

OKANOGAN COUNTY COMMISSIONERS

ORDINANCE 2022 - 10

An Ordinance which imposes interim land use controls in accordance with RCW 36.70.795 Moratoria, interim zoning controls to allow staff to evaluate zoning density against water availability in the Tunk Basin, Lower Tunk Basin, and Tamarack Springs Basin all located in Water Resource Inventory Area #49.

WHEREAS: In November of 2016 the Washington State Supreme Court issued a decision cited as *Whatcom-Hirst*, 186 Wn.2d 648, 381 P.3d 1 (2016) which further defined the role of Counties in determining the legal and physical availability of water for building permits and land division applications that propose to use a permit exempt well as authorized in Revised Code of Washington 90.44.050 as the source of potable water, and

WHEREAS: The Board of County Commissioners (BOCC) has collected information regarding water availability in the Upper and Lower Tunk Basins and Tamarack Springs. Those studies include the following sources of information:

1. (USGS) Groundwater/Surface-Water Interactions in the Tunk, Bonaparte, Antoine, and Tonasket creek Subbasins, Okanogan River Basin, North Central Washington, 2008
2. (USGS) StreamStats Flood Frequency Analysis Software
3. (Entrix) Okanogan Watershed Plan Level I Technical Assessment, 2006
4. (Washington State Department of Ecology, ECY) Stream Gage Data for Tunk Creek
5. (Western Climate Mapping Initiative) WestMap Climate Analysis and Mapping Toolbox.

WHEREAS: In 2021, Okanogan County adopted a Comprehensive Plan that provides guidance for the zoning of rural lands, and

WHEREAS: Okanogan County Board of County Commissioners have determined that zoning maybe inappropriate in this area based on water availability and the Comprehensive Plan guidance, and

WHEREAS: RCW 36.70.795 allows for the adoption of interim land use controls provided a public hearing is scheduled within 60 days of date of adoption, and

WHEREAS: The Okanogan County Board of County Commissioners adopted Ordinance 2022-7 implementing a moratorium on the division of lands within the Upper Tunk Basin, Lower Tunk Basin, and Tamarack Springs Basin all located in Water Resource Inventory Area #49 under Okanogan County Code, Title 16, and

WHEREAS: The Okanogan County Board of County Commissioners directed the Office of Planning and Development to work with the Okanogan County Planning Commission to Tunk Moratorium Extension, November 2022


recommend zoning density and use changes to Okanogan County Code, Chapter 17A Zoning, to the Board of County Commissioners, and


WHEREAS: The work between the Office of Planning and Development and the Planning Commission has been completed, delays have been presented in making the decision on the action proposed, and

THEREFORE BE IT ORDAINED: In order to accommodate a decision on the proposal it is necessary to extend this moratorium for an additional 60 days from the date of adoption unless otherwise extended or repealed.


DATED at Okanogan, Washington this 29 day of November 2022.


ATTEST:

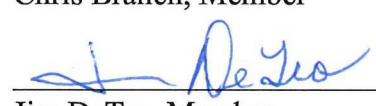

Laleña Johns, Clerk of the Board



**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


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