

OCC 17A.400 Overlays-Water Availability Study Areas

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17A.400.010 Purpose of classification

The purpose of this section is to develop a process for applying overlays to an underlying zoning district to impose special restrictions or processes as a result of information or a recognized lack of information regarding water available for potable water supplies.

17A.400.020 Authority

In response to the *Whatcom-Hirst* decision, [186 Wn.2d 648, 381 P.3d 1, \(2016\)](#), (citation) Okanogan County has assumed greater responsibility in determining the legal and physical availability of groundwater drawn from permit exempt wells as defined in RCW 90.44.050 for use as a potable water supply for building applications in accordance with RCW 19.27.097 and subdivision applications in accordance with RCW 58.17.110. All decisions made regarding the availability of groundwater through permit exempt wells will be determined in accordance with [the applicable in-stream flow rule as current or hereinafter amended and/or ESSB 6091](#) ~~OCC-20 as adopted or heretofore amended.~~

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17A.400.030 Permitted uses

Permitted uses are as indicated on the district use chart (see Chapter 17A.220 OCC) for the underlying zone in place at the time of adoption of the overlay.

17A.400.040 Conditional uses

Conditional uses are as indicated on the district use chart (see Chapter 17A.220 OCC) for the underlying zone in place at the time of adoption of the overlay

17A.400.050 Accessory uses

Accessory uses are as follows:

A. Normal accessory uses customary and incidental to the permitted and/or conditional use of the property;

~~B. No Accessory dwelling units will be allowed in any zone with an overlay designation adopted consistent with this chapter.~~

~~C. Farm worker housing will be allowed only with an approved certificate of water availability approved consistent with OCC-20.~~

~~D. Bed and breakfasts located within residential structures in existence at time of adoption of the overlay zone consistent with this chapter.~~

17A.400.060 Lot area and width

Lot area and width requirements are as indicated by the underlying zone in place at the time of adoption of the overlay zone consistent with this chapter.

17A.400.070 Density

Density restrictions are as indicated by the underlying zone in place at the time of adoption of the overlay zone consistent with this chapter.

17A.400.080 Property line setbacks

Property Line setbacks are as indicated by the underlying zone in place at the time of adoption of the overlay zone consistent with this chapter.

17A.400.090 Height

Height restrictions are as indicated by the underlying zone in place at the time of adoption of the overlay zone consistent with this chapter.

17A.400.100 Lot coverage

Lot coverage is as indicated by the underlying zone in place at the time of adoption of the overlay zone consistent with this chapter

17A.400.110 Parking

Parking requirements area as indicated in Chapter 17A.240 OCC.

17A.400.120 Special Provisions

A. Adoption Criteria

A water availability study overlay may be adopted by the Okanogan Board of County Commissioners upon findings that sufficient information ~~is known~~ exists to support the conclusion that inadequate water supplies exist to support additional density or intensity of uses that require potable water supplies, or that insufficient information exists to support the approval of subdivisions or other land use activities that require potable water supplies provided through groundwater withdrawals from wells permitted in accordance with RCW 90.44.050.

B. Boundaries

The boundary of a water availability study area adopted pursuant to this chapter will be adopted onto the Okanogan County Zone Map by ordinance of the Board of County Commissioners. The boundaries of all water availability study areas will follow the boundaries of basins and/or sub-basin(s) as depicted on the National Watershed

Boundary Dataset as published on December 16, 2015 [or the closed portions of basins identified in Washington Administrative Code 173-548-050 as further depicted on the basin closure maps provided by the Department of Ecology.](#)

C. Subdivisions

No application for the subdivision of property located within an overlay zone will be accepted except for:

- 1) Public purpose segregations for which no potable water supply is required.
- 2) Divisions made by testamentary provisions, or the laws of descent in accordance with RCW 58.17.040.
- 3) Divisions made for purposes of separating land on which a residential structure(s) currently exists to allow the recording of Covenants, Conditions, and Restrictions or a Conservation Easement which prevents the construction of new residences on the parcel created through the land division process.
- 4) Divisions made where potable water supplies will be provided by a water right approved for such purposes by the Department of Ecology and/or The Okanogan County Water Conservancy Board.
- 5) [Divisions made where potable water supplies will be provided by an approved water purveyor or municipal system.](#)

D. Building Permits

Building permits for residential structures may be issued in an adopted water availability study area when:

- 1) The application does not propose to use a permit exempt well as defined in RCW 90.44.050 as the source of potable water, or
- 2) The use of a permit exempt well as defined in RCW 90.44.050 as the source of potable water has been approved in accordance with [OCC Title 20, the applicable in-stream flow rule as current or hereinafter amended and/or ESSB 6091.](#)

E. 2-year Review

A water availability study area adopted in accordance with the provisions of this chapter shall expire 2 years after the date of adoption unless renewed by ordinance by the legislative authority of Okanogan County.

[17A.400.130 Adopted Water Availability Study Areas](#)

17A.400.1430 Severability

If any provision of this title is for any reason held to be invalid, the remainder of this title shall not be affected. If any provision of this title is adjudged invalid as applied to a particular person or circumstance, that provision of this title shall not be affected as to other persons or circumstances.

