

Methow Valley Citizens' Council

Dear friends,

FALL 2015

I could never have imagined twelve months ago that 2015 would prove a year of such momentous events, both for our Valley and for the Methow Valley Citizens' Council.

I could never have imagined that our community would once again reel from the impact of unprecedented and deadly wildfire. As a Twisp River resident, I hold grief and gratitude in my heart for the loss and heroism of this past August. And I am humbled by the realization that the work of the Methow Valley Citizens' Council is integral to our collective response to climate change.

I could never have imagined we would be called upon to step up on such an array of challenging issues which affect our mission. Never turning away from our decades long focus on county land use, we continue to advocate for a Comprehensive Plan, Zoning, Shorelines and Critical Areas ordinances which protect the Methow's fragile lands and waters. We are doggedly insisting on an environmentally sensitive approach to all terrain vehicle (ATV) access on town, County and U.S. Forest Service lands. And we frequently weigh in on important fish and wildlife issues.

However, this year, our slate has dramatically expanded to address the threat of industrial scale mining on National Forest land near Mazama and the U.S. Army's ill-advised plan to conduct helicopter training on our mountain ridges.

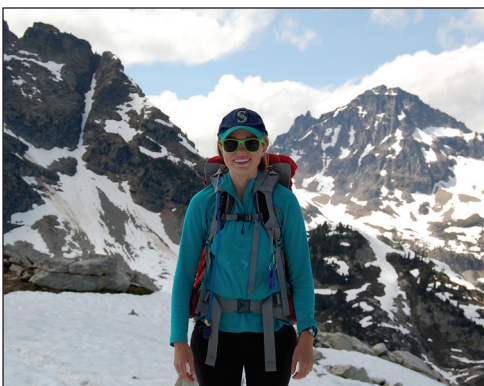
In addition, we are pleased to sponsor the Methow Valley Clean Air Project, a new effort to increase the number of clean air days in our Valley through public awareness and education.

As if that were not enough.....

I could never have imagined the trajectory our County government would take with the aim of minimizing environmental regulations which protect us all. As we explain in this issue of the Valley Voice, our watchdog role has grown exponentially. We seek to ensure enforcement of existing rules, strengthen them where needed and prevent their watering down. The need for legal action has

arisen and we are challenging County actions on both the Comprehensive Plan and ATV access.

On the positive side, I could never have imagined what a difference our new Vicky Adcock Welch intern would make. Raechel Youngberg has rapidly launched us into the digital age, bringing energy, enthusiasm and much greater reach to our communications. As a lifelong mentor of the younger generation, our founder Vicky Welch would be so very proud! We are deeply grateful to the many of you who supported the creation of this internship in her honor through the Legacy Fund.



Raechel Youngberg, our 2015 Vicky Adcock Welch Communications Intern, has been a tremendous asset to MVCC's work, increasing our presence and visibility to a growing online audience.

There is, indeed, reason for optimism. As a community, we are increasingly well informed and vocal. We are taking a stand in defense of the Methow under a tent that is expanding in size and diversity. The Methow Valley Citizens' Council is proud to occupy a unique niche at the core of this growing activism.

I can clearly imagine that, ultimately, it is our collective voice which will make the biggest difference on decisions that shape both the present

and future character of our place. With your help, the Citizens' Council will be ever more effective at marshalling that voice and the talent and intellect which complex environmental issues require.

Your moral AND financial support are crucial to our ability to deliver the powerful advocacy which the Methow Valley deserves.

As you consider what it is about the Methow that matters most to you, please give as generously as you possibly can! Thank you!

Maggie B. Coon

Maggie Coon

Methow Valley Citizens' Council Board Chair

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VALLEY VOICE

The Newsletter of the Methow Valley Citizens' Council

SINCE 1976

www.mvcitizens.org

FALL 2015

Is it better to ask Forgiveness than Permission in Okanogan County?

THERE IS A DISTURBING TREND in Okanogan County land use planning and permitting. Someone builds a cabin, buries a septic tank, or develops a trailer park in the shoreline or floodplain without a permit. Someone complains. The County then requires that the developer apply for a permit, which is retroactively granted. Or, the

developed regulations by ignoring them at every opportunity.

What is the incentive for a developer to apply for the proper permits if there is no enforcement and virtually no penalty for non-compliance? The only real enforcement authority lies with the County Prosecutor, who must take legal action to



These before-and-after images show what can happen to a riverfront property with only a septic permit.

developer asks for a variance from the Hearing Examiner (appointed by the County Commissioners) who grants the variance, thus effectively changing the zoning code for that individual.

When Okanogan County has the opportunity to regulate development – to protect the environment or rural character of our area, to comply with state laws or beef up public safety measures in the aftermath of two devastating wildfire seasons – all too often the answer is the same. “We have too many regulations already. The existing regulations are adequate.” Here in the Methow, where citizens have worked to achieve and maintain protective zoning, the County is actively undermining our locally-

recover fines or require the developer to remove the offense. It is our understanding that this type of intervention is rare. Instead, *our research shows that enforcement of the Zoning and Building Codes is minimal to non-existent, and calls into question whether our County Code has any teeth at all.*

The County's failure to support existing regulations has taken various forms recently. Updated planning documents eliminate or ignore specific regulations. Other County actions have left out regulations that are central to the intent of plans and programs such as the Comprehensive Plan and the Shoreline Master Program. The County's newly revised Comp Plan so obviously ignores

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Battle Fatigue and the Case for Persistence

DON NELSON, owner and editor of the *Methow Valley News*, said it well in his August 6, 2015, editorial:

"Indeed, there are times when I think I detect a bit of battle fatigue among the devoted people who have continued to raise challenges—often legal and therefore costly—to what could be characterized as a barrage of bad ideas."

He then listed some of the bad ideas: using the North Cascades and the Methow Valley as an Army helicopter training area, ATVs buzzing along County and Forest Service roads, and a proposal that could lead to an open pit copper mine near Mazama. To that list, we can add County actions like adopting a Comprehensive Plan that allows far more development than there is water to support it; closing roads like Three Devils to public access at the request of powerful landowners; permitting individual developments that are way out of scale to the land; and failing to enforce even the watered-down County ordinances designed to protect all of us.

Not only are these bad ideas, each one has a cost that can be counted in time and dollars spent analyzing, appealing, seeking better alternatives, and building the public support needed

vigilance is a requirement. At each step along the way, we weigh the pros and cons of staying the course – or not. Even as we celebrate our victories, we remind ourselves, as David Brower famously noted, "They only have to win once. We have to win every time." So we take the long view. Many of our current "battles" require such patience.

ATVs

In 2013, despite overwhelming opposition from the Methow Valley, the Commissioners opened virtually all County roads to ATVs.

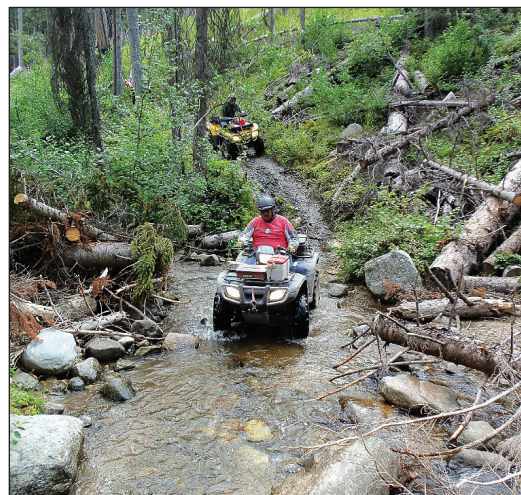
MVCC appealed, pointing out that state law prohibits opening roads with speed

limits above 35 mph. The County then withdrew those roads, but kept open nearly 600 miles of roads with speed limits of 35 mph or less. MVCC pointed out serious environmental and safety concerns related to the likely effects of opening these roads to ATVs. The County ignored us, so MVCC and Conservation Northwest appealed. Okanogan County Superior Court Judge Henry Rawson ruled against us, and we appealed that decision to the State Court of Appeals in Spokane. A hearing is scheduled for December 10. We hope to obtain a ruling that will overturn the ATV ordinance and require a meaningful environmental and safety analysis.

COMPREHENSIVE PLAN

Since the 1970's the County has recognized the unique nature of the Methow Valley and the wishes of its communities, and established more restrictive development criteria for lands within School District 350, known as the Methow Review District. In 2007, the County convened citizen work groups to help update the Comprehensive

continued on next page



SOURCE: www.ncwvclub.org



RAEHEL YOUNGBERG

Regulations like the Shoreline Master Program exist to protect river functions so we can all enjoy fishing.

to change course... on issue after issue, over and over again. It IS exhausting!

But take heart: MVCC members are noted for our tenacity. We have learned through hard experience that doing the right thing for this valley can take years. We understand that eternal

Battle Fatigue

Plan. MVCC and others urged that density should be significantly reduced throughout the County and especially in the Lower Methow, to conform to available water supply, wildfire danger, and other common sense considerations.

Seven years and multiple comment periods later, the County Commissioners adopted a plan that fails to adequately consider water availability as a constraint on growth and development; fails to include the Community Wildfire Protection Plan despite past promises to do so; fails to protect water quality and quantity; fails to protect farmland and wildlife habitat; and fails to include the Lower Methow in a more restrictive planning area.

MVCC appealed the decision to the Hearing Examiner. As expected, he ruled in favor of the



An important part of our mission is to protect the rural character of the Methow Valley.

County. MVCC, along with our partner Futurewise, appealed to Okanogan County Superior Court. As of this writing, the hearing is set for November 23, before Judge Culp.

COPPER MINING AND HELICOPTER TRAINING

Two recent bad ideas involve agencies other than the County, and have potential to morph into longer-term battles between local citizens and ambitious outsiders.

First, MVCC and an overwhelming number of citizens objected to a Canadian mining company's application to conduct exploratory drilling for copper on Forest Service land near Mazama. Review of the permit was delayed by wildfires, but we expect that it will be issued. MVCC is partnering with several organizations, including Earthjustice, a non-profit environmental law firm, to explore strategy and consider our legal options for halting this destructive action.

And then there's the Army's proposal. Joint Base Lewis-McChord in Tacoma has proposed to establish a mountain helicopter training area in North Central Washington, extending from south of Leavenworth to the Canadian border, including

Victories

After winning a lawsuit, the Mazama-based group "Move the Hut" has reached an agreement with the land-owners to move the hut back from the ridgeline where it has been visible from the valley floor.

The U.S. Forest Service opened hundreds of miles of roads to ATVs despite the warning from MVCC and others that such an action required a review under the National Environmental Policy Act. Three groups sued the Forest Service and the road openings were recently withdrawn.

the Methow Valley, Alpine Lakes Wilderness, the Pacific Crest Trail and other popular recreation areas. This idea is so poor that even the County Commissioners have objected. MVCC hosted a community meeting to educate citizens about what was proposed, submitted its own comment letter objecting to the proposal, and signed onto

a critical letter from 65 conservation, recreation and business groups. We will take appropriate action again when the Army makes its next move.

THE LONG HAUL

The wheels of justice turn slowly, and there is no guarantee of success despite our best efforts.

But hope remains. Persistence is embedded in our DNA. We are tapping a wealth of positive energy among our members and board of directors, a host of local, regional and national partner organizations who support our work. And we have a very stubborn streak! With your continued support we shall persist. MVCC is in it for the long haul! ■



RAEHEL YOUNGBERG

Wild places need strong advocacy to keep them wild.

Forgiveness and permission

consideration of adequate water quantity to support future development, that the State Department of Ecology has filed a friend of the court brief supporting MVCC and Futurewise in a lawsuit against the County. *There are no maps available at the County to inform permitting or enforcement of its Critical Areas Ordinance, which regulates development of wetlands and other sensitive areas.* The County says that permitting for shoreline developments can be handled on a case-by-case basis without an overall impact to County lakes and rivers. Our officials claim that existing regulations will protect the shoreline environment. But existing regulations are only as good as the County's will to enforce them.

Neighbor complaints in the lower valley recently alerted us to a developer who has nearly completed construction of a commercial RV park on the river within the state-protected Shoreline area, with only a septic permit from the Health Department! The developer has burned riparian vegetation, created a sandy beach, conducted extensive excavation and grading, constructed and placed a variety of buildings, and hooked up water lines to RV sites. Required permits for Building, Shoreline Development, and design and approval of a Group A Public Water supply are all missing. Several weeks after MVCC filed a formal complaint, the County sent the landowner a Cease and Desist letter. The landowner has continued construction with no apparent consequences.

Making matters worse, the Planning, Building, and Public Health permit processes are poorly coordinated among County departments. We discovered this recently when looking into requests for variances for sewage systems on developed lots in the floodplain of the Chewuch River. Public Health will issue a permit if the project meets State sewage requirements. But they do not take into account County regulations prohibiting "structures for human habitation and all sewage disposal facilities" in the floodplain of the Methow Review District, nor sewage system designs that would meet FEMA's National Flood Insurance Program requirements. It doesn't seem to matter to County officials that many of the existing buildings and septic systems were originally constructed in violation of these regulations. Instead, the Planning Department is

"encouraging" the applicants to get after-the-fact permits, and apparently not planning any enforcement action.

WHAT CAN BE DONE?

These examples are troubling symptoms of a larger problem that will likely be resolved only by lawsuits or the intervention of state and federal agencies. Until then, you can help by paying attention to what is happening around you.

Tech Talk:

Like us on Facebook to improve our reach!

Since launching our presence on Facebook in June and "going live" with the redesigned website in September, MVCC's online presence is reaching more and more people, including the younger demographic we have been hoping to inspire.

On September 23rd we published several posts that were shared a combined total of 20 times. Because the posts were shared by so many people, Facebook decided to serve (share) those posts with other Facebook users who did not "like" our page. These posts were shared to over 2,200 people because of our Facebook fans sharing our posts. The number of people our posts are served to is called our "post reach." *We need you to help us spread the MVCC message by sharing and liking posts.* It takes a few seconds, and is extremely simple to do.

Be observant about new development in your neighborhood or projects in the valley that concern you. Particularly if the development is in a sensitive area (shorelines, floodplains, wetlands, etc.) or seems out of character for the area, contact the County to find out about the permitting process. Alert your neighbors and MVCC, and submit a formal complaint to the County if you think they should investigate. Keep records of your communications, and their responses.

You can also share your concerns when the Department of Ecology brings the latest draft of the County's Shoreline Master Program to town for public comment. Use your comment opportunity to point out that as long as it is easier to ask forgiveness than permission in Okanogan County, the plan to regulate development along rivers and lakes on a "case by case" basis does not hold water. ■

JOIN US TO RAISE A STRONG COMMUNITY VOICE!

Since 1976, the Methow Valley Citizens' Council has worked to protect the natural environment and rural character of the Methow Valley. With your support, we will continue to do so. Let's bequeath to our children a valley every bit as vibrant and beautiful as the one we are privileged to live in now.

BECOME A MEMBER:

	One year	Three years
Limited income	<input type="checkbox"/> \$10	
Individual	<input type="checkbox"/> \$35	<input type="checkbox"/> \$100
Family	<input type="checkbox"/> \$50	<input type="checkbox"/> \$130

ADDITIONAL CONTRIBUTIONS:

Vicky Welch Legacy Fund _____
Other _____
Total enclosed _____

NAME

ADDRESS

CITY, STATE, ZIP

PHONE

E-MAIL

VOLUNTEERING:

☐ Please contact me about volunteering for the Methow Valley Citizens' Council

Donate online: www.mvcitizens.org. **Or send your check to:** MVCC, Box 774, Twisp, WA 98856. (509) 997-0888

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