

ORDINANCE _____

An ordinance repealing interim ordinance 2016-5 pertaining to land use decisions proposing the use of permit exempt wells as the source of potable water which was adopted in response to the Whatcom-Hirst decision.

Whereas: The Washington State Supreme Court ruling in *Whatcom County v. Hirst et al*, No. 91475-3 (October 6, 2016) greatly amplifies the responsibility of Counties in determining that the quality and quantity of groundwater is protected and that applicants for land use permits demonstrate that any required water supply is both legally and physically available, and

Whereas: Revised Code of Washington 58.17.110 requires Counties, prior to approval of a plat, to determine if appropriate provisions are made for, but not limited to, potable water supplies, and

Whereas: Revised Code of Washington 19.27.097 requires Counties to determine that each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building, and

Whereas: The Okanogan Board of County Commissioners adopted interim ordinance 2016-5 after finding that the adoption of interim controls was necessary to bring Okanogan County land use controls into compliance with the requirements of *Whatcom County v. Hirst et al*, No. 91475-3 (October 6, 2016) and

Whereas: Revised Code of Washington 36.70.795 authorizes Counties to adopt interim land use controls, and

Whereas: A public hearing was conducted on December 19, 2016 to consider ordinance 2016-5, and

Whereas: The public hearing was continued to December 28, 2016 at which time the final form of the land use application review process necessary to comply with the Whatcom-Hirst decision will be determined and amended into OCC Title 20, and

Whereas: Upon adoption of amended OCC Title 20 the interim review process adopted through Ordinance 2016-5 is no longer necessary to promote the public health and safety, be it therefore

Ordained:

Ordinance 2016-5 is hereby repealed.

Adopted this day

(BOCC Signatures)