

The Methow Valley Citizens Council



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October 13, 2017

The Honorable Chris Branch
The Honorable Andy Hover
The Honorable Jim DeTro
Board of Commissioners for Okanogan County
c/o Ms. Laleña Johns, Clerk of the Board
123 5th Ave N Ste. 150
Okanogan, Washington 98840

Ms. Roxanna King
Okanogan County Office of Planning & Development
123 5th Ave. N, Suite 130
Okanogan, Washington 98840

Dear Chair DeTro, Commissioner Branch, Commissioner Hover, and Ms. King:

Subject: Comments for Revisions to Okanogan County's Comprehensive Plan

Thank you for the opportunity to provide comments on revisions to the Okanogan County Comprehensive Plan. The mission of the Methow Valley Citizens Council (MVCC) is to raise a strong community voice for the protection of the Methow Valley's natural environment and rural character. Our previous comments and attachments regarding the Comprehensive Plan adopted in 2014 are incorporated by reference. We also incorporate by reference the comments submitted by Futurewise. We appreciate that the Board of County Commissioners (BOCC) has decided to revise the 2014 Comprehensive Plan and support the effort to improve policies related to Okanogan County's plans for growth and development.

Summary of Recommendations

1. Make a schedule and organize the Plan to focus on transparency
2. Revise the Vision Statement and Planning Objectives to emphasize the importance of agriculture, recreation, natural resources, and water
3. Set policies to protect our ground and surface water in the Land Use Element section as required by law
4. Support wildfire safety in the Wildland Urban Interface (WUI) in the Land Use Element section
5. Protect agriculture by proper designation of Natural Resource Lands
6. Update the Circulation Element to provide for the true public investment costs of implementing the Plan
7. Complete the update of the Methow Valley More Completely Planned Area (MVMCPA)
8. Fix "clerical" errors, standardize naming conventions, and update maps

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1. Make a schedule and organize the Plan to focus on transparency

The Comp Plan is an opportunity for the BOCC to articulate a vision for growth and for the future. With the goal of giving citizens the opportunity to provide meaningful input, we encourage the County to pursue the revisions of the 2014 Comprehensive Plan by standardizing the structure of the new Plan and providing information on the process and schedule that will be used to make the revisions.

We encourage the County to follow a standard structure for its revised Comprehensive Plan.

The structure of the existing plan makes it difficult to determine how each element is specifically responsive to the requirements of law. Similar to other counties' Comp Plans, each section of the revised Plan should follow the naming conventions in State law. This will increase transparency and demonstrate how the County is addressing each of the State Law's required elements and designations.

With the goal of achieving transparency, we respectfully request that the County provide a schedule for the Comprehensive Plan update.

The schedule should demonstrate how the County will meet its commitment to adopt a new ordinance by December 2018. The schedule should also describe the process for updating the Comprehensive Plan, with clear milestones including the following elements at the least: the EIS Scoping, DEIS and FEIS publishing dates, Planning Commission involvement, and where citizen engagement is requested. Once comments are received, issues should be tracked with a decision log so there is clarity on what has been accomplished and the items that are still in need of resolution.

2. Revise the Vision Statement and Planning Objectives to emphasize the importance of agriculture, recreation, natural resources, and water.

The Vision Statement and Planning Objectives outlined in the current Plan focus on protecting property rights but fail to explain the County's strategy for managing future growth and complying with state-mandated planning laws. In general, it is difficult to discern a coherent planning concept in the current Plan. Although Plan goals are referred to in the text, there is no set of goals labeled as such. The Plan tells us little about how it will use land use planning, zoning and other regulatory powers the County possesses to manage growth while also meeting statutory requirements—such as protecting the quality and quantity of groundwater used for public water supplies.

We urge the BOCC to use the Vision Statement and Planning Objectives to articulate Okanogan County's unique natural, physical, economic and regulatory constraints, and identify how the county will respond to such constraints to achieve goals within the framework of the Plan.

This vision for future growth should include among natural constraints acceptance of science that predicts a future including climate change: more wildfire, more flooding, less snowpack, and periods of extended drought. The vision statement and planning objectives should also include among regulatory constraints current law on water availability, Washington State Supreme Court rulings and Instream Flow Rules.

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3. Set policies to protect our ground and surface water in the Land Use Element section as required by law

The current Plan ignores documented water resource limitations and fails to meet its state-mandated obligation to “protect the quality and quantity of groundwater used for public water supplies.” In previous comments, we indicated concern about planned growth exceeding the capacities of water resources and depleting aquifers and the need to ensure that zoning densities can be matched by available water. The Methow Watershed Council commissioned a study by Aspect Consulting (Attachment 1) indicating that there is no water for 1,092 existing undeveloped lots in the Lower Methow Reach and there would be more than 20,000 lots without water under existing zoning.

We recommend that in the revised Comprehensive Plan, the County show how it will obtain, utilize, and keep current the necessary data and processes to determine legal and physical water availability.

We understand that information presented at the “omnibus” hearings in February 2017 began the process of gathering information about available water. However, it is unclear how this information is being used to inform individual or larger scale decisions. No report or findings have been issued that indicate the weight to be afforded to studies or other evidence presented, how conflicts among evidence have been resolved, or how determinations will be made in sub-basins for which there is scant data available.

We recommend that the County commit to developing a method, using guidance and technical assistance from the Department of Ecology (DOE), to quantify and then manage our limited water supply.

The Comprehensive Plan should articulate the assumptions that will be used, identify the steps needed to complete the work, and clarify which regulatory processes will be used. As one of the assumptions about future water supply, the County should commit to using the best available science regarding likely reduced snowpack and drought to inform decisions about future water supplies and growth. We encourage the County to continue to coordinate with DOE to finish the important work of quantifying our available water so it can be managed efficiently and transparently.

In the Land Use Element, the County should commit to matching anticipated growth with available water.

We suggest the following language be incorporated into the Land Use Element:

- “The densities adopted in this Comprehensive plan and all subsequent zoning and subdivision codes shall be consistent with available water supplies.”
- “Proposed increases in density shall be approved only if sufficient water is both legally and physically available and water use associated with the planned density will not impair required minimum instream flows and senior water rights.”

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- “The sources of water for building permits and subdivisions of land shall not impair required minimum instream flows and senior water rights.”

The Plan should include language that supports protective measures for Shorelines and Critical Areas.

The revised Plan should identify the regulatory mechanisms that will be used to implement these protective measures (e.g. Zoning, Shoreline Master Program, Critical Areas Ordinance, Subdivision Ordinance).

The revised Comprehensive Plan should also encourage water use efficiency in agriculture and ensure sufficient water to maintain a strong agricultural industry in Okanogan County.

4. Support wildfire safety in the Wildland Urban Interface (WUI) in the Land Use Element section

The current Plan ignores the lessons learned from the record 2014 and 2015 wildfires and floods. Large wildfires in the U.S. have increased 300 percent since the mid-1980's. Unfortunately, we must plan for more frequent and severe wildfires in the future as this a trend that is predicted to continue throughout the West, including Okanogan County. These fires highlight the need to act now to reduce future risks to public safety.

We recommend that the revised Comprehensive Plan incorporate the recommendations of the Okanogan County Community Wildfire Prevention Plan, first issued in 2006 and subsequently updated in 2013, along with policies and supporting measures to mitigate wildfires and related hazards.

Overlays identifying areas at risk for fires, landslides and flash floods can be developed from available data. These overlays should be used to develop zoning and subdivision ordinances with appropriate densities and designs for development that reduce wildfire and flash flood danger to the public. The Plan should recommend lower densities and prohibit or condition some uses in remote areas to promote wildfire safety.

5. Protect agriculture by proper designation of Natural Resource Lands

Under the Growth Management Act, Okanogan County was required to designate agricultural lands of long-term commercial significance by September 1, 1991 (RCW 36.70A.060). The current Comp Plan designates Public Lands as “Agricultural Lands of Long Term Commercial Significance,” while designating most private agricultural lands as “Rural.” Current designations encourage development of 1-5 acre lots, apartments, and other uses not compatible with long term agricultural viability, nor the rural character historically associated with Okanogan County.

The negative impacts to agriculture and the local economy from the spread of subdivisions and suburban development into actively producing farms and orchards have been documented in the

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2007 Cost of Community Services study, prepared by the American Farmland Trust (Attachment 2) in partnership with the Methow Conservancy:

While residential land use contributes the largest amount of revenue, its net fiscal impact is negative. ...for each \$1 of revenue received from residential properties in fiscal year 2005, Okanogan County spent \$1.06 providing services to those lands. For each \$1 from commercial and industrial land uses, the county spent 59 cents providing services; for each \$1 received from farm, forest and open land, the county spent 56 cents; and for each \$1 received from other lands, the county spent 62 cents. (Page 1)

We recommend that the Plan include a policy that new commercial uses near agricultural lands need to be compatible with agriculture.

To achieve this policy, the Plan could recommend clustering residential uses and providing buffers from agricultural lands in a future Zoning code. The Plan should also identify tools and incentives to keep land in large parcels, including tax deferral programs.

6. Update the Circulation Element to provide for the true public investment costs of implementing the Plan

Under RCW 36.70.330 (2), a comprehensive plan must include: “A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan.” The Circulation Element of the 2014 Plan fails to show how areas planned for higher density development will be supported by the County’s road network and where roads will need to be improved. It fails to reflect or provide for the true public investment costs of implementation.

Further, the Plan does not show or explain how the proposed land use and road networks are correlated. The figure labeled ‘Okanogan County Transportation and Essential Public Facilities Map 3’ only shows the existing road network, not road improvements necessary to support development outlined on the land use map, Map 1, and Interim Zoning, Map 4.

The Plan should identify and plan for the necessary future capital investments needed to make road improvements to support development, based on the “functional classification system” described on pages 30 and 31.

Because many of the areas proposed for Rural 1 zoning on Map 4 are currently served by unpaved or Primitive roads, a higher level of capital investment may be needed to support development in these areas. In light of the demand for road service, the County should also take steps in the Plan to outline policies around closing and vacating roads that might provide access to services, public facilities and public lands, or provide emergency egress.

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7. Complete the update of the Methow Valley More Completely Planned Area (MVMCPA)

The “update” of the 1975 Methow Valley Comprehensive Plan that was adopted under “MVMCPA” as part of the 2014 Comprehensive Plan is not up to date or complete. There was clearly an effort in the first few pages of the document to add more current information and rename the planning area. After a few pages, however, there are blanks where new information should have been inserted, after which it reverts entirely to the 1975 version, except in name.

As a result, we find the MVMCPA document provides some utility by retaining goals and policies based on community values that are largely unchanged in the last 40 years. Unfortunately, the document is now out-of-date in its descriptions of the population, demographics, land use, economics and projections for the future. Further, the county-wide Zone Code that was concurrently adopted with the Comp Plan in 2014 is out of step with the policies and goals of the MVMCPA, including designation of natural resource lands and coordinating density requirements to protect surface and groundwater quality and quantity.

The information for the MVMCPA needs to be brought up to date, and the revised Comp Plan should identify steps to implement the with the goals and policies set forth for the MVMCPA.

Page 48 of the MVMCPA states, "Due to the time that has passed between original adoption and adoption of this More Completely Planned Area Plan, a new Advisory Committee will need to be appointed by the Okanogan County Commissioners consistent with Chapter 7 of the Okanogan County Comprehensive Plan." The revision of the Comprehensive Plan creates an opportunity to establish a new Advisory Committee to oversee the update of the MVMCPA and ensure consistency with community values. Future work on the Zone Code and other regulatory elements governed by the Comp Plan could focus on achieving compatibility with the policies and goals outlined in the MVMCPA.

8. Fix “clerical” errors, standardize naming conventions, and update maps

Below we have identified a number of items that should be addressed or “cleaned up” in the final document. If addressed, these fixes can increase transparency and ensure the public understands how terminology and related policies are consistently employed throughout the document.

- **Lines 72-78:** Eliminate language about “development related servitude.” These are not planning objectives, and appear to make the county unnecessarily vulnerable to claims of unauthorized “takings.”
- **Lines 95-97:** The statement that water resources on public lands supply the needs of the county for water gives an incomplete and inaccurate picture of where Okanogan County’s water resources for public water supplies are found. Please eliminate or appropriately contextualize in the Land Use Element section under protections of ground and surface water.
- **Lines 139-145:** Map 2 is not available on the website for public review (see comment below). Earlier versions of Map 2 did not show existing land use as implied here, but rather showed the existing zoning.

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- **Lines 146-151:** The text of the comprehensive plan includes a “Tribal Lands” designation, but the comprehensive plan map includes a mapped “Reservation” designation.
- **Lines 152-157:** Resolve inconsistencies between the text of the Plan and the designations on the Map. The text of the Plan provides that there are four categories that “constitute the entirety of the lands within Okanogan County and provide the framework for implementing the goals and policies of this Plan.” But the comprehensive plan map includes two other designations: “Resource” and “Mineral Resource.”
- **Lines 166-174:** Regarding “official controls will cover everything.” Please define and enumerate which official controls are meant here.
- **Line 186:** Please eliminate or change the language about mining being “encouraged” in all rural areas. It appears mining can occur anywhere in rural or resource designation lands with a conditional use permit, which sets the stage for incompatibility issues adjacent to rural residential neighborhoods. It would be preferable for the Plan to identify Mineral Lands of Long Term Commercial significance, consider tools for protecting such lands, and provide for buffering against incompatible adjacent uses such as residences and some businesses.
- **Lines 201-208:** Please clarify the comprehensive plan designation of “unincorporated towns.” Page 9 refers to unincorporated towns and the zoning includes zones for these areas, but there are no Comprehensive Plan designations for them, unless they are in the cities designation. The designation of these areas should be clarified. If there is not a Comprehensive Plan designation for the unincorporated towns, one should be added to the Comprehensive Plan and Comprehensive Plan Map. This would also be more consistent with Chapter 5, Unincorporated Towns and Neighborhood Commercial Centers Land Use.
- **Lines 292:** Please clarify what the density bonus is for, and describe how it helps the County reach specific goals in the areas where such bonuses are warranted.
- **Lines 295-296:** Any effort to reissue lost water rights could diminish our water supplies, leaving more private land unable to be supplied by a well. See comment 3 above.
- **Lines 366- 427:** The agriculture and forest designation criteria are unclear. Please include the criteria in the for designating these lands in the revised section of the revised Comprehensive Plan. RCW 36.70A.170 provides useful guidance on how to establish criteria for mineral land and natural resource land designations.
- **Lines 453-456:** The policy on mines is vague. It would appear mining could occur anywhere in rural or resource designation lands with a conditional use permit, and existing non-conforming mines would not be subject to regulation. Please clarify.
- **Line 546:** The reference to two rural designation districts is confusing. Please clarify which districts are being referred to and how other regulations will be used to affect density and permitted uses.
- **Lines 551-556:** Please fill in the blank reference.
- **Map 1.** Map 1 provided on the website is indicated as “Draft 3/5/2014.” Please provide the Final Draft for public review and comment
- **Map 2.** Map 2 was not provided for public review. Please provide the previously adopted Map 2 for public review and comment

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- **Map 3.** Map 3 provided on the website is indicated as “Draft 3/5/2014.” Please provide the Final Draft for public review and comment

We appreciate the opportunity to comment on this important document that guides the future of growth and development in Okanogan County. As always, we welcome questions and further discussion.

Sincerely,

A handwritten signature in dark ink that reads "Brian de Place". The signature is written in a cursive, slightly slanted style.

Brian de Place
Executive Director, Methow Valley Citizens Council

Attachments

Attachment 1: Aspect Study

Attachment 2: Cost of Community Service Study, Okanogan County