

Okanogon County Commissioners

Ordinance 2024 - 5

An ordinance adopting revisions to Okanogon County Code 17A, Zoning mandated by a 2017 Stipulation Order brought by the Yakama Nation.

WHEREAS, Okanogon County adopted an updated zone code on July 26, 2016 under Ordinance 2016-4 which was challenged by Future wise and Methow Valley Citizens Council ("MVCC") and Yakama Nation in Okanogon County Superior Court, and;

WHEREAS, Yakama Nation agreed to a dismiss the lawsuit in exchange for Okanogon County's agreement to adopt a new comprehensive plan and zone code by the end of 2018. The County and Yakama Nation entered a stipulated dismissal order in 2017 ("2017 Stipulation Order"). The Court stayed the case with Future wise and MVCC pending adoption of a new comprehensive plan and zone code, and;

WHEREAS, Yakama Nation filed a motion to vacate the 2017 Stipulation Order when Okanogon County missed the deadline for adopting a new comprehensive plan and zone code. The trial court denied the motion to vacate the 2017 order of dismissal. Yakama Nation appealed to Division III, and;

WHEREAS, Division III disagreed and remanded to Superior Court to vacate the 2017 Stipulation Order. terms Okanogon County and Yakama Nation agreed to a stay as the County continued to revise the comprehensive plan and zone code, and;

WHEREAS, on December 29, 2021 the Okanogon County Board of County Commissioners passed Ordinance 2021-3 adopting the revised Okanogon County Comprehensive Plan, and;

WHEREAS, following the adoption of the revised Comprehensive Plan, the County began the process to amend the zone code for consistency with the new Comprehensive Plan, and;

WHEREAS, the County Planning department published notice of a survey for members of the public to vote on priorities for revising the zone code. Notice was published on the County website and in all County newspapers on January 19-20, and February 16-17, 2022, directing those interested to a third-party website to participate in the survey, and;

WHEREAS, the Board of County Commissioners discussed hiring a consultant to assist with amending the zone code on March 22, 2022. The County published a Request for Qualifications and Proposals on July 20, 2022, and;

WHEREAS, the Board of County Commissioners discussed logistics of amending the zone code, including consultant details, budget, the public hearing process, and priorities for amendment, and;

WHEREAS, the County published a Notice of Proposal and Comment Period on October 18-19, 2023, and republished the notice on January 10-11, 2024. The SEPA comment period ran from October 19, 2023 through January 25, 2024. The comment period for the Proposal ran from October 19, 2023 through February 12, 2024 in the county news of record, and;

WHEREAS, the County issued a Determination of Non-significance pursuant to SEPA on December 28, 2023 in the county news of record, and;

WHEREAS, the County published notice of the February 20, 2024 Planning Commission public hearing on February 7-8, 2024 in the county news of record, and;

WHEREAS, the Planning Commissions February 20, 2024 public hearing was continued to March 25, 2024, and;

WHEREAS, the County published notice of the March 25, 2024 Planning Commission Public Hearing on March 13-14, 2024 in the county news of record, and;

WHEREAS, the County Planning Commission held work sessions to form its recommendation to the Board of County Commissioners on April 22, May 20, and June 4, 2024, and;

WHEREAS, the County Planning Commission made its recommendation to the Board of County Commissioners on June 24, 2024. The Planning Commission's recommendation included substantial changes to the Proposal, and;

WHEREAS, the County Board of County Commissioners held work sessions on the Planning Commission's recommendations on July 1, 8, 15 and August 6, 2024. The Board of County Commissioners directed staff to make a second version of the Proposal, and;

WHEREAS, The County published notice of the comment period on the second version of the zone code revisions in the county's official news of record (Omak Chronicle) in addition to the Oroville Gazette, Star Newspaper and Methow Valley News on October 9-10, 2024 and again on October 16-17, 2024. The notice was also sent to local radio stations, and;

WHEREAS, a public hearing with the Board of County Commissioners was scheduled for December 2, 2024 at 5 p.m., and;

WHEREAS, the notice for the Board of County Commissioners' public hearing was published in the official news of record (Omak Chronicle), Star Newspaper, Methow Valley News, and

Oroville Gazette on November 20-21, 2024. The notice was also sent to local radio stations, and;

WHEREAS, a second public hearing was held by the Board of County Commissioners on December 2, 2024 to take public comment on the second draft, and;

WHEREAS, following the public hearing the Board of County Commissioners held work sessions with the Planning Director on December 9, 16, and 17, 2024 to review comments received, and;

WHEREAS, the Board of County Commissioners concluded that adoption of the revised zone code served the public interest by updating the land use regulation in Okanogan County to fulfill the requirements of the 2017 Stipulation Order, and;

BE IT THEREFORE ORDAINED: The Okanogan County Board of County Commissioners adopts the following:

- 1) Okanogan County Code, 17 Zoning (Attachment A)
- 2) Findings of Fact and Conclusions of Law (Attachment B)

DATED at Okanogan County, Washington this 23rd day of December, 2024.



ATTEST:

Laleña Johns
for Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**

Jon Neal

Jon Neal, Chairman

Andy Hover

Andy Hover, Member

Chris Branch

Chris Branch, Member