



## STAFF REPORT

Public Hearing December 28, 2016

Okanogan County Code 20 Development Permit Procedures and Administration  
December 28, 2016

### History

The Okanogan Board of County Commissioners directed staff to initiate a process for review of a new title to Okanogan County Code (OCC) which would consolidate the land application review processes for other OCC Titles. A draft of OCC 20 Development Permit Procedures and Administration was put out for public review with a public hearing scheduled on September 26, 2016. In response to public comments several revisions to OCC 20 were discussed and the public hearing continued to allow for further review and discussion.

On November 8, 2016 the Okanogan Board of County Commissioners adopted Interim Ordinance 2016-5 in response to the Whatcom-Hirst Supreme Court decision. The ordinance requires all applications that propose to use a permit exempt well as the source of potable water be reviewed by the Hearing Examiner in a public hearing. A public hearing was scheduled on December 19, 2016 to take public input on Ordinance 2016-5 and the revised OCC 20. It is proposed that the final form of the controls enacted in response to Whatcom-Hirst be amended into OCC 20 prior to adoption.

The public hearing was continued to December 28, 2016 to continue the discussion on OCC 20 and Ordinance 2016-5. Public testimony was closed on December 19, 2016 but the record was left open to written comments.

### Update

In response to public comments and Commissioner deliberation, staff has incorporated several amendments to OCC 20 and proposes others through the attached memorandum. The major amendments incorporated into OCC 20 are:

- 1) Section 20.02.005 Purpose and Applicability. Amendments removed titles 12, 13, 15, and the SMP, and added title 14 Environment.
- 2) 20.08.040 Application vesting. Amended the language to be consistent with the RCW.
- 3) 20.10.010 Application review classification. Remove references to limited administrative review.
- 4) 20.10.030 Quasi-judicial review of applications. Remove references to SMP permits and processes. Also changed Quasi-judicial to non-administrative.

- 5) 20.10.030(G) (2) (iii). Remove all language after statement of conditions of approval.
- 6) Amend 20.10.050. New header Review for water adequacy. Leave blank for inclusion of final form of the process adopted through 2016-5.

### **Determination of Water Adequacy**

It is intended that the final form of the interim controls adopted through ordinance 2016-5 be amended into OCC title 20 prior to adoption. OCC 20.10.050 has been left blank for those amendments when finalized by the BOCC. See memorandum dated December 20, 2016 attached to this staff report for staff suggested alternatives to ordinance 2016-5.

### **Documents**

Attached to this staff report are:

- 1) Memorandum dated December 20, 2016
- 2) Draft ordinance adopting OCC 20
- 3) Draft ordinance repealing Ordinance 2016-5
- 4) Ordinance 2016-5
- 5) OCC 20 (marked up copy)
- 6) OCC 20 (clean copy)

### **Process**

When the BOCC has completed their deliberations on the final form of the process outlined in ordinance 2016-5, OCC 20 should be amended to include the process. Staff has left OCC 20.10.050 blank as the section for the review process to determine water adequacy. With the amendments regarding water adequacy added by motion and vote, the BOCC should discuss any desired amendments to the attached draft of OCC 20. When the BOCC has completed the review of OCC 20, the ordinance adopting OCC 20 should be considered and if satisfactory, adopted. Once the ordinance adopting OCC 20 is approved, the ordinance repealing ordinance 2016-5 should be considered and if satisfactory, adopted.

### **Recommendation**

Continue BOCC deliberation regarding OCC 20 and Ordinance 2016-5. Amend OCC 20 as desired. Review and consider enabling ordinances.