

Okanogan County Commissioners
Ordinance No. 2015 - 2

**AMENDING OKANOGAN COUNTY'S ZONE MAP FOR
WALKING D REZONE CODE AMENDMENT 2014-3**

SECTION 1: FINDINGS AND RECITALS

Whereas, the comprehensive plan designation is "Rural Resource".

Whereas, the current zone designation is "Methow Review District – Uplands 20" and the proposed zone designation is "Methow Review District – Valley Floor 12,500".

Whereas, the applicant proposes a rezone in order to establish future residential development of various family members while retaining an existing agricultural field.

Whereas, this rezone application was processed in accordance with OCC 17.37 "Amendment of Zone Code".

Whereas, the Okanogan County SEPA Responsible Official issued a final determination of non-significance in accordance with OCC 14.04 "Environmental Policy".

Whereas, the Okanogan County Hearing Examiner conducted an open record public hearing. The Hearing Examiner approved the rezone application but lacks authority to amend the County's zone map.


Whereas, the Board of County Commissioners conducted a closed record public hearing at which time they considered the decision of the Hearing Examiner.

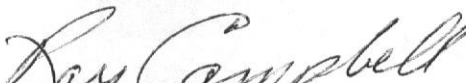
SECTION 2: ZONE MAP AMENDMENT

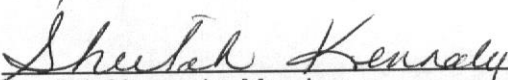
Be it therefor ordained, the Board of Okanogan County Commissioners do hereby approve amendments to the official Okanogan County Zoning Map as shown in Attachment A. This decision is supported by findings of fact (Attachment B) and conclusions of law (Attachment C).


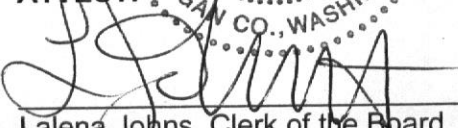
DATED at Okanogan, Washington this 3rd day of February, 2015.

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


Jim DeTro, Chairman


Ray Campbell, Vice Chairman


Sheilah Kennedy, Member


ATTEST:

Lalena Johns, Clerk of the Board

Attachment A

Zone Map



Legal Description

Okanogan County Interim Zone Code - Appendix VICINITY OF TWISP

The Zoning Map creates one Industrial (I) District, one Methow Review District 1 Dwelling Unit Per Acre (MRD 1) and one Methow Review District 12,500 square feet per dwelling unit (MRD 12,500).

The Methow Review District 12,500 square feet (MRD 12,500) is located adjacent to and northerly of the Town of Twisp, further described as:

Beginning at a point on the Twisp city limits being the NW corner of the SE 1/4 of the SE 1/4 of Sec. 7, Twp. 33 N., Rge. 22 EWM; thence easterly following the Twisp city boundary; thence north following the Twisp Town boundary to the high water mark of the Methow River; thence due west 1,500 feet more or less to a dirt road following the base of the hill; thence southeasterly along said dirt road to the Twisp city limits; thence east to the point of beginning. Together with that part of the Northwest quarter of the Southeast quarter of Section 7, Township 33 North, Range 21 East, W.M., Okanogan County Washington, and being more particularly described as follows; Commencing at the Southeast corner of said Northwest quarter of the Southeast quarter of said Section 7; Thence North 89°23'44" West along the South line of said subdivision for a distance of 440.79 feet more or less to an existing dirt road and the TRUE POINT OF BEGINNING; Thence from said point of Beginning, continuing along said South line North 89°23'44" West for a distance of 125.67 feet; Thence leaving said South line North 14°45'16" West for a distance of 687.30 feet; Thence North 27°35'07" West for a distance of 635.22 feet; Thence North 87°45'40" East for a distance of 651.10 feet to the centerline of the high water canal for the Methow River, said centerline being the Southwesterly boundary of Parcel "C" of the Thomas Parcels as shown in Book "E" of Surveys at page 169, recorded under auditor's file No.701796, records of the Okanogan County, Washington; Thence South 41°25'33" East along said Southwesterly boundary for a distance of 325.61 feet; Thence South 68°21'33" East along said Southwesterly boundary for a distance of 164.92 feet to the East line of said Northwest quarter of the Southeast quarter; Thence along said East line South 00°58'41" East for a distance of 78.24 feet to the high water mark of said high water canal. Thence North 90°00'00" West for a distance of 700.80 feet more or less to said existing dirt road; Thence Southeasterly, along said dirt road, to the South line of said Northwest Quarter of the Southeast quarter and the Point of Beginning;

Attachment B

The following are findings of fact:

- 1) A complete application for an amendment to Okanogan County's Zone Map has been submitted by Walking D, Inc. The application was vested on March 24, 2014 as "Walking D – Rezone, Code Amendment 2014-3".
- 2) The subject property is a portion of a lot which is identified by tax parcel number 3322070184. The physical address is 530 Peters Road, Twisp, Washington.
- 3) The comprehensive plan designation is "Rural Resource" although the comprehensive plan designation at the time of application was "Methow Valley Sub Unit C".
- 4) The current zone designation is "Methow Review District – Uplands 20". The proposed zone designation is "Methow Review District – Valley Floor 12,500".
- 5) Applications for zone map amendments are processed in accordance with OCC 17.37 "Amendment of Zoning Code".
- 6) During the review process for this application, the Okanogan County completed an update of the County-wide Comprehensive Plan, including adoption of a new comprehensive plan and interim zone code. Adoption occurred December 22, 2014. This application was submitted on March 28, 2014. This application is vested in the rules in place at the time of application.
- 7) On March 28, 2014 a complete application for a rezone was received and vested.
- 8) On April 8, 2014 the threshold SEPA determination was issued.
- 9) On April 8, 2014 notice of application and threshold SEPA determination was mailed to adjacent landowners and commenting agencies for their respective review and comment.
- 10) On April 9, 2014 notice of application and threshold SEPA determination was published in the Omak Chronicle (Okanogan County's periodical of record) and Methow Valley News.
- 11) On April 23, 2014 the SEPA comment period ended.
- 12) On May 9, 2014 the final SEPA determination was issued.
- 13) On May 12, 2014 notice of public hearing and final SEPA determination was forwarded to commenting agencies, adjacent landowners, and interested parties of record for their respective.
- 14) On May 14, 2014 notice of public hearing and final SEPA determination was published in the Omak Chronicle (Okanogan County's periodical of record) and Methow Valley News.
- 15) On May 29, 2014 the SEPA appeal period ended. No appeals were received.
- 16) By no later than June 16, 2014, 3 notices of public hearing must be posted on and near the property. This did occur. An affidavit of public notice has been submitted into the record for this application.
- 17) On June 26, 2014 the Okanogan County Hearings Examiner conducted a public hearing for this project. At this hearing, public was given opportunity to enter testimony and written comments into the record.
- 18) At the hearing Judy McBride, Secretary-Treasurer of Walking D, Inc. and Ken Doran, President of Walking D, Inc. testified on behalf of the applicant, testifying about the general nature of the rezone request indicating it was their intention to match the boundary of the MRD Valley Floor 12,500 zone boundary with that of an existing conservation easement covering the bulk of the property. They testified further that they had not submitted any development proposals to the County nor did they expect to in the near term.
- 19) At the hearing, Leah Swayze submitted a letter dated June 24, 2014 in opposition to the rezone proposal. She also testified orally as to her concerns with the rezone, stating that she did not think the rezone would be consistent with the MRD comprehensive plan, but offered no analysis as to how she arrived at that conclusion.
- 20) All testimony was taken under oath

- 21) The entire planning department file was entered into the record.
- 22) In order for the Hearing Examiner to approve the rezone, it must be found to be consistent with the MRD Comprehensive Plan.
- 23) The planning department file includes many letters and emails generally in opposition to the rezone. However, those letters cite issues, such as traffic, road improvements, domestic water, storm drainage, geologic hazards, and wetlands, that are more properly addressed at the time of submittal of a development proposal. Many of them cited faults with the SEPA DNS, but that process is final and no appeal was filed.
- 24) The subject property is identified in the MRD Comprehensive Plan (MRDCP) as a portion of Subunit C.
- 25) Sub units B and C are described in the MRDCP as "...less environmentally fragile areas and have more 'usable' land. Both areas are close enough to potential growth areas that development impacts will be felt."
- 26) There is very little in the way of site selection criteria in the MRDCP and none at all in the County Zoning regulations. The following passages from the MRDCP give some general guidance: "Policy 1. Encourage residential and second home developments to locate in proximity of existing community facilities and service." "Zoning should be flexible, insofar as undeveloped areas are concerned."
- 27) The Hearing Examiner lacks authority to approve amendments to the official Okanogan County zone map.
- 28) The record from the Hearing Examiner was forwarded to the Board of Okanogan County Commissioners.
- 29) On July 28, 2014 the Board of Okanogan County Commissioners conducted a closed record public hearing in order to determine whether a rezone to Planned Development is appropriate. During this hearing, the Commissioners reviewed the application along with the exhibits and decision of the Hearing Examiner. At the conclusion of this closed record public hearing, the Board of Okanogan County Commissioners approved the rezone and ordered preparation of and ordinance formalizing their decision. The Board of Okanogan County Commissioners acknowledged the applicant is responsible for providing Okanogan County with an accurate legal description prepared by a licensed professional land surveyor.

Attachment C

The following are conclusions of law:

- 1) An application was submitted by Walking D, Inc. in order to rezone property to Methow Review District – Valley Floor 12,500 in order to accommodate future residential development of various family members. This application was deemed complete.
- 2) The Comprehensive Plan designation, at the time of application, is “Methow Valley Sub unit C”. The proposal to amend Okanogan County’s zone map, designating the subject property as “Methow Review District – Valley Floor 12,500”, is consistent with the MRDCP. The MRDCP suggests that zoning should be “flexible” and residential development should be directed towards existing community facilities and services, such as the areas surrounding incorporated towns, like Twisp. It is the opinion of the Hearing Examiner, that the MRDCP, in take in its totality, supports the proposed rezone.
- 3) During the review process for this application, the Okanogan County completed an update of the County-wide Comprehensive Plan, including adoption of a new comprehensive plan and interim zone code. Adoption occurred December 22, 2014. This application was submitted on March 28, 2014. This application is vested in the rules in place at the time of application.
- 4) The purpose of the rezone application is consistent with the Okanogan County Zone Code, specifically OCC 17.14 “Methow Review District”.
- 5) A final SEPA Determination of Non-Significance (DNS) was issued by the Okanogan County SEPA responsible official in accordance with OCC 14.04 “Environmental Policy”. All comments received during the comment period were evaluated for consideration of the final SEPA determination. The final SEPA determination was not appealed and is final.
- 6) Comments from the public and state, federal, and local agencies were received, reviewed, and considered in analysis of this proposal. Those that were directed towards future development proposals were not considered relevant in the context of compliance with the MRDCP.
- 7) No comments or testimony was received citing any part of the MRDCP or the Countywide Comprehensive Plan that would prohibit this rezone.
- 8) The conditions imposed are not unnecessarily onerous. The conditions imposed will protect public health, safety, morals, and general welfare.
- 9) All procedural application review requirements have been met thus far in accordance with OCC 17.37 “Amendment of Zoning Code”.
- 10) The hearing examiner is of the firm conviction that the boundary of the WDFW conservation easement is a logical boundary of the Valley Floor 12,500 zone.
- 11) The Board of Okanogan County Commissioners support the hearing examiner’s decision and perfect the rezone by amending Okanogan County’s zone map