

## OKANOGAN COUNTY COMMISSIONERS

### ORDINANCE NO. 2021 - 12

*An Ordinance for a procedural amendment to Okanogan County Code (Zoning) 17A.200 Planned Development, 17A.210 Planned Designation Resort and (Subdivisions) 16.20 Preliminary Plats, 16.34 Deviations from Design Standards, and 16.24 Final Plats Subdivisions to address inconsistencies in process. This procedural amendment will provide an administrative land use regulatory system consistent with Okanogan County Code 2.65 Hearings Examiner.*

**WHEREAS**, RCW 36.70.970 allows county legislative authority to adopt a hearing examiner system under which a hearing examiner may hear and issues decisions on proposals for plat approval; and

**WHEREAS**, RCW 58.17.330 provides an alternative to requiring a planning commission to hear and issue recommendations for plat approval allowing the county legislative body to adopt a hearing examiner system; and

**WHEREAS**, Okanogan County Board of County Commissioners has adopted a hearing examiner system by adopting Okanogan County Code 2.65 (Ordinance 2014-9) giving the hearings examiner the power to hear and decide on those issues they believe should be reviewed and decided by a hearing examiner, including but not limited to:

- A. Permit applications and requests pursuant to Okanogan County environmental code, OCC Title [14](#) (Environment):
  - 1. Final determinations on quasi-judicial applications.
  - 2. Threshold determinations of significance on quasi-judicial applications;
- B. Appeals of administrative decisions issued by the designated building official pursuant to OCC Title [15](#) (Building and Construction);
- C. Land division applications pursuant to OCC Title [16](#) (Subdivision):
  - 1. Appeals of administrative decisions issued by the department;
  - 2. Applications for preliminary plats;
- D. Land Use applications pursuant to Okanogan County zoning code, OCC Title [17A](#) (Zoning):
  - 1. Any appeal of an administrative decision issued by the department;
  - 2. Applications for zone changes;
  - 3. Review of preliminary plat of proposed subdivisions and dedications of land;
  - 4. Plat vacations, non-administrative plat amendments and modifications, and plat alterations;
  - 5. Replat approval, replat vacation, replat amendments and modifications and replat alterations;
  - 6. Applications for non-administrative variances and conditional use permits;
  - 7. Applications for shoreline conditional use permits;

8. Appeals of zoning code interpretations;
9. Interpretation of zoning boundaries;
10. Appeals from planning department's interpretation of flood insurance rate map (FIRM);
11. Any other matters specifically assigned to the examiner by the commission. (Ord. 2014-9 Att. A, 2014; Ord. 94-15, 1994).

**WHEREAS**, the current Okanogan County Codes 17A Zoning (Sections 200 Planned Development, 210 Planned Destination Resort) and 16 Subdivisions (Sections 20 Preliminary Plats, 34 Deviations from Design Standards, and 24 Final Plats) were missed in the update of 2014 when the hearing examiner code was adopted making them inconsistent with Okanogan County Code 2.65 Hearing Examiner; and

**WHEREAS**, RCW 36.70.800 allows for procedural amendments to the text of a zoning ordinance which does not impose, remove or modify any regulation therefore existing and affecting the zoning status of land shall be processed in the same manner prescribed by said chapter for the adoption of an official control except that no public hearing shall be required by the commission or the board; and

**WHEREAS**, by replacing the Planning Commission with the Hearing Examiner to make Okanogan County Zoning and Subdividing Codes consistent with the Okanogan County Code 2.65 Hearing Examiner fits the definition under RCW 36.70.800 for procedural amendments; and

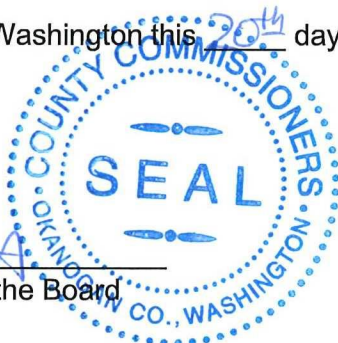
**THEREFORE, BE IT ORDAINED**, the Okanogan County Board of County Commissioners amends Okanogan County Code Okanogan County Code (Zoning) 17A.200 Planned Development, 17A.210 Planned Designation Resort and (Subdivisions) 16.20 Preliminary Plats, 16.34 Deviations from Design Standards, and 16.24 Final Plats Subdivisions to address inconsistencies in process.

**BE IT FURTHER ORDAINED**, that this procedural amendment will remove all reference to the Planning Commission is the afore-mentioned code sections and replace it with the Hearing Examiner to provide a efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters.

**DATED** at Okanogan, Washington this 20<sup>th</sup> day of December 2021.

**ATTEST:**

  
Laleña Johns, Clerk of the Board




**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

  
Chris Branch, Chairman

  
Andy Hover, Member

**APPROVED AS TO FORM:**

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David Gecas, Civil Deputy PA

  
Jim DeTro, Member