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Ms. Rocky Robbins, Planner I
Mr. Perry Huston, Director of Planning
Okanogan County Office of Planning and Development
123 5th Avenue North, Suite 130
Okanogan, Washington 98840

Subject: Comments on the scope of the Environmental Impact Statement (EIS) for revisions to the 2014 Okanogan County Comprehensive Plan and Zoning regulations.

January 17, 2019

Dear Ms. Robbins and Mr. Huston,

The Methow Valley Citizens Council (MVCC) appreciates the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for the revisions to the 2014 Okanogan County Comprehensive Plan and the zoning regulations.

The mission of MVCC is to raise a strong community voice for protection of the natural environment and rural character of the Methow Valley. In pursuing our mission, it has become clear that protection of the Methow's natural assets requires attention and thoughtful advocacy at the county scale. These comments are provided from MVCC's unique mission and perspective.

Our comments incorporate by reference the scoping comments provided by Futurewise, and we especially call your attention to the many important references cited in the Futurewise comments. Use of the information in these references will greatly aid in accurately evaluating the alternatives' likely environmental impacts.

We generally concur with the areas identified for analysis in the Scoping notice. In the following section, we provide additional detail with regard to the areas identified in the Scoping Notice, as well as additional areas of impact we believe should be analyzed.

In the final section, we propose a fourth alternative to analyze in the Draft EIS. We believe that this fourth alternative incorporates measures that will more successfully mitigate adverse impacts of the existing alternatives.

In evaluating environmental impacts, consideration of the likely effects of climate change in Okanogan County is essential.

In particular, effects of lower snowpack, increased drought, and higher temperatures should be considered. These conditions are likely to result in seasonal decreased water supply and increased fire frequency and intensity, both of which are critical factors in evaluating the environmental effects of various patterns of growth and development. ***There are many studies predicting these changes. The County may want to***

Methow Valley Citizens Council

consult resources such as the Northwest effects chapter of the 2018 Fourth National Climate Assessment of the US Global Change Research Program: <https://nca2018.globalchange.gov/chapter/24/>; and an article summarizing the effects: <https://www.seattletimes.com/seattle-news/environment/national-climate-assessment-paints-grim-picture-for-northwest/>. The University of Washington's Climate Impacts Group is a great resource for local climate data, including the report, "[Climate change vulnerability and adaptation in the North Cascades region, Washington](#)," led by the U.S. Forest Service's Portland-based [Pacific Northwest Research Station](#).

Additionally, there are several excellent resources for integrating climate change and adaptation in comprehensive planning, such as this article: https://www.washington-apa.org/assets/docs/2015/Ten_Big_Ideas/October_Revisions/planning_for_climate_change_adaptation_11.10.15.pdf.

We also ask that the county include consideration of accommodations for part-time residents and short-term visitors in planning for expected growth.

Occupants of seasonal homes, recreational homes, and homes held for occasional use are a significant part of the housing stock in the county but are excluded from population projections by the state Office of Financial Management. Failure to consider the additional impacts on the natural and built environment, as well as on the demand for services, created by these populations is likely to underestimate the true effects of expected growth.

The EIS should analyze both the comprehensive plan and zoning updates.

The proposed comprehensive plan and zoning updates are a single course of action because they are interdependent parts of a larger proposal and depend on each other for their implementation. Accordingly, they should be analyzed together in a single EIS. Doing so will preclude the need for further SEPA analysis for the zoning update, saving Okanogan County time and money, and will facilitate compliance with court orders in cases challenging the comprehensive Plan and zoning code.

The EIS should analyze the impacts of the comprehensive plan and zoning code alternatives on emergency services.

The comprehensive plan and zoning revisions will have probable significant impacts on fire, police and medical responses. These impacts – particularly those on fire protection-- will differ according to where and how much density is allowed in each alternative. Impacts on roads, subdivisions and building materials also affect public safety.

Alternative 1 and the current zoning apply the high-density R-1 zone to several areas that are served by dead-end roads. Both R-1 zoning and R-5 zoning are applied to areas served by one-lane roads. Comprehensive plan and zoning alternatives should be evaluated as to the degree to which they will lead to an increase in these hazards to public safety

As we are all aware after firefighter deaths and serious injury in the Twisp River fire, providing two ways out of neighborhoods in the Wildland Urban Interface is important to protect the safety of property owners, residents, firefighters and other emergency personnel. The Draft EIS needs to analyze the impacts of

Methow Valley Citizens Council

allowing development in areas with only one way out and one-lane roads on public safety, firefighting and other critical emergency response resources. Potential mitigating measures also need to be identified in the Draft EIS. If additional roads to service these areas are identified as mitigating measures, the environmental impacts of those roads must also be evaluated.

The EIS should analyze the impacts of the comprehensive plan and zoning code update on senior water rights holders, ground water resources, stream flows (including instream flow rules), and lake levels.

It is imperative that land use planning and water planning are closely integrated. Water resources are very limited in Okanogan County. Parts of the water basins in the county are closed to new water appropriations. Demands of new water use reduce water legally available for existing senior water rights, including instream flows. The proposed comprehensive plan and zoning alternatives do not appear to reduce the allowed densities.

Unless the comprehensive plan and development regulations limit the reserves to existing lots, the comprehensive plan and zoning under Alternative 1 will allow the creation of 24,440 parcels without a potable water supply. Even if the comprehensive plan and zoning limit the reserves to existing lots, in the Lower Methow 1,092 presently existing parcels would be unable to be supplied by a well. These impacts must be disclosed in the Draft EIS.

The proposed comprehensive plan and zoning code alternatives do not include any requirement that new lots, new buildings, or new uses must be served by a water source that has a physically and legally available water supply. Allowing the creation of so many lots beyond what the available water supplies can support could lead to serious adverse impacts on surface water quantity and quality, aquatic habitat, and ground water that must be analyzed in the draft EIS. Mitigation measures need to be included to address these impacts.

Failing to require new developments to have a physically and legally available water supply will adversely impact senior water rights holders because the county will apparently continue to allow permit-exempt wells to be used for new developments even if all of the water in the county is already allocated. This water will have to come from either instream flows or senior water rights holders, or both. These impacts need to be disclosed and analyzed in the draft EIS and mitigating measures developed.

The scoping notice states that: "The EIS will examine the historical building pattern and correlate well depth and production rates of groundwater wells throughout the county. Greater density will be compatible, at least in terms of potable water supply, in those areas where wells are likely to produce more water." We are concerned that this statement fails to recognize legal water availability. Just because an area has productive wells does not mean that any of that water is legally available. The Methow reserves cannot be used for new lots or multi-family dwellings. The Washington State Supreme Court's *Campbell & Gwinn* decision determined that a single domestic use "is a single use, by a single home ..." So "greater densities" should be located where existing water purveyors have physically and legally available water, most likely existing cities and towns. Conservation measures to increase the amount of available water can be most effectively implemented in areas such as cities and towns.

Methow Valley Citizens Council

The EIS should analyze the impacts of the comprehensive plan and zoning code alternatives on farmland.

Soils and agricultural crops are elements of the environment that must be evaluated in the Draft EIS because the proposed zoning regulations will have a probable significant adverse impact on these resources. In particular, Comprehensive Plan Alternative 1 and its zoning code designate and zone most of current farmland for rural residential development.

The EIS should analyze the impacts of the comprehensive plan and zoning code alternatives on plants and animals and their habitats.

The EIS needs to analyze the impacts of the development authorized by the comprehensive plan and development regulations on plants, fish and wildlife habitat, and migration corridors. The development authorized by the revised comprehensive plan and zoning regulations has the potential to adversely impact the habitats identified in WAC 197-11-444(1)(d) and WAC 365-190-130(2).

The Draft EIS should analyze impacts on fish and wildlife habitats beyond just the habitats of endangered and threatened species. At the densities allowed in the comprehensive plan and zoning, many shrub-steppe species will be adversely affected. The allowed densities will also adversely impact native bird, mammal, amphibian, and reptile species in other habitat types. The potential adverse impacts should be analyzed in the Draft EIS and measures to mitigate potential adverse impacts should be identified. The county should work closely with the Washington Department of Fish and Wildlife (WDFW) in evaluating impacts to wildlife and developing mitigation measures. The County especially should consider how the comprehensive plan and zoning impact conservation of WDFW's priority habitats and species (See https://wdfw.wa.gov/conservation/phs/mgmt_recommendations/).

The EIS should analyze the impacts of the comprehensive plan and zoning alternatives on critical areas such as landslide hazards, aquifer recharge areas, and flood plains.

Okanogan County was required to update its Critical Areas regulations by December 1, 2011. The update is now seven years overdue. An important mitigating measure for the comprehensive plan and zoning code update is to complete the Okanogan County Critical Areas update in the very near future.

In addition to fish and wildlife habitats, critical areas include areas with a critical recharging effect on aquifers used for potable water. The SEPA Rules, in WAC 197-11-444(1)(c), identify water, “[g]roundwater movement/quantity/quality,” and “[p]ublic water supplies” as elements of the environment that must be considered in an EIS where the proposal has a probable adverse impact on ground water resources.

The densities allowed by the comprehensive plan and zoning alternatives will adversely impact ground water quality, as will the many uses allowed by the comprehensive plan alternatives and zoning. These impacts should be analyzed in the Draft EIS and mitigating measures proposed.

Landscape features and buildings within Okanogan County are at significant risk for damage from natural hazards, including landslides. As noted in the 2014 *Okanogan County, Washington Multi-Hazard Mitigation*

Methow Valley Citizens Council

Plan, “Okanogan County is identified as one of the jurisdictions that have the greatest vulnerability for landslides in the State of Washington Hazard Mitigation Plan, specifically along the west side of the County in the Cascade Mountains.” The Draft EIS should analyze the environmental impacts of allowing development in these landslide prone areas and potential mitigating measures, such as avoiding construction in hazardous areas. Increased fire activity and increased flooding are effects of climate change that can result in greater landslide activity, and this factor should be considered in the EIS.

The SEPA Rules, in WAC 197-11-444(1)(c)(iii), identify floods as an element of the environment that must be considered in an EIS. Comprehensive plan Alternative 1 and the zoning designate and zone large areas of the flood plain for high density development. The Draft EIS should analyze this impact and propose mitigating measures.

The EIS should analyze the impacts of comprehensive plan and zoning alternatives on air quality.

Portions of Okanogan County regularly experience impaired air quality caused by wood stoves and open burning of waste. Poor air quality is most apparent in the winter from uncertified wood stoves, and in the spring and fall from open burning. The densities and uses allowed by the comprehensive plan and zoning alternatives will adversely impact air quality. These impacts should be analyzed in the Draft EIS and mitigation measures proposed.

The EIS should analyze impacts on scenic resources, aesthetics, and light and glare, particularly in the Methow Valley.

WAC 197-11-444(1)(e)(5) and (2)(b)(iii) and (iv) include these as “elements of the environment” that should be considered in an EIS. There is little question that increased development can have significant adverse impacts on the aesthetic quality of the environment. Many people visit or move to Okanogan County because it retains a rural character in terms of growth and development, in contrast to more urbanized areas. This is particularly true in the Methow Valley. Measures that would reduce these impacts are included in MVCC’s Alternative Four, which proposes ordinances pertaining to ridge-top development and glare from outside lighting.

The EIS should analyze both the physical and aesthetic impacts of new roads to service growth.

In the absence of an excavation and grading ordinance, the impacts of additional roads to service growth are likely to be significant and adverse. In addition to impacts on the aesthetic elements noted in the above paragraph, an EIS must analyze impacts on erosion (WAC 197-11-444(1)(a)(v)). MVCC’s Alternative Four proposes a clearing and grading ordinance to reduce these impacts.

Emerging trends in park and recreation planning should be considered to help identify impacts on future demand for convenient recreation.

Key trends to consider include:

Methow Valley Citizens Council

- Increasing population: How will recreation needs be met for an increased number of full-time residents, part-time residents, and visitors?
- Aging population: The number of active older and retired people in the county continues to grow, likely demanding more recreational opportunities.
- Recreation preference: Interest in emerging activities like mountain biking, horseback riding, ice skating, swimming, and whitewater rafting and paddle-boarding has increased. People are getting busier and costs for travel are getting higher, causing an increase in recreating closer to home and work.

Considering these trends, the EIS should evaluate impacts of the alternatives on development of recreational opportunities.

Alternative Four

We propose a fourth alternative that we believe would result in fewer significant adverse environmental impacts. Some provisions of the proposed alternative apply county-wide, and a few apply specifically to the Methow Valley watershed, including the lower valley to the mouth of the river as well as the Methow Valley More Completely Planned Area (MVMCPA), formerly the Methow Review District (MRD). This alternative of the Comprehensive Plan proposes policies that reflect the geographic and cultural diversity of Okanogan County and informs further detail to be provided in Zoning, Subdivisions and other implementing regulations.

Summary

Alternative 4 designates Resource Lands to indicate areas where the County will promote long-term, commercially viable agriculture, forest, and mineral uses and will discourage intensive residential, commercial, and industrial development. Larger lot sizes are implemented in the resource designations to avoid conflict with agricultural operations. The city expansion areas are designated in Alternative 4. This alternative includes up to four Rural designations (e.g. Residential, Resource, Transitional, Remote) to recognize areas within the Rural environment with unique attributes, avoid conflicting uses, and protect rural assets. Unlike Alternatives 1-3, which rely heavily on underlying zoning for guidance, Alternative 4 applies policies in the Comprehensive Plan describing each Rural land use designation, its intent, the densities and types of uses allowed.

Alternative 4 relies on the cities and towns and their expansion areas to serve most of the population growth and supports them in acquiring adequate water for future growth. Alternative 4 uses regulation and incentives to promote the consolidation of non-conforming lots to achieve a higher portion of larger lots in the rural areas. Alternative 4 provides adequate detail in the Comprehensive Plan policies to direct growth at a large scale, while recognizing the supportive role of other regulations such as Zoning, Subdivision Ordinance, Building Code, CAO and SMP in making land use decisions on a site-by-site basis. Finally, Alternative 4 provides policies that address water quality, water quantity, wildfire protection, Critical Areas, excavation and grading, air quality, public land and aesthetics.

Discussion

Methow Valley Citizens Council

A. County-wide Provisions

Water Quantity

Harmonizing watershed and land use planning, ensuring legal and physical water availability, and protecting instream flows and senior water rights holders are critically important objectives of the Comprehensive Plan.

Preventing the sale of water rights to downriver development interests outside of the county is an important step toward achieving those objectives. Doing so would benefit county watersheds and allow for more options to support local agriculture and appropriately sited development. This alternative includes the following specific measures to achieve these objectives:

- Encourage and support efficient water use and transfer of saved water to towns and designated growth areas.
- Discourage the transfer of water from agricultural and industrial uses to rural residential development outside of towns and designated growth areas.
- Approve only developments that comply with the adopted instream flow rules for each watershed.
- Support water banks and exchanges to allow development in designated growth areas where water is not legally and physically available consistent with instream flow rules and water law, and consistent with adopted land use plans and zoning ordinances.
- Support establishment of water banks or exchanges, administered by independent non-profit entities, that can buy or accept water in trust for reallocation for agricultural or residential purposes within the County.

Water Quality

- Scale density and land use to protect surface and ground water quality.
- Limit impervious surfaces and require vegetation retention to filter and infiltrate storm water runoff.
- Require septic system design that will protect groundwater, especially over aquifer recharge areas.

Wildfire Protection

Wildfire will continue to threaten and destroy homes in the county, and especially in the Wildland Urban Interface areas. The insurance sector may refuse to insure some dwellings or raise rates so high that homes become uninsurable. While personal responsibility is an essential part of fire prevention, county government has an important role in land use planning so that risk to families and first responders is reduced.

- Adopt an appropriately scaled modification of the International Wildland Urban Interface Code, to address new subdivisions, new roads and new building permits.

Methow Valley Citizens Council

- Support programs that provide incentives to retrofit and “harden” existing homes and subdivisions in high risk areas.
- Update the Community Wildfire Protection Plan with meaningful actions to reduce risks to life and property.
- Areas with one-lane roads or only one way in and out, and areas where the fire districts do not have the ability to serve more development, will be designated and zoned for the lowest rural densities or as Natural Resource lands.
- Primitive and remote gravel road rights of way will be retained by the county and designated for fire escape routes and public land access.

Rural Designations

Lands designated as Rural Lands include lands suitable for different kinds of uses, including residential development, limited commercial services, agriculture, and rural living. This alternative includes up to four Rural designations (e.g. Residential, Resource, Transitional, Remote) to recognize areas within the Rural environment with unique attributes, avoid conflicting uses and protect rural assets.

Unlike Alternatives 1-3, which rely heavily on zoning for guidance, this alternative applies policies in the Comprehensive Plan about each Rural land use designation, its intent, the densities and types of uses allowed. It provides clear policy guidance for development of the implementing zoning ordinance.

- The existing mix of agricultural and resourced based activities, recreation, and tourism are recognized for the diversity they provide to the economic base. A mix of residential densities should be allowed to provide an adequate inventory of housing sites for those seeking a rural lifestyle and to provide worker housing in proximity to employment providers.
- Each designation will recognize the varied attributes of the rural landscape that determine the land’s ability to support residential density and other land use activities.
- Each designation will assign appropriate density as well as permitted and conditional uses to avoid incompatible and nonconforming use conflicts.
- The District Use Chart in the zoning code will be amended to harmonize compatible uses with permitting requirements.

Critical Areas

- Update the Critical Areas Ordinance within six months of passage of the zoning code.
- Amend the comprehensive plan to incorporate the updated CAO as soon as it is complete.
- Protect Aquifer Recharge Areas: areas that have a recharging effect on aquifers that provide drinking water shall have a density of no more than one dwelling per five acres outside urban growth areas.
- Maintain wildlife corridors when creating new lots.

Excavation and Grading

There is no permit required for, and virtually no environmental review of, excavation and grading projects in Okanogan County. This lack of review can result in poorly planned projects, unsightly road cuts on steep slopes, subsequent sedimentation of streams, roads too steep for fire trucks, and agricultural land re-grading that creates dust levels that impair air quality.

Methow Valley Citizens Council

- Provide for adoption of a Clearing and Grading ordinance to reduce the impacts of clearing and excavation.

Agricultural and forest land conservation

Agricultural land conversions impact the rural character of the county, as well as reducing incomes and employment provided by local farming and ranching and increasing reliance on outside sources of food and other agricultural products.

- Designate as agricultural and forest land of long-term commercial significance land that is used for agriculture and forest, that is not used for urban development, and that has long-term commercial significance for these uses.
- Lands designated as Resource Lands indicate areas where the county will promote long-term, commercially viable agriculture, forest, and mineral uses and will discourage intensive residential, commercial, and industrial development.
- Support state and federal incentives to conserve farmland including voluntary, market-based conservation easements.
- Support additional incentives to conserve farm and forest land.

Air Quality

The Okanogan and Methow Valleys regularly experience impaired air quality caused by wood stoves and open burning. Poor air quality is most apparent in the winter from uncertified wood stoves, and in the spring and fall from open burning.

- Provide incentives to heat new homes with devices other than wood stoves, especially in airsheds that experience poor winter air quality.
- Encourage programs that assist-low income residents of the airshed to convert from uncertified stoves or fireplaces to pellet stoves, propane, certified stoves, or other affordable heat sources that do not cause air pollution.
- Discourage open burning and support alternatives such as making neighborhood chipping available for a modest fee.

State Land Purchases

State lands are an important resource for recreation and grazing, contributing to the economy of the Okanogan County with opportunities for hunting, fishing, birding, skiing, mountain biking, and other activities. In Okanogan County, residential tax revenues cover only about 7% of the cost to provide services to new dwelling units. Land purchased by state agencies and land trusts save the county and other local governments substantial amounts of money in avoided costs for services. The county also receives some payments in lieu of taxes for state conservation lands. Land purchases by state agencies and land trusts are agreements between willing sellers and willing buyers.

- Support state land purchases from willing sellers when the purchase will reduce costs for the county and other service providers and protect fish and wildlife habitats, maintain or enhance public access, or provide other public and community benefits.

Methow Valley Citizens Council

Recreation

Many areas of Okanogan County rely heavily on the tourist industry, which is directly reliant on recreational opportunities and the natural beauty of the area. Both residents and tourists benefit from the county's recreational opportunities and natural amenities. Open space is an important component of the natural environment and supports natural systems, aesthetic, recreational and economic resources in the rural landscape.

- Open space land in Okanogan County is minimally developed land including critical areas, parks and recreational land, wildlife corridors, historic sites, resource lands and conservation areas.
- Specific sites should be identified as an important part of the parks, recreation and open space system, based on public interest or on the need to ensure the integrity of overall open space corridors.
- Identification, mapping and additional research will continue over time to identify and support parks, recreation and open space corridors.
- Okanogan County's vision is to provide a mix of parks, recreation and open space that complements community character, creates diverse opportunities for residents and visitors, and preserves ecological functions.
- The County will focus on creating connectivity to existing opportunities, developing partnerships, and coordinating the process at the regional scale for the many planning activities that are cross-jurisdictional. Access and connections to the many federally owned lands are a vital aspect of the overall park and recreation system.

B. Methow Valley Watershed Provisions:

Since the adoption of the original Methow Review District, the Methow Valley from Early Winters to Gold Creek has been zoned for less density than the rest of the County. This has resulted in higher land values generally, and an influx of new full-time and part-time residents enjoying recreational opportunities and a rural lifestyle. The lower Methow from Gold creek to the mouth of the river is an integral part of one watershed, with the same rural qualities of open space, working lands and scenic views supporting the valley's tourism economy. To preserve this economic engine for the county in the face of increased growth, the following provisions should be incorporated into the comprehensive plan and zoning Code.

Respect the public process when designating and zoning land

In 2014, three properties in the Methow Valley More Completely Planned Area (MVMCPA) were rezoned to higher densities without adequate public notice or opportunity for public comment. The stated justification was to make zoning density within parcels consistent when zone maps split a parcel. Rather than conform all properties to the lower density zone (R-20), they were conformed to higher densities (R-5) without adequate public notice and without evidence that water is physically and legally available to support higher densities.

- Restore Rural designation (and underlying zoning) of these properties to R-20, the density the public understood was going to be adopted.

Ridge-top Buildings

New homes built close to the edge on ridge tops are often in harm's way, subject to extreme winds, wildfire

Methow Valley Citizens Council

and other hazards. These homes and their outdoor lighting also interfere with natural aesthetics from many directions, often from miles away.

- Provide for an ordinance allowing overlays to limit ridgetop development in appropriate locations.

Outdoor Lighting/Dark Skies

The Methow Valley has prided itself on maintaining a rural atmosphere, where lighting does not impair views of the dark night sky or glare into the homes of others. Increased development in towns and rural areas has brought an increase in light pollution, and the problem will only worsen with development expected during the coming years. The Dark Skies initiative, which has been embraced by the Okanogan County Electric Cooperative, is a simple way to increase awareness of and reduce light pollution issues.

- Provide for an ordinance allowing overlays that require new buildings and parking to achieve Dark Sky compliance in appropriate locations.

Thank you for taking the time to consider our comments and proposal for Alternative 4. We look forward to working with you to finalize an updated comprehensive plan that addresses our county's emergent needs, upholds our area's environment and rural character, while serving our growing residential population.

Sincerely,



Jasmine Minbashian,
Executive Director

CC: Sage Park, Department of Ecology
Tim Trohimovich, Futurewise
Shona Voelkers, Yakama Nation
Okanogan County Commissioners
Jim Brown, WDFW
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