

OKANOGAN COUNTY

ORDINANCE 2008-4

AN ORDINANCE AMENDING OKANOGAN COUNTY CODE, ADDING CHAPTER 18.05 "DEVELOPMENT AGREEMENTS".

SECTION 1 FINDINGS AND RECITALS

- 1.1. The proposed code amendment adds a new section of Okanogan County code, which is 18.05, "Development Agreements".
- 1.2. On February 6, 2008, information regarding the proposed code amendment was forwarded to appropriate public agencies for their respective review and comment.
- 1.3. On February 6 and 7, 2008, public notice of the proposed code amendment, public hearing, and SEPA environmental determination was published in the Omak Chronicle, Methow Valley News, and Okanogan County's legal periodical of record, the Oroville Gazette Tribune.
- 1.4. On April 10, 2008, information regarding the proposed code amendment was forwarded to appropriate public agencies for their respective review and comment. This second notification resulted from a revision of the draft ordinance and a re-issuance of the SEPA determination.
- 1.5. Information regarding the proposed code amendment has been forwarded to those persons requesting additional information.
- 1.6. A threshold (preliminary) environmental determination of non-significance was issued by the Okanogan County responsible SEPA official on February 6, 2008, as authorized under WAC 197-11. The comment period ended as of February 27, 2008.
- 1.7. A final environmental determination of non-significance was issued by the Okanogan County responsible SEPA official on February 28, 2008, as authorized under WAC 197-11. Notice of the final determination was published in the Oroville Gazette Tribune, Okanogan County's legal periodical of record, on February 28, 2008. Notice of the determination was publishing in the Omak Chronicle, Methow Valley News, Quad City Herald, and Star Newspaper on February 27, 2008. The determination appeal period ended March 17, 2008.
- 1.8. The Okanogan County SEPA Official re-issued a threshold environmental determination of non-significance on April 10, 2008. The SEPA comment period ends at 5:00 p.m. on April 28, 2008. The date of publication for the final SEPA Determination is May 8, 2008. The appeal period ends May 26, 2008.
- 1.9. The Okanogan County Regional Planning Commission conducted a public hearing for the proposed code amendment. During the hearing the Planning Commission heard public testimony. The Regional Planning Commission motioned to recommend approval of this code amendment to the Board of Okanogan County Commissioners.

- 1.10. The Board of Okanogan County Commissioners conducted a public hearing for the proposed code amendment. At this time the Board of Commissioners heard public testimony and considered the recommendation offered by the Regional Planning Commission.
- 1.11. The proposed amendment applies to all property designated under the "Okanogan County Comprehensive Plan", the "Methow Valley Addendum to the Okanogan County Comprehensive Plan", and the "Upper Methow Valley Comprehensive Plan". The proposed code amendment is consistent with the goals and policies of these plans.
- 1.12. The proposed amendment applies to all zoning districts within Okanogan County Code (OCC) Chapter 17, "Zoning".
- 1.13. The proposed code amendment does not pose any significant adverse environmental impacts as a non-project action. Specific development proposals will be reviewed individually for environmental impacts, where applicable.
- 1.14. Approval of the proposed code amendment is in the interest of public health, safety and general welfare of the citizens of Okanogan County.
- 1.15. All comments received have been reviewed by staff, reviewed by the hearing body, and considered in analysis of the proposed amendment.
- 1.16. All public testimony has been considered for this code amendment.

SECTION 2 DEVELOPMENT AGREEMENTS CODE AMENDMENT

The Board of Okanogan County Commissioners do hereby ordain as follows:

Based on the Findings and Recitals cited herein, "Development Agreements", as described in attachment A is added to section 18.05 Okanogan County Code.


DATED at Okanogan, Washington this 17th day of November, 2008.

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


Andrew Lampe, Member

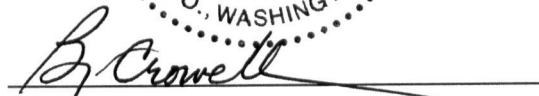
ABSENT

Don (Bud) Hover, Member


Mary Lou Peterson, Chair

ATTEST:




Brenda Crowell, Clerk of the Board

Title 18

COORDINATING GOVERNMENT REGULATION OF LAND AND NATURAL RESOURCE USE

Chapters:

18.04 Coordinating Government Regulation of Land and Natural Resource Use

18.05 Development Agreements

Okanogan County Code

Chapter 18.05

Development Agreements

Sections:

- 18.05.010 Development Agreements.
- 18.05.020 General Requirements.
- 18.05.030 Request for Development Agreement.
- 18.05.040 Effect.
- 18.05.050 Recording Parties and Successors Bound.
- 18.05.060 Public Hearing.
- 18.05.070 Fees, Dedications, Mitigations.

18.05.010 Development Agreements.

Okanogan County may enter into development agreements pursuant to RCW 36.70B.170 through 36.70B.210.

18.05.020 General Requirements.

- 1) A Development Agreement shall be required for:
 - a. All Planned Developments adopted after November 17, 2008.
 - b. Any phased developments.
 - c. Any developments in adopted Urban Growth Areas.
- 2) A development agreement must be consistent with the Okanogan County Comprehensive Plan and Zoning Code. Development Agreements must comply with all applicable development regulation except as noted in part 6 of this section.
- 3) Okanogan County may enter into a development agreement with a person having ownership or control of real property within the county's jurisdiction and/or a City or Town within the County.
- 4) A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development for the duration specified in the agreement.
- 5) For purposes of this chapter, "development standards" include, but are not limited to:
 - a. Project elements such as permitted uses, residential densities, and non-residential densities and intensities or building sizes;
 - b. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;
 - c. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
 - d. Road and sidewalk standards
 - e. Affordable housing
 - f. Water, sewer, storm drainage, and other infrastructure requirements;
 - g. Parks and open space reservations
 - h. Phasing;
 - i. Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the county for review processes.
 - j. A build-out or vesting period for applicable development standards;

k. Process for amending the development agreement; and

l. Any other appropriate development requirement or procedure.

6) A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a proven threat to public health and safety.

7) Term. The Board of County Commissioners shall not adopt a Development Agreement with a term exceeding ten (10) years from date of approval unless, the Board adopts findings that establishes that a longer term is necessary to preserve the public health, safety, and welfare or substantially contributes to the public benefit.

8) Performance Review. The Board of County Commissioners shall not adopt a development agreement unless it contains terms identifying specific performance standards and a timeline for a performance review specific to the project. Performance review for any development agreement shall occur at a minimum of every three (3) years.

18.05.030 Request for Development Agreement.

A project applicant may submit a request for a development agreement to Okanogan County for projects for which a development agreement is not required. The request should describe the project and specific reasons why the project is suitable for a development agreement. The request should identify the development standards the applicant is requesting be included in the development agreement and any other information reasonably requested by the county. The request shall be filed with the planning office upon forms prescribed for that purpose by the administrator.

18.05.040 Effect.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by Okanogan County after the execution of a development agreement must be consistent with the development agreement.

18.05.050 Recording Parties and Successors Bound.

A development agreement affecting property in Okanogan County shall be recorded with the real property documents of Okanogan County. During the term of the development agreement, the development agreement is binding on the parties, their successors and assigns, including any city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement.

18.05.060 Public Hearing.

The county shall only approve a development agreement by ordinance or resolution after a public hearing. The county legislative body, or other body designated by the legislative body to conduct the public hearing, may conduct the hearing. If the development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision of the development agreement.

18.05.070 Fees, Dedications, Mitigations.

Nothing is intended in this chapter to authorize the county to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.