

OKANOGAN COUNTY COMMISSIONERS'

Ordinance 2020 - 5

An ordinance renewing interim amendments to the official zone map for Okanogan County and setting a public hearing in accordance with 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 the time the document was transmitted to the Planning Commission the BOCC has reviewed revisions to the 2014 Comprehensive Plan and has 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: Thereafter, the Okanogan County Regional Planning Commission began their review of the draft comprehensive plan in response to public input, and

WHEREAS: Upon the anticipated adoption of a revised comprehensive plan a review of the zone code, including the zone map, has been expected to follow, 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 173-548 explicitly regulates permit exempt wells, and

WHEREAS: WAC 173-548-030 appropriates 2CFS of water in each of 7 reaches of the Methow River for single use domestic and stock watering that is senior in priority date to the water appropriated for in-stream flow, and

WHEREAS: Analysis of the existing and potential lots in the Lower Methow River Reach of Water Resource Inventory Area #48 raises concerns that the number of undeveloped and potential lots exceeds the water in reserve for single use domestic purposes appropriated by WAC 173-548 Methow Instream Flow Rule, and

WHEREAS: the Revised Code of Washington 58.17.110 requires that before a subdivision application is approved; The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to...potable water supplies..., and

WHEREAS: The BOCC finds that the zone designations currently in place in the Lower Methow River Reach would allow the vesting of land division applications for which a determination that adequate provisions for potable water could not be made, 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 that the development regulations of the county, shall not be inconsistent with the county's comprehensive plan, and

WHEREAS: The BOCC finds that certain areas proximate to the lower Methow River Reach are under the influence of waters in the Columbia River and/or are located near or in the City Expansion Areas of Brewster and Pateros so are therefore appropriate for the higher intensity of land use contemplated by the Rural-1 zone designation, and

WHEREAS: Analysis of the current Okanogan County Official Zone Map finds that 994 parcels located in the Lower Methow River Reach are in the Rural-1 zone of which 768 are outside of the proposed city expansion areas of Twisp and Pateros and the portion of land within the area of influence of the Columbia River and which could be further subdivided to create an additional 11, 994 lots, and

WHEREAS: If the 768 parcels in the Rural-1 Zone are changed to the Rural-5 zone only 353 of those lots could be further subdivided creating 2,275 new lots, and

WHEREAS: Revised Code of Washington (RCW) 36.70.795 allows the adoption of interim land use controls including an interim zoning map which may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. Furthermore, said section provides for the renewal of an interim zoning map for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

WHEREAS: The BOCC had determined in 2019 that the immediate adoption of interim amendments to the official zone map were necessary to avoid the creation of additional lots for which a determination that "adequate provisions for potable water" could not be made as required by RCW 58.17.110, and

WHEREAS: The BOCC adopted Ordinance 2019-10 June 10, 2019 and held a public hearing on July 15, 2019 and found that adoption of interim amendments to the zone map promoted the public interest by preserving the public health, safety, and welfare, and

WHEREAS: Ordinance 2019-10 was in effect for 6-months ending December 11, 2019 and the BOCC now considers its provisions expired by operation of the 6-month limitation set forth in 36.70.795, and

WHEREAS: The Board finds the renewal of interim amendments to the zone map is necessary until the Comprehensive Plan update is complete and able to inform the adoption of amendments to the zoning map that appropriately sets the level of development in the lower Methow River basin;

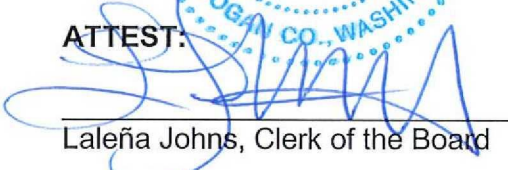
BE IT THEREFORE ORDAINED:

1. The Okanogan Board of County Commissioners hereby adopts the interim official zone map found as attachment A to this ordinance, and
2. Ordinance 2019-10 is hereby repealed and this ordinance is adopted with the intent to renew the provisions of said ordinance as set forth herein, and
3. A public hearing is set for August 10, 2020 at 2:00 p.m. in the commissioner's auditorium to take public testimony, and to adopt findings of fact supporting the BOCC decision.
4. This ordinance expires 6-months from the date of its adoption (01/08/2021) unless a public hearing is held prior to the date of expiration and it is renewed by action of the BOCC.


Ordained at Okanogan, Washington this 8th day of July, 2020.




ATTEST:


Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


Jim DeTro, Chairman


Chris Branch, Member


Andy Hover, Member

WHEREAS: The Board finds the renewal of interim amendments to the zone map is necessary until the Comprehensive Plan update is complete and able to inform the adoption of amendments to the zoning map that appropriately sets the level of development in the lower Methow River basin;

BE IT THEREFORE ORDAINED:

1. The Okanogan Board of County Commissioners hereby adopts the interim official zone map found as attachment A to this ordinance, and
2. Ordinance 2019-10 is hereby repealed and this ordinance is adopted with the intent to renew the provisions of said ordinance as set forth herein, and
3. A public hearing is set for August 10, 2020 at 2:00 p.m. in the commissioner's auditorium to take public testimony, and to adopt findings of fact supporting the BOCC decision.
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OKANOGAN, WASHINGTON**


Jim DeTro, Chairman


Chris Branch, Member


Andy Hover, Member

OKANOGAN COUNTY ZONING - DRAFT - 10/15/2015

SYMBOL, CODE, ZONE	SYMBOL, CODE, ZONE
AD, AIRPORT DEVELOPMENT	MRD VF 5, VALLEY FLOOR
AG, AGRICULTURAL	NC, NEIGHBORHOOD COMMERCIAL
AR, AGRICULTURAL RESIDENTIAL	NU, NEIGHBORHOOD USE
C, COMMERCIAL	PDR, PLANNED DESTINATION RESORT
CITY/TOWN, INCORPORATED CITY/TOWN	PUD, PLANNED UNIT DEVELOPMENT
IL, INDUSTRIAL	R1, RURAL 1
LDR, LOW DENSITY RESIDENTIAL	R20, RURAL 20
METHOW MORE COMPLETELY PLANNED AREA	R5, RURAL 5
MR, MINIMUM REQUIREMENT	RR, RURAL RESIDENTIAL
MRD UL 20, UPLANDS 20	SR, SUBURBAN RESIDENTIAL
MRD VF 1, METHOW REVIEW DISTRICT	SRC, SPECIAL REVIEW COMMERCIAL
MRD VF 12,500, METHOW REVIEW DISTRICT	UR, URBAN RESIDENTIAL

OKANOGAN COUNTY ZONING DRAFT

OKANOGAN COUNTY ZONING - 05/21/2019 - DRAFT