Single Unit district in which activities are allowed or prohibited dependent on their compatibility with the primary use of the district for residential purposes. (Ord. 1286 (part), 1995).

18.24.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the RD district. (Ord. 1286 (part), 1995).

18.24.030 Development standards.

Lot size and coverage, setbacks, height and density requirements. Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the RD district. (Ord. 1286 (part), 1995).

18.24.040 Accessory uses.

The following accessory uses which are customarily incidental to the above uses, and carried out only in conjunction with such uses, are allowed in the RD—Residential Duplex district:

- (1) Housing for people with functional disabilities, including supported living arrangements for two or fewer persons (excluding owner/care provider);
- (2) Amateur radio antenna. (Ord. 1286 (part), 1995).

Chapter 18.26

RM—RESIDENTIAL MULTI-UNIT DISTRICT

Sections:

[18.26.010 Purpose.](#)

[18.26.020 General uses.](#)

[18.26.030 Development standards.](#)[18.26.040 Accessory uses.](#)**18.26.010 Purpose.**

The purpose of the RM—Residential Multi-Unit district is to implement the “high density” designation described in the greater Omak comprehensive plan. This designation is intended for areas within the urban growth area that are either inside or immediately adjacent to the corporate limits. Public water and sewer, transportation systems and pedestrian ways, as well as parking and other facilities are either in place or able to be extended to a development feasibly. High-density residential areas are also located adjacent to commercial zones which provide shopping and other urban services generally needed to support greater numbers of people. These areas typically contain high-density housing in the form of apartments, townhouses, manufactured home parks, and other types of planned developments which provide open space, parking, landscaping and other facilities needed by the residents. Additionally, there will be some lower-intensity, service-oriented business activities (allowed either outright or through a conditional use permit process) that do not generate traffic that would over-burden the circulation system. (Ord. 1286 (part), 1995).

18.26.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the RM district. (Ord. 1286 (part), 1995).

18.26.030 Development standards.

Lot size and coverage, setbacks, height and density requirements. Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the RM district. (Ord. 1286 (part), 1995).

18.26.040 Accessory uses.

The following accessory uses which are customarily incidental to the above uses, and carried out only in conjunction with such uses, are allowed in the RM—Residential Multi-Unit district:

- (1) Housing for people with functional disabilities, including supported living arrangements for two or fewer persons (excluding owner/care provider);
- (2) Amateur radio antenna. (Ord. 1286 (part), 1995).

Chapter 18.28

CB—CENTRAL BUSINESS DISTRICT

Sections:

[18.28.010 Purpose.](#)[18.28.020 General uses.](#)[18.28.030 Development standards.](#)[18.28.040 Accessory uses.](#)**18.28.010 Purpose.**

The purpose of the CB—Central Business district is to provide a central focal point for businesses to conveniently service the needs of the community. The typical nature of activities found in the CB

district are retail stores, offices, service establishments, motels/hotels, governmental and cultural centers, and other uses of a similar type. Residential uses as a primary activity are not allowed, aside from those residences established prior to this code which will be considered nonconforming or apartments accessory to the primary use of a structure for commercial purposes. (Ord. 1286 (part), 1995).

18.28.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the CB district. (Ord. 1286 (part), 1995).

18.28.030 Development standards.

The following development standards are required in the CB—Central Business district:

- (1) Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the CB district;
- (2) All business service, processing or storage shall be conducted wholly within an enclosed building except for off-street parking and loading spaces, and for the sale of trees and nursery products, and for incidental display of merchandise during business hours only. (Ord. 1286 (part), 1995).

18.28.040 Accessory uses.

The following accessory uses which are customarily incidental to the above uses, and carried out only in conjunction with such uses, are allowed in the CB—Central Business district:

- (1) Residences that are for the use of the owner/caretaker of the business, provided such unit is subsequent to the business activity permitted on the parcel.
- (2) The following accessory uses are only allowed in the CB district when operated in conjunction with an existing, permitted nonconforming residences:
 - (a) Bed and breakfast;
 - (b) Overnight rentals. (Ord. 1286 (part), 1995).

Chapter 18.30 PS—PLANNED SHOPPING DISTRICT

Sections:

[18.30.010 Purpose.](#)

[18.30.020 General uses.](#)

[18.30.030 Development standards.](#)

[18.30.040 General provisions.](#)

18.30.010 Purpose.

The PS—Planned Shopping district is intended primarily for large-scale shopping complexes that include major retailers, grocers, chain stores, hotels/motels, and other businesses that cater to the traveling public. Planned Shopping districts should be designated in areas adjacent to major transportation corridors and be served by adequate urban types of utilities. (Ord. 1286 (part), 1995).

18.30.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or a planned development in the PS district. (Ord. 1286 (part), 1995).

18.30.030 Development standards.

Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the PS district. (Ord. 1286 (part), 1995).

18.30.040 General provisions.

(a) PS—Planned Shopping district general provisions: Prior to the adoption of an ordinance zoning an area PS, the applicant shall submit their development plan to the planning commission and the city council for approval. Such plan shall include:

- (1) Plot plans;
- (2) Traffic and circulation arrangements;
- (3) Schematic of the intended appearance of the structures;

Such an approved plan shall be binding upon future development of the zoned area.

(b) All business service, processing or storage shall be conducted wholly within an enclosed building except for off-street parking and loading spaces, and for the sale of trees and nursery products, and for incidental display of merchandise during business hours only. (Ord. 1286 (part), 1995).

Chapter 18.32

HB—HIGHWAY BUSINESS DISTRICT

Sections:

[**18.32.010 Purpose.**](#)[**18.32.020 General uses.**](#)[**18.32.030 Development standards.**](#)**18.32.010 Purpose.**

The primary purpose of the HB—Highway Business district is to accommodate businesses that provide products or services that require a majority of customers to access the business by automobile. (Ord. 1286 (part), 1995).

18.32.020 General uses.

The general use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the HB district. (Ord. 1286 (part), 1995).

18.32.030 Development standards.

Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the HB district. (Ord. 1286 (part), 1995).

Chapter 18.33

CI—COMMERCIAL INDUSTRIAL DISTRICT

Sections:

[18.33.010 Purpose.](#)

[18.33.020 General uses.](#)

[18.33.030 Development standards.](#)

[18.33.040 General provisions.](#)

18.33.010 Purpose.

The CI—Commercial Industrial district is intended for those areas in which commercial and light manufacturing uses can be permitted or conditioned so as to be compatible with surrounding existing or planned residential uses. Permitted industrial uses within this district must take place primarily within enclosed structures and may not produce excessive noise, dust, smoke, traffic, fumes, light or glare, toxic substances and other adverse impacts. (Ord. 1325 § 1 (part), 1996).

18.33.020 General uses.

The District Use Chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the CI district. Industrial uses that are permitted outright must be compatible with the purpose statement found in Section [18.33.010](#). (Ord. 1325 § 1 (part), 1996).

18.33.030 Development standards.

Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the CI district. (Ord. 1325 § 1 (part), 1996).

18.33.040 General provisions.

- (1) Off-street parking and loading shall be provided in accordance with Section [18.16.070](#) of this title;
- (2) Signs and advertising devices are regulated under the Omak sign ordinance;
- (3) Pollution standards set up by regional, state, or federal pollution control commissions, boards, or agencies shall apply to all uses;
- (4) Security chain link fences are permitted;
- (5) Outdoor storage of finished goods, component parts, or other materials may be permitted if such goods, parts or materials are related to the principle use. (Ord. 1325 § 1 (part), 1996).

Chapter 18.34

LI—LIGHT INDUSTRIAL DISTRICT

Sections:

[18.34.010 Purpose.](#)

[18.34.020 General uses.](#)

[18.34.030 Development standards.](#)

[18.34.040 General provisions.](#)

18.34.010 Purpose.

The LI—Light Industrial district is intended for those areas where industrial uses which do not generate significant quantities of noise, dust, smoke, traffic, fumes, light or glare, toxic substances, and other undeniable characteristics. LI district locale is dependent upon compatibility with existing and planned adjoining uses. (Ord. 1286 (part), 1995).

18.34.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the LI district. (Ord. 1286 (part), 1995).

18.34.030 Development standards.

Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the LI district. (Ord. 1286 (part), 1995).

18.34.040 General provisions.

- (a) Off-street parking and loading shall be provided in accordance with Chapter 18.68;
- (b) Signs and advertising devices are regulated under the Omak sign ordinance;
- (c) Pollution standards set up by regional, state or federal pollution control commissions, boards or agencies shall apply to all uses;
- (d) Security chain link fences are permitted. (Ord. 1286 (part), 1995).

Chapter 18.36 HI—HEAVY INDUSTRIAL DISTRICT

Sections:

[18.36.010 Purpose.](#)

[18.36.020 General uses.](#)

[18.36.030 Development standards.](#)

[18.36.040 General provisions.](#)

18.36.010 Purpose.

The HI—Heavy Industrial district is intended for those areas presently containing heavy industrial uses or are deemed to be environmentally suited for such uses. Heavy industrial uses typically entail manufacturing, processing, and product storage. The generation of hazardous wastes, significant noise, dust, fumes, smoke, heavy track traffic, light and glare, toxic substance generation, and others are common environmental impacts often associated with such industrial uses. (Ord. 1286 (part), 1995).

18.36.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the HI—Heavy Industrial district. (Ord. 1286 (part), 1995).

18.36.030 Development standards.

Table 1.0, Section [18.16.020](#), sets forth requirements for lot size, building coverage, setbacks, height and density requirements for the HI—Heavy Industrial district. (Ord. 1286 (part), 1995).

18.36.040 General provisions.

- (a) Off street parking and loading shall be provided in accordance with Chapter 18.68;
- (b) Standards for signs are set forth in the city of Omak sign ordinance;
- (c) Pollution standards set up by regional, state or federal pollution-control commissions, boards or agencies shall apply to all uses;
- (d) Security chain link fences are permitted. (Ord. 1286 (part), 1995).

Chapter 18.38
AI—AIRPORT INDUSTRIAL DISTRICT

Sections:

[18.38.010 Purpose.](#)

[18.38.020 General uses.](#)

[18.38.030 Airport industrial district overlays established generally.](#)

[18.38.040 Overlay boundaries delineated.](#)

[18.38.050 Permitted uses.](#)

[18.38.060 Uses permitted through planned development process.](#)

[18.38.070 Prohibited uses.](#)

[18.38.080 Nonconforming uses and variances.](#)

[18.38.090 Height limitations.](#)

[18.38.100 Supplementary land use standards.](#)

[18.38.110 Land uses in special airport zones.](#)

18.38.010 Purpose.

The Airport Industrial district, pursuant to RCW Title [14](#), is a specialized public use area designed to allow for the location and development of a wide range of uses that are compatible with the primary use of the site as an airport. The district is intended to provide uses that compliment the airport, in a location which insulates the major residential areas from the noise, traffic or aesthetic impacts of such uses. It is the intent of the city of Omak to protect the health, lives, and property of the public in association with the safe operation of the airport. (Ord. 1358 § 3(A), 1997; Ord. 1286 (part), 1995).

18.38.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the Airport Industrial district. (Ord. 1286 (part), 1995).

18.38.030 Airport industrial district overlays established generally.

In order to carry out the provisions of this chapter, certain overlays are created and established. Unrestricted navigable airspace and ground level aircraft over-run areas are necessary for safe operation of the airport. The Federal Aviation Administration (FAA) has identified safe standards for height restrictions (as authorized under FAR Part 77 and other applicable regulations) for all public and private land under the jurisdiction of the city of Omak (as authorized under the city of Omak

comprehensive plan, zoning code, and zoning map), the Colville Confederated Tribes (as authorized under the Colville Confederated Tribes' Title 50 and other applicable regulations), and Okanogan County (as authorized under the Okanogan County comprehensive plan, zoning code, and the Omak airport airspace plan). These jurisdictions have compatible zoning overlay districts that identify: (1) areas with height restrictions and (2) areas that may contain objects that have potential implications on airport operations and thereby require notification of the FAA. Where these districts overlay each other or an underlying land use zone, the most restrictive height limitation requirements imposed shall govern. Overlay districts and the AI—Airport Industrial district zone are shown on the city of Omak zoning map dated November 3, 1997 which is on file in the city clerk's office. The various airport overlays are established and defined as follows in Section [18.38.040](#). (Ord. 1358 § 3(C), 1997).

18.38.040 Overlay boundaries delineated.

- (a) AI—The Airport Industrial district zone overlays consist of the FAA notification overlay (FNO) and the flight pattern overlay (FPO). The boundaries of the FAA notification overlay include all lands at, above, and below the notification surface as defined in Chapter 18.08 Definitions. The boundaries of the flight pattern overlay include all lands which lie at, above, and below the approach surfaces, conical surface, horizontal surface, and transitional surfaces as defined in Chapter 18.08 Definitions.
- (b) In an effort to preclude obstructions potentially hazardous to aircraft and to control building construction, as a protection from nuisance and hazard to people on the ground and the men and women of flight, it is necessary to establish the following special airport zones within the flight pattern overlay (FPO): runway protection zones (RPZ's), object free zones (OFZ's), and building restriction zone (BRZ). The boundaries of these zones are delineated in Chapter 18.08 Definitions. (Ord. 1358 § 3(D), 1997).

18.38.050 Permitted uses.

Permitted uses shall be businesses incidental to, and necessary or convenient for airport operations. Permitted uses are identified in the district use chart in Section [18.11.050](#) and more specifically include:

- (a) Uses by landing or departing aircraft;
- (b) Sale, delivery, and storage of aviation fuel and oil;
- (c) Sale, storage, maintenance, manufacture, assembly, and repair of aircraft, aviation equipment, and component parts;
- (d) Offices, restaurants, and other commercial enterprises that depend directly or indirectly upon aviation;
- (e) One residential dwelling is permitted for exclusive use by authorized airport personnel. Said residence shall be located no closer than seven hundred forty-five feet from the runway centerline, two hundred fifty feet from the center line all taxiways, and not within the runway protection zones (RPZ's), object free zones (OFZ's), building restriction zone (BRZ), or under the approach surface. Other residences (including manufactured homes), bed and breakfasts, RV parks, and camping sites are permitted through the planned development process (see Section 18.38.045);
- (f) Airport rescue and fire fighting (ARFF) facilities;
- (g) Other uses reviewed and determined by the city council upon recommendation of the airport manager to be both beneficial and desirable uses of the airport. (Ord. 1358 § 3(E), 1997).

18.38.060 Uses permitted through planned development process.

The following uses may be permitted when they are designed and built to be part of a residential airpark, subject to approval only through the planned development process.

- (a) Single-family dwellings;
- (b) Manufactured homes;
- (c) Bed and breakfasts;
- (d) RV parks;
- (e) Camping sites.

In addition to the conditions set forth in the planned development process, the following standards shall apply to any proposed residential airpark use. Uses shall be:

- (1) Located no closer than seven hundred forty-five feet from the runway centerline;
- (2) Located no closer than two hundred fifty feet from the center line of taxiways;
- (3) Not located within the runway protection zones (RPZ's) as defined in Chapter 18.08 Definitions;
- (4) Not located within the object free zones (OFZ's) as defined in Chapter 18.08 Definitions;
- (5) Not located between building restriction zone (BRZ) as defined in Chapter 18.08 Definitions. (Ord. 1358 § 3(F), 1997).

18.38.070 Prohibited uses.

Prohibited uses are identified in the district use chart in Section [18.11.050](#) and more specifically include:

- (a) Uses that will create electrical interference with navigation signals or radio communications between flight controllers in the airport and an aircraft;
- (b) Uses that would make it difficult for pilots to distinguish airport lights, or create glare, or create dust, or other conditions that obscure vision;
- (c) Uses that would regularly and frequently encourage the congregation of large numbers of people, such as would be the case with schools (except that flight schools or other related permitted activities), churches, commercial recreation facilities, hospitals, amusement parks, and other uses where large numbers of people regularly assemble;
- (d) Uses that would cause a concentration of birds such that a hazard is created for aircraft landing and takeoff;
- (e) Overhead transmission lines;
- (f) Any use that creates a nuisance as determined by the airport board because of light, glare, noise, smoke, odor, dust, gas or other noxious emissions (not including fire abatement chemicals such as, but not limited to, Halon 1211 or Aqueous Film Forming Foam);
- (g) The development of a use specifically for the storage, treatment, processing, and manufacture of hazardous materials (not including storage of aviation fuel where permitted), where such development activity is not appurtenant to an existing or proposed permitted use. (Ord. 1358 § 3(G), 1997).

18.38.080 Nonconforming uses and variances.

Procedures for nonconforming uses and variances within the AI—Airport Industrial district are identified in Chapter 18.52. (Ord. 1358 § 3(H), 1997).

18.38.090 Height limitations.

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or be maintained so as to penetrate into any overlay created in this chapter. Uses of the underlying lands that create dust, glare, or concentrations of birds that affect the use of the overlay shall be considered violations of the height limitations set forth herein.

(a) FAA Notification Overlay. Owners of property, structures and objects within the boundaries of the FAA notification overlay, as defined in Section [18.38.040](#), shall notify the Federal Aviation Administration (FAA) using FAA Form 7460 (or subsequent version), of any proposed new construction or alteration which contemplates penetration of, or location above the notification surface, as defined in Chapter 18.08 Definitions. The FAA will have an opportunity to recognize potential aeronautical hazards, revise published data for pilots, recommend marking and lighting to make objects more visible to pilots, and depict obstacles on aeronautical charts. (Please note that although this overlay covers much of the city of Omak, it is unlikely that it will have any direct implications on any proposed structures due to the nearly two-hundred-foot elevation drop between the airport and downtown).

(b) Flight Pattern Overlay. No structure or object within the boundaries of the flight pattern overlay (FPO), as delineated in Section [18.38.040](#), shall be constructed or erected in a manner which contemplates penetration of, or location above, the approach surfaces, conical surface, horizontal surface, or transition surfaces as defined in Chapter 18.08 Definitions. (Ord. 1358 § 3(I), 1997).

18.38.100 Supplementary land use standards.

In addition to building setback minimums, building height maximums, density, and other standards applicable to the AI—Airport Industrial district, the following land use standards apply to all areas with the AI—Airport Industrial district:

(a) Permitted materials shall be stored, and grounds shall be maintained, in a manner which will not attract or aid the propagation of insects, rodents and birds or otherwise create a health hazard.

(b) All service, processing, or storage on property within fifty feet of a residential district shall be wholly within an enclosed building or screened from view from the residential district by a permanently maintained, visual barrier at least six feet high.

(c) Access from a public street to properties in the AI—Airport Industrial district shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets. (Ord. 1358 § 3(J), 1997).

18.38.110 Land uses in special airport zones.

In an effort to preclude obstructions potentially hazardous to aircraft and to control building construction, as a protection from nuisance and hazard to people on the ground and the men and women of flight, it is necessary to establish runway protection zones (RPZ's), object free zones (OFZ's), and building restriction zones (BRZ). The boundaries of these zones are delineated in Chapter 18.08 Definitions. To all lands within these zones, the following standards shall apply respectively:

(a) Runway Protection Zones (RPZ's). Both runway protection zones (RPZ's) shall be clear of all incompatible structures including but not limited to: residences, uses lending to an assembly of people, and fuel storage tanks (including aviation fuel storage tanks), notwithstanding existing structures.

(b) Object Free Zones (OFZ's). Objects nonessential for air navigation or aircraft ground maneuvering purposes shall not be placed within the object free zones as defined in Chapter 18.08 Definitions, notwithstanding existing structures.

(c) Building Restriction Zone (BRZ). No structure, unless deemed necessary for air navigation equipment, shall be constructed within the bounds of the building restriction zone as defined in Chapter 18.08 Definitions (not applicable to permitted expansion of pre-existing or planned structures). (Ord. 1358 § 3(K), 1997).

Chapter 18.40 **PU—PUBLIC USE DISTRICT**

Sections:

[18.40.010 Purpose.](#)

[18.40.020 General uses.](#)

18.40.010 Purpose.

The intent of the PU—Public Use district is designed to protect public facilities such as parks, schools, wastewater treatment facilities, etc., from pressure of alternate development. This district is applied to those areas deemed necessary for the long term use and enjoyment of the city and its citizens; and to provide for and protect public institutional facilities within the city, including public utility facilities. (Ord. 1286 (part), 1995).

18.40.020 General uses.

The district use chart, Section [18.11.050](#), sets forth those uses which are permitted outright, require a conditional use permit, or planned development approval in the PU—Public Use district. (Ord. 1286 (part), 1995).

Chapter 18.44 **DISTRICT OVERLAYS***

Sections:

[18.44.010 Mixed-Use Overlay.](#)

[18.44.020 SO—Shorelines Overlay.](#)

[18.44.030 Critical Areas Overlay.](#)

* Editor's Note: Refer to Chapter 18.38 for the FNO-FAA Notification Overlay and FPO-Flight Pattern Overlay.

18.44.010 Mixed—Use Overlay.

The mixed-use designation is intended to be applied to those areas that are planned for redevelopment or new development that lie within or immediately adjacent to existing corporate limits. The mixed uses should have ready access to full city services and the existing transportation network. Areas with this designation should be given a priority for annexation and/or extension of

city utilities. Full utilization of properties so designated for residential, commercial, and/or industrial uses should be contingent upon annexation (if required), approval of a planned development, and connection to city services.

- (a) Development within areas covered by the MAO—Mixed-Use Overlay are subject to those requirements of the underlying zoning district.
- (b) Those uses within the underlying zoning district designated as prohibited shall be allowed upon the approval of a single or mixed-use planned development permit. (Ord. 1286 (part), 1995).

18.44.020 SO—Shorelines Overlay.

The SO—Shoreline Overlay is designed to create a link between the ordinance codified in this title and the city's shoreline master program (SMP). The overlay is a concept intended to overlay zoning requirements with the more restrictive provisions of the SMP while providing the administrator and project proponents with easy access to the more complex provisions of the SMP. Information on permitted uses, development standards, and regulatory requirements are found in the city's SMP.

- (a) Development within areas covered by the SO—Shoreline Overlay shall be subject to the standards and requirements of the city's shoreline master program (SMP). Whenever a conflict arises between the standards and regulations contained within the SMP and this title, the more restrictive provisions shall apply.
- (b) Lot size, allowable density, building coverage, building height, and setback requirements in the SO—Shoreline Overlay shall be as set forth in underlying zoning district, except where the City's shoreline master program (SMP) is more restrictive. In such cases, the more restrictive requirements shall apply.
- (c) Hazardous Materials. The storage, treatment, processing, and manufacture of hazardous materials and/or waste shall be prohibited in the SO—Shoreline Overlay.
- (d) Steep Slopes. Construction on slopes exceeding fifteen percent shall be limited to those activities which serve a public purpose.
- (e) Signs in the SO—Shoreline Overlay are subject to the requirements of the city's shoreline master program (SMP) and the Omak sign ordinance.
- (f) The administrator shall review the measures proposed for compliance with the development standards and shall approve or conditionally approve a building permit application to assure compliance with these standards. (Ord. 1286 (part), 1995).

18.44.030 Critical Areas Overlay.

The CAO—Critical Areas Overlay is designed to provide protection via design and environmental review for development and uses in those nonshoreline and floodplain areas designated as "conservancy" in the city's comprehensive plan. Such protection is necessary to protect steep slopes and other areas defined as "critical" by the Growth Management Act (RCW [36.70A](#)).

- (a) The following development standards shall be mandatory for all development and uses in areas covered by the CAO—Critical Areas Overlay:
 - (1) Approved landscape plans shall be implemented as soon as weather allows after completion of construction, which will provide planting which, either separately or combined with wood fencing or earthen berms, provide visual screening of parking areas, trash areas, and other service areas of the development. Additionally, landscaping tends to break up the

visual impact of the development from public roads and neighboring properties. Further, landscaping may contribute to the control of obnoxious weeds. Landscaping must be maintained to assure viability of plantings; underground or other timed outdoor water systems may be required by the administrator for water conservation.

(2) Stormwater shall be channeled and disposed of by dispersal through a grassy area of sufficient size for the anticipated amount of stormwater runoff; by release into a properly designed dump area with filtration system or devices installed (including oil/water separator) if called for by the size of development and the amount of traffic to be generated thereby and by the size of the paved area; or other acceptable method to assure no degradation of the surface or ground waters.

(3) An ownership and maintenance program will be implemented for roads and common areas if the development is to be sold in units (including condominium ownership), to assure a long range maintenance program for such areas (such as a property owner's association, co-op, or condominium ownership program).

(4) Dust-control measures shall be implemented to provide assurance of continual dust control during construction and upon occupation of the development. All roads and parking areas shall be paved or similarly surfaced to provide long-term dust control.

(5) Dog-control measures shall be mandatory in all multi-unit dwelling projects, and tourist accommodation, including either dog prohibition or mandatory leash laws.

(6) Compliance with the provisions and procedures of the State Environmental Policy Act and local regulations thereunder shall precede any applicable development.

(b) Lot size, allowable density, building coverage, building height and setback requirements in the CAO—Critical Areas Overlay shall be as set forth in the underlying zoning district.

(c) The storage, treatment, processing, and manufacture of hazardous materials and/or waste shall be prohibited in the CAO—Critical Areas Overlay.

(d) Construction on slopes exceeding fifteen percent over a horizontal distance of one hundred feet shall be limited to those activities which serve a public purpose.

(e) SEPA review is required for displacement, leveling, or relocation of steep slopes exceeding fifteen percent over a horizontal distance of one hundred feet or other prominent geological features.

(f) The administrator shall review the measures proposed for compliance with the development standards and shall approve or continually approve a building permit application to assure compliance with these standards.

(g) Signs in the CAO—Critical Areas Overlay shall be permitted but are subject to the requirements of the underlying zoning district as identified in the Omak sign ordinance. (Ord. 1286 (part), 1995).

Chapter 18.48

PLANNED DEVELOPMENT

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18.48.010 Intent.

The intent of the planned development process is to allow a developer the ability to adjust land use requirements to meet the unique needs of their proposed developments. This process modifies the zoning requirements for selected parcels and is subject to the underlying zoning designation. To assure the planned development meets current requirements and concerns, the city and the public have extensive ability to review and condition those developments. These planned development (PD) requirements replace the planned unit development (PUD) requirements of Title [18](#) as adopted September 2, 1980. The objectives of planned developments are to:

- (a) Provide for flexibility in the design of land uses and activities to encourage more creative approaches to development, resulting in more efficient, aesthetic, and environmentally responsive use of lands within the city limits.
- (b) Allow for public input and response by city residents, interested persons, agencies and groups. Public input is essential to further assure that land uses and development within the city reflect the needs and desires of city residents and are consistent with the public welfare of the city.
- (c) Encourage creativity in design and placement of buildings, use of required open spaces, provisions for on-site circulation plans, parking, and other site-design elements that better utilize the potentials of the unique natural characteristics of the property.
- (d) Facilitate the provision of economical and adequate public improvements and utilities.
- (e) Minimize and/or mitigate the impacts of development on valuable natural resources and unique natural or existing features including but not limited to key wildlife habitats, riparian habitats, floodplain and other wetlands, mature tree stands, steep slopes, unique or aesthetically important views and vistas, and similar resources and features.
- (f) Encourage the incorporation of public access to recreational opportunities, including trail systems and greenways, as a part of development activities.

- (g) Allow areas to be combined together for development that would otherwise be developed on a lot-by-lot basis, and to develop the area jointly with clustered or common features and structures and shared roads and utilities for more economic use of the land and better utilization of limited land and natural resources and maintenance of open space areas.
- (h) Assure that aesthetics are considered in the architectural design of structures and in the overall development planned, and are a part of the review process of significant developments within the city.
- (i) Provide regulations for the planned development permit process which will give notice to developers of pertinent issues, concerns and limitations in planning of projects.
- (j) Allow planned developments to follow the same general property division requirements as a plat or a binding site plan. (Ord. 1286 (part), 1995).

18.48.020 Subdivision regulations.

For the purpose of the subdivision of property, planned developments are essentially binding site plans, short plat/short subdivisions, or plats. Developers may choose which process they wish to use. If a planned development property is not subdivided, the binding site plan procedure will be used. To determine which subdivision process is appropriate in a particular situation, refer to Section [17.48.010](#) for binding site plans, Section [17.12.010](#) for short plats and short subdivisions, and Sections [17.20.010](#) and [17.20.020](#) for final plats. (Ord. 1286 (part), 1995).

18.48.030 Single-use planned developments.

The purpose of this category is to provide a planned development procedure for single-use development within the city. A single-use planned development is defined as one that does not allow a mixture of uses other than those allowed or conditionally allowed in the underlying zoning district. (Ord. 1286 (part), 1995).

18.48.040 Mixed-use planned developments.

- (a) Purpose. The purpose of this category is to provide a planned development procedure for mixed-use developments that will need a mixture of uses. This designation is also appropriate where the size of the project and the resulting needed range of services cannot be effectively provided by traditional single-use zoning districts and other land use regulations.
- (b) District Restrictions. Mixed-use planned developments are allowed in areas within the mixed-use overlay and in all districts except: RS—Residential Single Unit district, CB—Central Business district, HI—Heavy Industrial district and PU—Public Use district. (Ord. 1286 (part), 1995).

18.48.050 Existing planned unit developments.

Planned unit developments (PUDs) in existence on the effective date of the ordinance codified in this title shall be zoned according to current comprehensive plan designations. Those uses and regulations not specifically identified in the covenants and conditions for approval for each PUD shall apply according to the underlying zoning designation. (Ord. 1286 (part), 1995).

18.48.060 General use regulations.

Adherence to the underlying zoning general use regulations is required unless developers have submitted a concise description of alterations for their planned development. All unique conditions divergent from the underlying zoning shall be clearly identified on the plat and/or recorded development standards. The following requirements will always apply:

- (a) Permitted, Accessory and Prohibited Uses. Uses within planned developments shall meet the requirements of the underlying zoning (see Chapter [18.11](#) and the district use chart) unless specifically identified on the plat and/or recorded development standards.
- (b) Temporary Uses. Temporary uses are allowed in planned developments according to the underlying zoning (see Chapter 18.11).
- (c) The District Use Chart. The district use chart identifies a detailed list of uses, conditions for their implementation, and specifies uses allowed in the underlying zoning. Interpretation of conditions in the chart are as follows:
- (1) Allowed Uses. Allowed uses are permitted.
 - (2) Single-Use Planned Development. If a single-use planned development is identified for a use, an additional planned development procedure is not required unless the use is an alteration to an existing planned development or planned unit development.
 - (3) Conditional Uses. Conditional uses are permitted upon approval of the planned development provided that most or all of the requirements for that use (Chapter 18.50) have been met.
 - (4) Prohibited Uses. Uses identified in the district use chart as prohibited are not permitted.
 - (5) Binding Site Plan. If a binding site plan is required for a specific use, property subdivision within the planned development must use the procedures for binding site plans as specified by this chapter. (Ord. 1286 (part), 1995).

18.48.070 Underlying zoning general district regulations.

General district regulations within Chapter [18.16](#) applicable to planned developments include: allowed density (residential), minimum unit size, maximum building height, minimum lot size, home businesses, landscaping, single-unit dwellings, duplexes, clear vision, fencing, signs and site clearance. The aforementioned regulations shall be met in accordance with the underlying zoning unless specifically identified on the plat and/or recorded development standards. Additional general district regulations of the underlying zoning shall meet the following requirements.

- (a) Setback (Yard) Requirements. The requirement for yard setbacks as identified in the underlying zoning shall apply to all exterior boundary lines of the site. Interior yard setback requirements may vary upon approval and must be identified on the plat.
- (b) Parking Requirements.
- (1) For single-use planned developments, parking requirements are the same as those within the underlying zoning unless specifically identified on the plat.
 - (2) For mixed-use planned developments, parking is required but can be adjusted to meet the projected parking demand. The following minimum requirements shall be met:
 - (A) Applicants for the planned development identify the quantity of parking places they plan to install.
 - (B) Applicants submit at least one example of a similar parking condition and property use with a complete description of all relevant and unique conditions.
 - (C) Applicants shall describe how the proposed parking configuration will not create any foreseeable demands on properties outside the planned developments.

- (3) Alterations to approved parking plans for planned developments shall be approved by the hearings examiner.
- (4) Parking plans are submitted for recording as a component of the development standards. (Ord. 1667 § 19, 2010; Ord. 1286 (part), 1995).

18.48.080 Common open space.

- (1) Planned Developments shall include lands dedicated to open space (Chapter 18.08). Open space areas shall be a percentage of the area of the total planned development parcel:
 - (A) Residential Single-Unit district—Twenty percent.
 - (B) Residential Duplex district—Fifteen percent.
 - (C) Residential Multi-Unit district—Fifteen percent.
 - (D) Planned Shopping district—Ten percent.
 - (E) Highway Business district—Ten percent.
 - (F) Commercial Industrial district—Ten percent.
 - (G) Light Industrial district—Ten percent.
 - (H) Heavy Industrial district—Ten percent.
 - (I) Airport Industrial district—Fifteen percent.
- (2) Open space areas in a planned development shall meet the following minimum requirements:
 - (A) Open space area requirements cannot be met by the inclusion of roads, utility structures, parking areas, individual privately owned building lots, or other structures in determining the size of the open space area. Required setback areas and landscaped areas (except parking areas) may be included as open space.
 - (B) The location, shape, size, and character of the open space must be suitable for the particular development; open space areas shall not be excessively fragmented.
 - (C) The uses authorized for open space must be appropriate to the scale and character of the proposed development, considering lot size, density and topography.
 - (D) Open space shall be suitably improved for its intended use (i.e., restored to beneficial native habitat) as applicable, including provision for suitable weed control and revegetation plans. Any improvements to be permitted in the open space area shall be appropriate to the authorized uses and must conserve and enhance the natural features of the open space.
- (3) The development schedule must coordinate designation and improvement of open space with construction of the development improvements, including proper phasing of open space areas with phasing of other portions of the development.
- (4) Open space must be protected in the final development plan by provisions to assure permanent retention and maintenance of the open space areas in accordance with approved uses. Such protection may be in form of recorded restrictive covenants including: a provision requiring city approval prior to any amendment or reappeal of any portion thereof, or dedication of open space areas to the city when such dedication is determined by the city to be in its best interest and is accepted by the city in writing, or any other assurances of protection deemed by the city to be both practical and legally sufficient to assure the permanent retention and maintenance of the open

space areas. All legal documents necessary to implement the provision for such protection shall be filed by the applicant with the final development planned and shall be subject to approval as to form by the city attorney. All such protective provisions shall vest in the city the right to enforce the terms of the final development plan as they relate to permanent retention and maintenance of the open spaces and limitation of their uses as approved in the plan, including right of the city to recover all costs of any enforcement action of necessary maintenance not being performed, from the violators including owners of the property within the development in the event of lack of proper maintenance. (Ord. 1344 § 1 (part), 1997; Ord. 1325 § 5, 1996; Ord. 1286 (part), 1995).

18.48.090 Additional planned development regulations.

(a) Utilities. All electrical lines, telephone lines, and other wiring conduits and similar facilities in planned developments shall be placed underground by the developer, unless this requirement is waived by the planning commission and the city council. Waiver of this requirement must be based upon the physical constraints of the site and/or technical difficulties with such underground installations which are unique to the lot or parcel, and shall not be based upon financial consideration alone. A waiver shall not be permitted when it would be in violation of the requirements of this or other city ordinances or regulations for the zone in which the planned development is located. When a planned development includes utility extensions which are to be dedicated to and become the responsibility of the city upon completion and acceptance thereof, the developer shall provide to the city a one-year maintenance bond for such extension during the covered period. The one-year term may be required to be an increased bond period by the city council; provided, that in no event shall the one year term for the maintenance bond be reduced. Water and sewer line extensions shall be properly engineered with plans approved by the city and shall meet all applicable city, state and federal requirements.

(b) Views. Planned development proposals shall give consideration to views, both those available from the subject lot(s) or parcel in orientation of the development, and those views from neighboring properties and roadways which might be obscured or obstructed by the development. Proposals shall be designed to minimize obstruction of river views and of other desirable views from neighboring properties, including usage of more stringent height limitations, view corridors, and building orientation and location restrictions where feasible and appropriate.

(c) Trails and Recreation Facilities. Additional consideration for increased densities and development approval on riverfront parcels, or critical areas (such as steep slopes) developers may be required to dedicate a public nonmotorized trail along the river (in such location as shall be determined by the developer with approval of the administrator and in consultation with city departments and resource agencies). Residential planned developments shall consider additional trail opportunities and pedestrian circulation. Commercial planned developments shall provide for (where possible) pedestrian access to the development and through the development. Multi-unit housing planned developments or larger-scale residential planned developments shall consider other recreation areas and facilities, such as community parks, picnic areas and play areas in the design of the development.

(d) Landscaping.

(1) General. Planned developments shall meet the requirements for landscape maintenance in Section [18.16.040\(g\)](#), for performance assurance in Section [18.16.040\(h\)](#), and clear vision in Section [18.16.040\(i\)](#).

(2) Single-use planned developments shall meet the requirements of the underlying zoning.

(3) Mixed-use planned developments shall meet the requirements of the underlying zoning unless specified on the plat and/or recorded development standards.

(e) Additional Areas of Regulation. Those areas of concern set forth in later in this chapter in Section [18.48.060](#)(b) as planned development program items shall be reviewed by the city and may be subject to regulation to meet the specified performance goal for each item when appropriate. (Ord. 1286 (part), 1995).

18.48.100 Phased planned developments.

(a) A master plan is required as a part of the preliminary and final development plan applications for all planned developments which will be phased.

(b) One or more phases must be fully planned before approval of the planned development.

(c) Subsequent phases of development will be consistent with the master plan.

(d) Amendments to the master plan shall be considered for approval by the city council following a review and recommendation by the planning commission. The total common open space for the entire development will remain the same as initially approved. Open space may be transferred from one phase to another.

(e) Master Plan. The master plan for a phased planned development means a map the same size and scale as the site plan. Master plans shall:

- (1) Delineate phases of development;
- (2) Identify common open space areas;
- (3) Label the size of each common open space in square feet or acres;
- (4) Delineate areas for buildings and identify proposed building types (i.e. single unit, duplex, multi-unit);
- (5) Identify residential density in dwelling units per acre. (Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

18.48.110 Planned development title.

The title of the planned development shall read as the name of the project followed by "Single-Use Planned Development" or "Mixed-Use Planned Development" as appropriate. (Ord. 1286 (part), 1995).

18.48.120 Preapplication conference.

Refer to procedures outlined in Section [17.16.010](#). (Ord. 1286 (part), 1995).

18.48.130 Preliminary development proposal.

(a) Application and Fee. Formal application for a planned development permit shall be made by submitting nine copies of a planned development permit application (on forms provided by the administrator) and upon payment of the application fee.

(b) Content. The planned development permit application includes a conceptual master plan (for phased developments only), a preliminary site plan, and a written development plan.

(c) Master Plan. A master plan shall be submitted for phased planned developments only. Refer to Section [18.48.030](#).

(d) Preliminary Site Plans.

- (1) For preliminary site plans using binding site plan procedures, refer to Section [17.48.020](#) of Title [17](#), Subdivisions.
- (2) For preliminary site plans using short plat/short subdivision procedures, refer to Sections [17.12.030](#), [17.12.040](#), [17.12.045](#), [17.12.050](#), and [17.12.070](#) of Title [17](#), Subdivisions.
- (3) For preliminary site plans using final plat procedures, refer to Section [17.20.020](#).
- (4) Additional Requirements For All Preliminary Site Plans. Include the following information on the preliminary site plan or on separate sheets for clarity (separate sheets should use the same scale, medium, etc., as the site plan). Preliminary site plans shall:
 - (A) Delineate the location of major physiographic features such as canals, floodplain areas, etc.;
 - (B) Delineate existing topography for the entire site at contour intervals at not more than five feet together with existing drainage and vegetation;
 - (C) Identify the location and use of all buildings and their accessory structures;
 - (D) Identify pedestrian and vehicular patterns by representing routes of travel with dashed lines;
 - (E) Identify the type and location of all existing and proposed recreational improvements including (but not exclusive to) trails, paths, and parks;
 - (F) On the site plan or a separate sheet, identify a conceptual landscape plan, meeting or exceeding the requirements of Section [18.16.040](#)(g).

(e) Written Planned Development Program and Specifications. The written planned development program shall include concise and detailed evaluation and information on the following items, and shall explain how the proposed goal of each item has or will be met, or why such goal is unattainable for the project. Written planned development programs shall also include:

- (1) An explanation of the density of the proposed project in contrast to the density goals set forth in the regulations for the various zone districts (applies to residential uses only);
- (2) Proposed ownership pattern including proposed method of subdivision (i.e., binding site plan, short plat/short subdivision, or final plat);
- (3) Operation and maintenance proposal (if not dedicated to the public) for the project amenities, roadways, utilities, etc. (i.e., homeowner association, co-op, condominiums). The performance goal is to assure that a long-range maintenance program is provided for all common areas and commonly used utilities and roadways, with provision for collection of a pro rated share of costs and expenses of such maintenance and for decision making with regard thereto;
- (4) General timetable for development, including any project phasing and conditions therefore and any foreseeable future expansion. The performance goal is to provide sufficient open spaces and project utilities and amenities for each phase of development, so that each phase can stand alone as a satisfactory completed project;
- (5) Description of existing and proposed community and recreational facilities. The performance goal is for larger projects or projects that have a significant impact on existing

formal or informal recreational opportunities to minimize and mitigate such impact by and expansion of retention existing opportunity or provision for new or improved community or public recreation opportunities, including park areas, access to river or public lands, or recreational improvements such as pools, tennis courts, etc.;

(6) Visual impacts, including description of project view orientation, proposals to minimize view obstruction from adjacent lands and public roadways, and proposed site barriers for utility or loading areas, parking areas, etc. The performance goal is to minimize degradation of the existing views of river areas, mountains and open lands, to preserve the aesthetic qualities which the city values, to provide aesthetically pleasing visual barriers to unsightly areas, and to assure that new developments benefit from the available views without preventing their enjoyment by others;

(7) Existing and proposed landscaping, including irrigation. The performance goal is to assure a long range landscape plan which provides necessary greenbelt around structures for fire protection, provides for tree and vegetative buffers to reduce noise, light and view impacts from neighboring lands, minimizes irrigation water needs, and prevents noxious weeds;

(8) Stormwater collection and disposal plan. The performance goal is to assure that stormwater runoff after development does not exceed the amount before development, and that stormwater disposal has no negative impact on the water quality of either surface or groundwater of the Okanogan Valley, and to provide where possible for a stormwater management system which can be extended to serve future developments at the developers' expense;

(9) Geophysical characteristics of the site, including soils, slope, drainage patterns, erosion problems and controls. The performance goal is to prevent further or accelerated erosion of slopes or topsoil, provide for adequate site drainage and storm water collection (see subsection (e) (8) of this section) properly designed for the site, and to identify problem areas prior to development to prevent unanticipated erosion or drainage problems;

(10) Air quality considerations and mitigation measures, including dust control measures. The performance goal is to allow no degradation of the air quality of the Omak area, either from single projects or by cumulative impacts, and to prevent degradation of the ambient air quality by using sufficient dust-control measures both during periods of construction, and after project completion. Automobile emissions will be considered, and projects which will have a significant traffic impact will be expected to investigate all possible avenues to minimize motor vehicle usage, including provision for mass transit (such as bus or van runs to or from the project) and pedestrian/bike access;

(11) Traffic circulation elements, including anticipated traffic increases (vehicles per day) and major times thereof. The performance goal is to assure a smooth flow of traffic through and throughout the city, to avoid traffic congestion and hazardous intersections, mergers or other traffic patterns, and to minimize increased traffic loads by encouraging pedestrian, nonvehicular transportation, and mass transit;

(12) Noise considerations and mitigation measures therefore. The performance goal is to minimize noise impacts on surrounding properties and the city in general, and mitigation measures to be examined include placing indoor those recreation facilities which may generate noise in evening or night hours, limiting motor vehicle usage within the project, plantings to buffer noises, and limiting allowable hours and days of construction;

- (13) A concise statement of the general public benefits to be derived from the development of the proposed project, which may include but are not limited to increased open space, special wildlife or recreation benefits, perimeter transitions to surrounding land uses, or new public facilities included in the development (including dedicated or public trails, parks, etc.) . The performance goal is to assure that all approved projects benefit the general welfare of the city of Omak;
- (14) Conditions to control or prohibit further land divisions, where appropriate. The performance goal is to provide long range, perpetual restriction on future division of the developed property beyond the approved density and/or below the approved minimum lot sizes, and to eliminate the need for city oversight to enforce such approved densities/lot sizes;
- (15) Description of planned uses of and improvements to common open space areas, if any, and proposals to ensure future maintenance of common open space areas, and to ensure compliance with the open space requirements set herein;
- (16) Preliminary Utilities Plan and Specifications. The preliminary utilities plan and specifications shall depict the planned extension of any city utilities, including water and sewer lines, together with specifications and preliminary engineering therefore, and showing compliance with all state and city rules, regulations and codes applicable to such utility extensions; and shall detail any utility installations which are not an extension of city utilities. The preliminary utilities plan shall reveal those utility extensions which are desired to be dedicated to the city upon completion. Three copies of the preliminary utilities plan and specifications shall be submitted by the applicant;
- (17) SEPA environmental checklist and any fee charged by the city for the filing and processing thereof. (Ord. 1286 (part), 1995).

18.48.140 Preliminary development proposal processing.

- (a) For all planned developments, follow corresponding procedures for plats in Sections [17.20.040](#) through [17.20.100](#) of Title [17](#), Subdivisions.
- (b) SEPA. In the event that the SEPA responsible official shall determine that an Environmental Impact Statement (EIS) is required pursuant to the State Environmental Policy Act (SEPA), then the time limits set forth above for hearing and consideration by the planning commission shall not commence to run until the final Environmental Impact Statement is issued. (Ord. 1286 (part), 1995).

18.48.150 Final development proposal.

- (a) When the applicant has completed all necessary improvements of roads, utilities and other infrastructure requirements or has bonded the same for completion, and has taken all other action as required by the preliminary development plan approval and any conditions thereon, the applicant shall submit his/her final development plan to the administrator, in triplicate, including recordable form thereof signed by all owners (including lienholder of record) of the property included in the planned development and on stable base mylar-polyester film or equivalent approved by the administrator. If the administrator, upon receipt of such final development plan, including copies of any necessary covenants, property owners association documents, other documents necessary to meet the terms of the preliminary approval, and binder or commitment in the form of the required maintenance bond on dedicated utility extensions, determines that the final development plan is consistent with the preliminary development plan as approved or conditioned, and that any bond is sufficient to assure completion of any unfinished improvements,

or maintenance of dedicated improvements, the administrator shall so inform the city council by written recommendation, and the city council shall at its next public meeting set a date for consideration of approval of the final development plan. The city council shall, at such public meeting, determine whether the final development plan is consistent with the preliminary application as approved or conditioned, whether any required bond is adequate, and whether the requirements of the ordinance codified in this title, other applicable ordinances and state law have been satisfied by the developer. The council shall then approve the final development plan, refer it to the planning commission for further review of specified issues or concerns, or disapprove the final development plan.

(b) No final development plan shall be considered for approval unless all other permits and approvals necessary for development of the project, except building permits, are obtained and/or approved, including Shoreline Management Act permits or approvals, flood plain permits, and any other applicable environmental or land use permits and approvals.

(c) If the council approves the final development plan, the mayor shall sign the approved plan, and a fully signed copy thereof, together with all other documents necessary to such approval, shall be filed with the city of Omak. The final development plan shall then be recorded with the Okanogan County auditor, along with recording of any other necessary documents.

(d) The terms and conditions of the approved final development plan, as filed and recorded, shall constitute limitations on the use of the land included therein and upon development of the site, which shall be enforced by all means included therein or allowed by law.

(e) Approval of the final development plan shall constitute authorization for the developer or his/her successors or assigns in the property, to proceed with the development thereof following issuance of all other appropriate building, sewer or other permits or approvals by the city, in accordance with the terms and conditions of the final development plan as approved.

(f) Approval of a final development plan shall be valid for a term of two years following issuance thereof, and construction shall commence within said two-year period and shall be completed within two years after commencement, except as to phasing approved as a part of the final development plan, unless extended by the city council upon recommendation of the administrator and application therefore by the developer (or his/her assigns), for good cause shown. An extension shall be valid for one additional year, and no more than three extensions shall be given for any planned development permit. Extensions may be conditioned by the city council after recommendation by the administrator.

(g) If construction under a final development plan is not commenced and completed within the time limits set forth in Subsection (e) of this section, or any allowed extensions thereof, then the planned development permit approval shall expire and any future development of the subject property shall be in accordance with the zoning and land use ordinances then in effect, without regard to such prior planned development permit approval.

(h) A final development plan approval for a planned development which includes division of property into separate lots or parcels shall constitute subdivision approval for such land division. (Ord. 1286 (part), 1995).

18.48.160 Modifications of final development proposal.

(a) Minor Modifications. Minor changes in the location, citing and height of buildings and structures may be authorized by the administrator without additional public hearings or city council

review if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by the administrator may cause any of the following:

- (1) A change in the use or character of the development;
- (2) An increase in overall coverage by structures;
- (3) An increase in the intensity of use;
- (4) An increase in the problems of traffic circulation and public utilities;
- (5) A reduction in approved open space;
- (6) A reduction in off-street parking and/or loading space;
- (7) A reduction in required pavement widths;

(b) Major Modifications. All other changes in use, or rearrangement of lots, blocks, and/or building tracts, or any changes in the provision for common open spaces, or any other changes from the final development plan as approved or conditioned, except those listed in subsection A above, must be approved by the City Council after public hearing thereon by the Planning Commission and recommendation therefrom, and upon formal application by the developer (or his/her assigns) including payment of required fees and submission of SEPA environmental checklist for the proposed modification, which shall be considered as a supplement to all environmental information provided with the original planned development permit application. Any changes which are approved in the final development plan must be recorded and filed as amendments in accordance with the procedure established for the recording and filing of the initial final development plan documents. (Ord. 1286 (part), 1995).

Chapter 18.50

CONDITIONAL USES*

Sections:

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[**18.50.040 Airports or heliports outside the AI—Airport Industrial district.**](#)

[**18.50.050 Cemeteries.**](#)

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[**18.50.080 Group homes.**](#)

[**18.50.090 Medical care facilities.**](#)

[**18.50.100 Public utilities.**](#)

[**18.50.110 Gravel pits or excavations.**](#)

[**18.50.120 Schools.**](#)

[**18.50.150 Child day care centers.**](#)

[**18.50.160 Conditional uses in Commercial Industrial \(CI\) district.**](#)

18.50.170 Minor auto repair.**18.50.180 Adult entertainment uses.**

* Prior ordinance history: Ord. 1286.

18.50.010 Procedures.

(a) Certain uses, because of their unusual size, infrequent occurrences, special requirements, possible safety hazards, detrimental effects on surrounding properties or other similar reasons are classified as conditional uses. Conditional use requests shall be processed as a Type III action in accordance with Title [19](#). Conditional uses specifically mentioned in the various use districts may be authorized by the hearing examiner, provided it is clearly shown that:

- (1) The proposed use will promote the health, safety and general welfare of the community.
- (2) The proposed use and development complies with provisions of all other applicable ordinances.
- (3) There will be a minimum of detrimental effects caused by the proposed use. To that end, the hearings examiner may, after considering recommendations of the administrator, impose any condition, requirement, limitation, or standard deemed necessary to carry out the purpose and intent of this title or to further the goals and objectives of the comprehensive plan.

(b) All conditional uses approved by the city shall be subject to an annual review by the enforcing officer to ensure compliance with all conditions imposed at the time of permit approval. Conditional uses found to be in violation of said conditions are subject to revocation and to enforcement action under Chapter [18.52](#).

(c) Any conditional uses discontinued for a period of six consecutive months shall be deemed null and void. Any further use or sale of the property or business for the same use shall require the approval of a new conditional use or other permit as required by this code.

(d) Those uses requiring a conditional use permit are identified in Chart 1.0, District Use Chart, in Section [18.11.050](#). (Ord. 1812 § 2 (Exh. B)(part), 2015; Ord. 1667 § 18, 2010; Ord. 1562 § 5, 2006; Ord. 1381 § 1, 1998; Ord. 1344 § 1 (part), 1997; Ord. 1325 § 6 (part), 1996).

18.50.020 Hazardous waste treatment and storage facilities.

(a) Hazardous waste treatment and storage facilities shall be subject to the following conditions:

- (1) Applicant must provide state identifying number if required by RCW [70.105](#) or WAC [173-303](#);
- (2) Applicant must submit a detailed plan noting location of planned hazardous waste treatment and storage facility;
- (3) Applicant must provide written description of method of treatment and storage;
- (4) Applicant must provide written confirmation that the proposal complies with all applicable state and federal regulations regarding the storage and treatment of hazardous waste;
- (5) Applicants for off-site hazardous waste treatment and storage facilities must provide written confirmation of property owner's approval for such a facility, origin of materials to be

brought on-site and state identifying number (if required by RCW [70.105](#) or WAC [173-303](#)) of person or firm generating waste to be treated off-site. (Ord. 1325 § 6 (part), 1996).

18.50.030 Mini-storage facilities.

(a) Requirements:

- (1) Facility shall not be in the shoreline area;
- (2) Facility shall not front on Main Street, Ash Street or Central Avenue;
- (3) Conditional use applicant must submit detailed site plans and elevation drawings accurately depicting design and appearance;
- (4) Facility shall not be used to store solid waste, hazardous waste, toxic materials and/or waste;
- (5) No retail sales allowed on site;
- (6) No repair of automotive or motorized vehicles;
- (7) Storage of dry goods only (may include: household goods, recreational vehicles, and other similar items);
- (8) Storage must be located inside only, provided that recreational vehicles, including boats, may be stored outside;
- (9) Annual inspection of the facility for compliance, or as necessary due to reasonable citizen complaints;
- (10) Access road must be surfaced; and
- (11) Provide on-site drainage of surface water.

(b) Landscaping shall meet those requirements for industrial uses as outlined in Section [18.16.040](#) of this title. (Ord. 1325 § 6 (part), 1996).

18.50.040 Airports or heliports outside the AI—Airport Industrial district.

(a) Conditions applicable to all airports and/or heliports established or enlarged after the effective date of the ordinance codified in this chapter and those airports and/or heliports not lying within the AI—Airport Industrial district:

- (1) A plan shall be required showing all proposed runways, accessory buildings, potential ancillary uses, and other elements of the complete proposal; such plan shall be the basis for the permit and shall be binding upon future development. An FAA approved airport layout plan (ALP) shall be filed with the city of Omak for all public airports;
- (2) The approach and take-off patterns shall not be over any existing residential areas and the board shall ascertain that appropriate measures have been or will be taken to protect the community from noise, pollution, and traffic problems and other incompatibilities or potential hazards;
- (3) This section shall not apply to the present Omak Municipal Airport;
- (4) Airports and heliports must meet all applicable FAA requirements. (Ord. 1358 § 5, 1997: Ord. 1344 § 1 (part), 1997: Ord. 1325 § 6 (part), 1996).

18.50.050 Cemeteries.

(a) Conditions applicable to all cemeteries established or enlarged after the effective date of the ordinance codified in this chapter:

- (1) A plan shall be required showing all proposed burial areas and buildings; the use of such buildings shall be clearly stated;
- (2) The board shall impose conditions that will reduce any detrimental effects. In the event a crematorium is proposed, special care must be taken to protect surrounding areas from potential nuisances. (Ord. 1325 § 6 (part), 1996).

18.50.060 Churches.

(a) Conditions applicable to all churches erected, relocated, substantially enlarged, or established after the effective date of the ordinance codified in this chapter:

- (1) A plan shall be submitted showing the site, locations of proposed uses, design of all buildings, and the parking and landscaping plan;
- (2) Any new building shall conform with the yard requirements of the use district in which it is located and any additions to an existing building shall not encroach upon any required yard;
- (3) The minimum site area shall be twenty thousand square feet;
- (4) The required parking shall be located on the site or within walking distance of no more than three hundred feet. Parking may be shared with any other use whose activities at no time nor in any way coincide with the activities of the church. A suitable sight-obscuring screening on any border of the parking lot adjunct to the church when such parking is located across the street from, or that abuts upon a residential use may be required;
- (5) The height limits of the use district may be exceeded, provided the side yards are increased in width to at least fifty percent of the height of the building, spires and towers excluded;
- (6) Church-sponsored uses such as residences, schools, auditoriums, convents, preschool facilities, convalescent homes or similar uses shall be considered separate uses and subject to the applicable provisions of this title. (Ord. 1325 § 6 (part), 1996).

18.50.070 Drive-in theaters.

(a) Conditions applicable to all drive-in theaters established, relocated, rearranged, or enlarged after the effective date of the ordinance codified in this chapter:

- (1) A plan shall be required showing the location of the buildings and structures, the drives and access points, the traffic flow, and the adjacent properties that will be affected. The capacity of the theater must be specified;
- (2) Any new or relocated theater shall be directly accessible to an arterial street and no traffic to and from the theater shall be allowed on residential streets;
- (3) In the event the movie screen is oriented in such a way that the movies can be seen from adjacent residential uses, the board of adjustment shall give careful consideration to the rights and opinions of the residents and owners of such uses. (Ord. 1325 § 6 (part), 1996).

18.50.080 Group homes.

(a) All group homes permitted under this section shall meet the licensing requirements of the state of Washington.

- (1) The minimum site area shall be ten thousand square feet;
- (2) There shall be no exterior modification of the building except general maintenance and normal remodeling, nor shall there be any outward manifestation that the building is used for other than normal residential purposes. (Ord. 1325 § 6 (part), 1996).

18.50.090 Medical care facilities.

The board of adjustment shall set conditions deemed necessary to protect the neighborhood from detrimental effects such as traffic congestion, parking congestion, noise, glare and other potential nuisances. (Ord. 1325 § 6 (part), 1996).

18.50.100 Public utilities.

- (a) A plan showing all buildings and visible outside features of the utilities shall be required. There shall be no service or storage buildings or yards on the premises. Sight-obscuring landscaping is required, as described in Section [18.16.040](#).
- (b) It must be clearly shown that the utility is essential in the proposed location and that it cannot be reasonably located in a use district in which it is a permitted use.
- (c) There shall be no machinery or equipment installed that would cause noise, electrical interference, or similar disturbances to the surrounding properties.
- (d) Public utilities located on a public right-of-way or completely underground shall be exempt from the necessity of obtaining a conditional use permit.
- (e) Landscaping shall meet those requirements for industrial uses as outlined in Section [18.16.040](#)(d)(3) of this title. (Ord. 1325 § 6 (part), 1996).

18.50.110 Gravel pits or excavations.

- (a) A complete plan of the proposal is required. Such plans shall consist of topographic mapping of the area affected by the proposed excavations including:
 - (1) The cross-sections of the extent and depth of the excavations and the quantity and type of material to be removed;
 - (2) The streets, alleys, and surrounding properties and the anticipated traffic, traffic routes and destinations of the material;
 - (3) The plan for the restoration of the ground after excavation and the reclamation of the land;
 - (4) An environmental impact statement shall be required prior to the board's actions. Such statement shall be the basis for the board's decision and the conditions imposed shall mitigate any detrimental effects of the project. (Ord. 1325 § 6 (part), 1996).

18.50.120 Schools.

- (a) Preschools. When outdoor play is permitted, there shall be a fenced play area sized according to current state of Washington requirements.
- (b) Academic Schools. The site shall be commensurate with the number and age of the students. The size of school grounds will be determined from current state of Washington requirements. (Ord. 1325 § 6 (part), 1996).

18.50.150 Child day care centers.

Conditions applicable to all day care centers requiring a conditional use permit, erected, relocated, substantially enlarged, or established after the adoption of this title:

- (1) A plan shall be submitted showing the site, locations of proposed uses, designs of all buildings, and the parking and landscaping plan;
- (2) Any new building shall conform with the yard requirements of the use district in which it is located and any additions to an existing building shall not encroach upon any required yard;
- (3) Repealed.
- (4) The required parking shall be located on the site and provided as follows:
 - a. Child day care centers shall provide a minimum of two parking spaces per employee; seventy-five percent must be permanent and twenty-five percent may be temporary loading zone;
- (5) All child day care centers shall provide proof of compliance with WAC [388-73](#). (Ord. 1477 § 1, 2002; Ord. 1344 § 1 (part), 1997; Ord. 1325 § 6 (part), 1996).

18.50.160 Conditional uses in Commercial Industrial (CI) district.

(a) All uses proposed in the Commercial Industrial (CI) district that require a conditional use permit, as identified by the Chart 1.0, District Use Chart, shall conform to the following:

- (1) Applicant must submit detailed site plans and elevation drawings accurately depicting building size, design, and appearance;
- (2) Applicant must submit a written description of the traffic impacts resulting from the proposed use. Information regarding types of vehicles, estimated daily trips, probable routes of travel, and character and quantity of traffic that will be generated by the proposed use must be provided;
- (3) After considering recommendations from the administrator, the board of adjustment shall set conditions deemed necessary to protect the neighborhood from detrimental effects such as excessive noise, dust, smoke, traffic, fumes, light or glare, toxic substances, and other potential nuisances. Such conditions may include, but are not limited to:
 - (A) Landscaping that meets or exceeds those requirements for industrial uses as outlined in Section [18.16.040](#) of this title,
 - (B) There shall be no machinery or equipment installed that would cause noise, electrical interference, or similar disturbances to the surrounding properties,
 - (C) Lot coverage, building height, setback, and density requirements found in Section [18.16.020](#) of this code may be modified, depending on proposed use(s),
 - (D) All required parking shall be located on the site. (Ord. 1325 § 6 (part), 1996).

18.50.170 Minor auto repair.

- (a) The exterior and surroundings must be maintained in a clean and orderly fashion to enhance and not detract from the neighborhoods.
- (b) Vehicle entry to the auto repair area will not front Main Street, Ash Street, or Central Avenue.
- (c) No more than six vehicles may be parked outside the building for more than a seventy-two hour period.

- (d) No street storage of vehicles.
- (e) No parts, motors or apparently inoperable vehicles to be stored outside.
- (f) Recreational vehicles, if stored for a short time awaiting service, should be as inconspicuous as possible and not cause congestion.
- (g) Residences or outbuildings may not be modified and new construction shall conform to all city and safety standards as well as enhance the neighborhood as much as possible.
- (h) There shall be a public restroom maintained in a sanitary condition and not used for storage.
- (i) No tow trucks will be allowed to be stored on the property.
- (j) Structural changes or building additions shall be reviewed by the city council.
- (k) Noncompliance or violation of these conditions shall be strictly enforced by in accordance with Section [18.52.070](#) of this title. (Ord. 1344 § 1 (part), 1997).

18.50.180 Adult entertainment uses.

Adult entertainment uses are allowed upon approval of a conditional use permit subject to the following regulations and other applicable regulations enforced by the city of Omak and state of Washington.

- (a) Purpose. It is the purpose of this section to regulate certain sexually oriented adult entertainment uses to promote the health, safety, and welfare of the citizens of the city of Omak. The city of Omak finds that these businesses, when unregulated, promote illegal activities including obscenity, sexual offenses, tax evasion, and prostitution, as well as creating a variety of negative secondary impacts on local communities including increase of crime, decline in property values, blighting of neighborhoods, diminution of the quality of life, and depression of business activity. This title has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is also neither the intent nor effect of this section to condone or legitimize the distribution of obscene material for child pornography nor the display or distribution of harmful materials to minors.
- (b) Where Prohibited. No person or persons shall use any property or premises for an adult entertainment use within the city of Omak, except as allowed by this section and by Sections 18.16.035 and [18.11.050](#) of this title, Title [4](#) of the Omak Municipal Code, and applicable state of Washington laws, as they exist or are hereafter amended.
- (c) Regulated Uses. The provisions of this section shall apply to all adult entertainment uses, including adult retail establishments, adult panorama theaters or arcades, adult motion picture theaters, adult cabaret, and adult motels.
- (d) Regulations Applicable to Retail Establishments Not Qualifying as Adult Entertainment Uses. Retail establishments, such as video stores, that do not fit the definition of an adult retail establishment as provided in this title but that sell or otherwise distribute films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and less than ten percent of

their revenues, inventory, or floor space includes such items, shall be subject to Chapter [9.68](#) RCW, and the following:

- (1) All such items as are described above shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.
- (2) No advertising for such items shall be posted or otherwise visible, except where such items are authorized by law for display.
- (3) Signs, in English and Spanish, readable at a distance of twenty feet shall be posted at the entrance to the area where such items are displayed stating that persons under the age of eighteen are not allowed to the area where “erotic” items as defined by state statute and/or court order are displayed.
- (4) The manager or attendant shall take reasonable steps to monitor the area where such “erotic” items are displayed to ensure that persons under eighteen years of age do not access the age-restricted area.
- (5) Rental or sale of obscene material, as defined by this title, shall be considered a moral nuisance, and subject to abatement pursuant to this section and RCW [7.48.058](#).
- (6) Employees of such retail establishments shall check identification for the age of all persons renting or purchasing such erotic items.

(e) Exemptions. This section shall not be construed to prohibit or otherwise regulate the following uses and activities:

- (1) Plays, operas, musicals, or other dramatic works that are not obscene;
- (2) Classes, seminars, and lectures held for serious scientific or educational purposes that are not obscene; or
- (3) Exhibitions, performances, expressions, or dances that are not obscene;
- (4) Persons appearing in a state of nudity or seminudity in a nude or seminude model studio operated by:
 - (A) A proprietary school, licensed by the state of Washington; a college, or junior college supported entirely or partly by taxation,
 - (B) A private college approved by a national accrediting association, which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(f) Administrative Review and Determination. The city of Omak shall not issue a building permit for the establishment or expansion of an adult entertainment use unless and until the requirements of the section have been fully met. The administrator is responsible for ascertaining whether a proposed adult entertainment use for which a building permit is being applied for complies with all requirements enumerated herein and all other applicable zoning laws and regulations. Applicants shall submit any and all information deemed necessary by the administrator to determine compliance with this section. Upon receipt and review of this information, the administrator shall prepare a staff report, including findings of fact. Upon completion, such staff report shall be provided to the city clerk for distribution as part of the adult entertainment business license application, as referenced by Section [4.44.080](#)(a).

(g) Dispersal Requirement. No adult entertainment use shall be located closer than one thousand five hundred feet to another adult entertainment use whether such use is located within or outside the city limits. Such distance shall be measured by following a straight line from the nearest point of public entry into the structure which will house the proposed adult entertainment use to the nearest point of public entry into the structure housing another adult entertainment use.

(h) Buffers From Incompatible Uses. No adult entertainment use shall be located closer than one thousand feet to any of the following uses whether such use is located within or outside the city limits:

- (1) Public or private primary or secondary schools, colleges and universities;
- (2) Preschool facilities;
- (3) Child day care centers;
- (4) Family child care homes;
- (5) Public libraries;
- (6) Community centers;
- (7) Churches or other places of worship primarily devoted to the teaching or practice of religious beliefs;
- (8) Public parks;
- (9) Bike or pedestrian paths or trails not associated with vehicle rights-of-way;
- (10) The boundary of any residential zoning district.

(i) Measuring Required Distances. Required buffers from incompatible uses shall be measured by following a straight line distance between the point of public entry into the structure housing the adult entertainment use and:

- (1) The nearest point on a property line of a public park or bike or pedestrian path not associated with a vehicle right-of-way; or
- (2) The nearest point of any residential land use district (RS, RD, RM);
- (3) The nearest point of public entry or point on a property line, whichever is closer, of the land uses and facilities identified in subsection (h) of this section.

(j) Building Facade. All buildings in which adult entertainment uses are located shall have facades and all other exterior surfaces that are indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of a building or sign used for an adult entertainment use.

(k) Construction and Maintenance. All adult entertainment uses such as adult motion picture theaters and adult panoramas or arcades that allow customers' viewing of depictions of human nudity and/or sexual conduct of any nature, including specified sexual activities, shall comply with the following regulations:

- (1) All viewing areas or booths within adult entertainment uses shall be visible from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure. Any door, curtain, or other enclosure at the entrance to a viewing area or booth must be

transparent. As used in this subsection, “viewing area or booth” means the area where a patron or customer would be positioned while watching a film, video, or other viewing device.

(2) All viewing areas or booths shall be separated by transparent partitions constructed of a nonbreakable material. No openings in such partitions for ventilation or other purposes shall extend higher than twelve inches from the floor or lower than eighty-four inches from the floor.

(3) All viewing areas or booths shall be maintained in a clean and sanitary condition at all times with sufficient lighting so that all objects are plainly visible at all times.

(4) No steps or risers are allowed in any viewing area or booth.

(5) No viewing area or booth shall have more than one permanently affixed stool type seat. In order to prevent obscuring the occupant of a viewing area or booth from view, no stool for seating within a viewing area or booth shall have any seat back or sides.

(6) Only one person may occupy a viewing booth at any given time.

(l) **Parking and Lighting.** On-site parking for adult entertainment uses shall be required and regulated in accordance with Section [18.16.070](#) and in addition shall meet the following requirements:

(1) All on-site parking areas and premises entries shall be illuminated from dusk until one hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking surfaces and walkways.

(2) All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees and public officials during the performance of their respective duties and tasks.

(3) All adult entertainment premises must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons, members, or customers are permitted access at an illumination of not less than ten footcandles as measured at the floor level at all times while patrons, members, or customers are permitted within the premises.

(m) **Preexisting Adult Entertainment Uses.** Any adult entertainment use operating on the effective date of this title that, as a result of the enforcement of this section, is in violation of locational or structural configuration requirements described herein shall be deemed a nonconforming use under Section [18.52.030](#) and shall not be subject to the distance requirements set forth in subsection (h) of this section, but shall be subject to all other provisions of this section.

(n) **Violations.** In addition to other penalties for violations found in Section [18.52.070](#) of this title, any adult entertainment use in violation of subsection (h) of this section shall be deemed a public nuisance, which, in addition to all remedies, may be abated by injunctive relief.

(o) **Appeals.** Appeals of administrative decisions related to the administration and enforcement of this section shall be made to the Omak city council using the appeals procedure found in Section [18.52.080](#) of this title. (Ord. 1344 § 1 (part), 1997).

Chapter 18.52 ADMINISTRATION

Sections:

[18.52.010 Interpretation.](#)[18.52.020 Nonconforming uses.](#)[18.52.030 Nonconforming buildings.](#)[18.52.040 Variances.](#)[18.52.050 Amendment and rezones.](#)[18.52.060 Public hearings.](#)[18.52.070 Enforcement.](#)[18.52.080 Appeals.](#)**18.52.010 Interpretation.**

(a) In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of health, safety and general welfare of the public. Therefore, where the provisions of this title impose a greater restriction upon the use of buildings and premises or upon the height of buildings or structures, or require larger open spaces than are imposed or required by other laws, ordinances, easements, regulations, codes or covenants, the provisions of this title shall control.

In case of a conflict between a general requirement and a specific requirement, the most restrictive shall apply.

(b) The planning commission shall review and determine any questions involving the proper interpretation or application of the provisions, use, or district boundaries of this title that may be requested by any property owner, tenant, government officer, department, hearing examiner or commission affected.

(c) Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, the administrator may permit such use to be established if it is clearly evident that the use is similar and in conformity with the designated permitted uses of the use district in which it is to be located. When there is doubt as to the proper classification of a use, the planning commission shall rule on the matter. The hearing examiner's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

The secretary of the planning commission shall keep a record of all interpretations and rulings made by the planning commission, and such decisions shall be binding.

The hearing examiner shall report his/her findings to the planning commission when it appears desirable and necessary to amend this title. (Ord. 1896 § 4, 2020).

18.52.020 Nonconforming uses.

Any existing use lawfully established prior to the passage of the ordinance codified in this title which is not a permitted use in the use district in which it is located is declared a nonconforming use and is not in violation of this title.

(a) Enlargement, Relocation, Rearrangement. A nonconforming use shall not be enlarged, relocated, or rearranged after the effective date of the ordinance which made the use nonconforming.

(b) Conditional Use for Expansion. The hearing examiner may grant a conditional use permit for the expansion of a nonconforming use, a Type III action in accordance with Section [19.05.020](#), only after determining that all of the following criteria have been met:

- (1) The structure, because of its particular design, cannot be reasonably used to house a permitted use;
- (2) The proposed expansion will be consistent with and necessary to the continuation of the existing nonconforming use;
- (3) Adjacent property owners will not be negatively affected by the expansion.

(c) Discontinuation. A discontinued or abandoned nonconforming use shall not be resumed. Discontinuation or abandonment shall be construed as follows:

- (1) When open land ceases to be used for a nonconforming use for six months;
- (2) When a building designed or arranged for a nonconforming use ceases to be used by that use for twelve consecutive months;
- (3) When a building designed or arranged for a permitted use but used for a nonconforming use ceases to be used for such nonconforming use for six consecutive months.

(d) Continuation. Nonconforming uses on open land shall either:

- (1) Be discontinued within two years of the effective date of the ordinance, amendment, or annexation that made such use nonconforming; or
- (2) With the approval of the hearing examiner, be continued, provided it is completely enclosed with a sight-obscuring fence which is attractive and landscaped; and further provided, that adequate measures have been taken to protect surrounding properties from detrimental effects. (Ord. 1812 § 2 (Exh. B)(part), 2015; Ord. 1562 § 7, 2006; Ord. 1286 (part), 1995).

18.52.030 Nonconforming buildings.

(a) The enlargement of a nonconforming use to any portion of existing building, which portion was designed and built for such use prior to the effective date of the ordinance rendering it nonconforming, may be permitted provided no structural alterations are made.

(b) A building designed and built for, or devoted to, a nonconforming use may not be enlarged or structurally altered unless the use is changed to a permitted use.

(c) Any building or structure that is nonconforming as to building coverage, yard, height, open space, density provisions, or parking requirements may be enlarged, remodeled, or renovated provided such alterations do not contribute to further encroachment or infringement upon this title.

(d) In the event a nonconforming building or structure is less than fifty percent destroyed, nothing in this title shall prevent the securing of a building permit within six months of the date of destruction for the restoration of the building or structure. The determination of the amount of destruction shall rest with the building inspector and shall be based upon the actual cost of replacing the building or structure.

(e) Any nonconforming building or structure that is more than fifty percent destroyed may be reconstructed provided it meets all of the regulations of the district in which it is located.

(f) Nonconforming Uses Within the AI—Airport Industrial District. Before any nonconforming structure or tree may be replaced, substantially altered, repaired, rebuilt, allowed to grow taller, or replanted, a permit shall be secured from the applicable building department with the concurrence of the airport manager.

(1) Notwithstanding the provisions of subsection (f) of this section, the owner of any nonconforming use may be required to install, operate, and maintain thereon such markers and lights as are deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of airport hazards or obstructions.

(2) No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming use to be made higher or become a greater hazard to navigation than it was at the adoption of the ordinance codified in this section or hereby amended, or when a permit was granted whichever is later. (Ord. 1358 § 6(A), 1997; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

18.52.040 Variances.

(a) Procedure. Variances shall be processed as Type III actions in accordance with Section [19.05.030](#). The hearing examiner shall have the authority to grant variances from the provisions of this title; provided, that the hearing examiner shall have no power to authorize uses not permitted generally or conditionally in the applicable use district or not otherwise authorized in this title, nor shall the hearing examiner have the authority to allow such uses upon a site smaller in area than would otherwise be sufficient to proceed with the development under the terms of this title. In granting variances, the hearing examiner shall impose such conditions as he or she deems necessary to assure that the adjustment thereby authorized is compatible with the limitations imposed on other properties within the area or within the use district which the subject property is located. Variances shall only be granted when each of the following circumstances is found to apply:

(1) Under special circumstances that are not the result of the owner's action (property size, shape, topography, location and/or surroundings), the strict application of the provisions of this title deprive the property of rights and privileges enjoyed on other properties with identical use district classifications;

(2) The granting of the variances will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the immediate vicinity.

(b) Expiration. An authorized variance shall be void after the expiration of one year from the date of authorization unless it has either been exercised or there is a valid building permit in force in conformance with the variance as authorized.

(c) Building Inspector Recommendation. The building inspector shall make an investigation and a written recommendation to the board on each variance application.

(d) Notice, Hearing and Approval. See Sections [19.05.040](#), [19.05.060](#) and [19.05.070](#).

(e) Variances within the AI—Airport Industrial District. Requests for height variances in any overlay district shall be processed in the same manner as any other request for variance to land use zoning regulations, with the addition of the following steps:

(1) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may follow the procedures for a Type III action under Title [19](#) and apply to the hearing

examiner for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed when denial would result in unnecessary hardship, and the relief granted will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the ordinance codified in this chapter.

(2) No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the application within fifteen days after receipt, the hearing examiner may act on his or her own to grant or deny such application. (Ord. 1812 § 2 (Exh. B)(part), 2015; Ord. 1562 § 8, 2006; Ord. 1358 § 6(B), 1997; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

18.52.050 Amendment and rezones.

- (a) Any provision of this title, including the official zoning map, may be amended by following the procedures in this section.
- (b) Application Procedure. The administrator shall prescribe the form in which petitions are made for amendments to this title and any other application which may come before the planning commission or city council for action; provided, however, that the hearing examiner shall prescribe the forms to be used for variances, conditional use permits, and other applications which may come before him or her for action.
- (c) A request for amendment or rezone may be a Type IV or Type V action under Title [19](#).
- (d) No amendment to this title shall be adopted nor any rezone granted which is inconsistent with the greater Omak area comprehensive plan, as it exists or is hereafter amended.
- (e) Any amendment to the text of this title or to the official zoning map may be initiated by:
 - (1) Resolution of the planning commission or city council;
 - (2) Petition by a registered voter or landowner of the city of Omak.
- (f) Resolution for Amendment. Resolution of the city council or of the planning commission for amendment to the text of this title or the zoning map shall be directed to the city clerk and shall include a complete description or map of the property for which amendment is sought, and/or a complete explanation of the section(s) of this title for which amendment is sought and the proposed language therefor. Such text or zoning map amendments shall be general or areawide in nature.
- (g) Petition for Amendment. Petitions for amendment shall include the following information:
 - (1) Petitions to amend the zoning map shall include a vicinity map and a complete legal description of the property for which amendment is sought, a clear explanation of the requested amendment, and a justification for such change. The petition shall be signed by the owner or owners of not less than sixty percent of the acreage for which rezone is sought, and each signer shall give his/her name, address, and the description by lot and block number or assessor's tax number accompanied by assessor's map therefor, of the property owned by each such signer.

(2) Petitions for amendment to the text of this title shall include a complete explanation of the section(s) of this title for which amendment is sought, and of the requested amendment with proposed language therefor, and each signer shall give his/her name and address.

(h) Hearing on Petition or Resolution. Upon receipt of such petition or resolution, the administrator shall determine the type of action under Title [19](#) and if the petition or resolution is complete. If so, the administrator shall refer the same to the planning commission. At its next regular meeting the planning commission shall set a date for public hearing on the petition or resolution, and shall cause notice to be given as required in Section [19.05.040](#). After conclusion of the public hearing on a petition or resolution for amendment, the planning commission shall consider environmental review documents and all written and oral comments and issue its written recommendation on such petition or resolution to the city council. Such recommendation shall include findings of fact and conclusions upon which such recommendation is based.

(i) Decision of City Council. Upon receipt of recommendation from the planning commission on a petition or resolution for amendment, the city council shall at its next regular meeting set a date to consider the same which shall be heard at a public meeting of the council. The city council shall at such meeting consider the petition or resolution, public record, environmental review documents and the recommendation of the planning commission and shall thereafter issue its decision to grant the amendment, deny the amendment, or to grant the amendment with conditions or modifications thereto. Provided, however, if it does not accept the recommendation of the planning commission on a resolution for amendment initiated by either the planning commission or council, then the council shall set a date for a public hearing upon the resolution and shall cause notice to be given thereof as set forth in Section [19.05.040](#). At the date set for public hearing, the council shall hear testimony from all persons who wish to be heard on the resolution, and shall thereafter issue its decision to grant the amendment, deny the amendment, or to grant the amendment with conditions or modifications thereto. (Ord. 1812 § 2 (Exh. B)(part), 2015; Ord. 1562 § 9, 2006; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

18.52.060 Public hearings.

When a public hearing is required by this title, the procedures set forth in Title [19](#) shall be followed. (Ord. 1812 § 2 (Exh. B)(part), 2015; Ord. 1562 § 10, 2006; Ord. 1286 (part), 1995).

18.52.070 Enforcement.

(a) Duties. It shall be the duty of the building inspector to make certain that this title is enforced and violations remedied through proper legal channels.

(b) Scope. Upon presentation of proper credentials, the building inspector or his duly authorized representatives, may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this ordinance, provided, however, that the occupant of a dwelling unit has the right to request that the inspections be delayed until a time mutually agreed upon by the occupants and the inspector. Should the occupant refuse to allow inspection within a reasonable time, the building inspector shall obtain a court order prior to entry. When possible, the building inspector is required to advise the occupant of his rights pursuant to this subsection.

(c) Liability. The building inspector or any city employee charged with the enforcement of this title, acting in good faith and without malice in the discharge of the duties imposed in this title shall not thereby render themselves liable personally and are relieved from all personal liability for the damages that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of their duties. Any suit brought against the building inspector or

employee because of such act or omission, shall be defended by the city until termination of the proceedings.

(d) Conditions for Permits. No building permit shall be issued for the construction, alteration or relocation of any building, structure, or part thereof unless the plans, specifications and intended use of such buildings or structures conform in all respects with the provisions of this title.

(e) Violations and Penalties. In addition to any civil remedies provided by state law, failure to perform any act required, or the performance of any act prohibited by this title, is designated to be a civil infraction. Any person, firm or corporation found to have committed such an infraction by failing to perform any act required in the Omak zoning ordinance, or the performance of any act prohibited therein, shall be assessed a monetary penalty. Such penalty may not exceed five hundred dollars for each offense. Each day during which a violation continues shall be deemed a separate offense and penalties may be assessed for each separate offense. (Ord. 1286 (part), 1995).

18.52.080 Appeals.

(a) General. Appeals shall be taken to the council by any party of record aggrieved of or by a decision, order, requirement, interpretation, permit, decision, or determination made by an administrative official, the planning commission or hearing examiner. Such appeals shall be filed in writing, in duplicate, with the city clerk within twenty days of the date of the action being appealed.

(b) Schedule. Upon receipt of an appeal, the city clerk shall set the time and place at which the matter will be considered by the city council at an appeal hearing. No new evidence may be presented at an appeal hearing unless the appeal is of an administrative decision that has been made without an open record public hearing. At least ten days' notice of such time and place shall be given to the adverse parties of record and to the official or commission whose decision is being appealed. The officer from whom the appeal is being taken shall forthwith transmit to the city council all records and proceedings pertaining to the decision being appealed, together with such additional written report as he deems pertinent.

(c) City Council Authority. In exercising the powers granted in this chapter, the city council may, in conformity with this title, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed and may make such order, requirement, decision, or determination as should be made, and to that end, shall have all powers of the officer from whom the appeal is being taken, insofar as the decision on the particular issue is concerned, and in making its determination the city council may hear any pertinent facts bearing on the case.

(d) Judicial Appeals. Any decision of the city council on a petition for amendment or project permit application submitted in accordance with this title may be appealed by a party of record with standing by filing a land use petition to Okanogan County superior court. Such petition must be filed within twenty-one days of issuance of the decision as provided in RCW [36.70C](#). (Ord. 1562 § 11, 2006; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

MEMORANDUM

To: Cindy Gagné, Mayor

From: Wayne Beetchenow, Public Works Director

Date: July 21, 2025

Subject: **Resolution No. 44-2025** Approval of Change Order No. 2 – North Taxiway Reconstruction Project

Purpose:

The purpose of this memo is to request City Council approval for Change Order No. 2 for the North Taxiway Reconstruction project. The contractor, Hurst Construction LLC, has submitted this change order at the City's request for additional excavation needed to remove wet soil during the construction.

Background:

The original contract for the North Taxiway Reconstruction project was awarded to Hurst Construction, LLC. in the amount of \$1,323,040.33 (excluding tax).

Change order 1 decreased the cost of the project by \$8,025.53.

Change order 2 increased the cost of the project by \$8,023.58.

Resulting in a reduction to the total project costs of \$1.95.

Recommendation:

Staff recommends that the City Council adopt the attached resolution.

RESOLUTION NO. 44-2025

**A RESOLUTION OF THE OMAK CITY COUNCIL APPROVING CHANGE ORDER
NO. 2 TO THE CONTRACT BETWEEN HURST CONSTRUCTION LLC., AND THE CITY
OF OMAK FOR THE NORTH TAXIWAY RECONSTRUCTION PROJECT**

WHEREAS, the City of Omak originally entered into a Public Works Contract with Hurst Construction, LLC., for the North Taxiway Reconstruction project in the amount of \$1,323,040.33 (excluding tax); and

WHEREAS, the changes to the project include additional excavation to the subgrade; and

WHEREAS, the contractor used crushed aggregate base course material for fill; and

WHEREAS, Change Order No. 2 Increases the contract amount by \$8,023.58, for a total contract price of 1,323,038.38; and

WHEREAS, J-U-B Engineers, Inc., the City's engineering consultant, has reviewed and recommends the approval of Change Order No. 2.

NOW, THEREFORE, BE IT RESOLVED by the Omak City Council, that Change Order No. 2 to the contract for the North Taxiway Reconstruction project, a copy of which is attached hereto as Exhibit "A", is now approved and the Mayor is authorized to execute said Change Order for and on behalf of the City.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2025.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Thomas, City Clerk

Michael D. Howe, City Attorney

CONTRACT CHANGE ORDER NO. 02
or
SUPPLEMENTAL AGREEMENT NO.

AIRPORT Omak Municipal (OMK) **DATE** 7/02/2025

LOCATION Omak, WA **AIP PROJECT NO.** 3-53-0042-016-2024

CONTRACTOR Hurst Construction LLC

You are requested to perform the following described work upon receipt of an approved copy of this document or as directed by the engineer:

Item No.	Description	Unit	Unit Price	Quantity	Amount
Base Bid 7	Unclassified Excavation	CY	\$16.00	85	\$1,360.00
Base Bid 8	Crushed Aggregate Base Course	CY	\$177.00	85	\$6,035.00
N/A	Sales Tax (on Items 7 and 8 above)				\$628.58
This Change Order Eligible Total					\$ 8,023.58
This Change Order Ineligible Total					\$0.00
This Change Order Total					\$ 8,023.58
Previous Contract Total					\$1,315,014.80
Revised Contract Total					\$1,323,038.38

The time provided for completion in the contract is unchanged. This document shall become an amendment to the contract and all provisions of the contract will apply.

Recommended by:	<u>Alex Delliccio</u>	
	Engineer	Date
Approved by:		
	Owner	Date
Accepted by:	<u>Dan Howell</u>	7-3-25
	Contractor	Date
Concurred by:		
	State Aeronautics (if applicable)	Date

NOTE: Change Orders and Supplemental Agreements require FAA approval prior to construction, otherwise no Federal participation can be granted. State Aeronautics concurrence is required when state participation is anticipated.

AIP PROJECT NO. 3-53-0042-016-2024 **CHANGE ORDER NO.** 2
(Supplemental Agreement)

AIRPORT Omak Municipal (OMK) **LOCATION** Omak, WA

JUSTIFICATION FOR CHANGE

1. Brief description of the proposed contract change(s) and location(s).

This change order increases the quantities of Base Bid Item 7, unclassified excavation and Base Bid Item 8, crushed aggregate base course.

2. Reason(s) for the change(s) *(Continue on reverse if necessary)*

These items were used to repair localized areas of unsuitable subgrade encountered during construction.

3. Justifications for unit prices or total cost.

Contract unit prices were used.

4. The sponsor's share of this cost is available from:

Local funds.

5. If this is a supplemental agreement involving more than \$2,000, is the cost estimate based on the latest wage rate decision? Yes ☐ No ☐ Not Applicable ☒.

6. Has consent of surety been obtained? Yes ☐ Not Necessary ☒.

7. Will this change affect the insurance coverage? Yes ☐ No ☒.

8. If yes, will the policies be extended? Yes ☐ No ☐ Not Applicable ☒.

9. Has this (Change Order) (Supplemental Agreement) been discussed with FAA ADO?

Yes ☒ No ☐ When 05/14/2025 With Whom Chelsea Branchcomb, P.E.

Comment _____

MEMORANDUM

To: Omak City Council
Cindy Gagné, Mayor

From: Todd McDaniel
City Administrator

Date: July 21, 2025

Subject: Resolution 45-2025 approving a Satisfaction of Mortgage

The attached Resolution No. 45-2025 - Approving a Satisfaction of Mortgage - Security Agreement, is forwarded for your consideration.

The City entered into a development agreement with the developers of Horizon Estates in 1991. This development is at the corner of Koala and Quince, behind the Omache Mall. The Agreement made provisions for the improvements or payments for the development's perimeter streets. Jonathan to the South, 9th (Pine) to the West, and Koala to the North.

The current owners of Horizon Estates would like to satisfy the city's position in the property, and they have offered us \$175,000 for our release.

I don't believe that during the negotiations of the Development Agreement, anyone anticipated that improvements to the perimeter streets would not be completed by now. Our current street plan now, only identifies Koala and Jonathan for improvement and is silent to the 9th (pine.)

The amount offered is higher than identified in the Subordinate Agreement (\$128,700) and lower than the estimated original amount as adjusted for CPI of (\$204,335).

Our current staff was unaware of the existence of this agreement, and we were surprised by the flexibility that it provided for a development that has served our community well. It has been 34 years since this development began, and it is reasonable to accept this offer for the release of the city's interest.

The Satisfaction of the Mortgage agreement has been discussed and reviewed by the City Attorney.

I support this Resolution and Urge its Adoption.

RESOLUTION NO. 45-2025

**A RESOLUTION OF THE CITY COUNCIL OF OMAK, WASHINGTON, APPROVING A
SATISFACTION OF MORTGAGE-SECURITY AGREEMENT**

WHEREAS, A Mortgage Security agreement was entered into between the City of Omak, Larry Blum and Judy Blum February 4, 1992 as part of a development agreement for the Horizon Estate Development; and

WHEREAS, in honor of this agreement the City's interests were secured through a mortgage Subordinate Agreement dated November 8th, 1994; and

WHEREAS, these agreements we entered into to ensure the Horizon Estate developers participated in future improvements of the perimeter streets, Koala Ave, Pine St. and Jonathan Ave; and

WHEREAS, the current owner of the Horizon Estates has provided a fair offer to satisfy the terms of these agreements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Omak that the Satisfaction of Mortgage – Security Agreement, a copy of which is attached hereto as "Exhibit A", is approved. The Mayor is hereby authorized and directed to execute the same for and on behalf of the City.

INTRODUCED AND APPROVED by the City Council of the City of Omak this _____ day of _____, 2025.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Thomas, City Clerk

Michael D. Howe, City Attorney

City of Omak
CLERK OF RECORD

92 FEB -5 PM 3:23

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Page 1

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OKANOGAN COUNTY AUDITOR
OKANOGAN, WA

MORTGAGE AND SECURITY AGREEMENT

2 The undersigned, LARRY BLUM and DIANE BLUM, husband and wife,
3 hereinafter referred to as mortgagors, hold a vendors interest in
4 and to the hereinafter described property, arising from a Real
5 Estate Contract dated the 26 day of OCTOBER, 1990, with
6 ROBERT BUCHANAN and FRANCIS BUCHANAN, husband and wife, as sellers;
7 and

8 The mortgagors do hereby mortgage to the city of Omak to
9 secure payment of the sum of \$128,700.00+, to secure the costs of
10 street improvements for the residential retirement community of

11 Horizon Estates as set forth and required by that certain
12 Development Agreement entered into between the parties hereto dated
13 April 15, 1991, a copy of which is attached hereto, specifically
14 for one-half of the future actual costs at the time of improvement
15 of approximately 1,650 lineal feet of street and appurtenances at
16 the North, South and West perimeters of the hereinafter described
17 property, the following described real estate: (See Exhibit A
18 attached hereto and incorporated herein as though fully set forth.)

19 It is hereby noted that any and all costs the mortgagors
20 expend on the completion of Quince Street, which is the east
21 perimeter of the property, shall be deducted from the one-half
22 (1/2) costs of completion of the North, West and South perimeter
23 improvements.

24 * The amount of \$85,800 as set forth in the Development Agreement
25 referred to above has been increased by fifty percent (50%) to
comply with the terms of the Binding Site Plan Ordinance.

MORTGAGE AND SECURITY AGREEMENT/1
015.059

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Callaway and Howe
Attorneys at Law
700 Okuma Drive
Route 1, Box 16-A
Omak, WA 98841
(509) 826-6316
Fax (509) 826-1701

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1 This mortgage is given pursuant to the laws of the state of
2 Washington and the ordinances of the city of Omak.

3 DATED this 4 day of Feb., 1992.

4
5 Larry Blum
6 Larry Blum

7
8 Diane L Blum
9 Diane Blum

10 STATE OF WASHINGTON)

11 County of Okanogan)

12 On this day personally appeared before me LARRY BLUM and DIANE
13 BLUM, husband and wife, to me known to be the individuals described
14 in and who executed the within and foregoing instrument and
15 acknowledged that they signed the same as their free and voluntary
16 act and deed, for the uses and purposes therein mentioned.

17 GIVEN under my hand and official seal this 4 day of
18 February, 1992.

19 Sharon R. [Signature]
20 Notary Public in and for the State
21 of Washington residing at At Okanogan
22 My appointment expires 5/1/93

23 787767

RECEIVED
APR 18 1991

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98-0093

DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 15 day of April, 1991, by and between the CITY OF OMAK, a municipal corporation of the state of Washington, hereinafter referred to as "city", and LARRY BLUM and DIANE BLUM, his wife, hereinafter referred to as "developer",

W I T N E S S E T H:

~~WHEREAS, the developer has plans and intentions of developing~~
the following-described real property as a residential retirement community to be known as Horizon Estates:

A portion of the Northeast quarter of the Southwest quarter of the Northwest quarter, Section 25, Township 34 North, Range 26, E.W.M., county of Okanogan, state of Washington.

and

WHEREAS, said property is presently contiguous to the city of Omak, but presently not a part thereof; and

WHEREAS, it is the intent of the developer to commence annexation proceedings and thus petition for incorporation of said area into the city of Omak; and

WHEREAS, the city has determined that there are certain direct impacts as a result of this project, including the extension of water and sewer mains and the dedication of road right of way and improvement thereof; and

WHEREAS, the developer voluntarily agrees to pay the fees hereinafter set forth to mitigate the direct impacts,

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NOW, THEREFORE,

THE PARTIES AGREE AS FOLLOWS:

1. The developer will commence and file with the city the annexation petition and will complete the annexation process, all as required by Chapter 35.13 RCW.

2. The developer agrees to comply in all respects with the ^{ordinances} subdivision laws of the city of Omak.

3. The developer will be responsible for the costs of water, sewer, storm drain and street improvements, including curb and gutter, all as required by the city. Said costs shall be one of the following two, at the option of the developer: (1) One-half of the future actual costs at the time of improvement of approximately 1,650 lineal feet of street and appurtenances per the city's specifications, on the North, West and South perimeters of the above-described property. (The present estimated cost of said one-half of said street improvement is the sum of \$85,800.00), or, (2) \$85,800.00, adjusted by the change in the Consumer Price Index from the date of this agreement to the date of actual construction using Western Cities Subcategory C/All Urban Consumers 1982-1984 equals 100 (December, 1990, equals 132.3).

To insure that the developer will be responsible for payment of the above, the developer will do one of the following at the option of the developer:

(1) Pay to the city an impact fee at the present time of \$85,800.00; or

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(2) Post a subdivision bond to be approved by the city to fund future construction of said improvements;

(3) Assign his purchaser's interest in the real property which is the subject matter of this agreement; provided, however, that it is understood that the city's acceptance of said security will be based upon receipt of assurances acceptable to the city that there would be adequate security;

(4) Posting of a first mortgage (if the property is owned by the developer outright);

(5) Granting of a second mortgage if the developer is purchasing the property pursuant to a note and mortgage; provided, however, that it is understood that the city's acceptance of said security will be based upon receipt of assurances acceptable to the city that there would be adequate security;

(6) Any other adequate security acceptable to the city to grant assurances to the city that the developer will actually install all of the above set forth improvements, or agree to be financially responsible for their construction;

(7) It is understood that the developer has the right at any time to pay unto the city the \$85,000.00, plus cpi increases in place of alternates (2), (3), (4), (5), and (6) above noted, and the city agrees to release any securities bound thereunder.

4. The developer will be required to post the security set forth in paragraph 3 prior to final plat approval and prior to Certificates of Occupancy being issued for any of the residences

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to be located on the above-described property.

5. The city agrees to provide water and sewer services to the above-described property during construction with the understanding by the developer that all costs of construction of necessary water and sewer mains will be at the sole cost and expense of the developer and that the developer will pay regular rates for water and sewer services as per city ordinance.

6. The developer agrees to comply with all state statutes, including ~~OPRA~~, and with all city ordinances, rules and regulations, including but not necessarily limited to the city's zoning ordinance, the city's subdivision ordinance, and compliance with the city building codes, and further understands and agrees that as a condition of annexation and final plat approval, the city will require certain minimum improvements for water, sewer, streets, storm drainage and dedications for future streets.

7. It is contemplated that construction will commence on or about April 1, 1991 and shall be completed on or about April 1, 1993, and the city's obligation to provide water and sewer services to the premises shall terminate on June 1, 1993 regardless of whether or not construction has been completed, unless the developer provides the security set forth in paragraph 4 above.

8. This agreement shall be a covenant running with the above-described property and shall bind the heirs, executors and assigns of the undersigned.

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9. Should any action be brought to enforce any terms of this agreement, to defend the rights of either party hereto or in the event of any controversial claim or dispute arising out of, or relating to this agreement or the method and manner of performance thereof or the breach thereof, the prevailing party shall be entitled, in addition to any other relief, a reasonable sum as litigation expenses. In the event neither party wholly prevails, ~~the party that substantially prevails shall be awarded a reasonable~~ sum as litigation expenses. In determining what is a reasonable sum for litigation expenses, the actual amount of attorney's fees the party is obligated to pay its attorney or attorneys shall be presumed to be reasonable, which presumption is rebuttable, and the actual expenses incurred in the proceeding, including all expenses of a party for title insurance, company services, travel, etc., shall be presumed to be reasonable, which presumption is rebuttable. Venue of any action to enforce the terms and conditions of this agreement shall be in Okanogan County, Washington.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

CITY OF OMAK, a municipal corporation:

DEVELOPER:

By: E. Walt Smith
E. Walt Smith, Mayor

Larry Blum
Larry Blum

Attest: Trish Sicker
Trish Sicker, Clerk

Diane Blum
DIANE Blum

DEVELOPMENT AGREEMENT/5
011.045

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STATE OF WASHINGTON)
County of Okanogan) ss

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On this day personally appeared before me E. WALT SMITH and TRISH SIEKER, the Mayor and City Clerk respectively of the City of Omak, the municipal corporation that executed the within instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, and on oath stated that they were authorized to execute the said instrument.

GIVEN under my hand and official seal this 11 day of April, 1991.

Harvey H. Shagge
Notary Public in and for the State
of Washington residing at Spokane.
My appointment expires 11-17-91.

STATE OF WASHINGTON)
County of Pierce) ss

On this day personally appeared before me LARRY BLUM and DIANE BLUM, his wife, to me known to be the individuals described in and who executed the within instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and official seal this 15th day of April, 1991.

Larry A. Blum
Notary Public in and for the State
of Washington residing at Spokane.
My appointment expires 11-30-94.

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EXHIBIT A

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All that portion of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 25, Township 34 North, Range 26 E.W.M., Okanogan County, Washington, described as follows: All of the Northeast quarter of the Southwest quarter of the Northwest quarter, EXCEPT that portion thereof described as follows: Beginning at the Northeast corner of said subdivision, thence run South along the East boundary line thereof a distance of 630.0 feet, thence run West, parallel to the North boundary line thereof, a distance of 30.0 feet to the point of beginning. Thence run West a distance of 300.0 feet, thence run North a distance of 270.0 feet, thence run East a distance of 300.0 feet, thence run South a distance of 270.0 feet to the point of beginning. ALSO EXCEPT the East 30.0 feet thereof.

787767

RECORDATION REQUESTED BY:

U.S. BANK OF WASHINGTON, NATIONAL ASSOCIATION
415 N. 3RD STREET
P. O. BOX 1388
YAKIMA, WA 98907

WHEN RECORDED MAIL TO:

U.S. BANK OF WASHINGTON, NATIONAL ASSOCIATION
415 N. 3RD STREET
P. O. BOX 1388
YAKIMA, WA 98907

BAINES TITLE CO., INC.
P.O. BOX 626
OKANOGAN, WA 99240

823374

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BAINES TITLE CO. INC.
FILED FOR RECORD

94 NOV 30 PM 2:23
REEL 128 PAGE 758
OKANOGAN COUNTY AUDITOR
OKANOGAN, WA

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

U.S. BANK.

SUBORDINATION AGREEMENT - MORTGAGE

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS SUBORDINATION AGREEMENT dated October 11, 1994 is entered into among LARRY J. BLUM and DIANE L. BLUM ("Borrower"), City of Omak ("Mortgagee") and U.S. BANK OF WASHINGTON, NATIONAL ASSOCIATION ("Lender").

SUBORDINATED INDEBTEDNESS. Mortgagee has extended the following described financial accommodations (the "Subordinated Indebtedness") to Larry Blum and Diane Blum, husband and wife ("Mortgagor"):

If a road is built Mortgagor, Larry Blum and Diane Blum, will pay the City of Omak \$128,700.00..

SUBORDINATED MORTGAGE. The Subordinated Indebtedness is secured by a mortgage dated 02-05-1992 from Mortgagor to Mortgagee (the "Subordinated Mortgage") recorded in Okanogan County, State of Washington as follows:

Recorded February 5, 1992, recording nbr 787767, real 96, page 91, recorded in Okanogan County, Washington

REAL PROPERTY DESCRIPTION. The Subordinated Mortgage covers the following described real property (the "Real Property") located in Okanogan County, State of Washington:

All that portion of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 25, Township 34 North, Range 26 E.W.M., Okanogan County, Washington, described as follows: All of the Northeast quarter of the Southwest quarter of the Northwest quarter, except that portion thereof described as follows: Beginning at the Northeast corner of said subdivision, thence run South along the East boundary line thereof a distance of 630.00 feet, thence run West, parallel to the North boundary line thereof, a distance of 30.00 feet to the point of beginning. Thence run West a distance of 300.00 feet, thence run North a distance of 270.00 feet, thence run East a distance of 300.00 feet, thence run South a distance of 270.00 feet to the point of beginning. Also except the East 30.00 feet thereof.

The Real Property or its address is commonly known as 715 Quince Street, Omak, WA 98841. The Real Property tax identification number is 3428250145.

REQUESTED FINANCIAL ACCOMMODATIONS. Borrower, who may or may not be the same person as Mortgagor, and Mortgagee each want Lender to provide financial accommodations to Borrower (the "Superior Indebtedness") in the form of (a) new credit or loan advances, (b) an extension of time to pay or other compromises regarding all or part of Borrower's present indebtedness to Lender, or (c) other benefits to Borrower. Now, therefore, Borrower and Now, therefore, Borrower and Mortgagee each represent and acknowledge to Lender that Mortgagee will benefit as a result of these financial accommodations from Lender to Borrower, and Mortgagee acknowledges receipt of valuable consideration for entering into this Agreement.

LENDER'S LIEN. As a condition to the granting of the requested financial accommodations, Lender has required that its mortgage or other lien on the Real Property ("Lender's Lien") be and remain superior to the Subordinated Mortgage.

NOW THEREFORE THE PARTIES TO THIS AGREEMENT HEREBY AGREE AS FOLLOWS:

SUBORDINATION. The Subordinated Mortgage and the Subordinated Indebtedness secured thereby is hereby subordinated in all respects to Lender's Lien and the Superior Indebtedness, and it is hereby agreed that Lender's Lien shall be and remain, at all times, prior and superior to the lien of the Subordinated Mortgage. Mortgagee also subordinates to Lender's Lien all other Security Interests in the Real Property held by Mortgagee, whether now existing or hereafter acquired. The words "Security Interest" mean and include without limitation any type of collateral security, whether in the form of a lien, charge, mortgage, deed of trust, assignment, pledge, chattel mortgage, chattel trust, factor's lien, equipment trust, conditional sale, trust receipt, lien or title retention contract, lease or consignment intended as a security device, or any other security or lien interest whatsoever, whether created by law, contract, or otherwise.

MORTGAGEE'S REPRESENTATIONS AND WARRANTIES. Mortgagee represents and warrants to Lender that: (a) no representations or agreements of any kind have been made to Mortgagee which would limit or qualify in any way the terms of this Agreement; (b) this Agreement is procured at Borrower's request and not at the request of Lender; (c) Lender has made no representation to Mortgagee as to the creditworthiness of Borrower; and (d) Mortgagee has established adequate means of obtaining from Borrower on a continuing basis information regarding Borrower's financial condition. Mortgagee agrees to keep adequately informed from such means of any facts, events, or circumstances which might in any way affect Mortgagee's risks under this Agreement, and Mortgagee further agrees that Lender shall have no obligation to disclose to Mortgagee information or material acquired by Lender in the course of its relationship with Borrower.

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MORTGAGEE'S WAIVERS. Mortgagee waives any right to require Lender: (a) to make, extend, renew, or modify any loan to Borrower or to grant any other financial accommodations to Borrower whatsoever; (b) to make any presentment, protest, demand, or notice of any kind, including notice of any nonpayment of any Superior Indebtedness secured by Lender's Lien, or notice of any action or nonaction on the part of Borrower, Lender, any surety, endorser, or other guarantor in connection with the Superior Indebtedness, or in connection with the creation of new or additional indebtedness; (c) to resort for payment or to proceed directly or at once against any person, including Borrower; (d) to proceed directly against or exhaust any collateral held by Lender from Borrower, any other guarantor, or any other person; (e) to give notice of the terms, time, and place of any public or private sale of personal property security held by Lender from Borrower or to comply with any other applicable provisions of the Uniform Commercial Code; (f) to pursue any other remedy within Lender's power; or (g) to commit any act or omission of any kind, at any time, with respect to any matter whatsoever.

LENDER'S RIGHTS. Lender may take or omit any and all actions with respect to Lender's Lien without affecting whatsoever any of Lender's rights under this Agreement. In particular, without limitation, Lender may, without notice of any kind to Mortgagee, (a) make one or more additional secured or unsecured loans to Borrower; (b) repeatedly after, compromise, renew, extend, accelerate, or otherwise change the time for payment or other terms of the Superior Indebtedness or any part thereof, including increases and decreases of the rate of interest on the Superior Indebtedness; extensions may be repeated and may be for longer than the original loan term; (c) take and hold collateral for the payment of the Superior Indebtedness, and exchange, enforce, waive, and release any such collateral, with or without the substitution of new collateral; (d) release, substitute, agree not to sue, or deal with any one or more of Borrower's sureties, endorsers, or guarantors on any terms or manner Lender chooses; (e) determine how, when and what application of payments and credits, shall be made on the Superior Indebtedness; (f) apply such security and direct the order or manner of sale thereof, as Lender in its discretion may determine; and (g) assign this Agreement in whole or in part.

DEFAULT BY BORROWER. If Borrower becomes insolvent or bankrupt, this Agreement shall remain in full force and effect. Any default by Borrower under the terms of the Subordinated Indebtedness also shall be a default under the terms of the Superior Indebtedness to Lender.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Agreement:

Applicable Law. This Agreement has been delivered to Lender and accepted by Lender in the State of Washington. If there is a lawsuit, Mortgagee and Borrower agree upon Lender's request to submit to the jurisdiction of the courts of YAKIMA County, State of Washington. Subject to the provisions on arbitration, this Agreement shall be governed by and construed in accordance with the laws of the State of Washington. No provision contained in this Agreement shall be construed (a) as requiring Lender to grant to Borrower or to Mortgagee any financial assistance or other accommodations, or (b) as limiting or precluding Lender from the exercise of Lender's own judgment and discretion about amounts and times of payment in making loans or extending accommodations to Borrower.

Amendments. This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration or amendment to this Agreement shall be effective unless made in writing and signed by Lender, Borrower, and Mortgagee.

Arbitration. Lender and Mortgagee and Borrower agree that all disputes, claims and controversies between them, whether individual, joint, or class in nature, arising from this Agreement or otherwise, including without limitation contract and tort disputes, shall be arbitrated pursuant to the Rules of the American Arbitration Association, upon request of either party. No act to take or dispose of any Collateral shall constitute a waiver of this arbitration agreement or be prohibited by this arbitration agreement. This includes, without limitation, obtaining injunctive relief or a temporary restraining order; invoking a power of sale under any deed of trust or mortgage; obtaining a writ of attachment or imposition of a receiver; or exercising any rights relating to personal property, including taking or disposing of such property with or without judicial process pursuant to Article 9 of the Uniform Commercial Code. Any disputes, claims, or controversies concerning the lawfulness or reasonableness of any act, or exercise of any right, concerning any Collateral, including any claim to rescind, reform, or otherwise modify any agreement relating to the Collateral, shall also be arbitrated, provided however that no arbitrator shall have the right or the power to enjoin or restrain any act of any party. Judgment upon any award rendered by any arbitrator may be entered in any court having jurisdiction. Nothing in this Agreement shall preclude any party from seeking equitable relief from a court of competent jurisdiction. The statute of limitations, estoppel, waiver, laches, and similar doctrines which would otherwise be applicable in an action brought by a party shall be applicable in any arbitration proceeding, and the commencement of an arbitration proceeding shall be deemed the commencement of an action for these purposes. The Federal Arbitration Act shall apply to the construction, interpretation, and enforcement of this arbitration provision.

Attorneys' Fees; Expenses. Mortgagee and Borrower agree to pay upon demand all of Lender's costs and expenses, including attorneys' fees and Lender's legal expenses, incurred in connection with the enforcement of this Agreement. Lender may pay someone else to help enforce this Agreement, and Mortgagee and Borrower shall pay the costs and expenses of such enforcement. Costs and expenses include Lender's attorneys' fees and legal expenses whether or not there is a lawsuit, including attorneys' fees and legal expenses for bankruptcy proceedings (and including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services. Mortgagee and Borrower also shall pay all court costs and such additional fees as may be directed by the court.

Successors. This Agreement shall extend to and bind the respective heirs, personal representatives, successors and assigns of the parties to this Agreement, and the covenants of Borrower and Mortgagee herein in favor of Lender shall extend to, include, and be enforceable by any transferee or endorsee to whom Lender may transfer any or all of the Superior Indebtedness.

Waiver. Lender shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Agreement shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by Lender, nor any course of dealing between Lender and Mortgagee, shall constitute a waiver of any of Lender's rights or of any of Mortgagee's obligations as to any future transactions. Whenever the consent of Lender is required under this Agreement, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN, A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

EACH PARTY TO THIS SUBORDINATION AGREEMENT - MORTGAGE ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS AGREEMENT, AND EACH PARTY AGREES TO ITS TERMS.

BORROWER:

x) *Larry J. Blum*
LARRY J. BLUM

x) *Diane L. Blum*
DIANE L. BLUM

MORTGAGEE:

City of Omak
J. B. Smith
mayor

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UNNOTED

By _____

LENDER:

U.S. BANK OF WASHINGTON, NATIONAL ASSOCIATION

By: John Blackler
Authorized Officer

CFO

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Washington)
COUNTY OF Okanogan) ss

On this day before me, the undersigned Notary Public, personally appeared LARRY J. BLUM and DIANE L. BLUM, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals described in and who executed the Subordination Agreement, and acknowledged that they signed the Agreement as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 8th day of November, 1994.
By: Shirley Anne Cook Residing at Okanogan
Notary Public in and for the State of Washington My commission expires 5-7-97

CORPORATE ACKNOWLEDGMENT

STATE OF Washington)
COUNTY OF Okanogan) ss

On this 8 day of November, 1994, before me, the undersigned Notary Public, personally appeared E. WALT SMITH of City of Omak, and personally known to me or proved to me on the basis of satisfactory evidence to be authorized agents of the corporation that executed the Subordination Agreement and acknowledged the Agreement to be the free and voluntary act and deed of the corporation, by authority of its Bylaws or by resolution of its board of directors, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Agreement and in fact executed the Agreement on behalf of the corporation.

By: Patricia L. Sicker Residing at Omak
Notary Public in and for the State of Washington My commission expires 1-15-96

LENDER ACKNOWLEDGMENT

STATE OF Washington)
COUNTY OF Okanogan) ss

On this 8th day of November, 1994, before me, the undersigned Notary Public, personally appeared John Blackler and personally known to me or proved to me on the basis of satisfactory evidence to be the authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and that the seal affixed is the corporate seal of said Lender.

By: Bonnie M. Gavin (Bonnie M.) Residing at Tonasket
Notary Public in and for the State of WA My commission expires 11-29-97

When recorded return to:
Derting & Appel, PLLC
Attorneys At Law
P.O. Box 845
Okanogan, WA 98840

SATISFACTION OF MORTGAGE – SECURITY AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS: that the City of Omak, the owner and holder of that certain Mortgage and Security Agreement and Development Agreement bearing date February 4, 1992 executed by Larry Blum and Diane Blum, to secure payment of the sum of ONE HUNDRED SEVENTY FIVE THOUSAND dollars (\$175,000), and recorded in the office of the Okanogan County Auditor, State of Washington, on February 5, 1992 under Auditor's File No. 787767, does hereby acknowledge that the said Mortgage and Security Agreement and Development Agreement has been FULLY SATISFIED AND DISCHARGED, and does hereby authorize and direct the said County Auditor to enter full satisfaction thereof of record.

Dated: _____

CITY OF OMAK

By: _____

Title: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF OKANOGAN)

I hereby certify that I know or have satisfactory evidence that _____ is the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that _____ authorized to execute the instrument and acknowledged it as the _____ of the City of Omak to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal this _____ day of _____, 2025.

Notary Public in and for the State of _____.
Residing at _____.
My commission expires _____.