### **OKANOGAN COUNTY COMMISSIONERS'**

#### Ordinance 2019-9

An ordinance adopting interim amendments to OCC 17A.40.060, OCC 17A.50.060, 17A.60.060, and OCC 17A.220 District Use Chart and setting a public hearing as required by RCW 36.70.795.

WHEREAS: The Okanogan Board of County Commissioners (BOCC) has directed the 2014 comprehensive plan be reviewed and updated in accordance with the requirements of RCW 36.70 Planning Enabling Act, applicable portions of RCW 36.70A Growth Management Act, and all other applicable case law and statutes, and

WHEREAS: Through the period of time from 2017 to date the BOCC has reviewed revisions to the 2014 Comprehensive Plan and has now released a draft for public review, and

WHEREAS: A Determination of significance was published on November 14, 2018 which initiated a scoping period to offer the public the opportunity to identify significant issues to be discussed in a draft environmental impact statement, and

WHEREAS: The Okanogan Regional Planning Commission has begun their review of the draft comprehensive plan, and

WHEREAS: In January 2018 the Washington State Legislature adopted ESSB 6091 in response to the Whatcom-Hirst decision that, amongst other things, determined that WAC 173-549-Okanogan does not explicitly regulate permit exempt wells and that WAC 173-548-Methow does explicitly regulate permit exempt wells, and

WHEREAS: RCW 90.44.050 places restrictions on the use of permit exempt wells that have been expanded in their application by the interpretation of the Campbell-Gwinn decision, and

**WHEREAS:** Okanogan County Code 17A allows the siting of multi-family units in the Rural 1, Rural 5, and Rural 20 zones which the BOCC finds is not compatible with the neighborhood characteristics in all areas where these zones are located, and

WHEREAS: Consistent with WAC 197-11-800 (1) (d) Okanogan County Code 14.04.100 makes up to 25 multi-family units categorical exempt from environmental review, and

WHEREAS: ESSB 6091 places restrictions on the use of permit exempt wells that makes their use as the legal source of potable water for this type of development unlikely, and

WHEREAS: Revised Code of Washington 19.97.097 requires that before a building permit can be approved; (1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building, and

WHEREAS: RCW 19.27.097 E (c) states; In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with RCW 90.94.020, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville), and

WHEREAS: The 2014 Comprehensive Plan on pages 8 and 9 lines 112-115 states the official controls implementing this Plan provide a wide variety of opportunities for land uses essential to the custom, culture and economy of Okanogan County and particularly reinforce the priority uses for agriculture, forestry, mining and recreation essential to the County economy and well-being. In addition, such controls identify requirements to assure that proposed new development will meet state and local requirements for available water supplies and particularly exempt wells, capacity of the area for on-site septic facilities, and the ability of the community to provide adequate levels of public services, conservation and protection of resource lands and critical areas as required by law, and

WHEREAS: RCW 36.70.545 requires the development regulations of the county, as defined by RCW 36.70A.030, to be consistent with the comprehensive plan, and

WHEREAS: The BOCC finds that certain areas zoned Rural-1 may be suitable for this type of development and the requirement of a Conditional Use Permit in accordance with OCC 17A.310 will allow for a site specific review, including environmental review in accordance with RCW 43.21C, WAC 197-11, and OCC 14.04 to determine that a multi-family development can be adequately served with potable water, on-site septic treatment, and other necessary services and infrastructure, and

WHEREAS: Revised Code of Washington (RCW) 36.70.795 allows the adoption of interim land use controls, and

WHEREAS: The BOCC has determined that the immediate adoption of interim amendments to the text of the Okanogan County Zone Code is necessary to avoid the vesting of applications for multi-family development for which "adequate provisions for potable water" cannot be made as required by RCW 19.27.097, and

WHEREAS: The BOCC will scheduled a public hearing within 60 days of adoption of this ordinance, as required by RCW 36.70.795, to take public comment regarding the approval of the interim amendments to the zone code, and

**WHEREAS:** The Board finds the adoption of interim amendments to the zone code promotes the public interest by preserving public health, safety, and welfare

**BE IT THEREFORE ORDAINED:** The Okanogan Board of County Commissioners adopts the amendments to OCC 17A.40.060, OCC 17A.50.060, 17A.60.060 found as Attachment A to this ordinance, and

**BE IT FURTHER ORDAINED:** The Okanogan Board of County Commissioners adopts the amendment to OCC 17A.220 District Use Chart found as Attachment B to this ordinance, and

**BE IT FURTHER ORDAINED:** The Okanogan Board of County Commissioners sets a public hearing on June 17, 2019 at 1:30 PM to take public comment regarding these interim controls.

Dated at Okanogan, Washington this 20th day of May, 2019.

Člerk of the Board

BOARD OF COUNTY COMMISSIONERS OKANOGAN, WASHINGTON

Jim De Tro, Chairman

Chris Branch, Member

Andy Hover, Member

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Laleña Johns,

# 17A.40.060 Density. SHARE

Density restrictions are as follows:

A. Maximum of one single-family dwelling unit per acre, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County public health.

- B. Multi-family structures are allowed by conditional use permit. Density will be determined by the source of potable water and Okanogan County Health District standards for on-site treatment.
- C. The density of RV parks, campgrounds, hotels, motels, etc., shall be determined by Okanogan County health district standards for on-site treatment. (Ord. 2016-4 § 1 (Att. A), 2016).

## 17A.50.060 Density. SHARE

Density restrictions are as follows:

- A. Maximum of one single-family dwelling unit per five acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County public health.
- B. The density of RV parks, campgrounds, hotels, motels, etc., shall be determined by Okanogan County health district standards for on-site treatment. (Ord. 2016-4 § 1 (Att. A), 2016).

## 17A.60.060 Density. SHARE

Density restrictions are as follows:

- A. Maximum of one single-family dwelling unit per 20 acres, except that one single-family dwelling unit and one accessory dwelling may be permitted on any lot so long as adequate provisions for water and septic are permitted by Okanogan County public health.
- B. The density of RV parks, campgrounds, hotels, motels, etc., shall be determined by Okanogan County health district standards for on-site treatment. (Ord. 2016-4 § 1 (Att. A), 2016).

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P Permitted	inimu	Rural 1 (R1)	Rural 5 (R5)	ıral 2	gricult	dudi	omme	dustri	gricult	ethow	port	ban F	eighbo	ighbo	ecial	ıral R	w De
C Conditional Use Permit	m Re	(R1)	(R5)	Rural 20 (R20)	Agricultural (AG)	an Re	Commercial (C)	Industrial (IN)	ural F	Revi	Devel	Reside	orhoo	orhoo	Revie	eside	nsity
	Minimum Requirement (MR)				3)	Suburban Residential (SR)	(C)	)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
																	PRODUCTS.
Acid manufacturing	С	С	С	С													
Adult care facility	Р	Р	Р	Р	Р	Р	С	С	С	С		С		Р		Р	Р
Agricultural related industry	Р	Р	Р	Р	Р		Р	Р	С	Р				С		Р	Р
Air cargo terminal	Р	Р	Р	Р	С			С			Р						
Air passenger services	С	С	С	С	С			С			Р	134					
Aircraft fuel pumps and fuel storage	С	С	С	С	С			С		С	Р					С	С
Aircraft hangars	Р	Р	Р	Р	С			С	1	С	Р					С	С
Aircraft sales, repair, service	Р	Р	Р	Р	С		Р	С			Р						
Aircraft salvage	Р	Р	Р	Р	С		Р	С			Р						
Airports	С	С	С	С	С			С		С	Р						
Airstrips	Р	Р	Р	Р	С					С	Р			Р		С	С
Animal disposal facility	С	С	С	С	С					С	100						
Apiary farms (bee farms)	Р	Р	Р	Р	Р				Р	Р				Р		Р	Р
Asphalt batch plant – permanent	С	С	С	С	С			С		С							
Asphalt batch plant – temporary <sup>1</sup>	С	С	С	С	С			С		С						С	С
Auto parking lots and areas, commercial	Р	Р	Р	Р			С	С		С	Р			Р	Р		
Auto rental service	Р	Р	Р	Р			Р	Р	С		Р				Р		
Auto repair	С	С	С	С	С		С	Р			С			С	С		
Auto sales (commercial)	Р	Р	Р	Р			С							С	С		
Auto storage: over five vehicles (disabled vehicles)								С									
Auto towing operation (with auto storage)	С	С	С	C			С	Р		С				Р	С		
Auto wrecking operation	С	С	С	С			С	С									

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P Permitted	inimu	Rural 1 (R1)	Rural 5 (R5)	ıral 2	gricult	qunqr	omme	dustri	gricult	ethow	-port	ban F	ighbo	ighbo	ecial	ıral R	w De
C Conditional Use Permit	Minimum Requirement (MR)	(R1)	(R5)	Rural 20 (R20)	Agricultural (AG)	Suburban Residential (SR)	Commercial (C)	Industrial (IN)	Agricultural Residential (AR)	Review Di	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	rhood Con	Review Co	Rural Residential (RR)	nsity Resid
	nent (MR)					itial (SR)			ential (AR)	Methow Review District (MRD)	nt (AD)	(UR)	(NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	RR)	Low Density Residential (LDR)
Banks	Р	Р	Р	Р			Р	Р					Р	Р	Р		
Cannabis Operations														•			
Production facility – outdoor (8) (9)		Р	Р	Р	Р		С	Р		С						Р	Р
Production facility – indoor (8) (9)		Р	Р	Р	Р		С	Р		С				С		Р	Р
Processing facility (8) (9)		Р	Р	Р	Р	С	Р	Р		С				С		Р	Р
Retail stores (8) (9)		Р	Р	Р	Р	С	Р	Р		С				С		Р	Р
Cellular communication tower	С	Р	Р	Р	С	С	С	С	С	С	С	С	С	С	С	С	С
Cellular communication tower (under 60-feet)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Cement, lime, gypsum manufacturers	С	С	С	С	С			С		С							
Churches	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С
Communication facility, (commercial)	С	Р	Р	Р	С	С	С	С	С	С	С	С	С	С	С	С	С
Communication facility, commercial (tower and accessory structures under 60- feet)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Community center, grange halls, etc.	Р	Р	Р	Р	С	С	Р	Р	С	С	С	С	С	Р	С	С	С
Compost manufacturer	Р	Р	Р	Р	Р		Р	Р	С	Р		С				С	С
Concrete batch plants – permanent	С	С	С	С	С			С		С							
Concrete batch plants – temporary <sup>1</sup>	С	С	С	С	С			С		С						С	С
Crematory, cemetary, funeral home	С	С	С	С	С					С						С	С
Dairy farms	Р	Р	Р	Р	Р				С	Р	73	1000				Р	Р
Day care facilities	Р	Р	Р	Р	Р	Р	С	С	С	С		С		Р		Р	Р
Drive-in movies	С	С	С	С			Р			С							
Dwellings:									1					1		1	
Accessory	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р

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P Permitted	linim	Rural 1 (R1)	Rural 5	Rural 20 (R20)	gricu	uburl	Commercial (C)	Industrial (IN)	gricu	letho	irport	rban	eight	eight	pecia	ural I	ow D
C Conditional Use Permit	m	1 (R)	5 (R5)	20 (F	ltura	oan F	ercia	rial (I	ltural	w Re	: Dev	Resi	orho	orho	al Re	₹esic	ensit
o conditional occi onnic	(equi	٥	9	20)	Agricultural (AG)	Resid	(C)	Z	l Res	view	/elopi	ident	od C	od C	view	dentia	ly Re
	Minimum Requirement (MR)				)	Suburban Residential (SR)			Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Farmworker	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Multifamily	Р	С				Р			С	С		Р	Р	Р	Р	С	С
Single-family	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Earth Stations	С	Р	Р	Р	С	С	С	С	С	С	С	С	С	С	С	С	С
Evaporation ponds	Р	Р	Р	Р	Р	Р	Р	Р	Р	С	С	С	С	С	С	С	С
Event Centers	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С
Exercise clubs, indoor swimming pools	Р	Р	Р	Р		С	Р		С	С	Р		С	С	Р		
Explosive manufacture or storage (storage other than for farm use)	С	С	С	С	С			С		С							
Farms	Р	Р	Р	Р	Р	Р			Р	Р	Р			Р		Р	Р
Feedlots	С	С	С	С	С				С	С							
Fertilizer manufacture	С	С	С	С	С		618	Р			3.0						
Florist, retail	Р	Р	Р	Р	Р		Р	Р	Р	С	Р		Р	Р	Р	С	С
Florist, wholesale/floriculture	Р	Р	Р	Р	Р		Р	Р	Р	С			5.0	Р	Р	С	С
Food store (retail)	Р	Р	Р	Р		С	Р		С				Р	Р	Р		
Fruit, vegetable, agriculture, dairy product stand	Р	Р	Р	Р	Р	Р	Р		Р	С			Р	Р	Р	Р	
Golf courses	С	С	С	С		С			С	С				С		С	С
Government services:					A. C.					•							
Infrastructure, wastewater treatment plants, substations, pump stations	С	С	С	С	С	С	С	Р	С	С	Р	С	С	С	С	С	С
Emergency vehicle facilities, police, fire	Р	Р	Р	Р	С	С	С	Р	С	С	Р	С	С	Р	С	С	С
Maintenance shops, warehouses (also see professional buildings)	Р	Р	Р	Р	С		С	Р	С	С	Р		С	С		С	С
Gravel pits & quarries under three acres	Р	Р	Р	Р	С			С		С						2	2
Gravel pits & quarries three acres or larger	С	С	С	С	С			С	2 75	С						2	2
Helipad	Р	Р	Р	Р	С	С	С	С	С	С	Р			Р	200	С	С

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Р	Permitted	inimu	Rural 1 (R1)	Rural 5 (R5)	ıral 2	gricult	qunqr	omme	dustri	gricult	ethow	rport	ban F	ighbo	sighbo	ecial	ıral R	w De
С	Conditional Use Permit	m Rec	(R1)	(R5)	Rural 20 (R20)	Agricultural (AG)	an Re	Commercial (C)	Industrial (IN)	ural R	Revie	Develo	eside	orhood	orhood	Revie	esider	nsity F
		Minimum Requirement (MR)			0)	AG)	Suburban Residential (SR)	(C)		Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Hel	iport	С	С	С	С	С		С	С		С	Р					С	С
Hoi	me Occupations	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	1200	Р	Р	Р	Р	Р	Р
Hoi	ticultural services	Р	Р	Р	Р	Р				Р	Р				Р		Р	Р
Ho	spital	Р	Р	Р	Р			Р	С		С			С	С	Р	С	С
Imp	oound yard	С	С	С	С			С	Р		С				Р	С		
Ind	ustrial	С	С	С	С				С			С			С			
Ind	ustrial, light	Р	Р	Р	Р			С	Р	С		Р			Р	С		
Ind	ustrial Hemp (10)	С																
Ke: 17.	nnels (commercial) (see OCC 300.090)	С	С	С	С	С			Р	С	С	С			С		С	С
La	undromats	Р	Р	Р	Р			Р		С				Р	Р	Р		
Ма	nufactured home parks	С	С	С	С		С			С	С		С		С	С		С
	nufactured home sales ilities	Р	Р	Р	Р			С										
Ма	rina	Р	Р	Р	Р	Р	Р	Р	Р	С	С	Р	Р	Р		Р	С	С
Me	at packing plant	Р	Р	Р	Р	С			С		С				Р			
Me	dical/dental clinic	Р	Р	Р	Р		С	Р	С		С		С	Р	Р	Р		
Mii	nes	С	С	С	С	С			С		С							
Mii	ni-storage	Р	Р	Р	Р			Р	Р	С	С	Р			Р			
	torized vehicle track/facilities mmercial)	С	С	С	С						С				С			
Nu	rseries	Р	Р	Р	Р	Р		Р		Р	Р				Р		Р	Р
Or	chards	Р	Р	Р	Р	Р	Р			Р	Р				Р		Р	Р
Pe	troleum service stations	Р	Р	Р	Р	С		С	С			Р	1	С	С	С		i di
pe	troleum bulk plant, except troleum products stored for vate use or agricultural use	С	С	С	С	С		Р	Р		С	Р			С			
	vate clubs, fraternal lodges, untry clubs	Р	Р	Р	Р		С	Р		С	С			С	С	Р	С	С
Pro	ofessional buildings (offices)	Р	Р	Р	Р		128	Р	Р	С		Р		Р	Р	Р	1	1 15

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P Permitted	nimu	Rural 1 (R1)	Rural 5 (R5)	ıral 2	gricult	dundı	mme	dustri	gricult	ethow	port	ban F	sighbo	ighbo	ecial	ıral R	w De
C Conditional Use Permit	m Re	(R1)	(R5)	Rural 20 (R20)	Agricultural (AG)	an Re	Commercial (C)	Industrial (IN)	ural F	/ Revi	Deve	Resid	orhoo	orhoo	Revi	eside	nsity
	Minimum Requirement (MR)			:0)	AG)	Suburban Residential (SR)	(C)	)	Agricultural Residential (AR)	Methow Review District (MRD)	Airport Development (AD)	Urban Residential (UR)	Neighborhood Use (NU)	Neighborhood Commercial (NC)	Special Review Commercial (SRC)	Rural Residential (RR)	Low Density Residential (LDR)
Propane/natural gas storage tanks (commercial)	С	С	С	С			С	С		С	С		С	С	С		
Recreation site (high-intensity)	Р	Р	Р	Р		С	Р		С	С	С		С	С	С	С	С
Recreation site (low-intensity)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Recycling collection center	С	С	С	С		С	С	Р	С	С			С	Р	С	С	С
Recycling processing center	С	С	С	С			С	Р						С			
Restaurants, cafes, etc.	Р	Р	Р	Р		С	Р	С	С		С	Р	Р	Р	Р		
Retail stores or gift shops	Р	Р	Р	Р		С	Р	С	С		Р	С	Р	Р	Р		
Salvage (junk) yards	С	С	С	С			С	С		С							
Sanitary landfills	С	С	С	С	С					С							
Sawmills, portable (commercial)	Р	Р	Р	Р	С			Р		С					С		С
Sawmills and pulp mills (commercial)	С	С	С	С				Р						С			
Schools	С	С	С	С	С	С	С	С	CC	С	С	С	С	С	С	С	С
Septic Lagoon			С	С	С			С		C <sup>5</sup>						С	С
Shooting ranges	С	С	С	С	С			С		С							
Slaughterhouses	С	С	С	С	С		С	Р		С							
Solid waste transfer station	С	С	С	С	С			С		С						С	С
Tourist accommodations:																	
Bed and breakfasts <sup>3</sup>	Р	Р	Р	Р	Р	Р	С	С	Р	Р	С	Р	Р	Р	Р	Р	Р
Campgrounds	С	С	С	С	С	С	С	С	С	С	С	С	С	C	С	С	С
Guest Ranch	С	С	С	С	С	С	С	75	С	С		С	С	С	С	С	С
Hotels/Motels	Р	Р	Р	Р		С	Р				С			С			
Inns and lodges	Р	Р	Р	Р		С	Р		С	С		Р		С	Р		С
Nightly rentals <sup>7</sup>	Р	Р	Р	Р	Р	Р	Р	Р	Р	PD	С	С	С	Р	С	PD	PD
RV parks	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С
Veterinarian clinics <sup>4</sup>	Р	Р	Р	Р	Р		Р		Р	С			С	С		С	С

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Р	Permitted	Minimum	_	CI	ıral 20	Agricultural	Suburban	Commercial	Industrial	Agricultural	Methow	Airport [	Urban R	ighbo	ighbo	Special		Low Density
С	Conditional Use Permit		(R1)	(R5)	(R20)		3.00		(NI)		Review	Develo	Residential	Neighborhood	Neighborhood	Review	Residential	
		Requirement (MR)			)	(AG)	Residential (SR)	(C)		Residential (AR)	w District (MRD)	Development (AD)	ntial (UR)	Use (NU)	Commercial (NC)	w Commercial (SRC)	tial (RR)	Residential (LDR)
Wh	olesale establishments	Р	Р	Р	Р			Р	Р	С		Р	200		С	С		
Wir	nery	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р

(1) See OCC 17A.020.855 for definition of temporary.
(2) Except for existing/permitted sites.
(3) Subject to regulations contained within Chapter 17A.260 OCC "Bed and Breakfast".
(4) Where veterinarian clinics are allowed, boarding kennels and stables may be included as accessory uses to a clinic.
(5) Permitted or conditional use only in MRD Valley Floor 5 and MRD Uplands 20.
(6) Subject to limitations within individual zones.
(7) Subject to regulations contained within Chapter 17A.270 OCC "Nightly Rentals".
(8) Not allowed in areas defined as high density in accordance with 17A.290
(9) A conditional use permit is required in any adopted city expansion area
(10) Subject to buffer requirements found in OCC 17A.290