

*Pend Oreille County Development Regulations*

*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

# **Pend Oreille** **County**



# **Development Regulations**

**Effective July 1<sup>st</sup> 2008 Ordinance # 2008-3**  
**RV Park and RV Resort Regulations Adopted**  
**March 1<sup>st</sup> 2008 Resolution # 2008-14**

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**CHAPTER XX.02  
GENERAL PROVISIONS**

**Sections:**

<b>XX.02.010</b>	<b>Introduction.</b>
<b>XX.02.020</b>	<b>Administration.</b>
<b>XX.02.030</b>	<b>Interpretations.</b>
<b>XX.02.040</b>	<b>Liability.</b>
<b>XX.02.050</b>	<b>Severability.</b>

**XX.02.010 Introduction.** This Title of the Pend Oreille County Code was created in order to integrate the most frequently used land use planning ordinances into a single streamlined and user friendly code utilizing a common set of definitions and procedures. Subsequent revisions will be made as the County's Development Standards are updated in accordance with the provisions of the County's Comprehensive Plan and State and Federal law.

**XX.02.020 Administration.** The Board of County Commissioners shall designate a County Planning Director who shall be responsible for the administration of this Title and related County planning provisions.

- A. The authority, responsibilities, and duties of the Planning Director and his/her designee(s) shall include, but not be limited to:
1. Establishing and maintaining such application forms and administrative procedures as may be necessary to implement this Title;
  2. Interpreting County ordinances, codes, and requirements and determining the applicability of this Title to proposed projects and development activities;
  3. Establishing and maintaining a fee schedule for all land use and building permit activities in accordance with the approved County budget and any fee ordinances that may be approved by the Board of County Commissioners;
  4. Establishing and maintaining standards for the design and construction of any public works or improvements that may be required as a condition of approval for any land use or building permit activity;
  5. Serving as the SEPA Responsible Official;
  6. The review and approval of land use and building permit applications;

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7. Inspecting and examining structures or tracts of land, and to order in writing, remedies for any condition found to be in violation of the Pend Oreille County Code and County ordinances;
8. The enforcement of county codes and ordinances, the approval of compliance plans, the imposition and collection of fines for violations, issuance of Stop Work Orders, and/or the imposition of penalties; and
9. Coordinating the activities of County Staff and Consultants involved in land use planning activities.

**XX.02.030 Interpretations.** Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants to which the County is a party, the most restrictive or those imposing the higher standards shall govern.

- A. Any person may submit a written request to the Planning Director for a formal interpretation of the provisions of this Title or those codes referenced to this Title. The request shall reference the specific Titles, Chapters, or Sections in question and should include relevant background information and supporting documentation.

**XX.02.040 Liability.** The granting or approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the County or any official or employee thereof, on the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official, or employee for any damage that may result there from.

**XX.02.050 Severability.** If any provision of this Title or its application to any person or legal entity is held to be invalid, the remainder of this Title, or the application of this Title or the application of the provision to other persons or entities or circumstances shall not be affected.

**CHAPTER XX.10  
DEFINITIONS**

**Sections:**

**xx.10.010 Introduction.**

**xx.10.020 Definitions.**

**xx.10.010 Introduction.** For the purposes of this Title, words used in the present tense also include the future; words or phrases used in the singular also include the plural; and words in the plural also include the singular. The word “shall” is mandatory and not permissive; and “may” authorizes the exercise of discretion. The words “used” or “occupied” include within their meanings “intended,” “arranged,” or “designed to be used or occupied.” The word “person” includes a corporation, partnership, or other entity.

**xx.10.020 Definitions.**

A. Any word not specifically defined in this Chapter shall have the meaning as defined by:

1. Webster’s Dictionary, Eleventh Edition;
2. The Revised Code of Washington;
3. The Washington Administrative Code; and
4. North American Industrial Classification System (NAICS), 2002 Edition or as subsequently updated.

B. The following definitions shall apply to this Title:

1. “ACP” or “asphaltic concrete pavement” is hot mix asphalt or HMA, mix of liquid asphalt and aggregate delivered from a plant and placed and rolled on site.
2. “Agricultural building” is a structure or greenhouse designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and used in conjunction with a viable farming operation. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be used by the public.
3. “Accessory use or building or dwelling” means a building, part of a building or structure, or use which is subordinate to, and the use of which is incidental to, that of the main building, structure, or use of the same lot. This may include a mother-in-law apartment, guest house, or recreational park trailer.

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4. “Basement” means any area of a building having its floor sub-grade (below ground level) on all sides.
5. "Binding site plan" means a subdivision of land through the optional binding site plan process provided for in RCW 58.17.035, or its successor.
6. “Boundary line adjustment” means a division made for the purposes of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements of this Title, the building codes, and other applicable ordinances.
7. “BST” or “bituminous surface treatment” is a single or multiple treatment of hot asphaltic oil with crushed coverstone placed on top.
8. “CTED” is the Washington State Office of Community Trade and Economic Development.
9. “Collector” is a road classified as a major or minor collector in the Pend Oreille County system of roads.
10. “Concurrency” means that adequate public facilities are available when the impacts of development occur, or that a financial commitment is in place to provide the required facilities or services within a specified time.
11. Daylight Basement means a basement that has the finished surface of the floor level above not more than 6 feet above grade for more than 50 percent of the total perimeter and not more than 12 feet above grade at any point.
12. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials located within the area of special flood hazard.
13. “DOE” is the Washington State Department of Ecology.
14. “DOH” is the Washington State Department of Health.
15. “Elevated building” means for insurance purposes, a non-basement building which has its lowest floor elevated above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
16. “Elevation certificate” means the official form (FEMA Form 81-31) used to track development provide elevation information necessary to insure compliance with

community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by the County.

17. “Essential Public Facilities” means public facilities of a county-wide or state-wide nature which are typically difficult to site. Essential public facilities include, but are not limited to, the following:
  - a. Airports;
  - b. State education facilities;
  - c. State or regional transportation facilities;
  - d. Solid waste handling facilities;
  - e. In-patient facilities including:
    - (1) Substance Abuse Facilities;
    - (2) Mental Health Facilities; and
    - (3) Group Homes.
17. “EIS” means an Environmental Impact Statement prepared in accordance with the provisions of the Washington State Environmental Policy Act and if applicable, the National Environmental Protection Act
18. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from any source.
19. “Floodway” means the channel of a river or other watercourse and the adjacent land areas (a portion of the 100-year floodplain) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
20. “Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
21. “IRC” means the International Residential Code.
22. “Legal Lot” means a parcel of land divided by the County, a City, or the State through a legally acceptable process.

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23. "Level of Service (LOS)" means established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.
24. "Limited public road" means a road that may be approved by the County which may be built to a lower construction standard than public road and utilized for limited public use by adjacent property owners and emergency vehicles.
25. "Local access" is a route with a primary function of land access. Most dead end or loop subdivision roads will be classified as local access roads.
26. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a buildings lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of this ordinance found at Section 5.2-1 (2), (i.e. provided there are adequate flood elevation openings).
27. "Major Collector" means a route which links towns and communities to state highways and serves as an intra-county route.
28. "Master Planned Resort" is a self-contained and fully integrated planned unit development, in a setting of natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed onsite indoor or outdoor recreation facilities.
29. "Minor Collector" is a route which links major collectors with local access routes.
30. "Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).
31. "Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.
32. "Multi-family dwelling unit" means a building designed to provide complete, independent living facilities for more than two families in individual, primary

dwelling units. This includes apartments and duplexes which are rented or leased as well as condominiums.

33. "NEPA" means the National Environmental Protection Act.
34. "NETCHD" means North East Tri-County Health Department.
35. "Non-conformity" means an existing use or structure that is not in compliance with current regulations.
36. "Off-premise sign" means a sign relating through its message, copy or contents to an activity, use, product, event or service which is not available on the premises upon which the sign is placed or erected.
37. "Ordinary High Water Mark" means the mark on all lakes, streams, which will be found by examining the bed and banks and ascertaining where the presence and action 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 the effective date of this chapter, or as it may naturally change thereafter.
38. "Park unit", "park trailer", "park model trailer", or "recreational park trailer" means a travel trailer designed to be used with connections to utilities necessary for operation of installed fixtures and appliances and certified by the manufacturer as complying with Standard No. A119.5 of the American National Standards Institute. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home and recreational vehicles.
39. "Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this ordinance. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
40. "Public road" means a road owned by the County or other public agency.
41. "Private road" means a road owned by a private party (ies).
42. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed and includes any of the following:

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- a. "Travel trailer" means a vehicular portable structure built on chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses. It shall have a body width not exceeding eight feet.
  - b. "Pick-up camper" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
  - c. "Motor home" means a portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  - d. "Tent trailer" means a canvas folding structure, mounted on wheels and designed for travel, recreation and vacation.
  - e. "Dependent vehicle" means a vehicle which is dependent upon a service building for toilet and lavatory facilities.
  - f. "Self-contained vehicle" means a vehicle which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink all of which are connected to water storage and sewage holding tanks located within the vehicle.
43. "Recreational vehicle park" means a parcel of land in which three (3) or more spaces are occupied or intended for occupancy by recreational vehicles for transient purposes.
44. "Resource Lands" or "Natural Resource Lands" means designated agricultural, mineral and forest land of long-term commercial significance.
45. "Riparian area" means areas designated by the Washington State Department of Fish and Wildlife based on their high species diversity, linkage to other habitat and importance to fish species for breeding, rearing and migration.
46. "Shorelines of the State" means those streams, rivers, lakes, and associated shorelands and wetlands designated by the State of Washington as being under the jurisdiction of the Washington State Shorelines Management Act and associated regulations.
47. "SEPA" means the Washington State Environmental Policy Act.
48. "Single-family dwelling unit" means a single unit providing complete, independent living facilities for not more than one family and permitted roomers, boarders, and guests including permanent provisions for living, sleeping, eating, cooking, and sanitation. In addition to traditional stick built

homes, single family dwelling units may include modular homes, mobile homes, and park model trailers.

49. Attic as a story. Attics with heated living space shall be considered a story.

50. Story Above Grade. Any story having its finished floor surface above grade, and having three feet or less of the foundation above grade.

A. Except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet above grade plane.
2. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet above the finished ground level at any point.

51. "Subdivision" for the purpose of this document shall be both long and short plat subdivisions and the subdivision of any lands with lots less than ten (10) acres in size.

- a. "Long plat subdivision" is the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
- b. "Short plat subdivision" is the division or re-division of land into four or less lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

52. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

53. Substantial improvement: means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damages occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

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- a. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by local enforcement officials and which are the minimum necessary to assure safe living conditions, or
  - b. Any alteration listed on the National or State Register of Historic Places.
54. "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland 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 non-wetland areas created to mitigate conversion of wetlands.

**CHAPTER XX.14  
PROCESSING PROCEDURES**

**Sections:**

- xx.14.010 Purpose.**
- xx.14.020 Project Review Classifications.**
- xx.14.030 Procedures for Class 1 Review.**
- xx.14.040 Procedures for Class 2 Review.**
- xx.14.050 Procedures for Class 3 Review.**
- xx.14.060 Procedures for Class 4 Review.**
- xx.14.070 Consolidated Permit Processing.**
- xx.14.080 Completeness Review.**
- xx.14.090 Notice of Application.**
- xx.14.100 Preliminary SEPA Determination.**
- xx.14.110 SEPA Threshold Determination.**
- xx.14.120 Notice of Public Hearing.**
- xx.14.130 Determination of Consistency.**
- xx.14.140 Notice of Decision.**
- xx.14.150 Appeals.**

**xx.14.010 Purpose.** The purpose of this Chapter is to provide for effective and efficient administrative review of land use and development applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This Chapter is intended to provide a framework within which the consistency of project permit applications with the Comprehensive Plan and development regulations shall be determined.

A. The following is a brief summary of key land use decision-making roles:

1. The Board of County Commissioners is the legislative body of the County and is the only body which can adopt or amend an ordinance. The Board shall make the final decisions on Class 3 and Class 4 applications and hear appeals of decisions on Class 2 applications. The Board shall also make appointments to the Planning Commission and designate a County Planning Director;
2. The County Planning Commission shall have the authority to make recommendations to the Board of County Commissioners on Class 4 applications, as well as to make decisions regarding Class 2 applications, and hear appeals of Class 1 decisions. The Planning Commission shall also receive a monthly report summarizing Class 1 decisions and shall be provided copies of administrative code interpretations and variances for periodic review;

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3. The Planning Director shall have the authority to make decisions on Class 1 applications. It shall be the duty of the Planning Director and his or her designee(s) to administer the provisions of this Title and to coordinate the implementation of all planning requirements and activities in the County, and to interpret the provisions of this Code. The Planning Director and all authorized County representatives are hereby empowered to cause any structure or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of Pend Oreille County Code or ordinances; and
4. The County Prosecuting Attorney shall advise the Board of County Commissioners, Planning Commission, and County Staff regarding the legal interpretations, applications, and the enforcement of this Title.

**xx.14.020. Project Review Classifications.** Four classes of review are established for the purposes of administering this Title. These four classes, their appropriate decision-maker, hearing body, appellate body, and the types of permits included in each class are contained in the following Table:

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<b>Class of Review</b>	<b>Types of Permit</b>	<b>Hearing Body</b>	<b>Decision Maker</b>	<b>Appellate Body</b>
Class 1	-Building Permits -Certificates of Occupancy -Code Interpretations -Boundary Line Adjustments -Shoreline Exemptions -Short Plat Approval (4 lots or less) -SEPA Actions -Special Use Permits -Forest Practices Act Permits -Exempt Segregations/Aggregations -Flood Plain Development Permits -Notice of Violations/Stop Work Orders	None	Planning Director	Planning Commission
Class 2	-Shoreline Substantial Development Permit -Conditional Use Permit -Preliminary Binding Site Approval -Mitigation Plans -Preliminary Plat Approval (5 lots or more) -Variances -Preliminary Master Planned Development Approval -Reasonable Use Exception -Sign Permits	Planning Commission	Planning Commission	Board of County Commissioners
Class 3	-Street Vacations -Final Plat Approval (5 lots or more) -Final Binding Site Plan Approval -Final Master Planned Development Approval	Board of County Commissioners	Board of County Commissioners	Superior Court
Class 4	-Comprehensive Plan Amendments -Future Land Use Map Amendments -Development Regulation Revisions	Planning Commission	Board of County Commissioners	Eastern Washington Growth Management Hearings Board
Class 5	-Site Specific Rezones (Meeting criteria in Table 2.1)	Planning Commission	Board of County Commissioners	Superior Court

**xx.14.030. Procedures for Class 1 Review.** Class 1 permit applications involve administrative action by the Planning Director without a prior open record public hearing. The Planning

Commission shall conduct an open record public hearing for appeals of decisions on Class 1 permits unless otherwise noted in this Title.

A. Applications for Class 1 permits shall be processed by the County in accordance with the following general procedures unless the Applicant is notified in writing by the Planning Director:

1. Completeness review and Issuance of a Determination of Completeness;
2. Distribution of Notice of Application (Short Plats and Exempt Segregations);
3. Issuance of a Determination of Consistency; and
4. Notification to the Applicant of approval or denial of the application.

**xx.14.040. Procedures for Class 2 Review.** The Planning Commission shall conduct an open record public hearing before making a decision on Class 2 permit applications. The decision of the Planning Commission is subject to a closed record appeal hearing before the Board of County Commissioners.

A. Applications for Class 2 permits shall be processed by the County in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Director:

1. Completeness review and Issuance of a Determination of Completeness;
2. Distribution of a Notice of Application;
3. Issuance of a SEPA Threshold Determination, if required;
4. Preparation of a staff report containing relevant information about the application and a Determination of Consistency. This report may also include a staff recommendation and shall be distributed to the Planning Commission before the open record public hearing;
5. An open record public hearing shall be conducted by the Planning Commission, during which the Applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and
6. Planning Commission review and issuance of a Notice of Decision.

**xx.14.050. Procedures for Class 3 Review.** Decisions on all Class 3 permit applications shall be made by the Board of County Commissioners. If no open record public hearing has previously been held, an open record public hearing shall be conducted by the Board of County

Commissioners. The decisions of the Board on all Class 3 permits are subject to a request for reconsideration by any of the Parties of Record. The Board of County Commissioners may refuse to accept requests for reconsideration, and if accepted, may affirm, reverse, or modify their previous decision following a closed record hearing.

A. Applications for Class 3 permits shall be processed by the County in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Director:

1. Completeness review and issuance of a Determination of Completeness;
2. Distribution of a Notice of Application;
3. Issuance of a SEPA Threshold Determination, if required;
4. Preparation of a staff report containing relevant information about the application and a Determination of Consistency. This report may also include a staff recommendation and shall be distributed to the Board of County Commissioners before the required open record public hearing and/or action by the Board;
5. If an open record public hearing has not previously been conducted on the proposed action, then such hearing shall be conducted by the Board of County Commissioners, during which the Applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony;
6. Board of County Commissioner review and issuance of a Notice of Decision.

**xx.14.060 Procedures for Class 4 Review.** Decisions on all Class 4 permit applications shall be made by the Board of County Commissioners following an open record public hearing conducted by the Planning Commission.

A. It is the intent of the County to integrate the review of Class 4 permit applications with the annual Comprehensive Plan amendment and the periodic update processes prescribed in this Title, and as a result shall publish an annual schedule for submitting Class 4 permit applications.

**1. Docketing Process.**

- a. Written requests to amend the Comprehensive Plan, together with all relevant supportive or explanatory material as determined to be applicable by staff in the application packet, shall be submitted to the Planning Department. The County shall establish a closing date for the acceptance of written requests, and such shall be advertised in accordance with the County's noticing requirements. All plan amendment requests shall be docketed for possible consideration for inclusion in

the Comprehensive Plan. The docketed list of proposed amendments shall be presented to the Planning Commission within 60 days of the closing date. The Planning Commission shall make a recommendation to the Board of County Commissioners on whether or not to move forward on consideration of docketed amendments.

- b. The Board of County Commissioners, after a recommendation from staff and the Planning Commission, can recommend that an amendment be processed in the current amendment cycle or that the amendment remain on the docket list for future consideration, or that the amendment be denied further consideration.
- B. In general terms, applications for Class 4 permits shall be processed by the County in accordance with the following procedures, unless the Applicant is notified in writing by the Planning Director:
1. Determination of Complete Application;
  2. Distribution of a Notice of Application;
  3. Issuance of a SEPA Threshold Determination, if required;
  4. Preparation of a staff report and staff recommendation that shall be forwarded to the Planning Commission and be made available for public review prior to the open record public hearing;
  5. An open record public hearing shall be conducted by the Planning Commission, during which the Applicant shall be given the opportunity to present the proposed amendment, and interested parties shall be allowed to make comments and submit written testimony;
  6. Distribution of the proposed amendments to CTED, as appropriate for review and comment;
  7. The recommendation of the Planning Commission along with a complete copy of the record shall be provided to the Board of County Commissioners for review prior to their decision; and
  8. Board of County Commissioner review and action.

**xx.14.070 Procedures for Class 5 Review.** Decisions on all Class 5 permit applications shall be made by the Board of County Commissioners following an open record public hearing conducted by the Planning Commission and following the Class 4 procedures.

**xx.14.080. Consolidated Permit Processing.** It is the goal of the County to consolidate the permit processing for projects or development activities that require two or more permits or approvals. The Planning Director shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest-class review classification of the individual permits being sought to the consolidated permit application (with Class 4 being the highest followed by Class 3, 2, and 1). This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews. The Planning Director is authorized to make modifications to the procedural requirements of this Title in order to effectively consolidate project reviews.

**xx.14.090. Completeness Review.** All applications shall be submitted on such forms and in accordance with such procedures as may be prescribed by the County, provided that:

- A. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;
- B. All applicable fees shall be submitted at the time of application unless otherwise specified;
- C. Prior to submitting any Class 2 and Class 3 applications, Applicants shall make an appointment for and attend a pre-application meeting with County Staff. The purpose of this meeting is to identify and discuss the proposed project or development activities, permit procedures, processing requirements, permit fees, schedules, and information that will be necessary for project review. The Planning Director may invite representatives from County departments and other affected agencies to attend;
- D. A completed SEPA checklist shall be filed at the same time as an application for all permits, except when the County has determined the activity to be Categorically Exempt from the requirements of SEPA, when the County and Applicant agree that an EIS is required, the SEPA compliance for the proposed project has already been completed, or SEPA compliance has been initiated by another agency;
- E. Within 28 days of submittal, the County shall conduct a review of all application materials to determine if the application is complete and ready for processing. The County shall then make a Determination of Completeness and shall provide the Applicant with written notification which states:
  1. That the application is complete and ready for processing or that the application is incomplete and what is necessary to make the application complete;
  2. To the extent known by the County, the identity of other permits required by the project application; and
  3. To the extent known by the County, the identity of other agencies with jurisdiction over the application.

- F. Nothing in this Title shall limit the Planning Director from incorporating the Notice of Application and Determination of Completeness into one document.
- G. The Issuance of a Determination of Completeness shall not preclude the County from requesting additional information from the Applicant in order to complete the processing of an application.
- H. If the County determines an application is not complete, or that additional information is necessary to complete the review of the application, and the Applicant fails to respond to the request from the County in the established time frames, the County shall notify the Applicant in writing that the application has lapsed and become void.

**xx.14.100 Notice of Application.** Following the issuance of a Determination of Completeness, the County shall issue a Notice of Application for all Class 2, Class 3, Class 4 and Class 5 project permit applications.

A. Notices of Application shall include:

1. A description of the proposed action;
2. Identification of the permits and approvals that may be required and opportunities for public review and comment; and
3. SEPA actions taken or Preliminary SEPA Threshold Determinations, if any.

**xx.14.110 Preliminary SEPA Determination.** A preliminary SEPA Threshold Determination or Preliminary SEPA action may be included with Notice of Application if such preliminary actions have been made at the time the Notice of Application is issued. A preliminary SEPA Threshold Determination, or preliminary SEPA action, does not substitute, or in any way circumvent, the process for making a final SEPA Threshold Determination or in taking a SEPA action. Preliminary SEPA determinations are intended to encourage early public comment on project applications.

**xx.14.120 SEPA Threshold Determinations.** A Threshold Determination is required for any proposal that is not categorically exempt within ninety days that an application has been deemed complete. All Threshold Determinations shall result in a Determination of Non-significance (DNS), or a Determination of Significance (DS), provided that the County may also issue a Mitigated Determination of Non-Significance (MDNS) based on conditions attached to the proposal, or on changes to, or clarifications of, the proposal made by the Applicant:

- A. After submission of an environmental checklist and prior to a Threshold Determination, the County shall notify the Applicant if it is considering issuing a DS. As a result, the Applicant may clarify or change features of the proposal to mitigate the impacts which

make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.

- B. If a preliminary SEPA Threshold Determination was not made in conjunction with a Notice of Application, and no probable significant adverse impacts are anticipated, a Determination of Non-Significance shall be issued and a 15-day comment period may be required.
- C. If a pre-decision open record public hearing is required; the SEPA Threshold Determination must be issued at least 15 days before the hearing.
- D. Except for a Determination of Significance (DS), the County may not issue a decision on a project application until the expiration of the public comment period on the Notice of Application.
- E. If the County makes a SEPA Determination of Significance (DS) concurrently with the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and Scoping Notice.
- F. Whenever the County makes a Threshold Determination, it shall seek to include the public notice for this SEPA action with the Notice of Application or Notice of Decision for any associated land use application(s) or permits, provided that:
  - 1. If no public notice is required for the permit or approval, the County shall give notice of the DNS or DS by publishing a notice in the County's Newspaper of Record;
  - 2. Whenever the County issues a DS, all public notices shall state the scoping procedure for the required EIS; and
  - 3. Whenever the County issues a DEIS (Draft EIS), or SEIS (Supplemental EIS), notice of the availability of those documents shall be given by at least 2 of the following methods:
    - a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
    - b. Posting the property, for site-specific proposals;
    - c. Publishing notice in the County's Newspaper of Record;
    - d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
    - e. Notifying the news media; and/or

f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

G. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the County.

**xx.14.130 Determination of Consistency.** As part of all project and application reviews, the County shall determine if a proposed project or development activity is consistent with applicable County development regulations, and the Goals and Policies of the adopted Comprehensive Plan.

- A. Nothing in this section shall limit the authority of the County in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.
- B. The County may determine that adopted comprehensive plans, sub-area plan elements of a comprehensive plan, development regulations, or other local, state or federal rules or laws provide adequate environmental analysis and mitigation of some or all specific probable adverse environmental impacts of a proposed action.

**xx.14.140 Notice of Decision.** A Notice of Decision shall be issued for all Class 2 and Class 3 applications. A Notice of Decision may not be issued until the expiration of the comment period on the Notice of Application.

- A. Notices of Decision shall include:
  - 1. A description of the decision or actions taken;
  - 2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;
  - 3. If a SEPA threshold determination has not been issued previously, the Notice of Decision shall state this determination; and
  - 4. A description of applicable appeal procedures.

**xx.14.150 Public Notice Requirements.** For permit applications that require public notice the following provisions shall apply:

- A. These public notice requirements shall apply to the following unless otherwise specified:
  - 1. Notices of Application;
  - 2. Notices of Decisions;

3. Public Hearing notices;
  4. SEPA Threshold Determinations; and
  5. Notices of Appeals.
- B. All public notices will be mailed at least fifteen days prior to the date of any required public hearing and/or comment period to the:
1. Applicant;
  2. To the owners of all parcels within 300 feet of the proposed site and associated improvements;
  3. Agencies with jurisdiction;
  4. Parties who have provided oral or written testimony on the permit and requested to be on the mailing list;
  5. Parties who have submitted written requests to receive notice; and
  6. Parties of Record.
- C. Public notices shall be published in the general newspaper of record at least fifteen days prior to the date of any public hearing and/or any public comment periods.
- D. Copies of public notices shall also be posted or available for review at the County Courthouse.
- E. In addition, Notices of Applications for Class 2 permits and rezones shall be posted in a highly visible location(s) on the site of the proposed activities in accordance with procedures established by the Planning Director.

**xx.14.160 Appeals.** All appeals of interpretations or actions based on the provisions of this Title shall be filed in a format prescribed by the County along with the required fee, within 14 days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a County Holiday, the deadline shall become the next business day. The County shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the County's Newspaper of Record at least fourteen days before the open record appeal hearing.

- A. The following provisions shall apply to all appeals unless otherwise noted:

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*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

1. The Notice of Appeal shall specify the claimed error(s) and issue(s) which the Appellate Body is asked to consider, and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the Appellate Body;
  2. The Appellants and any Respondents to the Notice of Appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;
  3. Following an appeal hearing the Appellate Body may affirm, reverse or modify the decision of record. and shall adopt its own written findings and conclusions in support of its decision; and
  4. The County may require an Applicant and/or the Appellant to reimburse the County for the cost of preparing materials to be used during open or closed record hearings including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.
- B. Appeals of SEPA threshold Determinations or SEPA actions shall be combined with any appeals of associated applications or permits.
- C. Except for the appeal of a SEPA Determination of Significance, no more than one open public record hearing and no more than one closed record appeal may occur on a single permit application or master application:
1. A public meeting(s) may be held prior to the open record hearing. A public meeting may include, but is not limited to: a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final Environmental Impact Statement, an informational meeting, and/or or neighborhood meeting. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**CHAPTER XX.18  
ENVIRONMENTAL REVIEW**

**Sections:**

**xx.18.010 Purpose.**

**xx.18.020 Substantive Authority.**

**xx.18.030 Adoption of SEPA Rules.**

**xx.18.040 Designation of SEPA Responsible Official.**

**xx.18.050 Categorical Exemptions.**

**xx.18.060 Preparation of EIS.**

**xx.18.010 Purpose.** The purpose of this Chapter is to highlight the environmental review requirements of the County and to integrate the provisions of the Washington State Growth Management Act and the State Environmental Policy Act.

**xx.18.020 Substantive Authority.** The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of the County.

A. The County may attach conditions to a permit or approval for the proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental documents prepared pursuant to this Chapter;
2. Such conditions are in writing;
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
4. The County has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in this Title and cited in the license or other decision document.

B. The County may deny a permit or approval for a proposal on the basis of a SEPA review so long as:

1. A finding is made that approving the proposals would result in probable significant adverse environmental impacts that are identified in a FEIS (Final EIS) or final SEIS prepared pursuant to this Chapter;

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
  3. The denial is based on one or more policies identified in this Title and identified in writing in the decision document.
- C. The County designates and adopts by reference the following policies and documents as the basis for the County's exercise of authority pursuant to this section:
1. The County shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:
    - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - b. Assure for all people safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
    - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    - d. Preserve important historic, cultural and natural aspects of our national heritage;
    - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
    - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
    - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
  2. The Pend Oreille County Comprehensive Plan as it now exists or is subsequently amended is also an adopted SEPA policy.

**xx.18.030 Adoption of SEPA Rules.** The County adopts Chapter 197-11 of the Washington Administrative Code (WAC) by reference unless otherwise noted or modified by the provisions of this Title.

**xx.18.040 Designation of SEPA Responsible Official.** For those proposed projects, development activities, or actions for which the County is the lead agency, the SEPA Responsible Official shall be the Planning Director or his/her designee.

**xx.18.050 Categorical Exemptions.** All proposed projects or development activities are subject to the provisions of this Chapter and WAC 197-11 except those activities that are

identified in WAC 197-11-800 as being categorically exempt from SEPA, provided that:

- A. The following new construction activities are exempt from the provisions of this Chapter and WAC 197-11 unless the site contains critical areas:
  - 1. The construction or location of up to four (4) dwelling units;
  - 2. The construction of a barn, loafing shed, farm equipment storage building, produce storage, or packing structure, or similar agricultural structure, covering up to 30,000 square feet, provided that said structure complies with all other provisions of the County code and is to be used by the property owner or his or her agent in the conduct of permitted farming of the property;
  - 3. The construction of an office, school, commercial, recreational, service, or storage building with up to 12,000 square feet and associated parking facilities designed for no more than 40 automobiles;
  - 4. The construction of a parking lot designed for up to forty (40) automobiles; or
  - 5. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation.
  
- B. The County's determination that a proposal is exempt shall be final and not subject to appeal. If a proposal is exempt, none of the procedural requirements of this Chapter apply to the proposal. The County shall not require completion of an environmental checklist for an exempt proposal.
  
- C. If a proposal includes exempt and nonexempt actions, the County may authorize exempt actions prior to compliance with the procedural requirements of this Chapter, except that the County shall not give authorization for:
  - 1. Any nonexempt action;
  - 2. Any action that would have an adverse environmental impact; or
  - 3. Any action that would limit the reasonable choice of alternatives.

**xx.18.060 Preparation of EIS.** Preparation and issuance of a draft and final EIS (DEIS and FEIS) or a draft and final supplemental EIS (SEIS) is the responsibility of the County. The DEIS and FEIS or draft and final SEIS shall be prepared by a qualified consultant selected by the County in consultation with the proposed Project Sponsor. All costs associated with the preparation and issuance of an EIS document shall be the responsibility of the Applicant or proposed Project Sponsor in accordance with the provisions of the County fee schedule and/or voluntary cost sharing agreement.

**CHAPTER XX.22  
CONCURRENCY MANAGEMENT**

**Sections:**

- xx.22.010 Purpose.**
- xx.22.020 Applicability.**
- xx.22.030 Transportation Concurrency Review Procedures.**
- xx.22.040 Transportation Concurrency Mitigation Methods.**
- xx.22.050 Utility Concurrency Management.**

**xx.22.010 Purpose.** The purpose of this Chapter is to ensure that adequate public facilities are available when the impacts of development occur. This means that facilities will have the capacity to serve development without decreasing levels of service below locally established minimums, and that the facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time.

**xx.22.020 Applicability.** All proposed projects or development activities must be reviewed for transportation and utility concurrency, provided that the County may establish an expedited concurrency review process for activities that do not meet SEPA Thresholds.

**xx.22.030 Transportation Concurrency Review Procedures.**

The County shall utilize the following procedures for evaluating all projects or development activities for concurrency, unless the Applicant otherwise noted in writing:

A. Certificate of Concurrency.

1. The County shall complete a transportation concurrency evaluation at the time a development permit is applied for or during the course of permit review. The review shall conclude with a determination that the proposed project meets the level of service standards whereby a Certificate of Concurrency shall be issued and attached or incorporated to the development permit approval. When a project is determined to have not passed level of service standards the Certificate of Concurrency shall be conditioned in a manner that satisfies the requirements of this Chapter, or the project shall not be approved.
2. The Applicant shall provide the County with all information necessary to complete the concurrency evaluation on the proposed development. It shall be the responsibility of the Applicant to provide studies, surveys, traffic counts, engineering

- review or any other items determined to be necessary for an accurate concurrency evaluation.
3. A Certificate of Concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development permit time line is extended the certificate shall also be extended for the same time duration. A Certificate of Concurrency shall be valid only for the development permit approved for the same parcel and may be transferable to any new owner(s) of the parcel to which it was issued.
  4. A Certificate of Concurrency shall apply only to the specific land uses, densities, intensities and project described in the application and project permit. A concurrency certificate is valid for any modification of the permits for which the certificate was issued so long as such modification does not require the Applicant to obtain a new project permit.
- B. Traffic Impact Calculations.
1. Trip Generation. Traffic calculations shall be based on the trip generation average described within the latest available edition of the Institute of Transportation Engineers (ITE) trip generation manual for the particular type and extent of the development being proposed.
  2. Concurrency Test. The projected number of trips generated by a proposed development shall be subtracted from existing or new transportation capacity of the impacted transportation facility. If projected demand is less than available capacity the project is not adverse to level of service standards and shall be issued a Certificate of Concurrency.

**xx.22.040 Transportation Concurrency Mitigation Methods.** The County shall use the following procedures and criteria to review and approve the adequacy of mitigation methods unless the Applicant is otherwise noted in writing:

- A. If mitigation is determined necessary to maintain level of service standards for an impacted transportation facility the Applicant may choose among the following actions subject to County review and approval:
1. Reduce the size of the project until levels of service standards are met;
  2. Enter into a legally binding development agreement with the County whereby all required improvements will be constructed and completed within six years of the development approval date which also insures that the financing will be available to pay for the improvements;

3. Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development;
4. Propose transportation demand management strategies to reduce vehicle trips generated by the project development; or
5. Await the County's completion of mitigating improvements if such improvements are underway or planned as part of the County's six-year transportation improvement plan; or
6. Any combination of the above.

B. Acceptable impact mitigation requires a finding of the following:

1. The mitigation contributes to transportation facility performance and established level of service standards;
2. The mitigation is consistent with the County's Comprehensive Plan;
3. Any improvements to an intersection or roadway do not shift traffic to residential areas or to other intersections where there is no mitigation being proposed;
4. Any adverse environmental impacts of the facility improvements may be reasonably minimized or eliminated; and
5. The improvements are consistent with the County's engineering standards.

**xx.22.050 Utility concurrency management.** All Applicants shall submit, subject to County review and approval, documentation that adequate provisions have been made to ensure that public facilities are in place or can reasonably be provided to serve the proposed development. This shall include but is not limited to; fire and emergency medical services, law enforcement, electrical service, and public health facilities.

**CHAPTER XX.26  
ZONING CONTROLS**

- xx.26.010 Purpose.**
- xx.26.020 Legal Lots.**
- xx.26.030 Establishment of Zoning Districts.**
- xx.26.040 Permitted and Conditional Uses.**
- xx.26.050 Development Standards.**
- xx.26.060 Rural Overlay.**
- xx.26.070 Essential Public Facilities.**

**xx.26.010 Purpose.** The purpose of this Chapter is to establish zoning controls to guide certain land use decisions in accordance with the provisions of the Pend Oreille County Comprehensive Plan and to promote the general health, safety and welfare of County residents, maintain the rural character, customs and culture of the County, safeguard the public interest in the preservation and conservation of natural resources, and to preserve designated agricultural, timber, and mineral lands of long term commercial significance.

**xx.26.020 Legal Lots.** All legal lots may be developed in accordance with the provisions of this Title and the Goals and Policies of the Comprehensive Plan provided that:

- A. In the event there is a question regarding the legal status of a lot, the property owner of the lot(s) in question may request that the Planning Director make an administrative decision on the status of the lot in consultation with the County Assessor and the County Prosecuting Attorney based on information provided by the property owner. This decision shall be a Class 1 decision and made in accordance with the procedural requirements of this Title.
- B. In the event that the strict and literal interpretation of this Title serves to deny a property owner all reasonable use of their property, the property owner may apply for a reasonable use exception and may request the minimal relief necessary to enable the reasonable use of their property.
- C. If a river, County road, public right-of-way, or railroad right-of way has bisected a legal lot, the Planning Director may approve, in consultation with the County Assessor and County Prosecuting Attorney, a request from the property owner to assign separate parcel numbers to each parcel that was previously created by this de facto segregation. This decision shall be a Class 1 decision and made in accordance with the procedural requirements of this Title.

**xx.26.030 Establishment of Zoning Districts.** The following zoning districts are established in accordance with the provisions of the *Pend Oreille Comprehensive Plan*:

- A. Rural-5. The residential density of this zoning district is 1 dwelling unit per 5 acres. This zoning district is located along U.S. highways, state routes, designated arterials, and County Major (07) and Minor (08) collectors (see list in Comprehensive Plan).
- B. Rural-10. The residential density of this zoning district is 1 dwelling unit per 10 acres. This zoning district includes parcels with frontage on maintained County roads with adequate access.
- C. Rural-20. The residential density of this zoning district is 1 dwelling unit per 20 acres. Adequate access is required for parcels within this zone.
- D. Rural-40. The residential density of this zoning district is 1 dwelling unit per 40 acres. This zoning district is beyond the existing all-weather county road system or private access network.
- E. Natural Resource Lands-20. The residential density of this zoning district is 1 dwelling unit per 20 acres. Parcels within this zone must have approved road access and designated as Timber, or Agricultural Lands, or currently in use as a mine.
- F. Natural Resource Lands-40. The residential density of this zoning district is 1 dwelling unit per 40 acres. Parcels within this zone have no road access and must be designated as Timber, or Agricultural Lands, or currently in use as a mine.
- G. Public Lands. The lands within this zone must be publicly owned and all proposed development activities and uses are subject to the provisions of this Title and the requirements of the responsible public agency(s).
- H. Tribal Lands. The lands within this zone must be located within the boundaries of the Kalispel Reservation and all proposed development activities and uses are subject to approval by the Kalispel Tribe.

**xx.26.040 Permitted and Conditional Uses**

- A. The following development activities may be permitted on legal lots in all Rural and Natural Resource Zones in accordance with the provisions of this Title, the Pend Oreille County Comprehensive Plan, and the *Official Pend Oreille County Zoning Map*:
  - 1. Single-Family Dwelling Units and Accessory Dwelling Units, provided that no more than one Single-Family Dwelling Unit and one Accessory Dwelling Unit may occupy a single lot, provided that:

*Pend Oreille County Development Regulations*

*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

- a. Detached Accessory Dwelling Units shall be limited to use by family members, visitors and guests, caregivers, and farm workers or other seasonal employees
2. Recreational Park Trailers may be permitted as a primary dwelling or an accessory dwelling provided that it complies with all applicable provisions of this Title and the following provisions:
  - a. The density of development must conform with the requirements of the zoning district in which the use is located;
  - b. A Recreational Park Trailer may be permitted on all legally created lots and legally created Recreational Vehicle Parks in existence on December 11, 2006. Recreational Park Trailers shall not be permitted in Recreational Vehicle Parks created after December 11, 2006;
  - c. Recreational Park Trailers must be permanently attached to the ground and to adequate utilities;
  - d. The trailer must be elevated above the floodplain; and
  - e. The load bearing capacity of all Recreational Park Trailers to be used as a single family dwelling unit or an accessory dwelling unit shall be at least 50 pounds per square foot.
3. Home Businesses;
4. Forestry;
5. Public Utilities; and
6. Agricultural activities.
- B. The following development activities may be permitted through the issuance of a conditional use permit in the Rural Zones unless otherwise noted, in accordance with the provisions of this Title, the Pend Oreille County Comprehensive Plan, and the *Official Pend Oreille County Zoning Map*:
  1. Industrial development;
  2. New mining activities (Rural and Natural Resource Zones);
  3. New commercial or non-residential developments;
  4. Recreational Vehicle Parks

5. Master planned resorts;
  6. Multi-family housing, provided that the density of the proposed development does not exceed the density of the zoning district in which the lot is located;
  7. Telecommunication Facilities; and
  8. Essential Public Facilities.
- C. The use of public lands is subject to such limitations and requirements that may be established by the responsible public agency or agencies. Unless otherwise posted lands owned by Pend Oreille County are subject to the following restrictions:
1. Overnight camping shall be permitted on County-owned public lands for up to ten consecutive days at the same location unless specifically designated as a no camping area or posted no trespassing, provided that camps, fire pits, parking and other developments are at least 25 feet from the water and sanitation is at least 100 feet from the water.
  2. No motorized vehicles shall be permitted in non-designated areas; and
  3. No dumping is permitted and all garbage must be removed and the site restored to the original condition.

**xx.26.050 Development Standards.** The following standards shall apply to all proposed developments and land use activities, unless otherwise specifically noted in this Title:

- A. Clustering. Approved dwelling units may be clustered on a lot or within a subdivision provided that:
  1. The overall density of the development complies with the density of the zoning district in which the lot is located; and
  2. The undeveloped portion of the lot is preserved in an open space tract, or similar means approved by the County, and/or a restriction is recorded on the face of the plat or on the Title of the lot that precludes further development or subdivision of the lot in excess of County standards.
- B. Setbacks and Buffering.

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*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

1. All uses that may be permitted through a conditional use permit, must comply with the standards of this Title and may only be approved based on a finding by the Planning Commission that adequate provisions have been made for setbacks and buffering from neighboring properties.
  2. Agricultural buildings shall be set back from other buildings and property lines at least a distance equal to the structures height above grade.
  3. All development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, open range lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, open range lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development.
  4. Impacts to neighboring properties shall be avoided, minimized and mitigated including noise, light and glare, solid waste handling, odors, traffic, operating hours, signs and similar sources of conflict.
- C. Parking. Commercial and industrial uses may be approved only based on a finding by the Planning Commission that adequate provisions have been made for off-road parking and safe access to public roads, with the number of points of access to arterial roads being minimized.
- D. Water Access. All applications for development activities fronting, near, or proposing to access a river, lake, stream, or other body of water shall include, subject to County review and approval, a Water Access Management Plan. This plan shall be processed in accordance with the procedures for any associated permits, and shall include, but is not limited to:
1. Identification of the proposed water related uses;
  2. Proposed measures to stabilize the bank or shorelines and to preserve the natural environment;
  3. The location and type of proposed access;
  4. Proposed parking plans;
  5. Storm water management plans;
  6. Public health and safety facilities;
  7. Lighting, landscaping, and protective buffers;

8. Proposed measures to comply with the requirements of this Title, the Comprehensive Plan, the Shoreline Master Program, and other applicable local, state, and federal permits and approvals; and
  9. Documentation that the proposed use will not exceed the natural capacity of the water body and that it will not adversely affect environmentally sensitive areas.
- E. Road Standards. All land use applications and development activities must conform with the provisions of the *Pend Oreille County Road Regulations and Standards*, provided that:
1. The County Public Works Director shall be responsible for the administration of the *Road Regulations and Standards*;
  2. Whenever the requirements of the *Road Regulations and Standards* are at variance with the provisions of this Title, the more restrictive or those imposing the higher standard shall prevail; and
  3. Any person may submit a written request to the Public Works Director for a formal interpretation of the provisions of the *Road Regulations or Standards*. The request shall reference the specific Titles, Chapters, or Sections in question and should include relevant background information and supporting documentation.

**xx.26.060 Rural Overlay Zone.**

- A. The purpose of this zone is to identify rural areas that may be suitable for more intensive development and to establish standards to promote compatible land uses. Upon the completion of sub-area plans, some or all of the following areas may be designated as Limited Areas of More Intensive Rural Development, Rural Activity Centers, or similar zones in accordance with the provisions of the Laws of Washington State:
1. Highway 2 Corridor from the intersection with Highway 211 to the Newport UGA;
  2. Highway 2 Corridor from the intersection with Highway 211 to the Spokane County line;
  3. Sacheen Lake;
  4. Diamond Lake;
  5. Highway 211 Corridor from Deer Valley Road to Fertile Valley Road;
  6. LeClerc Road Corridor from the Pend Oreille River Bridge at Usk south to the Idaho State line;

7. Highway 20 Corridor from the Cusick UGA south to the intersection with Highway 211;
8. Highway 20 Corridor from Outpost to Blueslide: and
9. Highway 20 and Highway 31 intersection (Tiger).

**xx.26.070 Essential Public Facilities.**

A. The Growth Management Act directs that no comprehensive plan or development regulation may preclude the siting of essential public facilities. The location and permitting of essential public facilities shall be guided by the policies of the Pend Oreille County Comprehensive Plan, subject to the following procedures:

1. Essential public facilities shall be located if possible within zoning districts for which the proposed uses are allowed;
2. Only if no practicable alternative exists, and then only to the minimum extent possible and in accordance with applicable regulations, shall such facilities be located:
  - a. Where the proposed uses are prohibited, or
  - b. Within lands zoned as Natural Resource.
3. A Conditional Use Permit shall be obtained in accordance with the provisions of this Title unless otherwise required by the Planning Director.

**CHAPTER XX.30  
SIGN REGULATIONS**

**Sections:**

**xx.30.010 Off-Premise Sign Regulations.**

- A. The purpose of this section is to protect the general health, safety and welfare of County residents and the traveling public as well as their general aesthetic views within the County while allowing for advertising by having standards for the type, size, number, illumination of and location of off-premise signs.
- B. The off-premise sign regulations shall apply to any person, firm, corporation or business wanting to construct or erect an off-premise sign within the unincorporated portion of Pend Oreille County.
1. Off premise signs may only be located within 500 feet of areas that are occupied by three or more separate and distinct commercial and /or industrial activities as defined in WAC 468-66-010.
  2. Off premise signs may not be located on private property without the written approval of the property owner.
  3. No off premise sign may be located on County property or in the rights-of-way owned by the County.
  4. No off premise sign may be located any closer than 660 feet to any dwelling unit, except the dwelling unit(s) owned by the owner of the site on which the sign is located. This distance may be reduced if all of the property owners within 660' of the proposed off premise sign provide a notarized affidavit that they are knowledgeable about the proposed site and design of the sign and have no objections.
  5. No off premise sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- C. All off premise signs shall require a building permit before installation and must be designed, constructed, and maintained in accordance with County Building Codes, all applicable ordinances, and the following standards:
1. No off-premise sign shall be larger than 32 square feet;

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2. No off-premise sign shall be taller than 25 feet in height as measured at the top of the sign's outer extremities to the ground immediately below.
  3. No off premise sign shall be illuminated by any direct or indirect means of lighting.
- D. Signs on shorelines must also comply with the Shoreline Regulations, Chapter XX.34.

**CHAPTER XX.34  
SHORELINE REGULATIONS**

**Sections:**

<b>xx.34.010</b>	<b>Purpose.</b>
<b>xx.34.020</b>	<b>Applicability.</b>
<b>xx.34.030</b>	<b>Review Procedures.</b>
<b>xx.34.040</b>	<b>Shoreline Environments.</b>
<b>xx.34.050</b>	<b>Agriculture.</b>
<b>xx.34.060</b>	<b>Aquaculture.</b>
<b>xx.34.070</b>	<b>Forest Management.</b>
<b>xx.34.080</b>	<b>Commercial Development.</b>
<b>xx.34.090</b>	<b>Outdoor Advertising Signs And Billboards.</b>
<b>xx.34.100</b>	<b>Mining.</b>
<b>xx.34.110</b>	<b>Marinas.</b>
<b>xx.34.120</b>	<b>Residential Development.</b>
<b>xx.34.130</b>	<b>Roads And Railroads.</b>
<b>xx.34.140</b>	<b>Utilities.</b>
<b>xx.34.150</b>	<b>Water-Related Industries.</b>
<b>xx.34.160</b>	<b>Shoreline Works And Structures (SWS).</b>
<b>xx.34.170</b>	<b>Landfill and Dredging.</b>
<b>xx.34.180</b>	<b>Solid Waste Disposal.</b>
<b>xx.34.190</b>	<b>Archaeology And History.</b>
<b>xx.34.200</b>	<b>Recreation.</b>
<b>xx.34.210</b>	<b>Floodplains.</b>
<b>xx.34.220</b>	<b>Sewage Collection and Treatment.</b>
<b>xx.34.230</b>	<b>Piers and Docks.</b>
<b>xx.34.240</b>	<b>Boat Houses.</b>

**xx.34.010 Purpose.** The purpose of this Chapter is to establish the regulations necessary to comply with the provisions of the Shoreline Management Act of 1971, Chapter 90.58 R.C.W, provided that:

- A. Pend Oreille County is currently in the process of updating these regulations. Please contact the Pend Oreille County Planning Department for more details.*

**xx.34.020 Applicability.**

- A. The regulations set forth in this Chapter shall apply to all Shorelines of Statewide Significance as specified in the Washington Administrative Code.

- B. The regulations set forth in this Chapter shall also apply to all shorelines associated with shorelines of statewide significance, which includes reservoirs and their associated wetlands, together with the lands underlying them except:
1. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and
  2. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.
- C. Wetlands or wetland areas shall be defined in this chapter as those lands extending landward 200 feet in all directions, as measured on a horizontal plane from the ordinary high-water mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams which are subject to the provisions of the act.
- D. Development shall be defined in this Chapter as 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 water overlying lands subject to the act at any state of water level.

**xx.34.030      Review Procedure.**

- A. Shoreline Substantial Development Permit.
1. A Substantial Development Permit shall be required for any development of which the total cost, or fair market value, exceeds \$5,000, or any development which materially interferes with normal public use of the water or shorelines of the state except that the following shall not be considered substantial developments:
    - a. Construction of a dock, designed for pleasure craft only for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed \$10,000 dollars;
    - b. Normal maintenance or repair of existing structures or developments, including damage by fire, accident or elements;
    - c. Construction of the normal protective bulkhead, common to single-family residences;
    - d. Emergency construction necessary to protect property from damage by the elements;
    - e. Construction of a barn or similar agricultural structure on wetlands;

- f. Construction or modification of navigational aids, such as channel markers and anchor buoys;
  - g. Construction on wetlands by an owner, lessee, or contract purchaser of a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof.
2. A Substantial Development Permit shall be considered a Class 2 permit and be processed as such in accordance with the provisions of this Chapter.
  3. Substantial Development Permits shall be issued by Pend Oreille County Planning Department, but are subject to review by the Department of Ecology and the Attorney General.

B. Variances.

1. The objective of a variance is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the master program. The property owner must show that if he complies with the provisions he cannot make a reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for variance.
2. A variance will be granted only after the applicant can demonstrate the following:
  - a. The hardship which serves as basis for granting of variance is especially related to the property of the applicant.
  - b. The hardship results from the application of the requirements of the shoreline management act and shoreline master program and not from, for example, deed restrictions or the applicant's own actions.
  - c. The variance granted will be in harmony with the general purpose and intent of the shoreline master program.
  - d. Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

C. Conditional Uses.

1. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions

to control undesirable effects, the scope of uses within each of the four environments can be expanded to include many uses.

2. Uses classified as conditional uses can be permitted only after consideration by the local government and by meeting such performance standards that make the use compatible with other permitted uses within that area.
  - a. The use will cause no unreasonably adverse effects on the environment or other uses.
  - b. The use will not interfere with public use of public shorelines.
  - c. Design of the site will be compatible with the surroundings and the Shoreline Master Program.
  - d. The proposed use will not be contrary to the general intent of the Shoreline Master Program.

D. Special Uses. Temporary uses and activities proposed to be located within the Shorelines of the State may be permitted through the issuance of a Special Use Permit and the appropriate Shoreline permit and approvals in accordance with the provisions of this Title.

**xx.34.040 Shoreline Environments.**

- A. **Conservancy Environment.** The objective in designating a conservancy environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to insure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

The conservancy environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are non-consumptive of the physical and biological resources of the area. Non-consumptive uses are those uses which can utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment. Examples of uses that might be predominant in a conservancy environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related uses and activities.

The designation of conservancy environments should seek to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentrations of population, either existing or projected. For

example, a conservancy environment designation can be used to complement city, county or state plans to legally acquire public access to the water.

The conservancy environment would also be the most suitable designation for those areas which present too severe biophysical limitations to be designed as rural or urban environments. Such limitations would include areas of steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

- B. **Natural Environment.** The natural environment is intended to preserve and restore systems existing relatively free of human influence. Local policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

The main emphasis of regulation in these areas should be on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment should be strictly regulated. Any activity which would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

- C. **Rural Environment.** The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses and activities.

The rural environment is intended for those areas characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural needs. Designation of rural environments should also seek to alleviate pressures of urban expansion on farming areas.

- D. **Urban Environment.** The objective to ensure optimum utilization of shorelines within urbanizing areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The urban environment is an area of high-intensity land-use. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical

limitations for urban activities and not have a high priority for designation as an, alternative environment.

Because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas.

**xx.34.050 Agriculture.**

A. General Regulations. The Act specifically exempts the "construction of a barn or similar agricultural structure on wetlands" from the permit system. The regulations below, therefore, apply only to those agricultural activities and practices which, because they are not specifically exempted by the law, are implicitly subject to control by it.

B. Natural Environment. Grazing shall be permitted on natural shorelines; provided that its operations do not have a harmful ecological impact and that no extensive clearing construction or other operation which substantially changes the character of the environment is necessary, and subject to XX.34.050.C.2 and C.3.

C. Conservancy Environment.

1. Agriculture shall be permitted on conservancy shorelines provided that its operations do not involve major construction or other activities which substantially change the character of the environment.
2. Any person proposing to undertake the establishment of a feedlot or other lots for livestock of any kind equivalent to 10 or more head of mature cattle which concentrate their waste in a small area shall obtain a conditional use permit.
3. A permit may be granted subject to the following minimum conditions:
  - a. Provide at least 100 feet of vegetated area between confinement lots and streams.
  - b. Locate confinement lots both away from hillsides leading directly to streams and outside the ten-year flood plain, where defined.
  - c. Select a confinement lot site with as much vertical distance as possible between the ground surface and the water table.

D. Rural Environment.

1. Agriculture shall be permitted on rural shorelines, as related to the goals and policies statement.

2. Establishment of feedlots shall be as defined under Section XX.34.050.C.2.

E. Urban Environment. Agriculture shall be permitted on urban shorelines, subject to XX.34.050.C.3.

**xx.34.060 Aquaculture.**

A. Natural Environment. Aquaculture shall be permitted on natural shorelines provided that its operations do not have a harmful ecological impact and do not materially interfere with the normal public use of the waters or shorelines.

B. Conservancy Environment.

1. Aquaculture shall be permitted on conservancy shorelines provided that its operations are consistent with goals and polices.

2. Any person proposing to engage in an aquaculture practice which materially interferes with the normal public use of the water of shorelines of the state shall apply for a permit, except that unlimited recreational navigation over the surface of the waters shall not be construed as aquaculture practices, but do include:

a. Construction of facilities.

b. Disposal of solid or liquid wastes must conform with federal and state water quality standards.

C. Rural Environment.

1. Aquaculture shall be permitted on rural shorelines.

2. Section XX.34.060.B.2. shall apply.

D. Urban Environment.

1. Aquaculture shall be permitted on urban shorelines

2. Section XX.34.060.B.2. shall apply.

**xx.34.070 Forest Management.**

A. Natural Environment.

1. Harvesting of timber shall be permitted on natural shorelines only where it is necessary to:

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- a. Prevent an epidemic of insect or disease infestations throughout the designated areas and to adjoining areas when no other means of epidemic control will work.
  - b. Clean-up and restore an area devastated by disaster such as extensive wind throw or fire.
2. In instances where timber harvesting is permitted to prevent disease or insect control for shorelines, it shall be subject to Section XX.34.070.B.
- B. Conservancy Environment. Timber harvesting and any tree-felling, vegetation removal, road building or other forest management operation is permitted anywhere along conservancy shorelines, subject to the following regulations:
1. No logging roads shall be built within shoreline areas except where necessary to cross a body of water.
  2. Skid trails shall be seeded to native species and water bars (kelly humps) placed where necessary.
  3. No trees are to be felled into streams.
  4. Slash shall be disposed of by burning or chipping or lop and scatter methods prior to finishing operation.
  5. All logging shall be in conformance with the Forest Practice Act and those sections of the Shoreline Management Act that pertain to timber harvesting and related activities (roads, bridges, etc.)

C. Rural Environment.

Section XX.34.070.B. shall apply.

D. Urban Environment.

Section XX.34.070.B. shall apply.

**xx.34.080 Commercial Development.**

- A. Natural Environment. Commercial development or activity shall be prohibited on natural shorelines.
- B. Conservancy Environment.

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1. Commercial development or activity shall be prohibited on conservancy shorelines except for those low-intensity recreational developments or activities which do not substantially change the character of that environment, such as travel trailer parking areas, non-profit group camps, and hunting and fishing clubs.
2. A permit for commercial development may be granted subject to the following regulations:
  - a. Any commercial structure or facility except one which requires or is dependent on direct, contiguous access to the water shall be set back from ordinary high water by a minimum of 100 feet.
  - b. Any commercial facility or structure which is built shall be no higher than 35 feet and of an appearance that either blends with its surroundings or at a minimum does not detract from them.
  - c. Parking for 10 or more cars shall remain outside the shoreline area, except where parking elsewhere is rendered impractical to topography or constitutes a severe economic hardship to the commercial enterprise, in such exceptional cases it shall remain as far from the ordinary high water mark as feasible.

C. Rural Environment.

1. Commercial development or activity shall be prohibited on rural shorelines except for those developments or activities which do not substantially change the character of that environment. Such developments may include: restaurants, campgrounds, group camps, and similar recreational facilities; craft or antique stores, and the like; hunting and fishing and other private club structures; game preserves and private parks; and commercial uses in restored historical structures.
2. A permit for commercial development may be granted subject to the following regulations:
  - a. Any commercial structure or facility except one which requires or is dependent on direct, contiguous access to the water shall be set back from the ordinary high water mark by a minimum of 50 feet.
  - b. Commercial buildings of more than 35 feet above average ground grade shall not be allowed.

D. Urban Environment.

1. Commercial development or activity shall be permitted on urban shorelines.

2. A permit for commercial development may be granted subject to the following regulations:
  - a. Any commercial structure or facility except one which requires or is dependent on direct, contiguous access to the water shall set back from the ordinary high water mark by a minimum of 50 feet, and located above the 100 year flood level.
  - b. Commercial buildings of more than 35 feet above average ground grade shall not be allowed.
  - c. Section XX.34.080.B.2.c. shall apply.

**xx.34.090 Outdoor Advertising Signs And Billboards.**

A. General Regulations.

1. Signs shall be located on the upland side of public transportation routes which parallel and are adjacent to river and water bodies (unless it can be demonstrated that views will not be substantially obstructed).
2. When feasible, signs shall be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies, and be of a rustic nature or blend into the environment.

B. Natural Environment. Only information signs shall be placed within the natural environment and shall not exceed 16 square feet in size.

C. Conservancy Environment.

1. Only information and/or directional signs shall be placed within the conservancy environment.
2. Such signs shall not exceed 32 square feet in size and shall be of a rustic nature and fit into the environment.

D. Rural Environment.

1. Only information and directional signs shall be placed within the rural environment.
2. Section XX.34.090.C.2. shall apply.

E. Urban Environment.

1. Only information and directional signs shall be placed within the urban environment.
2. Section XX.34.090.C.2. shall apply.

**xx.34.100 Mining.**

A. Natural Environment. Mining shall be prohibited on natural shorelines.

B. Conservancy Environment.

1. Mining operations which do not substantially change the character of the environment shall be permitted on conservancy shorelines.
2. A permit for a mining operation may be granted subject to the following:
  - a. The operator of a surface mine, which is subject to the 1970 Surface Mined Land Reclamation Act shall present to the county one copy each of the surface mining plan and of the reclamation plan provided in R.C.W. 78.44.
  - b. A surface mining plan or a reclamation plan judged by the county to be insufficient for the protection or restoration of the shoreline environment shall be grounds for denial of a permit.
  - c. Any gravel removal along side, upstream or downstream from spawning areas shall be in conformance with the technical provisions of the Hydraulics Project approval by the Washington State Department of Fisheries and the Washington State Department of Game.

C. Rural Environment.

Mining operations shall be permitted on rural shorelines subject to Section XX.34.100.B.2., insofar as they do not substantially change the character of the rural environment.

D. Urban Environment. Mining operations shall be permitted on urban shorelines subject to Section XX.34.100.B.2.

**xx.34.110 Marinas.**

A. Natural Environment. Marinas shall be prohibited on natural shorelines.

B. Conservancy Environment.

1. Marinas which can be sited, designed and built in such a way as to minimize conflicts with conservancy shorelines shall be permitted.
2. Any person proposing to undertake a marina development, construction, expansion and/or alteration, or any phase thereof which constitutes a complete project, should check the need for such a permit.
3. A permit shall be obtained for marina development, construction, expansion and/or alteration.
  - a. Parking for 10 or more vehicles shall remain outside the area, except where parking elsewhere is rendered impractical by topography or constitutes a severe economic hardship to the marinas, in such exceptional cases it shall remain as far from the ordinary high water mark as feasible.
  - b. Sanitary facilities acceptable by the Department of Social and Health Services and Pend Oreille County Health Department shall be provided at each main site.

C. Rural Environment.

Section XX.34.110.B. shall apply.

D. Urban Environment.

Section XX.34.110.B. shall apply.

**xx.34.120 Residential Development.**

A. General Regulations

1. The act specifically exempts "construction on wetlands by an owner, lessee or contract purchaser of a single family residence under 35 feet in height for his own use or for the use of his family..." from its permit requirements. However, even though single family homes are not substantial developments, the intent of the Act established a basis for regulating them.
2. Residential development within the incorporated limits of Metaline Falls, Metaline, Ione, Cusick and Newport shall be done in conformance with their applicable ordinances and Shoreline Master Programs when applicable.
3. Residential structures: Road setback 25 feet, side yard and back yard setback 5 feet for each story of the building.
4. Accessory Buildings: Road setback 25 feet, side yard setback for 5 feet for each story of the building, 70 feet from the water front property line or Ordinary High Water Mark, whichever is greater.

5. At least one off-street parking area shall be provided.
6. All residential lot requirements shall apply to both future and present lots.

**B. Natural Environment.**

1. Multi-family residences shall be prohibited on natural shorelines.
2. Single-family residences shall be permitted on natural shorelines, subject to the following regulations:
  - a. Minimum-lot width at the property line nearest ordinary high water shall be 300 feet.
  - b. No residence shall be constructed closer than 50 feet from the ordinary high water mark.
  - c. All utility lines, including electricity, communications, and street lighting, shall be underground unless topography or ground conditions prohibit.

**C. Conservancy Environment.**

1. Multi family planned units and/or planned unit residences shall be permitted on conservancy shorelines.
  - a. Minimum lot width at the ordinary high water mark shall be 65' minimum, plus 10' for each additional unit to a maximum of 10 units.
  - b. No structure shall be located closer than 50 feet from the ordinary high water mark.
  - c. Parking lots with 10 or more spaces shall not be placed within shoreline areas, except where parking elsewhere is rendered impractical by topography or constitutes a severe hardship. In exceptional cases it shall remain as far from the ordinary high water mark as feasible.
2. Single-family residences and dwelling units shall be permitted on conservancy shorelines subject to the following regulations:
  - a. Land subdivided subsequent to the adoption of the Pend Oreille County Shoreline Management Plan shall provide for lot widths at the shoreline with the residential building set back from the ordinary high water point according to the following schedule:

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<u>Width of Lot</u>	<u>Set Back</u>
75-99 feet	75 feet
100-124 feet	50 feet
125-+feet	25 feet

The set back distance shall be the horizontal distance from the ordinary high water mark as determined by the Planning Director, including porches, but not uncovered decks or steps.

The set back distance required shall be specified on covenants of each plat.

- b. No shoreline residence shall exceed the height of 35 feet above the average grade level.
- c. No subdivision plat may be approved that does not conform to the Shoreline Management Regulations.
- d. Section XX.34.120.B.2.c. shall apply.

D. Rural Environment.

- 1. Multi-family residences shall be permitted on rural shorelines subject to the following regulations:
  - a. Minimum lot width at the ordinary high water mark shall be 125 feet for each living unit.
  - b. No residence shall be constructed closer than 50 feet from the ordinary high water mark.
  - c. Parking lots with spaces for 10 or more cars shall not be placed within the shorelines except where parking elsewhere is rendered impractical by topography or constitutes a severe hardship to the commercial enterprise, in such exceptional cases it shall remain as far from the ordinary high water mark as feasible.
  - d. Section XX.34.120.B.2.c. shall apply.

E. Urban Environment.

- 1. Multi-family residence shall be permitted in urban shorelines.

2. Any person proposing to construct or expand a multi-family residence shall apply for a permit.
3. A permit for a multi-family residence may be granted subject to the following regulations:
  - a. Minimum width at the ordinary high water mark for each multi-family or planned unit shall be 65' minimum plus 10' for each additional unit to a maximum of 10 units.
  - b. No residence shall be located closer than 25 feet from the ordinary high water mark.
  - c. Section XX.34.120.C.1.c. shall apply.
4. Single-family residence shall be permitted on urban shorelines subject to the following regulations:
  - a. Sections XX.34.120.E.3.a. and b. shall apply.
  - b. Section XX.34.120.b.i.2.c. shall apply.
  - c. The general set back from the ordinary high water mark shall be 25 feet from a bank of 5 vertical feet or more, and 50 feet from the bank of less than 5 vertical feet.
  - d. Consideration shall be given to the topographic conditions and alteration in the set-backs; requirements may be changed if conditions warrant.

**xx.34.130 Roads And Railroads.**

- A. General Regulations. Logging roads, being a special category of roads, are regulated in the section on forest management practices.
- B. Natural Environment.
  1. Roads other than access roads to private residences shall be prohibited on natural shorelines except where unavoidably necessary to cross the shoreline. Subject to permit requirement of the Act.
  2. A permit may be granted subject to Section XX.34.130.C.2.

3. Private Access roads shall be subject to and constructed to the same regulations and standards as public roads.

C. Conservancy Environment.

1. Where unavoidable, and/or where necessary to cross a body of water construction of public roads, railroads, and bridges shall be permitted on conservancy shorelines and shall be subject to the permit requirements of the Act.
2. A permit may be granted subject to the following regulations:
  - a. Roads and bridges shall be designed for low-speed limits and be no more than two lanes and of the minimum width consistent with low-speed automobile safety, unless a variance as provided for herein is obtained.
  - b. Demonstration of compliance with any federal or state permits, as required by presentation of a copy of each permit or by any other means satisfactory to the Planning Director.
  - c. Filling marshes to provide a road right-of-way shall be prohibited except where there are no alternative routes which are economically or topographically feasible, and except where necessary to approach a bridge.
3. Section XX.34.130.B.3. shall apply.
4. Subdivision or plat roads shall be subject to the Pend Oreille County Public Works Standards.

D. Rural Environment.

1. Section XX.34.130.C.1 and 2. shall apply, except that Section XX.34.130.C.2.a. shall be replaced by the following regulation:
  - a. Roads and bridges shall not be more than two lanes.
2. Section XX.34.130.C.4. shall apply.

E. Urban Environment.

1. Roads shall be permitted in the urban environment by permit.
2. Roads shall be permitted subject to the following:
  - a. Section XX.34.130.C.1., 2., 3.

**xx.34.140 Utilities.**

A. Natural Environment.

1. Utility systems, such as long-range transmission lines, pipelines, sewer trunk lines, water main lines, and similar facilities, shall be prohibited on natural shorelines, except where unavoidably necessary to cross a body of water.
2. Any person proposing to install or construct a utility system or extension thereto in which the cost is over \$5,000, shall file for a Shorelines Substantial Development Permit; except where such system or extension was covered by a previous Shoreline Substantial Development Permit.
3. A permit may be granted subject to the following regulations:
  - a. All such utility systems shall be underground unless such undergrounding would not be economically feasible.
  - b. Where such utility systems cross shoreline areas, clearing necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by trees and other vegetation with the proposed transmission facilities.
  - c. Upon completion of installation of such utility systems or of any maintenance project which disrupts the environment, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide an attractive, harmonious vegetation cover.

B. Conservancy Environment.

Utility systems such as long-range transmission and local distribution lines, pipelines, sewer trunk lines, water main lines, and similar facilities shall be permitted on conservancy shorelines provided they are oriented to cross shoreline areas and subject to the regulations under Sections XX.34.140.A.2. and 3.

C. Rural Environment.

Section XX.34.140.A.2. and 3. shall apply to rural shorelines.

D. Urban Environment.

1. Section XX.34.140.A.2. and 3. shall apply.

2. Utility hookup linkages to shoreline-use activities shall be underground, unless economically infeasible.

**xx.34.150 Water-Related Industries.**

A. Natural Environment.

Water-related industries other than those activities covered in other sections of this program shall be prohibited on natural shorelines.

B. Conservancy Environment.

Water-related industries other than those activities covered in other sections of this program shall be prohibited on conservancy shorelines.

C. Rural Environment.

Water-related industries shall be permitted by permit.

D. Urban Environment.

1. Water-related industries shall be permitted on urban shorelines by permit.
2. Any person proposing a development, expansion or alteration, or any phase thereof which constitutes a complete project, or water-related industry, should check on the need for permits.
3. A permit for a water-related industry, or any expansion or alteration thereof, may be granted subject to the following regulations:
  - a. Demonstration of compliance with the regulations specified on any federal and state permit required for such facilities and operations by presentation of a copy of each permit or other means satisfactory to the Planning Director.
  - b. Facilities and structures for water-related industries of more than 35 feet above average ground grade shall be prohibited, except where technically, structurally or economically impractical.

**xx.34.160 Shoreline Works And Structures (SWS).**

A. Natural Environment.

SWS shall be prohibited on natural shorelines, except where necessary to protect or preserve the character of that environment.

B. Conservancy Environment.

1. SWS shall be prohibited on conservancy shorelines, except where they do not substantially change the character of that environment and where they are a necessary part of a project which is clearly dependent on a location near or adjacent to a body of water.
2. SWS allowed under Section XX.38.050.B.1. shall comply with all applicable standards and regulations given under Section XX.38.050.C.2.below.

C. Rural Environment.

1. SWS are allowed on rural shorelines subject to the regulations given below, provided they do not substantially change the character of the environment and are part of a project which is permitted by other provisions of the program.
2. SWS shall be subject to the following regulations, where applicable.
  - a. SWS shall conform to the standards specified on any Federal or State permits required for such projects. SWS not requiring Federal or State permits shall, as a condition of obtaining a permit, have similar standards imposed.
  - b. The builder of any shoreline structure shall furnish Pend Oreille County all possible information for determining in advance the nature and extent of any possible adverse effects on fish and wildlife or on the property of others caused by his construction and shall propose and take all necessary actions to minimize such effects.

D. Urban Environment.

1. SWS are allowed only by permit on urban shorelines.
2. Section XX.34.160.C.2. shall apply.

**xx.34.170 Landfill And Dredging.**

A. Natural Environment.

Dredging operations or landfills shall be prohibited on natural shorelines, except where necessary to protect or preserve the character of that environment or where operations do not change the character of that environment.

B. Conservancy Environment.

1. Dredging operations or landfills shall be prohibited on conservancy shorelines, except where they do not substantially change the character of that environment and where they are a necessary accessory to a project which is clearly dependent on a location near or adjacent to a body of water.
2. Dredging operations or landfills allowed under Section XX.34.170.B.1. above shall comply with all applicable standards and regulations given under Sections XX.34.170.C.2. and 3. below.

C. Rural Environment.

1. Dredging operations or landfills shall be permitted on rural shorelines subject to the regulations below, provided they do not substantially change the character of the environment and are accessory to the project which is allowed by other provisions on the Master Program.
2. The dredging of soil disposal operations shall be subject to the following regulations:
  - a. Dredging operations shall conform to the operating standards specified on any federal and state permits required for such operations. Operations not requiring federal or state permits shall have similar standards imposed as conditions of obtaining a permit.
  - b. Dredging spoils exceeding the Environmental Protection Agency criteria for toxic sediments shall be disposed of on land. The results of chemical and physical analysis of a sample of the spoil material shall be forwarded to the Planning Director prior to the beginning of dredging operations.
3. All landfills shall be subject to the following standards and regulations:
  - a. The "Criteria Governing the Design of Landfills for protection of Fish and Shellfish Resources" adopted by the Washington State Department of Fisheries in 1971.
  - b. Landfills shall consist of clean materials with a minimum potential for dredging water quality.
  - c. Landfills shall be protected against erosion with retaining walls or similar structures or by vegetation established during the first growing season following completion of the landfill.
  - d. Filling to provide land for septic tank drainfield shall be prohibited except where alternative treatment methods or locations cannot be utilized.

D. Urban Environment.

1. Dredging or landfill operations may be located on urban shorelines by permit.
2. Section XX.34.170.C. shall apply.

**xx.34.180 Solid Waste Disposal.**

No solid waste shall be disposed within any shoreline environment of Pend Oreille County.

**xx.34.190 Archaeology And History.**

Any possible archaeological and historical finds in shoreline environments shall be reported to the Planning Director. The Planning Director shall within 3 weeks make a determination of its significance so that the project may continue, unless otherwise provided for. All archeological and historical finds are subject to final determination by the Office of Archeology and Historic Preservation.

**xx.34.200 Recreation.**

- A. General Regulations. Except for those facilities which require a location adjacent to a body of water, setback and height regulations on all shorelines for recreational buildings shall correspond to those for single-family residences.
- B. Natural Environment. Very low intensity recreational uses shall be permitted on natural shorelines subject to the following regulations:
  1. A recreational facility or structure which changes or detracts from the character of the local environment shall be prohibited.
  2. Section XX.34.120.C.1.c. shall apply.
- C. Conservancy Environment. Low-intensity recreational uses shall be permitted on conservancy shorelines, subject to the following regulations:
  - i. A recreational facility or structure which changes or detracts from the character of the local environment shall be prohibited.
  - ii. Section XX.34.120.C.1.c. shall apply.

D. Rural Environment.

Low to medium intensity recreational uses shall be permitted on rural shorelines, subject to Section XX.34.120.C.1.c.

E. Urban Environment.

Any recreational use shall be permitted on urban shorelines, subject to Section XX.34.120.C.1.c.

**xx.34.210 Flood Plains.**

A. General Regulations.

1. The effects upon public health, safety and general welfare of any uses proposed for flood hazard areas shall be evaluated in light of the policies given above and of the regulations given under this subsection. The permit shall either be granted or denied according to whether or not appropriate precautions designed to minimize losses due to flooding have been taken.
2. In determining the appropriateness of any proposed use in a flood hazard area, the following shall be considered:
  - a. The danger of life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed use and its contents to flood damage on the individual owner.
  - e. The importance of the services provided by the proposed use to the community.
  - f. The requirements of the use for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

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- j. The expected heights, velocity, duration, rate of rise and sediment transports of the floodwaters expected at the site.
    - k. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities such as sewer, gas, electrical and water systems, streets and bridges.
    - l. Such other factors which are relevant to the policy of this program.
3. Any use activity involving levees, fills, structures or other features which will individually or collectively significantly increase flood flows, heights or damages shall be prohibited.
4. Any building sites not prohibited under Section XX.34.210.A.3. above may be permitted if the sites are elevated or filled to a height one foot or more above the elevation of the regulatory 100 year flood or if other provisions are made from elevating, adapting or otherwise protecting structures to achieve the same result, or if there is assurance that proposed uses will be protected through structural flood proofing, flood warning systems or other techniques.
5. Flood-proofing shall include, where applicable and reasonable:
  - a. Anchorage to resist flotation and lateral movement.
  - b. Reinforcement of walls to resist water pressures.
  - c. Building design and construction to resist rupture or collapse caused by water pressure or floating debris.
  - d. Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare shall be at an elevation one foot or more above the height associated with the regulatory flood elevation, or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
6. All waters systems including individual wells located in flood hazard areas, whether public or private, shall be flood-proofed to a point one foot or more above the regulatory flood elevation. Water wells shall be located on high ground that is not in the floodway.
7. The finished elevation of proposed streets shall be no more than two (2) feet below the regulatory flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

**xx.34.220 Sewage Collection And Treatment.**

A. General Regulations.

1. Sewage disposal facilities for any proposed use shall meet all applicable state and local regulations, including those of the Department of Health, Department of Ecology, North East Northeast Tri-County Health Department (NETCH), and those found in zoning and subdivision ordinance.
2. If a community sewage collection and treatment system is located on or near a proposed use, connection shall be made to that system and an individual sewage disposal facility shall be prohibited.
3. Any use for which a sewage disposal facility using a soil absorption system (drain field) is proposed, shall be on a lot which at a minimum shall meet the following standards:
  - a. The lots shall have suitable soils, water table, slope and other physical characteristics as required by the NETCH.
4. Soil absorption systems (drain fields) shall be prohibited closer than 100 feet from the ordinary high water mark. Setbacks greater than 100 feet may be required by the Planning Director in order to adequately protect water supplies or waters used.
5. Filling to provide land for soil absorption systems (drain field) shall be prohibited except where alternative treatment methods or locations cannot be utilized.

**xx.34.230 Piers And Docks.**

A. General Regulations.

1. Piers or docks shall not be constructed which will restrict the use of the water surface.
2. Piers or docks shall be located and constructed in such a manner as not to result in adverse effects on water quality, nearby shorelines, fish and wildlife, and shall be compatible with surrounding environments.
3. Floating docks are encouraged on the lakes of Pend Oreille County.
4. Pile supported docks are encouraged on the Pend Oreille River.
5. The use of community piers and docks are encouraged.

6. At this time the establishment of regulations for the location, spacing, and length of piers and docks is not recommended, however the USACOE has limitations for docks on the Pend Oreille River.

**xx.34.240 Boat Houses.**

A. General Regulations.

1. Boat houses shall conform to the requirements of accessory buildings under residential development, Section XX.34.120.C.1.
2. No floating boat houses shall be constructed.

**CHAPTER XX.36**  
**ENVIRONMENTALLY SENSITIVE AREAS**

**Sections:**

- xx.36.010 Purpose.**
- xx.36.020 Wetlands.**
- xx.36.030 Frequently Flooded Areas.**
- xx.36.040 Geologically Hazardous Areas.**
- xx.36.050 Critical Wildlife and Fish Habitat.**
- xx.36.060 Critical Aquifer Recharge Areas.**

**xx.36.010 Purpose.** The purpose of this Chapter is to identify environmentally sensitive areas and to supplement the County's development requirements by providing additional controls without violating constitutional rights provided that:

- A. Pend Oreille County is currently in the process of updating these regulations. Please contact the Pend Oreille County Planning Department for more details.*

**xx.36.020 Wetlands.** Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a predominance of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

A. Designation and Identification.

The approximate locations of wetlands in the County are depicted by the Northeast Tri-County Wetlands Inventory maps as produced by Eastern Washington University. The maps are the result of the synthesizing of data from the National Wetlands Inventory, hydric soils information and aerial photographs. They are used as a reference not as a final designation. No designation will be made until a field study has been performed. The maps are available for viewing at the County Planning Department.

If a proposed building project or subdivision proposal appears to have a wetland on the property, the Applicant shall submit a wetland study, performed by a qualified wetland professional. The study shall use the Washington State Wetlands Rating System and show the wetland boundaries and wetland category(ies).

B. Classification.

The Washington State Wetlands Rating System for Eastern Washington is hereby adopted by Pend Oreille County in determining regulated wetlands, their classification and associated restrictions. The Washington State Wetlands Rating System currently includes five (5) categories. Pend Oreille County will be regulating the first two categories, choosing to regulate the high quality wetlands in the County. Activities in wetlands not classified as follows remain subject to applicable State and Federal permit requirements. (The Applicant may choose to use the Revised Washington State Wetlands Rating System for Eastern Washington in lieu of this section.)

C. Regulations. In addition to the provisions of this Chapter, wetlands are protected by the Army Corps of Engineers, Washington Department of Ecology, Washington State Department of Natural Resources (forest practices) and the Washington State Department of Fish and Wildlife Regulations.

1. There shall be no net reduction of wetlands.
2. The following activities are not allowed within Category I or II wetlands and the adjacent buffers:
  - a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
  - b. The dumping, discharging, or filling with any material.
  - c. The draining, flooding, or disturbing of the water level or water table.
3. The following setbacks shall apply to all new construction after the adoption of this ordinance and shall be determined by the wetland category and the intensity of land use proposed. Distances shall be measured from the wetland boundary. Setbacks required under the Pend Oreille County Shoreline Master Program shall be applicable if more restrictive.
  - a. High intensity land uses include commercial, industrial, multifamily, public road construction (State Highways and Class 7 and 8 County Roads) other than normal maintenance and repair, and single family dwellings at a density greater than 1 dwelling unit per acre.
  - b. Low intensity land uses include private access roads, local access county roads, single family dwellings at a density less than or equal to 1 dwelling unit per acre.
  - c. Category I

- i. High Intensity: 150 Feet
    - ii. Low Intensity: 50 Feet
  - d. Category II
    - i. High Intensity: 100 Feet
    - ii. Low Intensity: 25 Feet
- 4. All land subdivision bordering or containing Category I or II wetlands must indicate the boundary, category and applicable setbacks on the final plat, along with the following statement:

“Any type of construction or alteration within the wetland area or its setback may not occur without prior approval of the County Planning Director. Additional Federal or State permits may be required.”
- 5. Should topography and the location of the wetland force the landowner into a situation where he or she can no longer make reasonable use of the land, the setback requirements can be lessened or in extreme situations construction or activity will be allowed, provided that approved replacement, restoration or enhancement is inspected and approved by the County prior to the destruction of the wetland area.
- 6. All mitigation will be performed on a ratio of 1:1, provided it can be shown through a study and mitigation plan prepared by a qualified professional that the area destroyed can be reasonably replaced or that another wetland can be enhanced or restored to a degree equaling the resource lost. All mitigation plans will require completion of a County Environmental Checklist and be processed as a Class 2 application in accordance with the provisions of this Title.
- 7. The landowner will be notified of all permits required by State and Federal agencies for the mitigation project.

**XX.36.030 Frequently Flooded Areas.**

- A. Applicability. This Section shall apply to all areas of Special Flood Hazard within the jurisdiction of Pend Oreille County.
- B. Purpose.
  - 1. The purpose of this Section is to:
    - a. Protect human life and health;

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- b. Minimize expenditure of public money and costly flood control and flood relief projects;
  - c. Minimize prolonged business interruptions;
  - d. Minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
  - e. 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 damages;
  - f. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
  - g. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
  - h. Administer the Washington State Floodplain Management Act (Chapter 86.16 RCW) and maintain Pend Oreille County's eligibility to participate in the National Flood Insurance Program.
2. 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;
3. Sewer and Water Services. The Project Sponsor shall provide sufficient documentation to verify, subject to County review and approval, that adequate provisions can be made to provide water and sewer service to the site, including but not limited to sufficient water rights, without adversely affecting existing levels of service.
- a. Controlling filling, grading, dredging, and other development which may increase flood damage; and
  - b. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.
4. 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 man-made or natural causes. This 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.

B. Classification.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study - Pend Oreille County, Washington and Incorporated Areas", dated March 4, 2002, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference. The Flood Insurance Study and the FIRM are on file at the County Courthouse.

1. Area of "special flood hazard" means the land in the flood plain within a community subject to a one- percent or greater chance of flooding in any given year. Designation on maps always includes the letter A. Also referred to as "100-year floodplain" and "Special Flood Hazard Area".
2. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

C. Review Process.

1. A floodplain development permit shall be obtained before any construction or development activity is initiated within any special flood hazard area.
2. When base flood elevation data has not been established for areas of special flood hazard, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in accordance with accepted engineering practices.
3. The Planning Director shall:
  - 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 Emergency Management Agency.
  - b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - c. Administer and implement these regulations by granting or denying development applications in accordance with the provisions of this Chapter. This shall include but is not limited to the:

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- i. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - ii. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
  - iii. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of FEMA Model Ordinance Section 5.4(1) are met.
4. Subdivision proposals.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
  - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments.
  - e. All subdivisions and short subdivisions shall establish an elevation monument on or adjacent to the subject property for future elevation certification purposes.
  - f. All subdivisions and short subdivisions shall show on the face of the final plat or short plat, the boundary of the 100-year floodplain and floodway.
  - g. All subdivision proposals involving lands within the 100- year flood plain shall provide elevations at each lot corner.

5. Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

6. Variances.

a. Variances may be granted when the following conditions exist:

- i. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variance requests in the designated floodway shall be accompanied by a professional engineering analysis of the resultant base flood discharge. Variances shall not be granted from the provisions of Section XX.36.030.F.2.
- ii. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, and comply with all other variance criteria.
- iii. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- iv. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- v. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases, the technical justification required for issuing the variance increases.

b. Variances to the provisions of this Section may be granted upon consideration of:

- i. The danger that materials may be swept onto other lands to the injury of others;
- ii. The danger to life and property due to flooding or erosion damage;
- iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv. The importance of the services provided by the proposed facility to the community;
- v. The necessity to the facility of a waterfront location, where applicable;
- vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;
- ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. General Regulations.

1. Requirements for below-grade crawlspaces

- a. The interior grade of a crawlspace below BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG).
- b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point unless the structure is designed by a licensed professional engineer. The height limitation is the maximum allowable unsupported wall

height according to the engineering analyses and building code requirements for flood hazard areas.

- c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed areas should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.
- d. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace. For velocities in excess of 5 feet per second, other foundation types should be used.
- e. Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

2. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

3. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

4. Construction Materials and methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- d. New water wells shall be constructed in compliance with WAC 173-160-171;
- e. Elevate or adequately anchor propane tanks if located below the regulatory flood elevation; and
- f. Elevate or floodproof utilities below the regulatory flood elevation.

E. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) the following provisions are required:

1. Residential Construction.

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - ii. The bottom of all openings shall be no higher than one foot above grade.

- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Detached accessory buildings (garages).

The following special provisions apply to detached accessory structures used as garages to single-family residences. When an accessory structure represents a minimal investment, the elevation or dry floodproofing standards need not be met. However all other requirements applicable to structures will be applicable. A minimum investment shall be determined by the applicable guiding authority or by appeal under the variance procedure and shall be determined, if necessary, on a case by case basis. However, as a general application, an expenditure for the accessory structure of not more than ten percent of the value of the main structure shall be considered a minimal investment.

- a. Accessory structures shall not be used for human habitation and must be limited to parking and storage.
- b. Accessory structures shall comply with the foundation opening requirements in Section XX.36.030.E.1.b.
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- d. Accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure that may result in damage to other structures.
- e. Accessory structures must comply with floodplain encroachment provisions of this chapter and the National Flood Insurance Program.
- f. Service facilities such as electrical and heating equipment shall be elevated one foot or more above the base flood elevation.
- g. Applicants that elect not to elevate the lowest floor of accessory structures under the provisions of this section shall be notified that flood insurance premiums will be based on rates that are one foot below the base flood elevation.

3. Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structures, except detached accessory structures, shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
  - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this Section.
  - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.
4. Critical facility.

Construction of new, critical facilities shall be located outside the limits of the special flood hazard area. However, new construction and substantial improvement of both new and existing critical facilities shall be permissible within the 100-year floodplain, provided no feasible alternative site is available, and provided the facility's nature is related to or necessitates a riverine location (such as municipal water and sewer pump stations and related treatment facilities).

- a. Critical facilities shall have the lowest floor elevated three feet or more above the base flood elevation;
  - b. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters; and,
  - c. Access routes to critical facilities shall be elevated to or above the base flood elevation to the extent possible.
5. Manufactured homes.

All manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately designed and anchored foundation system to resist flotation, collapse and lateral movement.

6. Recreational Vehicles.

Recreational vehicles placed on sites are required to either be on a site for fewer than 180 days or ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or meet the requirements of this Section and the elevation and anchoring requirements for manufactured homes.

F. Floodways.

Located within areas of special flood hazard established in Section XX.36.030.B. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
  - a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
  - b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.
  - c. Any development that results in additional walled and roofed space at a floor elevation at or below the ground floor shall constitute an increase in the ground floor area.
3. If subsection 1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections XX.36.030.D. and E.

4. Filling in the floodway is prohibited except for residential maintenance. Residential maintenance is considered the importing of bark or topsoil for flowerbeds and gardens. The total amount of material shall not exceed 10 cubic yards per calendar year.
5. Traditional agricultural practices are exempt.

G. Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRM maps as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basements) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section XX.36.030.E.3.c.
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM are required to:
  - a. Be on the site for fewer than 180 consecutive days; and
  - b. Be ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently

attached additions.

**XX.36.040 Geologically Hazardous Areas.**

A. Classification. Geologically hazardous areas are those areas susceptible to one or more of the following types of hazards and where available information indicates the existence of a significant hazard:

1. Erosion: Areas identified by the Soil Conservation Service or the Natural Resource Conservation Service soils data as having "severe" rill and inter-rill erosion hazard.
2. Landslide: Areas of historic failure including, but not limited to, areas identified by the Soil Conservation Service or the Natural Resource Conservation Service as having severe building limitations and areas with a combination of the following:
  - a. Slopes in excess of 15%;
  - b. Hillsides intersecting geologic contacts with relatively permeable sediment overlying a relatively impermeable sediment or bedrock;
  - c. Springs or groundwater seepage;
  - d. Areas with slopes of 40% or greater with a vertical relief of 10 or more feet, except where the area is composed of consolidated rock.
3. Seismic Activity: Areas identified as subject to severe risk of earthquake damage as a result of seismic induced settlement or soil liquefaction.
  - a. The Washington Department of Natural Resources Division of Geology and Earth Resources in conjunction with U.S.G.S. produced geologic maps of Pend Oreille showing the Newport Fault Zone.
  - b. The adopted Building Code has building regulations in earthquake zones.
  - c. Seismic hazards include the following areas identified on the *Liquefaction Susceptibility Map of Pend Oreille County, Washington* (Washington State Department of Natural Resources, Sept. 2004):
    - (i) For public buildings and public assembly buildings and uses areas classified as having a liquefaction susceptibility of "moderate;" and
    - (ii) For all buildings those areas classified as having liquefaction susceptibilities of "moderate to high" or "high."

- d. Seismic hazards include the following areas identified on the *Site Class Map of Pend Oreille County, Washington* (Washington State Department of Natural Resources, Sept. 2004):
  - (i) For public buildings and public assembly buildings and uses those areas classified as having a site class of “D;” and
  - (ii) For all buildings in those areas classified as having a site class of “D to E,” “E,” or “F.”
- 4. Mine Hazard: Areas adjacent to, or underlain by, existing and abandoned mines as identified by the Department of Natural Resources.

B. Regulations.

1. Subdivision.

All plats shall indicate the approximate area identified as being a significant hazard and all proposals within such an area must meet the requirements specified in Section XX.36.040.B.2.

2. Building.

All development proposals including building, grading, mining and clearing must include a professional evaluation of the following applicable aspects of the project:

- a. The effect on, and planned mitigation of, soil erosion.
- b. Engineering to protect the proposal from landslide hazards and from promoting said hazards.
- c. Engineering to protect the proposal from the possibility of ground movements, rupture, structure collapse, leakage of hazardous substances, and fire.
- d. The effect of the proposal on and by adjacent or underlying mines.

**XX.36.050 Critical Wildlife and Fish Habitat.**

A. Classification.

Pend Oreille County hereby adopts by reference the current version of the Priority Habitats and Species Data Base, Wildlife Heritage Database, Washington lakes and Rivers Database and the Management Recommendations for Washington's Priority

Habitats and Species as produced by the Washington State Department of Fish and Wildlife. These are on file with the Pend Oreille County Planning Department and available from the Washington State Department of Fish and Wildlife. Landowners can make an official request in writing to the Planning Department or the Washington State Department of Fish and Wildlife to determine if any of these areas are located on their property.

1. Key Wildlife Habitat: The following habitats are designated by the Washington State Department of Fish and Wildlife Priority Habitat and Species maps.
  - a. Riparian;
  - b. Critical Waterfowl nesting; and
  - c. Areas where state or federally designated endangered, threatened, or sensitive species have a primary association.
2. Key Fish Habitat: The following habitats are designated by the Washington State Department Fish and Wildlife River Information System maps and Lakes of Washington Fish Data System.
  - a. Streams and rivers designated as having high and substantial value as a Critical Fish Resource.

B. Regulations.

1. Key Wildlife Habitat:
  - a. Construction along riparian and critical waterfowl nesting areas, as shown on the Washington State Department of Fish and Wildlife Priority Habitat and Species maps, will be governed by the following buffer regulations.

<u>Stream Type</u>	<u>Buffer Area From Ordinary High Water Mark</u>
1 & 2	150'
3	100'
4	50'
5	25'

Stream types are mapped by the Department of Natural Resources and are filed at the Planning Department. (For example: The Little Spokane River is a Type 1).

- b. Regular maintenance of existing structures and roadways within the riparian and critical waterfowl nesting buffer areas is allowed, as long as the work is scheduled

at a time of year least likely to disturb wildlife and fish, specifically nesting and spawning. The Washington Department of Wildlife Management Recommendations for Washington's Priority Habitats and Species (found in the Pend Oreille Planning Department), will be the guide used to determine the appropriate time of year for work to be performed.

- c. Development of vehicular public access in designated riparian and critical waterfowl nesting areas is not allowed. Wildlife viewing areas and hiking trails are encouraged.
- d. Where these buffers will create a hardship on the landowner of lands platted prior to January 1, 1993, a variance may be requested through the County Planning Commission.
- e. No filling, grading, or alteration of the condition of any land, water, or vegetation will be allowed within the buffers required by this section unless authorized by this chapter. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat.
- f. Key wildlife habitat may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat. All new structures and land, water, or vegetation alterations shall comply with this chapter.
- g. For wildlife habitats other than riparian habitats, buffer areas shall be required for activities near or adjacent to habitat conservation areas when needed to protect habitat conservation areas. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations of the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be permanently protected through the use of development conditions, notices, native growth protection areas, critical area tracts, or similar mechanisms.

2. Key Fish Habitat:

Portions of the following creeks are listed as containing high and substantial fish resources:

North Fork of Granite Creek  
Cache Creek  
Mill Creek  
Davis Creek

Middle Creek

- a. Buffer areas of 50 feet from the ordinary high water mark shall be established along water bodies containing High or Substantial Fish Resources, 500 feet upstream of all designated reaches and 500 feet upstream of any tributary associated with a designated reach.
- b. New construction shall not be allowed within the 50 foot buffers. Maintenance of existing structures and roads within the buffer is allowed provided work is scheduled during a time of year least likely to disturb spawning activity.
- c. No filling, grading, or alteration of the condition of any land, water, or vegetation will be allowed within the 50' buffers.

**XX.36.060 Critical Aquifer Recharge Areas**

A. Classification

1. Pend Oreille County has been mapped to show where the water is more or less vulnerable to contamination. The Aquifer Recharge maps along with the associated report, ("Evaluation of Groundwater Pollution Susceptibility in Pend Oreille County Using the DRASTIC Method") were completed by Eastern Washington University's Department of Geology and can be found at the Planning Department
2. The **DRASTIC** method stands for the following: (D) **d**epth to water, (R) **n**et **r**echarge, (A) **a**quifer media, (S) **s**oil media, (T) **t**opography, (I) **i**mpact to the vadose zone, (C) **h**ydraulic conductivity. These factors are given points reflecting the vulnerability of ground water to contamination.

The following table outlines the groundwater protection scheme for Pend Oreille County:

<u>Drastic Index</u>	<u>Susceptibility</u>	<u>Susceptibility Index</u>
>200	>86%	Very High (least desirable)
161-200	61%-85%	High
113-160	31%-60%	Moderate
81-112	10%-30%	Low
<80	<10%	Very low(most desirable)

3. **AQ1** will refer to those areas ranging from 161 to greater than 200 on the DRASTIC index.

B. Regulations

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*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

1. The following uses within lands classified as AQ1 will require a conditional use permit.
  - a. The processing or production of toxic, hazardous and/or dangerous material as defined in WAC 173-303.
  - b. Automobile maintenance facilities and wrecking yards.
  - c. Mining of minerals and aggregate materials for commercial use.

**CHAPTER XX.40  
FOREST PRACTICES**

**IN PROGRESS – Refer to County Ordinance 98-01**

**CHAPTER XX.48A  
RECREATIONAL VEHICLE PARK REGULATIONS**

**Sections:**

- xx.48.010 Purpose.**
- xx.48.020 Applicability.**
- xx.48.030 Application Requirements.**
- xx.48.040 Approval Criteria.**
- xx.48.050 Project Approval.**
- xx.48.060 Revisions to Approved Plans.**

**xx.48.010 Purpose.** The purpose of this Chapter is to establish the standards for the transient use of real property for recreational vehicle parking sites.

**xx.48.020 Applicability.**

- A. Any person seeking to use real property on a commercial basis for recreational vehicle parking sites that do not involve the sale, transfer of ownership, or lease of RV parking sites shall be processed as a Recreational Vehicle Park and must apply for and receive a Conditional Use Permit from the County, provided that:
  - 1. Any person seeking to divide his or her property for the purpose of sale, transfer or ownership, or lease of recreational vehicle parking sites shall be processed as a Recreational Vehicle Resort in accordance with the provisions of Chapter xx.48B.
- B. The temporary expansion of existing recreational vehicle parks for not more than 72 hours may be approved by the Planning Director through the issuance of a Special Use Permit in accordance with the provisions of this Title and based on a finding that adequate provisions have been made to protect the public health and safety and to ensure that the site will be cleaned and restored in a timely manner.
- C. RV Parks are intended to accommodate the seasonal or transient use of RV's. RV's shall not be used as a permanent residence and RV's must have their tongue and wheels attached and shall be removed from an RV Park at least once every 90 days.

**xx.48.030 Application Requirements.** The County Planning Director is authorized to establish such forms, procedures, and fees as may be necessary to process applications for Recreational Vehicle Parks and related permits, provided that:

- A. Prior to submitting an application(s) to the County for a Conditional Use Permit or related permits, the Applicant must schedule and participate in a pre-application review conference.
- B. All RV Park applications shall be processed as a Class 2 Permit in accordance with the provisions of this Title.
- C. It is the intent of the County to process Conditional Use Permits in conjunction with any other permits and approvals as may be required for a proposed Recreational Vehicle Park. The County Planning Director shall be responsible for determining the required permits and establishing the appropriate review and public comment procedures.
- D. At a minimum, an application for an RV Park and associated permits shall include the following:
  - 1. The name and address of Applicant and property owner(s);
  - 2. A complete description of the interest of the Applicant in the property and a thorough project description including sales, lease, and/or marketing plans;
  - 3. A statement of any proposed or anticipated limitations or conditions on the use of the land;
  - 4. A traffic study based on the total number of trips that will be generated at full build out and that identifies such traffic mitigation measures that may be required to meet County Level of Service and Road standards;
  - 5. A site plan drawing(s) that is neat and accurate at a scale not less than one inch for each two hundred feet on a sheet or sheets measuring eleven by seventeen inches (or as required by the Planning Department) that depicts:
    - a. The location of all existing and proposed property lines, lots, sites, tracts, neighboring parcels, RV parking sites, and/or open spaces along with required buffers or setbacks;
    - b. Proposed landscaping;
    - c. Known or potential environmentally sensitive areas and the associated buffers or setbacks;
    - d. Streets, roads, access points, parking areas, trails and driveways;
    - e. Existing and proposed easements;

- f. Existing and proposed water and sewer system improvements, storm water facilities, and utilities;
  - g. Existing and proposed open space and recreation areas; and
  - h. A proposed development schedule including the projected completion or build out date and potential phases of developments.
6. A copy of the title report for the parcel(s).
- E. All applications for RV Parks with five or more RV sites and/or that involve parcels that contain or are adjacent to environmentally sensitive areas, shall be accompanied by a SEPA Checklist.
- F. All applications for Recreational Vehicle Parks within a shoreline area as defined by the Washington State Shoreline Management Act shall submit an application for Shoreline Substantial Development Permit and shall be accompanied by a SEPA Checklist.

**xx.48.040 Approval Criteria.** Recreational Vehicle Park Permit applications shall be reviewed for compliance with the provisions of this Chapter and must meet or exceed the following criteria:

- A. Pend Oreille County Comprehensive Plan, Shoreline Master Program, ordinances and regulations, State and County Building Codes, and the Washington State Environmental Policy Act (SEPA).
- B. Washington State Department of Health, Department of Ecology, and Northeast Tri-County Health District requirements for sewage disposal and potable water supply, provided that:
  - 1. The Applicant shall demonstrate that adequate water right(s) exist to serve the proposed RV Park, except when water withdrawal is exempt from obtaining a water right permit under RCW 90.44.050;
  - 2. No RV Park shall be permitted to operate without the approval of a community water supply plan by the Washington State Department of Health, Department of Ecology, and Northeast Tri-County Health District, as applicable;
  - 3. Water from a public or private water system(s) shall be provided to serve each lot, lease space, or site;

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*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

4. All requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to specific binding site plan approval; and
  5. All RV parks designed for five or more RV's shall include at least one approved sanitary sewer dump station.
- C. Pend Oreille County and Washington State Department of Transportation, regulations pertaining to roads, utilities, drainage, fire protection, access for emergency vehicles, and other infrastructure improvements, including but not limited to:
1. Access to all RV parks shall be on paved roads built and maintained to County standards with a minimum width of 60 feet of right-of-way.
  2. All new RV Parks shall provide at least two means of ingress and egress that meets or exceeds County Fire Codes and County Road Standards.
  3. All interior roads will be built to County Road Design Standards and maintained by the property owner, unless dedicated to and accepted by the County and shall meet the following requirements:
    - a. Two-Lane Road: Thirty feet (30') of paved surface;
    - b. One-Way Road: Eighteen feet (18') of paved surface;
    - c. All interior streets shall be paved with appropriate storm water management facilities;
    - d. Grades of all interior streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent; and
    - e. Streets shall intersect at approximately right angles. Intersections of more than two (2) streets at one point should be avoided.
  4. Adequate parking shall be provided in accordance with a parking plan approved by the County on individual lots or in designated parking areas and shall not be permitted on internal roads or on County roads outside of the RV Park.

D. The following recreational area and open space standards:

1. Each park designed to accommodate up to ten recreational vehicles or trailers shall provide at least 10,000 square feet of recreational area and open space, improved in accordance with the provisions of an onsite recreation plan approved by the County and an additional 5,000 square feet for each additional ten sites or fraction thereof, provided that:
  - a. Open space and recreational areas must be located on site and clearly designated;
  - b. Open space areas may include ponds, wetlands, storm drainage areas, buffers, trails, fields, and playgrounds;
  - c. Designated open space areas shall not include roads, driveways, parking lots, small areas of land between lots, driveways and roads, individual RV lots, or the areas occupied by structures; and
  - d. A minimum of twenty five percent of the designated open space shall be in one area and available for the recreational use of the RV Park and shall not include ponds, wetlands, storm drainage areas, buffers, and trails.

E. Project Sponsors shall consult with the local Fire District and/or the County Fire Marshall to determine what improvements or mitigating measures may be required in order to provide adequate fire protection and access for emergency vehicles, provided that:

1. In the absence of adequate on-site water sources, as determined by the Fire Marshal, such as reservoirs, swimming pools, lakes, rivers, and streams, the provisions of the Uniform Fire Code shall apply for purposes of satisfying the required fire flows.

F. Easements shall be dedicated to provide required access to all utilities.

G. The storage, collection and disposal of solid waste in recreational vehicle parks shall not create a health hazard. All solid waste shall be stored in closed containers and shall be emptied at least once a week, with the solid waste disposed of at a sanitary landfill or other approved facility, in accordance with the provisions of a solid waste management plan approved by the County.

H. The following design standards:

1. All recreational vehicles in the setup position and all buildings and structures shall be separated from each other by at least 10 feet (10').

2. All recreational vehicles, buildings, and structures shall be setback from exterior property lines at least one hundred feet (100') to allow for a perimeter buffer, provided that:
  - a. The perimeter buffer shall be landscaped with natural or native vegetation and kept free of debris;
  - b. The perimeter buffer shall be designed and landscaped so that the RV Park vehicles and structures are screened and/or obscured from neighboring residences, the County and State roads and/or rivers, lakes, and other water bodies;
  - c. The Planning Commission may reduce the perimeter buffer based on a finding that adequate provisions have been made to ensure that the site is screened and/or obscured from neighboring properties and residences, the County and State roads and/or rivers, lakes, and other water bodies;
  - d. The Planning Commission may increase the buffer requirements based on a finding that the location of proposed sewer or septic systems may adversely affect neighboring properties: and
  - e. The 100' buffer requirement may be superseded by, but shall not be additive to the requirements of the County's Shoreline Master Program.
3. All setbacks shall be landscaped with natural or native vegetation and kept free of debris, provided that:
  - d. Septic tanks and associated drain fields shall not be permitted in required perimeter buffers.
4. All RV Parks shall have at least one (1) approved toilet/lavatory/shower facility for each sex for every twenty five (25) RV sites, or fractional part thereof;
5. All lighting shall be pointed down, directed internally, and/or screened to minimize the adverse effects of the lighting on neighboring properties, provided that this requirement shall not preclude the appropriate display of the flag of the United States, the Dominion of Canada, or the State of Washington.

6. All improvements to existing and proposed recreational vehicle parks shall conform to the current building, plumbing, mechanical, and fire codes of Pend Oreille County, and/or the State of Washington.
7. Only one address shall be assigned and one mailbox permitted at each RV Park.
8. A finding that the proposed Recreational Vehicle Park functions as a single site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility and utility systems, and parking.
9. The maximum number of RV sites that may be permitted in an approved RV Park is 150.

**xx.48.050 Project Approval.** Approved Recreational Vehicle Park Permits shall include all conditions of approval and shall incorporate by reference all requirements and conditions of associated permits and approvals provided that:

- A. All required improvements shall be installed by the Project Sponsor, and approved by the County prior to any public use or occupancy of the site; and
- B. Failure to comply with the terms and conditions of approval may result in the suspension or revocation of permits and approvals and/or civil or criminal penalties.

**xx.48.060 Revisions to Approved Plans.** Requests to revise approved Recreation Vehicle Park Permits may be processed as a Class 1 Permit provided that the proposed revisions do not result in substantial changes.

- A. For the purpose of this section substantial change includes, but is not limited to:
  1. The creation of additional RV sites;
  2. Changes in access points; or
  3. Changes in the proposal that may lead to built or natural environmental impacts that were not addressed in the original approval.
- B. All substantial revisions shall be processed as a Class 2 permit and shall be treated as a new application for purposes of vesting.

**CHAPTER XX.48B  
RECREATIONAL VEHICLE RESORT REGULATIONS**

**Sections:**

- xx.48.010 Purpose.**
- xx.48.020 Applicability.**
- xx.48.030 Application Requirements.**
- xx.48.040 Approval Criteria.**
- xx.48.050 Project Approval.**
- xx.48.060 Revisions to Approved Plans.**

**xx.48.010 Purpose.** The purpose of this Chapter is to establish the standards for the division of land for sale, transfer of ownership, or lease of real property for recreational vehicle parking sites.

**xx.48.020 Applicability.**

- B. Any person seeking to use real property on a commercial basis for recreational vehicle parking sites that involves the sale, transfer of ownership, or lease of RV parking sites shall be processed as a Recreational Vehicle Resort and must apply for and receive a Conditional Use Permit from the County, provided that:
  - 2. Any person seeking to use his or her property for transient use by RV's that does not involve the sale, transfer or ownership, or lease of recreational vehicle parking sites shall be processed as a Recreational Vehicle Park in accordance with the provisions of Chapter xx.48A.
- D. Any person seeking to divide his or her property for the purpose of sale, transfer of ownership, or lease for a Recreational Vehicle Resort is also required to apply for and receive an approved subdivision or binding site plan from the County. All subdivisions or binding site plans for Recreational Vehicle Resorts must comply with the density requirements of the zoning district in which it is located.

**xx.48.030 Application Requirements.** The County Planning Director is authorized to establish such forms, procedures, and fees as may be necessary to process applications for Recreational Vehicle Resorts and related permits, provided that:

- A. Prior to submitting an application(s) to the County, the Applicant must schedule and participate in a pre-application review conference.

- B. All Recreational Vehicle Resort applications shall be processed as a Class 2 Permit in accordance with the provisions of this Title.
- D. It is the intent of the County to integrate the processing of all permits and approvals as may be required for a proposed Recreational Vehicle Resort. The County Planning Director shall be responsible for determining the required permits and establishing the appropriate review and public comment procedures.
- D. At a minimum, an application for Recreational Vehicle Resort and associated permits shall include the following:
1. The name and address of Applicant and property owner(s);
  2. A complete description of the interest of the Applicant in the property and a thorough project description including sales, lease, and/or marketing plans;
  3. A statement of any proposed or anticipated limitations or conditions on the use of the land;
  4. A traffic study based on the total number of trips that will be generated at full build out and that identifies such traffic mitigation measures that may be required to meet County Level of Service and Road standards.
  5. A site plan drawing(s) that is neat and accurate at a scale not less than one inch for each two hundred feet on a sheet or sheets measuring eleven by seventeen inches (or as required by the Planning Department) that depicts:
    - b. The location of all existing and proposed property lines, lots, sites, tracts, neighboring parcels, and/or open spaces along with required buffers or setbacks, provided that:
      - i. The County may prescribe more extensive survey or submittal requirements in accordance with the provisions of RCW 58.17, RCW 64.32, and RCW 64.34.
    - g. Proposed landscaping;
    - h. Known or potential environmentally sensitive areas and the associated buffers or setbacks;
    - i. Streets, roads, access points, parking areas, trails and driveways;
    - j. Existing and proposed easements;

- k. Existing and proposed water and sewer system improvements, storm water facilities, and utilities;
  - g. Existing and proposed open space and recreation areas; and
  - h. A proposed development schedule including the projected completion or build out date and potential phases of developments.
6. A copy of the proposed Lot Owners Association By-Laws or comparable documents that will govern the ownership and maintenance of land or facilities in shared or common ownership. These by-laws shall include, but is not limited to:
- a. Provisions to ensure the ongoing maintenance and operation of required water and sewer systems; and
  - b. Provisions for annual fire and safety inspections by the appropriate Fire District or jurisdiction.
7. A copy of the title report for the parcel(s).
- E. All applications for RV Resorts with five or more RV sites and/or that involve parcels that contain or are adjacent to environmentally sensitive areas, shall be accompanied by a SEPA Checklist.
- G. All applications for Recreational Vehicle Resorts within a shoreline area as defined by the Washington State Shoreline Management Act shall submit an application for Shoreline Substantial Development Permit and shall be accompanied by a SEPA Checklist.

**xx.48.040 Approval Criteria.** Recreational Vehicle Resort Permit applications and associated binding site plans or subdivisions shall be reviewed for compliance with the provisions of this Chapter and must meet or exceed the following criteria:

- A. Pend Oreille County Comprehensive Plan, Shoreline Master Program, ordinances and regulations, State and County Building Codes, and the Washington State Environmental Policy Act (SEPA).
- B. Washington State Department of Health, Department of Ecology, and Northeast Tri-County Health District requirements for sewage disposal and potable water supply, provided that:

*Pend Oreille County Development Regulations*

*Effective July 1<sup>st</sup> 2008 (Ordinance # 2008-3)*

1. The Applicant shall demonstrate that adequate water right(s) exist to serve the proposed Recreational Vehicle Resort, except when water withdrawal is exempt from obtaining a water right permit under RCW 90.44.050;
  2. No Recreational Vehicle Resort shall be permitted to operate without the approval of a community water supply plan by the Washington State Department of Health, Department of Ecology, and Northeast Tri-County Health District, as applicable;
  3. Water from a public or private water system(s) shall be provided to serve each lot, lease space, or site;
  5. All requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to specific binding site plan approval; and
  5. All Recreational Vehicle Resorts designed for five or more RV sites shall include at least one approved sanitary sewer dump station.
- C. Pend Oreille County and Washington State Department of Transportation, regulations pertaining to roads, utilities, drainage, fire protection, access for emergency vehicles, and other infrastructure improvements, including but not limited to:
1. Access to all Recreational Resorts shall be on paved roads built and maintained to County standards with a minimum width of 60 feet of right-of-way.
  4. All new Recreational Vehicle Resorts shall provide at least two means of ingress and egress that meets or exceeds County Fire Codes and County Road Standards.
  3. All interior roads will be built to County Road Design Standards and maintained by the property owner, unless dedicated to and accepted by the County and shall meet the following requirements:
    - a. Two-Lane Road: Thirty feet (30') of paved surface;
    - b. One-Way Road: Eighteen feet (18') of paved surface;
    - c. All interior streets shall be paved with appropriate storm water management facilities;

- d. Grades of all interior streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent; and
  - e. Streets shall intersect at approximately right angles. Intersections of more than two (2) streets at one point should be avoided.
5. Adequate parking shall be provided in accordance with a parking plan approved by the County on individual lots or in designated parking areas and shall not be permitted on internal roads or on County roads outside of the Recreational Vehicle Resort.
- D. The following recreational area and open space standards:
2. Each Recreational Vehicle Resort designed to accommodate up to ten recreational vehicles shall provide a recreational area(s) and open space improved in accordance with the provisions of an onsite recreation plan approved by the County, provided that:
    - a. Open space and recreational areas must be located on-site and clearly designated;
    - b. Open space areas may include ponds, wetlands, storm drainage areas, buffers, trails, fields, and playgrounds;
    - c. Designated open space areas shall not include roads, driveways, parking lots, small areas of land between lots, driveways and roads, individual RV lots, or the areas occupied by structures; and
    - d. A minimum of twenty five percent of the designated open space shall be in one area and available for the recreational use of the Recreational Vehicle Resort and shall not include ponds, wetlands, storm drainage areas, buffers, and trails.
- E. Project Sponsors shall consult with the local Fire District and/or the County Fire Marshall to determine what improvements or mitigating measures may be required in order to provide adequate fire protection and access for emergency vehicles, provided that:
1. In the absence of adequate on-site water sources, as determined by the Fire Marshal, such as reservoirs, swimming pools, lakes, rivers, and streams, the provisions of the Uniform Fire Code shall apply for purposes of satisfying the required fire flows.
- F. Easements shall be dedicated to provide required access to all utilities.

G. The storage, collection and disposal of solid waste in recreational vehicle parks shall not create a health hazard. All solid waste shall be stored in closed containers and shall be emptied at least once a week, with the solid waste disposed of at a sanitary landfill or other approved facility, in accordance with the provisions of a solid waste management plan approved by the County.

H. The following design standards:

1. All recreational vehicles in the setup position and all buildings and structures shall be separated from each other by at least 10 feet (10').
  
3. All recreational vehicles, buildings, and structures shall be setback from exterior property lines at least one hundred feet (100') to allow for a perimeter buffer, provided that:
  - a. The perimeter buffer shall be landscaped with natural or native vegetation and kept free of debris;
  - b. The perimeter buffer shall be designed and landscaped so that the Recreational Vehicle Resort vehicles and structures are screened and/or obscured from neighboring residences, the County and State roads and/or rivers, lakes, and other water bodies;
  - c. The Planning Commission may reduce the perimeter buffer based on a finding that adequate provisions have been made to ensure that the site is screened and/or obscured from neighboring properties and residences, the County and State roads and/or rivers, lakes, and other water bodies;
  - d. The Planning Commission may increase the buffer requirements based on a finding that the location of proposed sewer or septic systems may adversely affect neighboring properties: and
  - e. The 100' buffer requirement may be superseded by, but shall not be additive to the requirements of the County's Shoreline Master Program.

5. All setbacks shall be landscaped with natural or native vegetation and kept free of debris, provided that:
  - e. Septic tanks and associated drain fields shall not be permitted in required perimeter buffers.
4. All Recreational Vehicle Resorts shall have at least one (1) approved toilet/lavatory/shower facility for each sex for every twenty five (25) RV sites, or fractional part thereof.
5. All lighting shall be pointed down, directed internally, and/or screened to minimize the adverse effects of the lighting on neighboring properties, provided that this requirement shall not preclude the appropriate display of the flag of the United States, the Dominion of Canada, or the State of Washington.
6. Only one address shall be assigned and one mailbox permitted at each Recreational Vehicle Resort.
7. A finding that the proposed Recreational Vehicle Resort functions as a single site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility and utility systems, and parking.
8. The minimum recreational vehicle lot size shall be two thousand five hundred (2,500) square feet. The RV lots shall not exceed a length to width ratio of 4:1.

**xx.48.050 Project Approval.** Approved Recreational Vehicle Resort permits and associated subdivisions or binding site plans shall include all conditions of approval and shall incorporate by reference all requirements and conditions of associated permits and approvals, provided that:

- A. All required improvements shall be installed by the Project Sponsor, and approved by the County prior to any public use or occupancy of the site; and
- C. Failure to comply with the terms and conditions of approval may result in the suspension or revocation of permits and approvals and/or civil or criminal penalties.

**xx.48.060 Revisions to Approved Plans.** Requests to revise approved Recreation Vehicle Resort permits and/or associated binding site plans and subdivisions may be processed as a Class 1 Permit provided that the proposed revisions do not result in substantial changes.

- A. For the purpose of this section substantial change includes, but is not limited to:
  1. The creation of additional lots;

2. Changes in access points; or
  3. Changes in the proposal that may lead to built or natural environmental impacts that were not addressed in the original approval.
- B. All substantial revisions shall be processed as a Class 2 permit and shall be treated as a new application for purposes of vesting.

## **CHAPTER XX.52 BINDING SITE PLANS**

### **Sections:**

**xx.52.010 Purpose.**

**xx.52.020 Application Requirements.**

**xx.52.030 Approval Criteria.**

**xx.52.040 Preliminary Binding Site Plan Approval.**

**xx.52.050 Final Binding Site Plan Approval.**

**xx.52.060 Revisions to Approved Plans.**

**xx.52.010 Purpose.** The purpose of this Chapter is to establish or reference the procedure and requirements for the application, orderly review, and expeditious approval of binding site plans as an alternative to subdivisions in accordance with the provisions of RCW 58.17

**xx.52.020 Application Requirements.** The County Planning Director is authorized to establish such forms, procedures, and fees as may be necessary to process binding site plans in accordance with the provisions of RCW 58.17 and County Ordinances:

- A. Prior to submitting an application for a binding site plan, the Applicant must schedule and participate in a pre-application review conference;
- B. Preliminary Binding Site Plan applications shall be processed as a Class 2 Permit and a final Binding Site Plan shall be processed as a Class 3 permit; and
- C. It is the intent of the County to process Binding Site Plan applications in conjunction with any other permits and approvals that may be required. The County Planning

Director shall be responsible for determining the required permits and establishing the appropriate review and public comment procedures.

**xx.52.030 Approval Criteria.** Binding site plans shall be reviewed for compliance with the provisions of this Chapter and:

- A. RCW 58.17;
- B. Pend Oreille County Comprehensive Plan, Shoreline Master Program, ordinances and regulations, State and County building codes, and the Washington State Environmental Policy Act (SEPA);
- C. New land divisions located within city urban growth areas must conform to city development standards, in accordance with adopted inter-local agreements;
- D. Washington State Department of Health, Department of Ecology and Northeast Tri-County Health (NETCH) requirements for sewage disposal:
  1. Within urban growth areas, public sewer shall be required in binding site plans unless the on-site sewage disposal requirements of the Department of Health and/or Department of Ecology and minimum land area requirements can be met.
  2. Outside of urban growth areas, binding site plans shall not be approved that require extension or expansion of public sewer except when:
    - a. Public sewer is necessary to protect the public health, safety or environment; and
    - b. Public sewer is financially supportable at rural densities and does not permit urban development.
  3. On-site sewage disposal systems shall meet the requirements of the Department of Health, or Department of Ecology, and NETCH.
  4. All portions of a community on-site sewage system that are held in common ownership shall be constructed and approved prior to specific binding site plan approval.
- E. Washington State Department of Health, Department of Ecology and NETCH requirements for potable water supply:
  1. Water from a public water system(s) shall be provided to serve each lot or lease space.

2. The applicant shall demonstrate that adequate water right(s) exist to serve the binding site plan, except when water withdrawal is exempt from obtaining a water right permit under RCW 90.44.050.
  3. If a Group B or Group A public water system is created to serve the binding site plan, the number of wells shall be limited to the minimum needed to serve the water needs of the binding site plan as determined by the Health Department.
  4. All requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to specific binding site plan approval.
- F. Binding site plans shall incorporate adequate capability for fire protection in accordance with sound engineering practices and locally adopted codes and development standards.
- G. Roads shall be designed with appropriate consideration for existing and projected roads, anticipated traffic patterns, topographic and drainage conditions, public convenience and safety, and the proposed uses of the land served.
1. Dedications for the realignment and widening of the adjacent rights-of-way, in accordance with county standards, shall take place whenever a binding site plan abuts a county road. Frontage roads or parallel access roads may be required to eliminate direct access to arterial and collector roads.
  2. Frontage improvements to the public roadway(s) adjacent to the subject property shall be completed to the current functional classification prior to recording the general or specific binding site plan.
  3. Minor and local access roads should discourage through traffic.
  4. All binding site plans shall abut and be accessed by a constructed and maintained public road or a private road as allowed under the Pend Oreille County Development Standards and Ordinances. The number of access points shall create efficient on- and off-site circulation patterns and facilitate emergency response. A traffic analysis may be required by the county engineer in order to analyze present and future traffic circulation patterns to determine the appropriate location and number of access points to the site, and to ascertain the appropriate classification and character of the proposed roads.
  5. Where reasonably necessary to join with existing roads or needed for future circulation, road rights-of-way and/or easements shall be extended to the outside boundaries of the binding site plan.
  6. Public road rights-of-way and/or easements shall be extended to the boundaries of binding site plans that abut public lands and public bodies of water, if requested by

- the administrator of said public lands. Such access roads need not be provided at an interval more frequent than one-half mile.
7. Private roads may be permitted in a binding site plan when in compliance with the Pend Oreille County Development Standards.
- H. The dedication of sites for schools, parks, and other public or community purposes may be required to the extent that such dedication is suitable to and reasonable for the needs anticipated by full development of the binding site plan.
- I. Easements shall be provided where applicable for development related facilities.
1. All easements shown on binding site plans shall include:
    - a. The beneficiary of the easement;
    - b. The purpose of the easement; and
    - c. A clear depiction of the easement (including dimensions) on the face of the binding site plan.
  2. The owner may specify the burdening of the easement. Examples of burdening may include the average daily trips for ingress and egress easements, the equivalent single-family units for water, sewer, and on-site sewage disposal systems, and the maximum peak flow rate expressed in accepted units for drainage easements. The owners of the subservient estates are not entitled to rely upon the County to enforce the limitations of the easements so granted, and no cause of action shall lie against the county for errors or omissions occurring in connection with the administration of, or issuance of, permits for development of properties that burden the easements referred to herein.

**xx.52.040 Preliminary Binding Site Plan Approval.** Binding Site Plan applications may receive preliminary approval based on a written finding by the Planning Commission that the following standards and criteria have been met:

- A. The proposal is in conformity with the provisions of this Chapter and applicable land division, zoning, critical areas, shoreline management, and other land use regulations, and County Ordinances; and that
- B. Appropriate provisions have been made for the public health, safety, and general welfare and for such open spaces, drainage ways, stormwater management, streets or roads, pedestrian and bicycle paths, alleys, other public ways, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students

who only walk to and from school, and the public use and interest will be served by the platting of such binding site plan and dedication; and

**xx.52.050 Final Binding Site Plan Approval.** Upon satisfactory completion of all terms and conditions of preliminary approval including the inspection and approval of all required improvements, the Applicant shall be authorized by the County to proceed with the filings necessary for final binding site plan approval, provided that:

- A. Improvements and other requirements shall be provided to the extent that each specific binding site plan will be adequately served by all roads, utilities, drainage facilities, easements and other amenities necessary to its existence in the event that subsequent phases are not completed; and
- B. As an alternate to complete installation of required improvements, the Applicant may propose to post securities in a form prescribed by the County and subject to County approval, guaranteeing completion of the work. No occupancy permit, final inspection, or use of the lot(s) created by a binding site plan shall be issued or allowed until all necessary infrastructure improvements as specified by this Chapter have been met.

**xx.52.060 Revisions to Approved Binding Site Plans.** Requests to revise approved Binding Site Plans shall be processed as:

- A. A Class 2 Decision if the proposed revisions may result in any substantial changes as determined by the County Planning Director, and shall be treated as a new application for purposes of vesting. For the purpose of this section substantial change includes:
  - 1. The creation of additional lots;
  - 2. Changes in access points; or
  - 3. Changes in the proposal that may lead to built or natural environmental impacts that were not addressed in the original approval.
- B. A Class 1 decision if the proposed revisions do not result in substantial changes as determined by the County.

**CHAPTER XX.60  
MASTER PLANNED RESORTS**

- xx.60.010 Purpose.**
- xx.60.020 Administration.**
- xx.60.030 Development Standards.**
- xx.60.040 Cost Recovery.**
- xx.60.050 Development Agreement(s).**

**xx.60.010 Purpose.** The purpose of this Chapter is to establish procedures to review proposed Master Planned Resorts in accordance with the Goals and Policies of the Pend Oreille County Comprehensive Plan.

**xx.60.020 Administration.** Master Planned Resorts shall be processed as a Class 2 Permit, provided that:

- A. Master Planned Resorts may be permitted on any parcel not designated as a Natural Resource Land. Master Planned Resorts on designated timber, agricultural, and mining lands are specifically prohibited.
- B. Permitted uses in a Master Planned Resort shall be consistent with the provisions of a Master Plan approved by the County and the Goals and Policies of the Comprehensive Plan.
- C. In addition to the provisions of this Chapter, proposed Master Planned Resorts must comply with all applicable provisions of this Title, Pend Oreille County Ordinances, and State and Federal Laws. This shall include, but is not limited to the Washington State Environmental Policy Act, the Washington State Growth Management Act, and the Washington State Shorelines Management Act. In addition, the County may require a binding site plan or subdivision approval.
- D. All decisions of the Planning Director regarding interpretations of this Chapter, including but not limited to: modifications to the provisions for processing Master Plans and related permits, permitted uses revisions, and/or applicable development standards, must be in writing and may be appealed to the Planning Commission.
- E. Project Sponsors may submit an application(s) to modify approved Master Plans. Modifications that do not substantially change the nature or level of use or that do not require a new environmental review, may be considered minor amendments and may be approved by the Planning Director or his/her designee. Modifications that would result in a substantial change of use, substantially change the nature or level of activity, or that would require the need for additional environmental review, shall be considered a major

modification and must be approved by the Planning Commission or Board of County Commissioners as required by the provisions of this Title.

**xx.60.030 Development Standards.** All development activities must comply with the conditions of the approved Master Plan, the conditions of any required permits and approvals, and must comply with the provisions of the Pend Oreille County Development Regulations and Ordinances unless alternative measures that meet or exceed the code requirements have been established in a Development Agreement approved by the Board of County Commissioners.

- A. Master Planned Resort shall be located in a setting of significant natural amenities.
- B. Approved Master Plans must also meet the following standards:
  - 1. Traffic Impacts. A traffic study shall be prepared, subject to County review and approval, that identifies and mitigates, at no cost to the County, all traffic impacts associated with the proposed development.
  - 2. Sewer, Water, Electrical, and Public Services. The Project Sponsor shall provide sufficient documentation to verify, subject to County review and approval, that adequate provisions can be made to provide water, sewer and electrical power service to the site, including but not limited to sufficient water rights, and other public facilities and services including law enforcement, fire suppression, and emergency services without adversely affecting existing levels of service.
  - 3. Storm Water Management. All development activities must meet or exceed the design standards contained in the Department of Ecology Storm Water Design Manual for Eastern Washington as determined by the County.
  - 4. Environmentally Sensitive Areas. The Project Sponsor shall, at no cost to the County, identify all environmentally sensitive areas on or near the site and shall make adequate provisions to avoid or mitigate potential adverse impacts.
  - 5. Setbacks and Buffers. All buildings and structures shall be setback from exterior property lines at least one hundred feet (100') to allow for a perimeter buffer, provided that:
    - a. The perimeter buffer shall be landscaped with natural or native vegetation and kept free of debris;
    - b. The perimeter buffer shall be designed and landscaped so that vehicles and structures are screened and/or obscured from neighboring residences, the County and State roads and/or rivers, lakes, and other water bodies;

- c. The Planning Commission may reduce the perimeter buffer based on a finding that adequate provisions have been made to ensure that the site is screened and/or obscured from neighboring residences, the County and State roads and/or rivers, lakes, and other water bodies; and
  - d. The Planning Commission may increase the buffer requirements based on a finding that the location of proposed sewer or septic systems may adversely affect neighboring properties.
6. Unless the master planned resort is located within an urban growth area, comprehensive plan provisions and development regulations shall be adopted and enforced to preclude new urban or suburban land uses in the vicinity of the master planned resort.

**xx.60.040 Cost Recovery.** The Project Sponsor shall be responsible for reimbursing the County for all costs associated with reviewing proposed projects under the provisions of this Chapter. This may include the execution of a written cost recovery agreement and the requirement to maintain a minimal level of funds on deposit with the County to cover costs incurred by the County.

**xx.60.050 Binding Site Plan.** Concurrent with or following the review of a proposed Master Plan and the nature of the proposed activities, the County may require that a binding site plan be submitted for review and approval in accordance with the provisions of this Title.

**xx.60.050 Development Agreement(s).** The County and the Project Sponsor may execute in accordance with the provisions of State law a Development Agreement(s) to implement the provisions of the Master Plan and related permits and approvals.

**CHAPTER XX.64  
SUBDIVISIONS**

**Sections:**

- xx.64.010 Purpose.**
- xx.64.020 General Provisions.**
- xx.64.030 Preliminary Plat Review and Approval.**
- xx.64.040 Final Plat Approval.**
- xx.64.050 Design and Improvements.**
- xx.64.060 Dedications and Covenants.**
- xx.64.070 Surety.**
- xx.64.080 Boundary Line Adjustments.**
- xx.64.090 Exempt Segregations.**

**xx.64.010 Purpose.** The purpose of this Chapter is to provide criteria, regulations and standards to govern the subdivision of land within the County. No division of land shall be made within the County, except in full compliance with the provisions of this Title.

**xx.64.020 Subdivision General Provisions.**

A. Applicability. The provisions of this Chapter shall apply to every subdivision and short subdivision of land within the unincorporated area of Pend Oreille County, except:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. Divisions of land into lots or tracts classified for industrial or commercial use in accordance with the provisions of a binding site plan approved by the County;
4. A division for the purpose of lease when no residential structure other than a recreational vehicle is permitted to be placed upon the land in accordance with the provisions of a binding site plan approved by the County;
5. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site and water and septic systems;
6. Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW

subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan;

7. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and
8. A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and

municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

9. The creation of new lots ten acres or larger in accordance with the provisions of this Title and the Laws of Washington State governing exempt segregations.

**B. Violations of Subdivision Regulations.**

1. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat approval is expressly conditional on the recording of the final plat containing the lot, tract or parcel under this Chapter, an offer or agreement is not subject to R.C.W. 58.17.200 or 58.17.300 and does not violate any provision of this Chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

2. **Illegal Transfer Or Offer To Transfer - Assurance Of Discontinuance.**

The County Prosecuting Attorney may accept a written assurance of discontinuance of any act or practice violating this Chapter from any person who has committed or is committing such an act or practice. The assurance may include a promise to file a proposed short plat or subdivision for approval and to satisfy any reasonable conditions required to affect its approval. Any willful failure to perform a promise contained in such an assurance shall constitute a misdemeanor, punishable to the same extent as other misdemeanors defined above.

3. **Illegal Transfer - Damage Recovery For Purchaser.**

A transferee who cannot secure a building permit, septic tank permit or other developmental permits for the reason that his transferor failed to comply with any provision of the Chapter may recover damages from his transferor to include compensation for the loss of his bargain, actual costs of investigation and suit, reasonable attorney's fees and such additional elements as the law allows.

4. **Unapproved Short Plat, Long Plat or Record of Survey- Not To Be Filed.**

The Auditor shall refuse to accept for filing any short plat or long plat which does not bear the Board's Certificate of Approval or Record of Survey for boundary line

adjustments and segregations not approved by the Planning Department through a legal process. Should a short plat or long plat be filed without such a certificate, the County Prosecuting Attorney shall apply a writ of mandate on behalf of the Board, directing the auditor to remove the unapproved plat from the auditor's files.

5. Innocent Purchaser For Value.

An application for a building permit, septic tank permit or other development permit for any lot, tract or parcel of land divided in violation of state law or this Chapter shall not be granted without prior approval of the Board, which approval may only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:

- a. The Applicant purchased the lot, tract or parcel for value, and;
- b. The Applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing land, that the lot tract or parcel had been of a larger lot, tract or parcel divided in violation of state law or this Chapter.

C. New Segregations - Assessor to Notify Planning Director.

The Assessor shall promptly notify the Planning Director of every new segregation of land made upon the Assessor's records and shall refuse to accept such segregation until it has the approval of the Planning Director. Upon learning of such segregation, the Planning Director shall investigate the same to determine whether the proposed division of land is in compliance with the provisions of this Title and that no violations have occurred.

D. Title Insurance.

When title insurance is requested for a lot divided under this Chapter, the title company shall furnish a list of the recorded covenants, with the preliminary and final title policy.

E. Deposit To Cover Next Year's Anticipated Taxes.

Any person filing a plat subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the County Treasurer a sum equal to the product of the County Assessors latest valuation of the unimproved property in such subdivision multiplied by the current year's mileage rate increased by twenty-five percent on the property platted. The Treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The Treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of said taxes, the Treasurer shall return, to the party depositing, the

amount of said excess taking his receipt, therefore which shall be accepted for its face value on the treasurer's quarterly statement with the County Auditor.

**xx.64.030 Preliminary Plat Review and Approval.**

- A. The preliminary approval of all short plat subdivisions shall be processed as a Class 1 Permit; the preliminary approval of all long plat subdivisions shall be processed as a Class 2 Permit.
- B. All subdivision, boundary line adjustments, and binding site plan applications shall include a Title Report in such format as may be prescribed by the County.
- C. All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section. The Applicant shall certify that he/she has included all contiguous land in a short subdivision application and that he/she does not own or otherwise have a legal interest in ownership of contiguous parcels, provided that:
  1. For purposes of determining compliance with the provisions of this Title, contiguous land does not include parcels separated by intervening ownership or rights-of way.
- D. Approval Criteria.
  1. The Planning Director shall prepare a staff report that highlights all comments received, and documents that the preliminary plat is consistent with the requirements of this Title and that adequate provisions have been made for health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, public and private utilities, parks, playgrounds, sites for schools and school grounds, and whether the public use and interest will be served by the platting of such subdivision, provided that:
    - a. The County Public Works Department must review and approve the design of all roads for compliance with County Road Standards.
  2. Recommended conditions to be fulfilled, if any, after approval of the preliminary plat shall be written on the face of the plat.
  3. Dedication of land to any public body, or fees paid in lieu thereof, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. A record of the public meeting/public hearing, if required, shall be kept by the County and shall be open to public inspection.

**xx.64.040 Final Plat Approval.** The final plat shall conform substantially to the preliminary plat, and shall incorporate any conditions or recommendations imposed by the County.

- A. The final plat shall be submitted within three years of the date of preliminary plat approval. An Applicant who files a written request with the County at least thirty days before the expiration of this three year period may be granted one one-year extension upon a showing that the Applicant has attempted in good faith to submit the final plat within the three year period.
- B. The County shall review the final plat for conformance to conditions imposed on the approved preliminary plat, provided that:
  - 1. The County Public Works Department has confirmed that all required road improvements have been designed, constructed, and accepted by the County for ownership and maintenance.
- C. Upon approval, a final plat shall be recorded with the County Auditor within thirty days following the date of approval. If the subdivider fails to file his final plat prior to the expiration of the above time period, the approval shall lapse and the subdivider shall resubmit the plat in accordance with the provisions of this Title.
- D. Once a plat has been filed with the County Auditor, it shall remain as the official plat covering the land. If a person proposes to alter or vacate the plat in whole or in part, the procedures set forth in RCW 58.17 shall be followed.
- E. No building permit shall be issued or approved until such time as the County approves and accepts the final plat for the subdivision and the final plat is recorded with the County Auditor.
- F. Inspection of improvements shall be made during construction and after completion of required improvements. Scheduling of inspections shall be the responsibility of the Applicant and shall be coordinated with the appropriate County Staff.
- G. Once a short plat has been recorded with the County Auditor, it can be altered or vacated in whole or part in a manner not involving a re-subdivision into more than four lots from the original short plat. When a proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed in accordance with RCW 58.17. If the proposed alteration or vacation does not involve a public dedication, the amended short plat shall be processed in accordance with the following provisions:
  - 1. The amended short plat must comply with the procedures and requirements of this Chapter for original short plat approval. A new survey shall not be required except for new lines created by the amended short plat.

2. The amended short plat shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots, tracts, parcels, sites or divisions within the original short plat as shown by a current title certificate.
  3. The amended short plat shall not increase the number of lots, tracts, parcels, sites or divisions into more than four from the original short plat for a period of five years from the date of recording of the original short plat, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title.
  4. Minor errors not involving a change in lines may be corrected by the surveyor upon approval of the Planning Director by recording an affidavit with the County Auditor specifically referencing the short plat by number and the correction.
- H. Once property is subdivided in accordance with the short subdivision regulations of this Title, no further division creating more than four lots, tracts, parcels, sites or divisions from the original short plat shall be made for a period of five years from the date of recording of the short plat, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title. In the case of a proposed re-division of land within a short plat or a regular plat, either the short subdivision or regular subdivision provisions or this chapter and RCW 58.17 shall be complied with dependent upon the number of divisions proposed within the land as defined by this Chapter and/or the period of time that has elapsed since the recording of a prior short plat.

**xx.64.050 Design and Improvement.**

A. Design of Subdivisions.

1. No lot or tract shall have a width to depth ratio less than 1 to 5 (i.e. the width of the lot must be at least 20% of the length of the lot)
2. Fire Protection Facilities. Adequate provisions must be made for fire protection and suppression. This may include, but is not limited to the provision of a site for fire protection facilities.
3. Lot Line Angles: Where practicable, side lot lines shall be straight lines running at or near right angles to the road upon which the lots front. Side lot lines on a curve should run at or near radially to the road.
4. Drainage and Storm Sewer Easements: Easements for drainage channels and ways, when required, shall be of sufficient width to assure that the same way be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and proper locations to permit future installation.
5. Roads.

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- a. All lots less than twenty acres in size shall have sixty feet of frontage on a maintained County Road or State Highway.
  - b. It shall state on the plat whether the roads are private or public and whether they are maintained, and by whom, or non-maintained, and to what County Road specification the roads were built. If the roads are private, it shall be stated on the plat that such services as mail delivery and school bus service may not be available.
6. It shall state on the plat whether utilities are provided or whether they are the responsibility of the lot owner.

**B. Roads and Access.**

1. The Applicant shall submit to the County Engineer for approval a preliminary design of all subdivision roads. The County Engineer must approve construction of all access roads and subdivision roads prior to final approval of the plat.
2. The following statement shall be placed on the plat:  
  
“No roads or streets will be accepted by Pend Oreille County as part of the County Road maintenance system, or other work until it has been constructed by the abutting property owners to minimum County Road Standards and until the amount of use, condition of the roads, taxable property involved, availability of maintenance and construction funds and other similar conditions, warrant the taking of the road into the maintenance system. By approval of this plat the County does not warrant, promise or imply that any particular subdivision or access road will be taken into the County Road System within the foreseeable future or ever.”
5. Private easement roads generally are not allowed, because of the inability of certain services to use such roads, such as school buses and mail routes. Private easement roads may be allowed if it is clearly stated on the plat that the above mentioned services may not be available to future lot owners.
6. Major roads within every subdivision shall conform to the County Comprehensive Plan and shall provide for the continuation of major roads which serve property contiguous to the subdivision.
7. Lot access shall meet the following requirements:
  - a. Every lot shall be provided with satisfactory access by a public road connecting to an existing maintained public road, or by an easement which is permanent and inseparable from the lot served.

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b. An easement shall serve no more than one lot.

8. Road improvements shall be made in accordance with the Pend Oreille County Public Works Road Regulations.

C. Water.

1. The Northeast Tri-County Health District shall notify the Planning Director as to what current water supply is available, if any.

2. Within a short plat, no dwelling may be constructed or located on a lot or tract prior to the approval of a domestic water source acceptable to the County Health Officer.

3. Additionally, the covenants of the subdivision shall provide that no permanent dwelling may be constructed or located on any lot prior to the establishment of a domestic water system approved by the County Health Officer, provided however, the Health District may issue a special use permit for temporary buildings, or trailers for temporary short term use.

D. Sewage Disposal.

1. The Health Officer shall report to the Planning Director on his approval of the sewage disposal arrangements prior to submission of the plat for final approval.

2. Suitability shall be based on the ability of the soils to accept effluent, on the effect and presence of a high ground water table, and on the elevation and distance of suitable sewage disposal sites above and back from bodies of water, streams, swamps, marshes, etc.

3. No dwelling may be established on a lot or tract prior to the approval of a sewage disposal method acceptable to the Northeast Tri-County Health District.

E. Utilities.

1. Provisions must be made for power, telephone, solid waste transfer sites, water and sewer right-of-ways. Generally, the 60 foot right-of-way will be adequate, but with larger tracts it is often necessary to traverse into other areas. Therefore, an easement for utilities on some tracts may be required. Easements for electric, telephone, water, gas and similar utilities shall be sufficient width to assure future maintenance. Subdivider shall submit a letter of approval from utility companies in regards to right-of-ways.

**xx.64.060 Dedications and Covenants.**

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- A. Adequate provisions shall be made in the subdivision for such drainage ways, roads, alleys, easements, parks, playgrounds, sites for school, school grounds, and other general purposes as may be required to protect health, safety and welfare.
- B. Land for public use shall be dedicated on the face of the plat or by a separate written instrument and signed and acknowledged before a notary public by parties having any ownership interest in the lands subdivided and recorded as part of final plat.
- C. Protective improvements and easements to maintain such improvements shall be dedicated.
- D. Convenient access to every lot shall be provided by a dedicated road or by easement which is permanent and inseparable from the lot served.
- E. If the County concludes that the public interest will be served thereby, the County may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow said land to be conveyed to a homeowner's association or similar non-profit corporation.
- F. A subdivider who wishes to make a conveyance as permitted by this Section, shall at or prior to the time of filing a final plat for approval, supply the Board with copies of the grantee organizations articles of incorporation and bylaws and with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess that said land for costs of construction and maintenance of the improvements and property owned by the corporation and that such assessment shall be a lien upon the land. The Board may impose such other conditions as it deems appropriate to assure that the property and improvements owned by the corporation will be adequately constructed and maintained.
- G. At a minimum, the following covenants shall be noted on the face of the plat:
  - 1. Property line fences or screens must be of reasonable height and may not unduly obscure the view or detract materially from the use and enjoyment of adjacent property.
  - 2. Construction of the exterior of all buildings shall be completed within two (2) years of the start of construction.
  - 3. Campers, trailers and mobile homes, when permitted, shall be of good construction and in good condition and appearance.

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4. All lots, buildings, fences, campers, trailers and mobile homes must be properly maintained and in good exterior appearance. There shall be no accumulation of junk, wrecked or abandoned cars, garbage, cans or other unsightly items.
  5. No dwelling may be constructed or located on a lot or tract prior to the approval of domestic water source.
  6. No dwelling may be constructed or located on a lot or a tract prior to the approval of a sewage disposal method acceptable to the Jurisdictional Health Department.
  7. No roads or streets will be accepted by the Board of County Commissioners as part of the county road maintenance system, or other work until it has been constructed by the abutting property owners to minimum county road standards and until the amount of use, condition of the roads, taxable property involved, availability of maintenance and construction funds and other similar conditions, warrant the taking of the road into the maintenance system. By approval of this plat, the Board does not warrant, promise or imply that any particular subdivision or access road will be taken into the County Road System within the foreseeable future or ever.
- H. A notice shall be included within the dedicatory language of each new short subdivision and subdivision which states that the use of any residential lot therein will not interfere with any nearby, lawful natural resource operation.
- I. All plats, short plats, development permits, and building permits issued for development activities on, or within six hundred feet of, lands designated as Natural Resource Lands must include the following statement on the plat recorded with the County:
- “All property owners within this subdivision of property recognize that designated or all properties are within 600 feet of resource lands of long-term commercial significance and that commercial uses may occur that are not compatible with residential development, therefore, any claim of public nuisance against any permitted use is invalid, provided, the practice conforms with all applicable local, State and Federal laws.”
- J. All applicants for a building permit within, or within 600 feet of designated Natural Resource Lands must sign a similar statement on all building permit applications.

**xx.64.070 Surety.** In lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the County may accept a bond in an amount and with surety and conditions satisfactory to the County, or other secure method, providing for and securing to the County the actual construction and installation of all improvements within a time period specified by the County expressed in said surety. In addition, the bonds or other security may be required securing to the County the successful operation of the improvements for up to two years after final plat approval.

**xx.64.080 Boundary Line Adjustments.**

- A. A boundary line adjustment is a mechanism by which the County may approve the alteration of boundary lines between subdivided or unsubdivided lots or both, where such an adjustment does not create any additional lot, tract, parcel, site, or division, nor create lots which are nonconforming or more nonconforming than exists.
- B. The Planning Director may approve an application for a boundary line adjustment provided the following criteria are met:
1. The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);
  2. The boundary line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
  3. The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
  4. The lots, tracts, or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in this Title.
  5. All lots modified by the boundary line adjustment procedures shall have legal access meeting the standards of Pend Oreille County;
  6. The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
  7. All boundary line adjustments shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.

**xx.64.090 Exempt Segregations.** The subdivision of land into 10 acre parcels or larger may be exempt from the requirements of this Chapter, provided that the following conditions are met to the satisfaction of the County:

- A. Twenty acre segregations. Subdivisions in which the lots are twenty acres or larger that comply with the minimum lot size and density requirements of this Title may be exempt from the requirements of this Chapter provided that the following conditions are met to the satisfaction of the County:
1. In lieu of a survey, a clean and clear aliquot description of the subject parcels may be provided in a form prescribed by the County.

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2. In lieu of a soil percolation test, the Applicant submits in a form prescribed by the County an acknowledgement that all development activity must comply with the requirements of the Northeast Tri-County Health District and that a reasonable use exception shall not be granted if any of the lots fail to comply with all applicable public health and safety standards.
  3. Evidence of adequate access to the site in accordance with County standards is provided, subject to County review and approval. This may include deeded access and/or a recorded easement, subject to County approval.
  4. A Notice of Application has been prepared and distributed in accordance with the provisions of this Title.
  5. Land within an approved exempt segregation within five years immediately preceding, may not be further divided for five years from the date of approval unless all requirements of the long subdivision or long plat process have been met.
  6. Government lots thirty six acres in size or larger that do not that border bodies of water may be segregated into two lots of eighteen acres or more provided that all other conditions of this code apply.
- B. Ten acre lot segregations. Subdivisions of land into 1, 2, 3 or 4 lots where no lot contains less than 10 acres, may be exempt from the provisions of this Title provided that:
1. In lieu of a survey, a clean and clear aliquot description of the subject parcels may be provided in a form prescribed by the County.
  2. In lieu of a soil percolation test, the Applicant submits in a form prescribed by the County an acknowledgement that all development activity must comply with the requirements of the Northeast Tri-County Health District and that a reasonable use exception shall not be granted if any of the lots fail to comply with all applicable public health and safety standards.
  3. Each lot shall have 60 feet of frontage on a maintained County road and shall have adequate access in accordance to County Road Standards and subject to County review and approval.
  4. A Notice of Application has been prepared and distributed in accordance with the provisions of this Title.
  5. Land within an approved exempt segregation within five years immediately preceding, may not be further divided for five years from the date of approval unless all requirements of the long subdivision or long plat process have been met.

**CHAPTER XX.68  
CONDITIONAL USES**

**Sections:**

**xx.68.010 Purpose.**

**xx.68.020 Processing.**

**xx.68.030 Application contents.**

**xx.68.040 Review authority.**

**xx.68.050 Conditions.**

**xx.68.060 Time Limits.**

**xx.68.070 Violation—Penalty.**

**xx.68.010 Purpose.** The purpose of the Chapter is to establish the conditions under which certain uses and structures may be permitted. Proposed conditional uses may be permitted if the use is compatible with or can be conditioned to be compatible with neighboring use in the area in which the application is sought.

**xx.68.020 Processing.** Conditional use permits shall be processed as Class 2 Permits.

- A. In considering conditional use permits, the County shall have the discretionary authority to determine and recommend whether a conditional use permit should be granted, and grant conditional use permits with safeguards and limitations as are appropriate under this Title. The County may deny those applications that it finds not in harmony with the purpose and intent of adopted plans, policies and this Title. Each application is declared to be, and shall be considered as a separate and unique case.
- B. Conditions and safeguards may be prescribed which are in conformity with adopted plans and policies and this Title which are considered necessary to protect the best interest of the immediate neighborhood, surrounding area or the County as a whole. These conditions and safeguards may include, but are not limited to the following:
  1. Increasing the required lot size, setback or yard dimensions;
  2. Limit the height of buildings or structures;
  3. Control the number and location of vehicular access points;
  4. Require the dedication of additional rights-of-way for future public street improvements;

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5. Require the designation of public use easements or drainage easements and the recording of same;
  6. Increase the number of required off-street parking and/or loading spaces;
  7. Limit the size, shape, location and lighting of signs;
  8. Require view-obscuring fencing, landscaping, diking or other facilities to protect adjacent or nearby properties;
  9. Designation of sites and/or size of open space or recreational areas;
  10. Site reclamation upon discontinuance of use and/or expiration or revocation of the special exception permit;
  11. Limit the period of time that the Conditional Use Permit is allowed; and
  12. Require annual inspections be made to insure compliance with the permit and may require that the inspections be paid for by the owners of the conditional use facility.
- C. All physical conditions required by the County shall be completed prior to reviewing authorization to occupy the use as defined in the application.
- D. The failure to comply with the terms and conditions of approval may result in the suspension or revocation of a Conditional Use permit and/or civil or criminal penalties.

**CHAPTER XX.72  
VARIANCES**

**Sections:**

**XX.72.010 Purpose.**

**XX.72.020 Approval Criteria.**

**XX.72.010 Purpose.** The purpose of this Chapter is to establish a process and criteria to allow variances from this Title in cases where special circumstances prevent Applicants from full compliance. Such special circumstances shall include size, shape, topography, location or surroundings of the property in question.

**XX.72.020 Approval Criteria.** Variances shall be processed as a Class 2 Permit and may be approved based on a finding that all five of the following criteria have been met in order to grant a variance:

- A. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
- B. That the strict application and interpretation of the provisions of this Title would result in practical difficulties or unnecessary hardships;
- C. The granting of the variance will not be materially detrimental or prejudicial to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
- D. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of the properties in the vicinity and zone in which the property is located; and
- E. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

**CHAPTER XX.74  
REASONABLE USE EXCEPTION**

**Sections:**

- XX.74.010 Purpose.**
- XX.74.020 Approval Criteria.**
- XX.74.030 Applicability.**
- XX.74.040 Application Requirements.**

**XX.74.010 Purpose.** The County recognizes that the strict application of this Title may, in some cases, deny all reasonable economic use of private property. In such cases, the applicant may seek a reasonable use exception from the standards of this Title.

**XX.74.020 Scope.** The standards and regulations of this Title are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an Applicant demonstrates to the satisfaction of the County that strict application of these standards would deny all reasonable economic use of the property, development may be permitted subject to appropriate conditions.

**XX.74.030 Applicability.**

- A. A landowner/applicant may apply for a reasonable use exception pursuant to this title if the landowner/applicant has reason to believe that the application of this title denies any fundamental attribute of private property ownership inconsistent with the limitations upon other properties in the zone in which the property is situated.
- B. A landowner/applicant may apply for a reasonable use exception pursuant to these regulations if the landowner/applicant has reason to believe that the application of this Title denies all economically viable use of private property as a whole or creates a severe impact on a landowner's/applicant's economic interest in the property as a whole.
- C. A landowner/applicant, who satisfies one or more of the above criteria, may apply for a reasonable use exception, without first having applied for a variance, only if the requested reasonable use exception includes relief from standards for which a variance cannot be obtained.

**XX.74.040 Application Requirements**

- A. The application for a reasonable use exception shall include the following information:

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1. A description of site; and a description of the areas of the site which do not conform to the regulatory requirements of the ordinance from which the applicant seeks the reasonable use exception;
  2. A description of the proposed development, including a site plan;
  3. An analysis of the modification needed to the standards of the ordinance from which the applicant seeks the reasonable use exception to accommodate the proposed development; and
  4. Such other information as the county determines reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development including, but not limited to, the information required by the reasonable use exception submittal requirements' checklist.
- B. The County shall make a final decision as to whether the reasonable use exception will be granted based upon the following criteria:
1. Whether the application of this title would prohibit all economically viable or beneficial uses of the property, absent a demonstration by the county that the proposed use(s) are prohibited by the laws of nuisance or other preexisting limits on the property which prohibit such use(s);
  2. Whether there are no other reasonable uses to which the property can be put;
  3. Whether the proposed use poses an unreasonable threat to the harm sought to be avoided by the application this title, or to the public health, safety or welfare on or off the exception site;
  4. Whether the inability of the applicant to derive reasonable use of the property is the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of the resolution codified in this Chapter;
  5. Whether the exception to bulk, dimensional and performance standards is the minimum necessary to allow for reasonable use of the property;
  6. Whether the use and activity to which the property is put is consistent with the permitted uses and activities within the zone district; and
  7. Whether such use is consistent with the general purposes of this title and the public interest.

**CHAPTER XX.76  
NONCONFORMING USES**

**Sections:**

**xx.76.010 Existing Structures and Uses.**

**xx.76.020 Expansion.**

**xx.76.030 Reconstruction.**

**xx.76.010 Existing Structures and Uses.** A legal nonconforming use of a structure or land may continue, provided that if such nonconforming use is discontinued for one year or longer, it may not be reestablished:

- A. Structures or the use of a structure or land that was not legally established may not be continued and shall be discontinued upon notice; and
- B. Uses of similar impact may replace a legally nonconforming use provided that the new use occupies the same space within a structure, or in the case of an outdoor use, occupies the same amount of land, as the previous use. Similarity of impact shall be determined by the County based on the listing of permitted uses. The replacement use shall continue to be subject to the limitations on nonconforming uses specified in this Chapter. Any nonconforming use which has been discontinued for a year or more shall only be replaced only by a use which conforms to the regulations of the zone in which it is located.

**xx.76.020 Expansion.** An existing legal nonconforming structure cannot be enlarged or expanded in a manner which would increase the degree of nonconformance. If only a limited aspect of a use or structure is nonconforming, the use may be expanded provided that the aspect of nonconforming is not increased.

**xx.76.030 Reconstruction.** Any structure with a nonconforming use damaged by fire, explosion, accident, act of God or act of a public enemy, may be restored to its status prior to the act of damage provided such efforts are commenced within one year. If restored under these circumstances, the use shall occupy no more floor area than existed prior to the act of damage and the use and building shall remain nonconforming. If reconstruction of a nonconforming structure is not commenced within one year of the act of damage, the land and any development on it shall thereafter conform to the regulations of the zone in which it is located; provided, that a conditional use permit may be issued to reestablish a nonconforming structure, the restoration of which is not commenced within one year if circumstances such as lengthy litigation or disputed insurance settlements delay the Applicant from commencing reconstruction within the specified one-year time frame.

**CHAPTER XX.80  
SPECIAL USES**

**Sections:**

**xx.80.010 Purpose.**

**xx.80.020 General Conditions.**

**xx.80.010 Purpose.** The purpose of this Chapter is to establish the conditions under which certain special uses of buildings and public and private property may be permitted on a temporary basis or for a limited duration when safe and compatible with the general vicinity and adjacent uses.

**xx.80.020 General Conditions.** The following conditions must be met in order to issue a special use permit:

- A. Each site occupied by a special use must provide or have available sufficient parking and vehicular maneuvering area for customers and must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way;
- B. The special use shall comply with all applicable standards of the County Health Department;
- C. All special uses shall obtain, prior to occupancy of the site, all applicable County permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.);
- D. The Applicant for special use shall supply written authorization from the owner of property on which the special use is located;
- E. Each site occupied by a special use shall be left free of debris, litter, or other evidence of the special use upon completion of removal of the use;
- F. All materials, structures and products related to the special use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the special use may be left on-site overnight between consecutive days of operation. They shall be removed at the end of the permit period; and
- G. The Planning Director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to, time and frequency of operation, special arrangements for parking and traffic circulation, requirement for screening or enclosure, notification of affected property owners, and guarantees for site restoration and cleanup following special uses.

**CHAPTER XX.84  
BUILDING REGULATIONS**

**Sections:**

- xx.84.010 Adopted Codes.**
- xx.84.020 Local Requirements.**
- xx.84.030 Manufactured Homes or Mobile Structures.**
- xx.84.040 Corrective Actions.**

**xx.84.010 Adopted Codes.** The following authorities are hereby adopted by reference, subject to the modifications and/or amendments set forth in this Title:

- A. The 2003 Edition of the International Building Code, as adopted by the Washington State Building Code Council, including Sections 101 through Section 106 of Appendix E as published by the International Code Council Inc. with the following exceptions:
  - 1. Table 1-A, Fee Schedule (County fee schedule to be adopted by resolution);
  - 2. Section 105.2 (Work Exempt from Permit) is amended to include the following: Structures used in conjunction with an agricultural farming operation;
  - 3. Section 105.2 (1) is amended to read as follows: “One story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet including any decks or porches”;
  - 4. Section 105.5 (Expiration) is amended to include the following exception: “Permits issued for Group R, Division 3, and Group U, Division 1 occupancies shall be valid for one year, and may be extended twice for a total of three years, provided the permit holder applies for such renewal within one calendar year from the date of issuance or extension”;
  - 5. Section 109.1 (Required Inspections-General) the third paragraph of this subsection is amended to read as follows:
    - a. “The building official, upon at least 24 hour advance notification from the applicant or authorized agent, shall make the inspections set forth in the following sections within two working days”;
  - 6. Section 109.3.7 is amended to include the following: “Insulation Inspection. To be made after all insulation and required vapor barriers are in place.”;

7. Section 2301.1 (General) is amended to include the following: “Sound, rough cut, ungraded, unstamped lumber or logs, and sound used materials shall be allowed to be used with the approval of the building official”;
8. The following Chapters in the appendix are hereby deleted:
  - a. Chapter 13 (Energy Efficiency)
9. Residential Construction to comply with the IRC.
  - B. The 2003 Edition of the International Residential Code, including Appendix G, as adopted by the Washington State Building Code Council, and as published by the International Code Council.
  - C. The 2003 Edition of the International Mechanical Code, as adopted by the Washington State Building Code Council, and as published by the International Code Council.
  - D. The 2003 Edition of the International Fire Code, as adopted by the Washington State Building Code Council, as published by the International Code Council.
  - E. The 2003 Edition of the Uniform Plumbing Code, as adopted by the Washington State Building Code Council, as and published by the International Association of Plumbing and Mechanical Officials.
  - F. The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials.
  - G. The 2001 Washington State Ventilation and Indoor Air Quality Code, as adopted by the Washington State Building Code Council (RCW 19.27).
  - H. The 2001 Washington State Energy Code, as adopted by the Washington State Code Council (RCW 19.27A.020).
  - I. The Washington State Historical Building Code, 1990 edition, as set forth in Chapter 51.19 of the Washington Administrative Code.

**xx.84.020 Local Requirements.** No building or structure (including manufactured and mobile homes) shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved or converted unless a building permit has been obtained in accordance with the provisions of this Title.

- A. Building Setbacks. Property owners are responsible for locating and clearly marking all property boundaries, rights-of-way, and easements so that the County can readily verify that required setbacks have been met, including:
1. Front Property line setback: 25 feet.
  2. Back Property line setback: 5 feet per story. Eaves can be no closer to the property line than 3 feet for one story nor 8 feet for a two story structure nor 13 feet for a three story structure.
  3. Side Yard setback: 5 feet per story, and 5 five additional feet for each additional story. Eaves can be no closer to the property line than 3 feet for one story nor 8 feet for a two story structure nor 13 feet for a three story structure. Eaves within the 5 foot setback must be a minimum height of 6'-8" above grade.
  4. Road Right of Way setback: 25 feet.
  5. Side Yard setback for a single story structure with a daylight basement is 7.5 feet.
  6. Dormers. The outside face of a dormer must meet the required setback for the number of stories.
  7. Air conditioners, heat pumps and other mechanical equipment can be no closer to the property line than 2 feet.
  8. Porches less than 30 inches above grade may project into the 5 foot setback but may not be any closer than 2 feet from the property line. Porches for two story structures may be no closer to the property line than 5 feet.
  9. Uncovered Decks meeting the following requirements do not require a permit:
    - a. Less than 200 square feet and over 30 inches or more above grade and not connected to a residence.
    - b. Over 200 square feet, less than 30 inches above grade, meeting the setback requirements, and not connected to a residence
    - c. Less than 200 square feet , less than 30 inches above grade and not connected to the residence
- B. Group S (storage) occupancies are limited to 1,000 square feet including any porches or decks when located on a parcel that does not have a permitted residence or permitted and approved water and sewer system. Group S occupancies are not to be used as a dwelling unit.
- C. Erosion Control. Adequate provisions shall be made, subject to County review and approval to protect Shorelines and Critical Areas, and to manage storm water runoff during construction in accordance with the provisions of the Eastern Washington Storm Water Guidelines prepared by the Washington State Department of Ecology.

D. Local Load Requirements.

1. Snow Load. Fifty pounds per square foot minimum.
2. Wind Load. Eighty-five miles per hour with three second gusts.
3. Seismic Zone design Category C.

**xx.84.030 Manufactured Homes or Mobile Structures (Including Park Models).** The location of manufactured homes or mobile structures on property within the unincorporated area of Pend Oreille County shall be subject to the provisions as set forth in this Title, and to WAC 296-150B-200 through WAC 296-150B-250.

A. Compliance with Federal and State Codes

1. Manufactured and mobile homes shall comply with all plumbing, electrical, heating, and structural requirements imposed by the State of Washington Department of Labor and Industries in compliance with RCW 43.22.340. Any structural changes to these dwellings, including any deviations from factory installed heating systems shall require a permit from the Washington State Department of Labor and Industries.
  2. These state-inspected dwellings shall be placed on a foundation system that meets the requirements of the manufacturer's installation instructions; or if the manufacturer is not specific, then to the standards in Chapter 296-150M WAC. Any of these dwellings placed on a basement foundation may require engineering if so determined by the Pend Oreille County Building Inspector.
  3. All such units being relocated within or into Pend Oreille County shall bear the appropriate federal and state inspection insignia as specified in RCW 43.22.350 and WAC 296-150M and provide evidence of such to the Pend Oreille County Public Works Department prior to issuance of a placement permit.
  4. When placement inspections, including pads or runners (foundation), anchorage, ground cover, landings, environmental hookups and skirting with required vents have been completed, a certificate of occupancy may be issued by the Pend Oreille County Public Works Department.
- B. A building permit is required for the establishment of a manufactured home or a mobile home on an individual lot within Pend Oreille County. All mobile homes or previously occupied manufactured homes being relocated within or into Pend Oreille County shall demonstrate evidence of an approved Washington State Department of Labor and Industries "Alteration Inspection" prior to issuance of said permit. The County Treasurer's Office shall not issue a "Tax Certificate for Mobile Home Movement", as evidenced by a Mobile Home Movement Decal, unless proof of said "Alteration Inspection" is provided thereto.

1. General Installation Requirements for Manufactured, Mobile Homes shall comply with the Public Works Standards.
  2. Installation Permits. The owner or the installer of a manufactured, mobile home must obtain an installation permit before installing a manufactured, mobile home on a building site. The applicant shall include with the application for permit, the permit fee. A dealer may not deliver a manufactured, mobile home until it has verified that the owner or the installer has obtained an installation permit for the manufactured, mobile home.
  3. Building Site Preparation. A manufactured, mobile home may not be installed at a building site unless the ground at the site has adequate compaction and load bearing ability to meet the support requirements of the manufactured, mobile home.
  4. Floodplain Requirements. Units located within the 100-year floodplain shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). Units located in the floodplain shall have the first floor at least one foot above the base flood elevation.
- C. Temporary Use of Manufactured or Mobile Structures. A special use permit for a manufactured, mobile home may be issued in the following circumstances:
1. An applicant who is in the process of building a conventional dwelling may apply for a special use permit to locate a manufactured, mobile home on the building lot during the construction of the building. Such permit shall not be issued until after a building permit for a dwelling has been obtained.
  2. A manufactured, mobile structure may be used as caretaker's quarters at a job site, including construction projects, gravel pits, dumping operations, or on farms during harvest time.
  3. An applicant whose health necessitates continual care may apply for a special use permit to locate a manufactured, mobile home adjacent to the residence of one who is able to provide such care.
  4. An applicant who wishes to store a manufactured, mobile home on his or her own property, may apply for a special use permit provided that under no circumstances is the manufactured or mobile home to be occupied, connected to utilities, or have the wheels removed.

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5. A permit issued under this section shall be valid for a period not to exceed one year, subject to renewal. At the time the permit expires, the special use and all appurtenances thereto shall be removed from the property.

**xx.84.040 Corrective Actions.** In addition to the applicable fines, penalties, permit fees, corrective actions for structures built in violation of this Title will include, but is not necessarily limited to the inspection and certification at the owners expense by a licensed professional engineer that the improvements in question meet all applicable codes and the provisions of this Title.

**CHAPTER XX.88  
AMENDMENTS AND REZONES**

**Sections:**

- xx.88.010 Purpose.**  
**xx.88.020 Approval Criteria.**

**xx.88.010 Purpose.** The purpose of this Chapter is to establish the procedures to amend these development regulations and/or zoning map when the proposed change would be consistent with the Goals and Policies of the Comprehensive Plan and the intent of this Title.

**xx.88.020 Approval Criteria.** In considering a text or map amendment or a proposed land use map amendment, the Board of County Commissioners shall consider:

- A. Comments from property and business owners and residents of the community;
- B. Recommendations from interested agencies and departments;
- C. Findings from the Planning Commission including:
  - 1. Suitability of the property in question for uses permitted under the proposed zoning;
  - 2. The extent to which the proposed amendment(s) are in compliance with the Goals and Policies and the Future Land Use Map in the Comprehensive Plan;
  - 3. The adequacy of public facilities, such as sewer, water and other required public services;
  - 4. The compatibility of the proposed map amendment change and associated use with neighboring land uses;
  - 5. The public need or benefit of the proposed change; and
  - 6. Whether the proposed amendment complies with the applicable goals and requirements of the Washington State Growth Management Act.

**CHAPTER XX.90  
COMPREHENSIVE PLAN AMENDMENTS**

**Sections:**

- xx.90.010 Purpose.**  
**xx.90.020 Initiation of Text and Map Amendments.**  
**xx.90.030 Criteria for Amendment Procedure.**  
**xx.90.040 State Review of Text and Map Amendments.**

**xx.90.010 Purpose.** The purpose of this Chapter is to provide the procedural steps needed to govern any amendments to the Comprehensive Plan text and/or maps.

**xx.90.020 Initiation of Text and Map Amendments.**

- A. Proposed amendments or revisions to the Comprehensive Plan shall be docketed and considered by the County no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:
1. The initial adoption of a sub-area plan; and
  2. The adoption or amendment of a shoreline master program under the procedures set forth in RCW Chapter 90.58.
  3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a County budget.
- B. All amendment proposals shall be considered by the County concurrently so the cumulative effect of the various proposals can be ascertained. However, the County may adopt amendments or revisions to its Comprehensive Plan that conform with RCW Chapter 36.70A whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with the Growth Management Hearings Board or with a court.
- C. The County shall revise its projected population figures a minimum of every 10 years to accommodate the growth projected to occur in the County for the succeeding 20 year period.

**xx.90.030 Criteria for Amendment Procedure.** The criteria staff uses to make recommendations to the Board of County Commissioners on whether or not to consider an amendment to the comprehensive plan include the following:

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- A. Conditions in the vicinity of the proposal have markedly changed since the subject property was designated, and under those changed conditions, a plan amendment is within the public interest.
- B. The proposal is limited in scope and can fit within the Planning Department's work program for the current year.
- C. The proposal is correcting an inconsistency within the Plan or is a clarification of the Plan.
- D. The public interest is served by dealing with the proposal at the present time rather than later.
- E. The proposal bears a substantial relation to the promotion and preservation of public health, safety and welfare.
- H. The proposal will result in long-term benefits to the community as a whole and is in the best interest of the community.
- I. Whether the proposal complies with the applicable goals and requirements of the Washington State Growth Management Act.

**xx.90.040 State Review of Text and Map Amendments.** In proposing any changes to its Comprehensive Plan, the County shall notify the Department of Community, Trade and Economic Development (CTED) of its intent to adopt such amendments at least 60 days prior to final adoption. The County shall transmit a complete and accurate copy of its Comprehensive Plan to CTED in accordance with State law.

**CHAPTER XX.92  
VIOLATIONS AND ENFORCEMENT**

**Sections:**

<b>xx.92.010</b>	<b>Violations Declared Unlawful.</b>
<b>xx.92.020</b>	<b>Civil Penalty.</b>
<b>xx.92.030</b>	<b>Remedies and Penalties for Continuing Violation.</b>
<b>xx.92.040</b>	<b>Persons Liable.</b>
<b>xx.92.050</b>	<b>Enforcement Duty and Authority.</b>
<b>xx.92.060</b>	<b>Right of Entry.</b>
<b>xx.92.070</b>	<b>Stop Work Orders.</b>
<b>xx.92.080</b>	<b>Notice of Violation.</b>

**xx.92.010 Violations Declared Unlawful.** Violations of, or failure to comply with the provisions of this Title are declared to be unlawful.

**xx.92.020 Civil Penalty.** In addition to any other penalty or remedy provided by this Chapter or by law, civil penalties in accordance with the County fee schedule and ordinances may be imposed upon any person, firm or corporation who violates the provisions of this Title. The civil penalty shall occur from the date set for correction until violation is corrected. The civil penalty is a personal obligation of the person or persons to whom the Notice of Violation is directed. The County Attorney, on behalf of the County, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or grant of which shall neither stay nor terminate the accrual of additional civil penalties, as long as the violation continues.

**xx.92.030 Remedies and Penalties for Continuing Violations.** An imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm or corporation shall be required to correct such violation or defects.

A. In addition to the civil proceedings authorized to enforce this Title and in addition to any fine or penalty provided, continuing violations of this Title may be enjoined or ordered abated in civil proceedings for injunction, abatement or other relief. For those actions, violation of this Title is declared to be a public nuisance.

B. Any person, firm or corporation violating any of the provisions of this Title shall be liable in any private or public action brought to enforce the provisions of this Title for all costs of proceedings, expenses of abatement and for reasonable attorney fees. These expenses are cumulative and in addition to any penalties or other remedies available.

**xx.92.040 Persons Liable.** The owner, lessee or tenant of any building, structure, premises or part thereof, and the architect, builder, contractor, employee agent or other person who commits, authorizes, participates in, assists in, or who maintains after notice, a violation of

this Title may be held jointly liable in any civil action brought to enforce the provisions of this Title.

**xx.92.050 Enforcement Duty and Authority.** The Planning Director and/or his/her designee is authorized and directed to enforce the provisions of this Title. The County shall, either upon complaint or initiative, investigate potential violations of this Title. It shall be the duty of all the County officers to assist in the performance of this duty. It shall be the duty on the County Sheriff and all officers charged with the enforcement of the law to assist in the enforcement of this Title and its provisions.

**xx.92.060 Right of Entry.** Whenever necessary to make an inspection, to enforce any of the provisions of this Title, or whenever the County has reasonable cause to believe that a violation of this Title exists or is occurring on any property or within any building, authorized County personnel may enter onto such property or within any building at any time, to inspect the same or to perform any duty imposed by this Title; provided, that before entering into any dwelling or any area of the building not otherwise open to the public, proper credentials shall be presented to the owner or person in possession or occupation of said property and request entry. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry.

**xx.92.070 Stop Work Orders.** The Planning Director or his/her designee(s) may issue an order to stop work for any activity being conducted or any improvement being erected or altered which does not conform to this Title.

- A. The Stop Work Order shall be prominently placed on the subject property and reasonable attempts to forward a copy of the order to the owner of the property, the person in charge of the property or occupant thereof, or the person causing the activity to be established or conducted will be made.
- B. When any order to Stop Work has been posted on the subject property, it is unlawful for any person with active or constructive knowledge of the order to conduct the activity or do the work covered by the order until the County has removed the posted copy of the order and issued a written authorization for the activity or work to be continued.
- C. The issuance of an order to stop activity may be appealed to the Board of County Commissioners but such order shall remain in full force and effect during the appeal process unless the County issues an interim or final order staying or lifting the Stop Work Order. When considering the appeal the duty of the Commissioners is to determine whether the County Staff correctly interpreted and applied the ordinance when issuing the stop work order.

**xx.92.080 Notice of Violation.** If the County determines that any activity, condition, structure or use exists that does not conform to the provisions of this Title, a Notice of Violation may be issued. The notice shall be directed to the owner of the property and/or to such other persons as are causing or contributing to such violation:

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- A. The Notice of Violation shall be served upon the person or persons to whom it is directed either personally in the manner provided for by personal service to summons and complaint or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person(s) at his/her last know address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person making service, declaring the time, date, and manner by which the service was made.
  
- B. For good cause shown, the County may extend the date set for correction of the Notice of Violation.