

The Methow Valley Citizens' Council

February 26, 2016

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To: Okanogan County Regional Planning Commission Chair and Commissioners
Phil Dart, Dave Schulz, Marlene Rawley, Tamara Porter, Mark Miller

CC: Ben Rough, Perry Huston

Re: Draft Zone Code

Dear Mr. Chairman,

The purpose of this letter is to provide information to the Planning Commission (PC) regarding the proposed Zone Code that is now before you. We recognize that the official public comment period has not yet been announced. However, we want to ensure that the PC receives the full range of information regarding the potential consequences if the proposed Zone Code is adopted as written. To that end, we are enclosing the comments from the Methow Valley Citizens Council (MVCC) in response to the Planning Department's request issued in the fall of 2015 for Scoping comments on the proposed Environmental Impact Statement (EIS). This letter summarizes and updates some of the main points of that earlier letter and we ask that you give both documents your careful attention. We also enclose the Scoping comments submitted by Futurewise, because they are relevant to your deliberations and we support the contentions therein.

While we are not aware of any changes that may have been suggested since the version of the Zone Code sent out for EIS scoping, we believe that "tweaking" the code will not be adequate because of fundamental flaws in the document that will have far-reaching and negative consequences for Okanogan County.

What follows are the key points from our scoping letter. Our primary recommendations are shown in bold.

TIMING

As you know, MVCC and Futurewise have brought a legal challenge on the Okanogan County Comprehensive Plan upon which the Zone Code is based. Judge Culp has indicated that he will render his decision by the end of February or soon thereafter. While no one can predict the outcome of that decision, should MVCC/Futurewise prevail on all or some of the issues under contention, the Comprehensive Plan could be remanded to the County for revisions. This would potentially put a hold on your work, or require substantial revisions. If either Okanogan County or MVCC/Futurewise appeal the Superior Court decision, that would also prolong the uncertainty surrounding adoption of the Zone Code.

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One of the key contentions of the plaintiffs in the lawsuit is that an EIS on the Comprehensive Plan is far preferable to an EIS on the Zone Code. The purpose of the EIS should be to inform the PC and decision makers of the environmental consequences and trade-offs among one or more alternatives. The aggressive timeline for the PC hearing (now scheduled for March 30, 2016) suggests that either: (1) the EIS will be rushed, incomplete, or fail to evaluate viable alternatives in a good faith manner; or (2) that the PC recommendations will be disregarded in the first instance.

In addition to the EIS, the draft Cluster Land Division/Subdivision code is not available to review at this time; the Shorelines Master Program has yet to be approved by the Department of Ecology; and the Critical Areas Ordinance update is far behind schedule. How can Zone Code maps be produced without these underlying elements in place? And how can the public (or the PC or BOCC) have a complete picture of what development is or is not allowed? The current timetable for the Zone Code update will not facilitate good planning. ***We ask that the PC recommend a delay until greater clarity is available from the other ordinances mentioned above.***

DENSITY AND WATER RESOURCES

Densities allowed under the draft Zone Code are completely inconsistent with available water resources. Rural 1 (high density rural) provides for one primary residence, one accessory dwelling, or five apartment units on a one acre lot. Rural 5 allows up to 25 apartment units, while Rural 20 allows up to 100 apartment units. The data clearly shows that there is insufficient water to accommodate such development, not to mention being out of scale and character for a rural area. Further, if the underlying zoning is intended to guide development in the areas regulated by the Shoreline Master Program, then the future of our shorelines will include a high likelihood for dense housing development along the Lower Methow and Okanogan rivers, and other drainages in Okanogan County.

The basis of good planning is to consider the resource availability for development *before* zoning. The County seems to defend the draft Zone Code by contending that development pressure is low, and therefore these densities will never be realized. We have also heard "we'll deal with water on a case by case basis during permitting." We challenge both of these statements. First, the growth projections for Okanogan County do not include second homes. Second, the county has a poor track record on coordinating and enforcing permitting across departments. We are also very concerned about the Commissioners' current pursuit of legislative strategies to undermine State Public Health regulations on potable water supply.

We envision the potential for lawsuits as buyers of property learn that they are denied building permits because of the inability to document the availability of legal water. Or, if a building permit is issued, the water may be curtailed if the domestic well infringes on a senior water right or in-stream flow.

We ask that the Planning Commission insist on the application of the most current information about water availability to determine allowable densities throughout Okanogan County.

WILDFIRE

We are extremely disappointed to note the lack of consideration of wildfire danger in the Zone

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Code. We have recommended that the Comprehensive Plan incorporate the 2013 Community Wildfire Protection Plan in the Comprehensive Plan. Instead, we have been told that "fire would be handled through zoning". However, the draft Zone Code appears to be virtually silent on the topic of fire. We therefore assume the County will rely on future individual homeowners and developers of subdivisions to voluntarily do the right thing to protect their families and first responders.

Surely we have learned from the past two tragic fire seasons that reliance on purely voluntary fire prevention measures can lead to very tragic consequences. There is a critical connection between local planning, zoning, and building codes in lessening the effects of wildfire in the future. ***The PC should insist that the Zone Code include provisions that account for wildfire hazard.*** Such provisions are readily available, and have already been adopted by a number of counties in Washington and across the West.

WATER QUALITY

MVCC believes that the densities proposed, especially in the Rural High Density zone, will pose a risk of too many septic systems on one acre lots that threaten to contaminate groundwater needed for domestic drinking water wells. This groundwater contamination will inevitably negatively affect surface water quality.

SUMMARY

In conclusion, ***we ask that the PC obtain answers to the issues we raise from the Planning Department.*** MVCC believes that there is considerable support in Okanogan County and the Methow Valley for a Zone Code that enables future development to occur in keeping with the ability of our natural resource base to sustain it.

Thank you for the time and effort each of you put into the important work of the Planning Commission.

Sincerely,

A handwritten signature in cursive script that reads "Maggie B. Coon".

Maggie Coon, Board Chair
Methow Valley Citizens Council

Enclosure (Zone Code Scoping comments from Methow Valley Citizens Council and Futurewise)