

Chapter 17.32A
Airport Public Safety District
(Revised Draft [December 20th](#), 2012)

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- 17.32A.010 General purpose.
- 17.32A.020 Definitions.
- 17.32A.100 Airport zoning designations.
- 17.32A.130 General prohibitions.
- 17.32A.160 Glare.
- 17.32A.190 Lighting.
- 17.32A.200 Height.
- 17.32A.230 Zone 1 Flight operations.
- 17.32A.260 Zone 2 Approach/departure.
- 17.32A.290 Zone 3 Transition.
- 17.32A.300 Zone 4 Passage.
- 17.32A.330 Zone 5 Airport affects area.
- 17.32A.360 Required setbacks.
- 17.32A.390 Site analysis requirements.
- 17.32A.400 Nonconforming lots.
- 17.32A.430 Nonconforming use in zoning district.
- 17.32A.460 Nonconforming structure.
- 17.32A.490 Abandonment.
- 17.32A.500 Unsafe buildings.
- 17.32A.530 Conflicting regulations.
- 17.32A.560 Violations and enforcement.
- 17.32A.590 Appeals.
- 17.32A.600 Judicial review.

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17.32A.010 General purpose.

The purpose of this chapter is to establish the Airport Public Safety District in order to protect the long term viability of general aviation airports as essential public facilities, and the health, welfare and safety of the aviation community, neighboring property owners and general public. These goals will be met by encouraging compatible land uses, densities and reducing hazards in the vicinity of the affected environments of the Airport Public Safety District.

Landowners and users of properties within this zoning district are obligated to follow the airport operations [notification](#) as described in section 17.32A.390 Site analysis requirements. The five zones within the District are impacted due to their proximity to airport operations by noise, vibrations, fumes, odors, lighting, and accident hazards. The airport operations [notification](#) is established to ensure long term viability of airport operations which preceded most non-agricultural development in the Airport Public Safety District zoning.

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Okanogan County is authorized to establish this zoning ordinance in accordance with RCW 14.08.290 (County airport districts authorized).

By enacting this policy, Okanogan County is recognizing the long term significance of airports to the public which include the following:

- ⇒ Emergency response including airlift and search and rescue services

- ⇒ Wildfire suppression
- ⇒ Military operations
- ⇒ Transportation
- ⇒ Economic development
- ⇒ Freight including mail services and commodities
- ⇒ Recreational opportunities
- ⇒ Crop management

17.32A.020 Definitions.

17.32A.022 Agriculture.

“Agriculture,” means the raising of livestock and crops, however excludes growing or storing cereal grains. See 17.32A.056 “livestock” for more information. Also found in OCC 17.04.014 (Ord. 92-12 § 5 (App. A), 1992).

17.32A.024 Airport.

“Airport” means a public runway having any or all of the following characteristics: facilities for storage; supply and maintenance of aircraft; commercial uses and services such as flight instruction, charter or air freight service; passenger service; agricultural services including herbicide or pesticide application; and facilities maintained or operated by governmental units, agencies or private corporations. Also found in OCC 17.04.015 (Ord. 92-12 § 5 (App. A), 1992).

17.32A.026 Airport elevation.

“Airport elevation” means the highest point of an airport's useable runway area measured in feet above mean sea level.

17.32A.028 Airport affects area.

“Airport affects area” means the area in such a relationship with an airport that both land uses and development can impact airport operations and those airport operations can impact land uses. This area requires regulation to ensure both adjacent land and airport users are safe.

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17.32A.030 Approach surface.

“Approach surface” means a surface longitudinally centered on the extended runway centerline and extending outward and upward from such end of the primary surface. An approach surface is applied to the end of each runway based upon the type of approach available or planned for that runway end. Also found in OCC 17.04.024 (Ord. 92-12 § 5 (App. A), 1992).

17.32A.032 Bird and wildlife attractant.

“Bird and wildlife attractant” means a man made structure or feature, including landscaping elements, that causes migratory waterfowl, raptors, large upland game birds, turkeys, wild canine predators, wild feline predators, or medium/big game animals to come to or linger in an area by providing a food source, nesting, bedding, or den sites to an extent that exceeds the level naturally occurring in the immediate vicinity.

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17.32A.034 Electrical interference.

“Electrical interference” means anything which disrupts aircraft communications or navigational devices.

17.32A.036 Encroachment.

“Encroachment” means an action that diminishes the utility or viability of an existing use.

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17.32A.038 FAR Part 77.

“FAR Part 77” means the part of Federal Aviation Regulations that deal with all objects affecting navigable airspace.

17.32A.040 FAR Part 77 Surfaces.

“FAR Part 77 Surfaces” means imaginary airspace surfaces established by FAA with relation to each runway in an airport. There are five types of surfaces: primary, approach, transitional, horizontal, and conical. Each type of imaginary airspace surface has unique protection afforded to them by FAA.

17.32A.042 Federal Aviation Administration.

“Federal Aviation Administration” means the U.S. Government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

17.32A.044 Federal Aviation Regulations (FAR).

“Federal Aviation Regulations” means regulations formally issued by the FAA to regulate air commerce.

17.32A.046 Glare.

“Glare” means the reflection of the sun or other light sources from materials for structures and accessories that cause an obstruction of sight for pilots.

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17.32A.048 Hazardous materials.

“Hazardous materials” means contents that are flammable, explosive, corrosive or toxic which pose a special concern to the extent that an aircraft accident could cause a release of the materials and thereby endanger people and property in the vicinity.

17.32A.050 Helipad.

“Helipad” means a small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters.

17.32A.052 Heliport.

“Heliport” means a facility used for operating, basing, housing, and maintaining helicopters.

17.32A.054 Lighting.

“Lighting” means any apparatus used for the purpose of increasing visibility, which may cause confusion for runway lighting or impair visibility for pilots.

17.32A.056 Livestock.

“Livestock” means animals kept for the purpose of collecting agricultural product. Examples include cattle, sheep, alpaca, and goat. Livestock excludes luxury or recreationally used animals such as horses, mules, miniature horses, and ponies, with the exception of breeding for the sale of offspring.

17.32A.058 Navigational aid.

“Navigational aid” means any visual or electronic device airborne or on the surface that provides point-to-point guidance information or position data to aircraft in flight.

17.32A.060 Noise sensitive facilities.

“Noise sensitive facilities” means facilities that rely on comparatively quiet environments to ensure optimal success and include health and education.

17.32A.062 Non-precision instrument runway.

“Non-precision instrument runway” means a runway with an approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure.

17.32A.064 Obstruction.

“Obstruction” means any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceed the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

17.32A.066 Persons.

“Persons” means any resident, property owner, or user of properties in the Airport Public Safety District.

17.32A.068 Special function uses.

“Special function uses” means uses that include children, elderly, the infirm, or other regarded as having comparatively little control over their own lives.

17.32A.070 Traffic pattern.

“Traffic pattern” means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach.

17.32A.072 Tree.

“Tree” means any tree, shrub, bush, or other greenery in the Airport [Public Safety District](#), defined as such to limit possible aircraft operation hazards.

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17.32A.100 Airport zoning designations.

Zone 1: Flight Operations.

Zone 2: Approach/Departure.

Zone 3: Transition.

Zone 4: Passage.

Zone 5: Airport Affects Area.

These zones boundaries are defined and hereby adopted by the Airport Public Safety District for each public airport in this District which includes Anderson Field (Brewster), Dorothy Scott Field (Oroville), Legion Airport (Okanogan), Methow State Intercity Airport (near Winthrop), Omak Municipal Airport, Tonasket Municipal, and Twisp Airport..

17.32A.130 General prohibitions.

General prohibitions are intended to prevent incompatible uses surrounding airport facilities for public safety and nuisance reasons. General prohibitions apply to all zones except Zone 5 and include storage of hazardous materials, noise sensitive facilities, special function uses, electrical interference, critical obstruction of airspace, creation of bird or wildlife attractant hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intended to use airport facilities.

A. Storage of hazardous materials.

Contents that are flammable, explosive, corrosive or toxic which pose a special concern to the extent that an aircraft accident could cause a release of the materials and thereby endanger people and property in the vicinity are prohibited. Examples of these uses incompatible with airport operations include the

manufacturing of explosives, acid, compost, asphalt, cement, lime, gypsum, and fertilizer, and also commercial storage of propane, natural gases, petroleum, acid, lime, fertilizer, gypsum, wastewater, solid waste, or explosive contents.

B. Noise sensitive facilities.

Facilities that rely on comparatively quiet environments to ensure optimal success and include health and education are prohibited. These include churches, schools, halls, stadiums, auditoriums, medical facilities, and campgrounds.

C. Concentration of special function uses.

Uses that include children, elderly, the infirm, or other regarded as having comparatively little control over their own lives are prohibited. Examples include K-12 schools, daycare facilities, hospitals, nursing homes, convalescent centers and other similar uses.

D. Electrical interference.

Electrical uses involving transmitting or receiving signals that could disrupt aircraft communications or navigations are prohibited. Examples include transmission lines, and wireless communication facilities, towers, or antennas.

E. Critical obstruction of airspace.

No structure, tree, terrain, or land use may produce or encourage interference with critical airspace including excess smoke, dust, or heat plumes.

F. Creation of bird or wildlife attractant hazards.

Activities that encourage wildlife, especially birds, into critical space utilized by aircraft operations and includes raising or storing cereal grains; golf courses; dairy farms; water storage, processing, or otherwise management facilities; waste management facilities; landfills; slaughterhouses; rendering plants; feedlots; septic lagoons and similar byproducts used for crop enhancement; fowl or dead animal reduction, composting, or disposal; creation of nesting habitat with the expectation of endangered species; and other wildlife attractants that cause hazards to flight are prohibited.

17.32A.160 Glare.

No uses or building materials may be permitted that have reflective surfaces which produce glare directed upward and interfere with the operations and safety of the airport in Zones 1-4.

17.32A.190 Lighting.

Lighting accessories must obey height restrictions, must be directed downward, and may need to be partially shaded or covered to eliminate possible interference with airport operations in Zones 1-4. Examples of lighting hazards include flood lights, signage, or other accessory lighting. Lighting necessary for aircraft maneuvering is exempt from this requirement.

17.32A.200 Height.

No structure or tree shall exceed thirty-five ft (35 feet) in height in Zones 1-3. Terminal buildings, hangars, and navigational improvements are exceptions. For Zones 4 and 5, agricultural, commercial, and emergency service structural accessories shall not exceed 20:1ft slope (twenty feet horizontal to one foot vertical) for a horizontal distance of 4,000 ft (four thousand feet) from the center of the non-precision instrument runway centerline as defined by FAA as critical airspace.

17.32A.230 Zone 1 Flight operations.

A. Purpose.

Zone 1 Flight Operations is the area directly surrounding the runway. The principle risk in this zone is from loss of directional control with landing or taking off from the runway. The purpose of this zone is to prevent conflicts that may result in an aircraft accident. Conflicts include animal attractants, electromagnetic interference, and critical airspace obstructions such as lighting, glare, tall trees, terrain, and structures. Airport operations greatly impact properties in this zone with noise, vibrations, lighting, fumes, and accident hazards.

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B. Permitted uses.

Permitted uses for Zone 1 Flight Operations are direct aviation related facilities including terminal buildings, hangars, navigational aids and aid improvements, landing strips, taxiways, aircraft sales, fuel storage/dispensing, offices, charter services, aviation research and development, aviation schools, roadways, parking areas, and storage yards; permitted agricultural uses includes the raising of orchards, row crops, livestock feed, and grazing; police, emergency, and fire suppression services and buildings; irrigation systems; and underground utilities.

C. Conditional uses.

Conditional uses for Zone 1 Flight Operations include gravel pits less than three acres; quarries and borrow pits less than three acres; mini storage; and low intensity recreational fields.

D. Density.

Zone 1 Flight Operations density denies further subdivision of properties.

17.32A.260 Zone 2 Approach/departure.

A. Purpose.

Zone 2 encompasses the area from the end of Zone 1 Flight Operations out diagonally to Zone 5 Airport Affects Area. The risk of accidents is greatest here because, on departure from the runway, aircraft are typically at full speed and on approach, are at low altitude preparing for landing. Due to its proximity to the runway, airport operations are in direct conflict with residential development. Airport operations greatly impact properties in this zone with noise, vibrations, lighting, and accident hazards.

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B. Permitted uses.

Permitted uses for Zone 2 include residential; direct aviation related facilities including navigational aids and aid improvements, taxiways, aircraft sales, charter services, aviation research and development, roadways, parking areas, and storage yards; permitted agricultural uses includes the raising of orchards, row crops, livestock feed, and grazing; agriculture storage, processing, and sales of products grown on the premises; irrigation systems; mini storage; underground utilities; warehousing and outdoor storage; florist retail and wholesale; food store; horticultural services; manufactured home sales facilities; quarries and borrow pits less than three acres; governmental buildings; and parking lots.

C. Conditional uses.

Zone 2 conditional uses include offices; gravel pits; quarries and borrow pits three acres or larger; manufacturing (light and heavy); recycling collection centers, recycling processing centers; recreational fields; agricultural stands; shooting ranges; commercial kennels; private clubs; gift shops; cemeteries; laundromats; commercial saw mills (portable and stationary); automobile rentals, repair, wrecking, and towing; tourist accommodations of motels/hotels, inns and lodges, RV parks, aviation related campgrounds, bed and breakfasts, and nightly rentals.

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D. Density.

Zones 2 Approach/Departure densities allow subdivision of property for lots 5 (five) acres or larger. In City Expansion Areas, where water and sewer capacities are available, subdivision of property for residential purposes of lots smaller than 5 (five) acres is allowed if in accordance with OCC Cluster Ordinance where the maximum density is determined by the performance based rating system.

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17.32A.290 Zone 3 Transition.

A. Purpose.

Zone 3 is the transitional area located between Zone 1 Flight Operations and Zone 4 Passage. Residential development is strictly limited and further subdivision of land is discouraged due to public health and safety concerns. Noise from airport operations can be significant. In order to prevent public nuisance complaints, residential encroachment upon airport facilities is strongly discouraged, however, can be successfully managed with the aid of clustering and low density planned developments. Airport operations greatly impact properties in this zone with noise, lighting, and accident hazards.

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B. Permitted uses.

Permitted uses for Zone 3 are residential: direct aviation related facilities including terminal buildings, hangars, navigational aids and aid improvements, taxiways, aircraft sales, fuel storage/dispensing, offices, charter services, aviation research and development, aviation schools, roadways, parking areas, and storage yards; light manufacturing; mini storage; permitted agricultural uses includes the raising of orchards, row crops, livestock feed, and grazing; agriculture storage, processing, and sales of products; irrigation systems; underground utilities; warehousing and outdoor storage; florist retail and wholesale; food store; horticultural services; manufactured home sales facilities; commercial saw mills (portable and stationary); quarries and borrow pits less than three acres; governmental offices; parking lots; and automobile rentals, repair, wrecking, and towing.

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C. Conditional uses.

Zone 3 conditional uses include offices; gravel pits; quarries and borrow pits three acres or larger; heavy manufacturing; recycling collection centers, recycling processing centers; recreational fields; shooting ranges; commercial kennels; restaurants; banks; churches; bed and breakfast; campgrounds; private clubs; gift shops; cemeteries; laundromats; governmental infrastructure; tourist accommodations of motels/hotels, inns and lodges, RV parks, aviation related campgrounds, bed and breakfasts, and nightly rentals.

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D. Density.

Zone 3 densities allow a subdivision of property for lots 5 (five) acres or larger. In City Expansion Areas, where water and sewer capacities are available, subdivision of property for residential purposes of lots smaller than 5 (five) acres is allowed if in accordance with OCC Cluster Ordinance where the maximum density is determined by the performance based rating system.

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17.32A.300 Zone 4 Passage.

A. Purpose.

Zone 4 is the safety zone directly before Zone 5, the outermost zone, and therefore requires less regulation because aircraft are flying at high altitudes in this area. The purpose of this zone is to promote compatible development while protecting airport operations. Zone 4 depends on underlying zoning for permitted and conditionally permitted uses. This zone implements height restrictions and general prohibitions in order to prevent visual or physical obstructions to critical airspace near airports. Airport operations impact properties in this zone to a lesser degree than Zones 1-3 with noise, lighting, and accident hazards.

B. Permitted uses.

Permitted uses for Zone will be determined by the underlying zone. General prohibitions and restrictions on glare, lighting, and height apply.

C. Conditional uses.

Zone 4 conditional uses will be determined by the underlying zone. General prohibitions and restrictions on glare, lighting, and height apply.

D. Density.

Zone 4 density is determined by the underlying zoning.

17.32A.330 Zone 5 Airport affects area.

A. Purpose.

Zone 5 contains the remaining airport environment where aircraft may fly as they approach or depart from the runway. Aircraft are at higher altitudes in this zone, which fosters a reduced risk of accidents. The purpose of this zone is to implement federal restrictions on structure height, the critical factor in securing safe airport operations in this zone. Default to underlying zoning for land use regulations except for height. Airport operations impact properties in this zone minimally with noise, lighting and accident hazards.

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B. Permitted uses.

Permitted uses in Zone 5 will be determined by the underlying zone. Height restrictions apply.

C. Conditional uses.

Zone 5 conditional uses are determined by the underlying zoning. Height restrictions apply.

D. Density.

Zone 5 density is determined by the underlying zoning.

17.32A.360 Required Setbacks.

Setbacks apply to Zones 1-3; Zones 4 and 5 defaults to underlying zoning.

[Development should be sited as far away from airport boundaries as is reasonably possible for the safety and comfort of neighboring residents and airport users](#)

[FAA requirements manage setbacks of buildings on airport properties.](#)

Front: 35ft (thirty-five feet). Where parking is located, an additional 10 ft (ten feet) is required. Where property lines meet airport property boundaries, required setback is 45ft (forty-five feet).
Sides and rear: 20 ft (twenty feet).

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17.32A.390 Site analysis requirements

A. Purpose.

A site analysis is required with any new building permit or change in use of land. The purpose of this site analysis review is to inform applicants of the recommended criteria for proposals in the Airport Public Safety District to protect the safety and welfare of the public while preserving the viability of airport facilities.

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FAA requirements manage setbacks of buildings on airport properties. ¶

The purpose of this review is to ensure all new or remodeled buildings, or change in use of land is compatible with the requirements in the Airport Public Safety District by addressing possible interference hazards with airport operations in order to balance the needs of the general public and airport facilities. Conditions are applied as necessary for each new development or change in use.

In addition to a site analysis, notification is required for the sale, or further development, or change in use of property. Property owners must inform prospective property purchasers, and similarly must have recorded against the title a notice at the time of a site analysis or sale stating the property is located within the Airport Public Safety District.

B. Site analysis recommendations.

The list below includes recommended criteria for the site analysis of proposals in the Airport Public Safety District, however, is not limited to these considerations. The administrator can apply other requirements in order to prevent incompatible uses in the District.

- Orientation is outside of airport's usual traffic pattern or is parallel to the runway
- Utilities and accessories do not interfere with airport operations
- Proposal is not listed in 17.32A.130 General prohibitions of this Chapter
- Glare is prevented
- Lighting is directed away from traffic pattern and airport facility or shaded downward
- Possible animal attractants are managed accordingly to prevent interference with airport operations
- Open space is established in critical airport operations areas
- Waste disposal practices are managed strictly which may include covering, containing, wetting, drying, or held in tanks until further removal
- Plumes are screened, diverted, cooled, and/or filtered

C. Conditions.

Persons that may be affected acknowledge that airports are essential facilities to Okanogan County, and therefore accept impacts associated with operations which may include noise, lighting, vibration, and fumes. Persons agree impacts from airport operations will not negatively affect their proposed use and will not later create incompatibility between uses. Similarly, the proposed development or change in use will not conflict with airport operations and cause an accident hazard.

Persons affected accept that airport facilities are utilized by fire suppression services which can result in noise, lighting, vibrations, or fumes. This usage is legal, consistent with accepted customs and standards, conducted in a non-negligent manner, and protected by the Airport Public Safety District.

Persons affected accept that residential uses can be most greatly impacted in the Airport Public Safety District.

Persons affected accept their right to utilize their property for uses as described by OCC 17.32A Airport Public Safety District and OCC Code 17.21 District Use Chart.

Persons shall acknowledge the designation of Airport Public Safety District and use of the region as space critical to airport operations.

D. Notification.

1. Notice requirements.

To inform persons of the significant impact airport operations may have on properties adjacent to airport

facilities or in Airport Public Safety District where impact from airport operations is likely, an airport operations disclosure letter is required for the sale or, further development, or change in use of properties in Zones 1-3. Okanogan County Department of Planning and Development has a copy of this letter available upon request.

A title notice must be recorded against any site analysis of properties in the Airport Public Safety District. Information pertaining to this notice is available at the County Assessor's and Department of Planning and Development offices.

2. Title notice.

a. Properties located in Zones 1-3 where impact to adjacent use can be significant:

"Your property is located within Okanogan County's Airport Public Safety District (OCC 17.32A) designated Zones 1-3. You may be subjected to inconveniences or discomfort arising from airport operations which may include noise, vibrations, lighting, odors, and dust. Such operations are protected in this zoning district provided the operations are legal, consistent with accepted customs and standards, and conducted in a non-negligent manner. For more information pertaining to this zoning policy, see OCC 17.32A.230, 17.32A.260, or OCC 17.32A.290."

b. Properties located in Zone 4-5 where impact to adjacent use can be moderate to minimum:

"Your property is located within Okanogan County's Airport Public Safety District (OCC 17.32A) designated Zone 4 or 5. You may be subjected to minor inconveniences or discomfort arising from airport operations which may include noise, lighting, and dust. Such operations are protected in this zoning district provided the operations are legal, consistent with accepted customs and standards, and conducted in a non-negligent manner. For more information pertaining to this zoning policy, see OCC 17.32A.300 and OCC 17.32A.330."

3. Administrator.

The administrator responsible for the review of site analysis in the Airport Public Safety District is Okanogan County Director of Planning and Development. The Director may choose staff from the department to assist with or handle review as needed.

17.32A.400 Nonconforming lots.

A single-family dwelling and customary accessory buildings may be erected on any lot legally created before the effective date of this chapter. This provision shall apply even though such lot fails to meet the density requirements of the Airport Public Safety District, providing the lot meets current health district requirements for water and sewer. (Ord. 92-12 § 5 (App. A), 1992).

17.32A.430 Nonconforming use in zoning district.

Where lawful use of land within a zoning district exists at the effective date of adoption of this code, which is not permissible under the terms of this code, such use may be continued so long as it remains otherwise lawful. (Ord. 92-12 § 5 (App. A), 1992).

17.32A.460 Nonconforming structure.

Where a lawful structure exists at the effective date of adoption of this code, that could not be built under the terms of this code, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- No structure may be enlarged or altered in a way which increases its nonconformity without the

issuance of a conditional use permit or variance.

- Should such a structure be destroyed by any means, it may be replaced along existing foundation lines within one year. Should a structure be destroyed to an extent of more than 50 percent of its replacement cost at the time of destruction, and not rebuilt within one year, it shall not be reconstructed except in conformity with the provisions of the Airport Public Safety District.

- Should such structure be moved any distance for any reason whatever, it shall thereafter conform to the general regulations for the district in which it is located after it is moved. (Ord. 92-12 § 5 (App. A), 1992).

17.32A.490 Abandonment.

Any nonconforming use or nonconforming structure which is abandoned and/or discontinued for one year shall not be reconstructed except in conformity with the provisions of the Airport Public Safety District. (Ord. 92-12 § 5 (App. A), 1992).

17.32A.500 Unsafe buildings.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety. (Ord. 92-12 § 5 (App. A), 1992).

17.32A.530 Conflicting regulations.

Where conflict exists between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, the limitations or requirements set forth in this chapter shall govern and prevail.

17.32A.560 Violations and enforcement.

It shall be the duty of the Director of Okanogan County Planning and Development to administer and enforce the regulations prescribed in this chapter.

17.32A.590 Appeals.

Any person aggrieved, by any order, requirement, decision, or determination made by an administrative official in the processing of any application made under this chapter or in the actual decision made as required by this chapter may appeal to the Board of Adjustment as provided in OCC 17.35.

Appellant shall complete an appeal form provided by Okanogan County's Department of Planning and Development which states the specific reasons for the appeal, and shall pay an administrative decision appeal fee as established in the adopted fee schedule (see OCC 3.01.010). The appeal shall be heard by the Board of Adjustment.

17.32A.600 Judicial review.

Any person aggrieved or any taxpayer affected by any decision of the Board of Adjustment may appeal to the circuit court as provided in Section III of Chapter 12 of the Public Laws of the State.