

OKANOGAN COUNTY

Ordinance 2005-4

AN ORDINANCE AMENDING CHAPTER 17.04, DEFINITIONS; AND CHAPTER 17.21, DISTRICT USE CHART, *OKANOGAN COUNTY ZONING CODE—TITLE 17.*

WHEREAS, Okanogan County has received a petition for repeal of Section 17.14.115 of the *Okanogan County Zoning Code*, the Sunset Clause related to nightly rentals in the Methow Review District; and

WHEREAS, the Planning Commission review and public process required for said petition is pending subject to completion of review under the State Environmental Policy Act; and

WHEREAS, prior to April 7, 2005, the interpretation of the County Office of Planning and Development was that Section 17.14.115 applied to all zoning districts within the Methow Valley School District #350; and

WHEREAS, on April 7, 2005, the interpretation of Section 17.14.115 was changed and it was determined that “nightly rentals” were an unregulated use and therefore allowed in all zones except the Methow Review District as defined in Chapter 17 of the Okanogan County Code; and

WHEREAS, on June 20th, 2005, Okanogan County established a moratorium on the acceptance of applications or the issuance of permits or approvals for any short-term rental of private residences within the boundaries of Methow School District #350, an area that includes the Methow Review District; and

WHEREAS, the Board of Okanogan County Commissioners, as required under RCW 36.70.795, opened a public hearing on August 15, 2005 which was continued to August 29, 2005 and subsequently closed on September 6, 2005 in order to take testimony, both written and oral on the subject the moratorium on nightly rentals in within the Methow Valley School District #350; and

WHEREAS, the Board of County Commissioners has received numerous written comments, telephone calls and other personal communications regarding the moratorium and “nightly rentals”; and

WHEREAS, as a result of testimony and staff analysis, it has become clear that provisions of the *Okanogan County Zoning Code* do not clearly specify the county’s intent with regard to nightly rentals outside the Methow Review District; and

WHEREAS, the nightly rental of guest houses, recreational homes or cabins, or part-time residential homes has the potential for significant impacts on neighborhoods, communities, economies, transportation systems, water quality and quantity and the environment; and

WHEREAS, in conformity with the responsibilities of Okanogan County to provide for zoning and land use regulations pursuant to state law, and the County's authority to regulate land use activity within its boundaries, the County intends to clarify zoning and land use regulations for nightly rentals outside of the Methow Review District; and

WHEREAS, Washington State law, including Section 36.70 of the Revised Code of Washington (RCW), authorizes Washington counties to adopt zoning regulations; and

WHEREAS, the proposed clarifications are not inconsistent with RCW 36.70 or with any other applicable Okanogan County ordinance, plan, or resolution, including, but not limited to, the *Comprehensive Plan for Okanogan County*, the *Methow Valley Plan*, an *addendum to Okanogan County's Comprehensive Plan*, and the *Mazama Area Master Plan for Methow Valley Planning Area Subunit A*; and

WHEREAS, the proposed clarifications are in the interest of the public health, safety, and welfare of the citizens of Okanogan County;

NOW THEREFORE THE BOARD OF OKANOGAN COUNTY COMMISSIONERS DOES ORDAIN AS FOLLOWS:

SECTION 1 – CLARIFICATION OF DEFINITIONS

The following definitions shall be added to Section 17.04 of the *Okanogan County Code*:

“Nightly rental” (for the purposes of OCC 17.12, 17.14A, 17.14B, 17.15, 17.16, and 17.17) means tourist accommodation in guest houses, recreational homes or cabins, or part-time residential homes. See definitions of guest houses, recreational homes or cabins, and part-time residential homes for additional detail concerning each type of use.

“Overnight lodging” means rental for transient or tourist use on a nightly, weekly or other basis less than month-to-month rental.

“Tourist accommodation” means overnight lodging for the traveling public.

SECTION 2 CLARIFICATION OF DISTRICT USE CHART

The District Use Chart (OCC 17.21) shall be amended to read as shown in Appendix A.

SECTION 3 SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such a decision shall not affect the validity of the remaining portions of the ordinance.


SECTION 4 EFFECTIVE DATE

This ordinance shall take effect immediately upon its passage.

Adopted by the undersigned Commissioners of Okanogan County in open session this 6th day of September, 2005.

DATED at Okanogan, Washington this 6th day of September 2005.

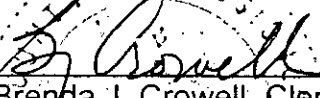
APPROVED AS TO FORM:


Heidi Appel, DPA

BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON

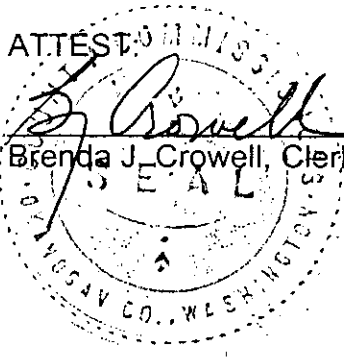

Mary Lou Peterson, Chairman

ATTEST


Brenda J. Crowell, Clerk of the Board

ABSTAIN
Andrew Lampe, Member


Don (Bud) Hover, Member



Appendix "A"

The District Use Chart (OCC 17.21) shall be amended to read as shown below:

						Barnholt Loop	North 97 (Oroville)			Methow						
	MD	AD	SR	C	I	A-R	A-R	SR	C	MRD	AP	UR	NU	SRC	RRD	LDRD
Tourist accommodations																
Motels/hotels	P	XXXX	XXXX	P	XX	XXXX	CI*	C	P	XXXX	C		XXXX	XXXX	XXXX	XXXX
Inns and lodges	P	XXXX	XXXX	P	XX	CI*	CI*	C	P	PD	XX	P	XXXX	P	XXXX	PD
RV parks	B	B	XXXX	B	XX	CI*	CI*	XX	B	PD	XXXX	XXXX	XXXX	B	PD	PD
Campgrounds	B	XXXX	XXXX	XXXX	XX	CI*	CI*	XX	XX	PD	XXXX	XXXX	XXXX	B	PD	PD
Bed and breakfasts	P	P	P	XX	XX	P	P	P	XX	P	XXXX	P	P	P	P	P
Nightly rentals										PD	XXXX	PD	PD	PD	PD	PD