

OKANOGAN COUNTY

Ordinance No. 2008-11

AN ORDINANCE AMENDING OKANOGAN COUNTY CODE CHAPTER 16 "SUBDIVISIONS"; AMENDING PROCEDURES AFFECTING BOUNDARY LINE ADJUSTMENTS, SHORT PLAT APPLICATION REQUIREMENTS, AND APPEAL PROCEDURES.

SECTION 1: FINDINGS AND RECITALS

WHEREAS, The proposed code amendment modifies Okanogan County code title 16. The amendment modifies boundary line adjustment options, short plat application contents, and subdivision appeal procedures, and

WHEREAS, According to WAC 197-11-305 and WAC 197-11 Part Nine, short plats are exempt from SEPA review unless they are physically or functionally related with other development projects and together may have a probable significant adverse environmental impact, and

WHEREAS, The environmental review questionnaire will determine whether individual short plat proposals are physically or functionally related with other development projects, and

WHEREAS, According to RCW 58.17 boundary line adjustments are allowed within subdivisions without filing a final plat, and

WHEREAS, According to OCC 16.04.070 E (Exemptions), boundary line adjustments are allowed within subdivisions. This contradicts OCC 16.12.095 (Short Plat Alteration), which requires a final plat to be filed in accordance with Short Plat Alteration standards, and

WHEREAS, Administrative appeal determinations are appealable to Okanogan County Superior Court. The current subdivision appeal process is outdated and inconsistent with RCW 36.70C, "Land Use Petition Act" , and

WHEREAS, On February 6, 2008, information regarding the proposed code amendment was forwarded to appropriate public agencies for their respective review and comment. 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. Information regarding the proposed code amendment has been forwarded to those persons requesting additional information, and

WHEREAS, 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. 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. The determination appeal period ends March 17, 2008. On that same day, notice of the final determination was published in Okanogan County's legal periodical of record, the Oroville Gazette Tribune. Notice of the final SEPA determination was published in the Omak Chronicle, Methow Valley News, Quad City Herald, and Star Newspaper on February 27, 2008, and

WHEREAS, The Okanogan County Regional Planning Commission conducted a public hearing for the proposed code amendment. At this time, the Planning Commission heard public testimony, and

WHEREAS, 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.

SECTION 2: SUBDIVISION CODE AMENDMENT

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

Based on the Findings and Recitals cited herein, the following sections of Okanogan County Code Chapter 16, are hereby amended:

- 16.12.030
- 16.12.095, 1
- 16.45.010, B.

16.12.030 Application and Contents

Application for a short subdivision shall be submitted to the Office of Planning & Development on an application form including an environmental review questionnaire and twelve copies of a legibly drawn representation with dimensions of the parcel to be divided and the lot lines to be created in carrying out the short plat. If necessary to clearly show the required information, a larger drawing may be attached and referenced in the application form. The submitted drawing shall indicate or be accompanied by:

16.12.095 Short Plat Alteration

1. If the proposed alteration involves consolidation of lots, altering the location of lot lines provided for in section 16.04.080 (Boundary Line Adjustment), or any other change that would lessen the impacts to the public health, safety, morals, and general welfare, it may be reviewed and summarily approved by the administrator. If the proposed alteration involves the creation of new lots, altering the location of lot lines not provided for in section 16.04.080, or any other change that would increase the impacts to the public health, safety, morals, and general welfare, the altered short plat must comply with the procedures and requirements of this chapter for original short plat. A new line must be surveyed in accordance with 332-130 WAC;

16.45.010 Applicability

B. Judicial Appeals

The decision by the Board of Commissioners on an appeal from an administrative determination shall be final and conclusive unless a timely land use petition is filed and served pursuant to the Land Use Petition Act (RCW 36.70C). Appeals must be submitted by those with standing according to RCW 36.70C.060.

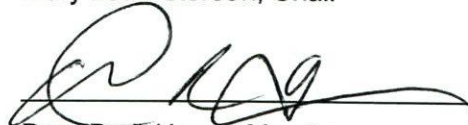
DATED at Okanogan, Washington this 4th day of November, 2008.



**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


ABSENT

Mary Lou Peterson, Chair


Don (Bud) Hover, Member


Andrew Lampe, Member

ATTEST:


for Brenda Crowell, Clerk of the Board