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OKANOGAN COUNTY  
PLANNING & DEVELOPMENT

March 21, 2016

To: Okanogan County Regional Planning Commission,  
Perry Huston, Director of Planning,  
Okanogan County Commissioners

From: Jessica McNamara, 1177 Pine Creek Rd., Tonasket, WA

Re: Comments to the DEIS for the Okanogan County Zoning Code and Map

After reviewing the proposed zoning code DEIS, I offer the following comments. These are in addition to those presented in my scoping comment letter of Nov 10, 2015, which I hope will also be considered since they still apply.

**Lack of Alternatives:**

The draft EIS offers only 2 alternatives, the current ordinance and that from the 1964 county zoning plan. This is insufficient for adequate environmental review. The earlier one acre minimum requirement district zoning was adopted by the county commissioners then as a way of coping with the task at hand, since they did not think it necessary at that time to do otherwise. Much of the county was in large acreages, the population was sparse and the chief occupation was agriculture. We have a much more populous and diverse county today and the pressures of unregulated development and land division require more than the token zoning now proposed, i.e., the boiler-plate pattern of one and five acre lots throughout most of the county.

An alternative based on comments and suggestions from environmental and other groups should be part of this DEIS. The MVCC has consistently offered many recommendations to the code. As well, the recommendations from the many neighborhood groups funded by the original \$125,000 grant from Dept. of Commerce to encourage community input would at least serve to show that there are other alternatives available.

Leaving the contributions of these groups out of the planning process is inexcusable. Although it is obvious that none of their suggestions have been followed, (nor would they ever be under the current county govt.), it is only fair to give them voice in a real "alternative". And when, and if, the county needs to make changes to reflect future conditions, as they promise to do in their five year review (DEIS, p.9) whoever is in charge then will have an alternative blueprint in hand which reflects the thoughts and wishes of the public rather than a very small segment of planners, their cohorts in the development and building industry, and the present county commissioners. (However, based on the fact that the county has taken over 9 years to revise the previous comp plan, it is hard to see how they'll manage to do periodic reviews every 5 years, especially if results of the review indicate substantive changes will need to be made.)

## General Comments

In the DEIS, "Magical thinking" serves to explain away the environmental impacts that will occur under the proposed zoning ordinance. Some examples:

### Density

Reference is made that 5 and 20 acre lots will be found in substantial portions of the county, thus making it appear that density levels from the one acre minimum in the 1964 plan will be greatly improved. (DEIS, cover letter). However, upon correlation of the maps to density levels, we note that with few exceptions the 20 acre zoning is found only on the public lands. The planners are using the public lands to make it appear that the one acre and five acre densities will be offset by the larger acreages, when in fact almost all private land in the county will have a rural density level that is highly questionable. An example of a more realistic definition of "rural" is found in Walla Walla county, also agricultural, which mitigates exempt wells in the WW watershed, but need only do so in a limited way, **"since only a small proportion is zoned "rural high density" (10 acres or less) and most rural areas are zoned 20 to 40 acre lots"**. (Dept. of Ecology, "Mitigation Options for the Impacts of New Permit-Exempt Groundwater Withdrawals", p.28).

To make the county's **rural** definition even more confounding is the fact that one acre "rural" will permit 2 structures, making it really 1/2 acre. And 5 acres can accommodate 5 structures, making it in effect also high density. Yet, the DEIS reassures us (DEIS, p.10) that septic tank requirements—two acre for a single well and septic tank-- will be the primary limiting factor on lot size. If this is so, then why not zone for 2 acre "rural" in the first place?

### Population Controls and Projections

DEIS assumes that potential growth will be low and dispersed, therefore the zoning plan and regulatory tools are adequate for environmental protection. But the assumption that population and growth will be dispersed over a large area is false and misleading. Actual growth can occur and is occurring in concentrated areas and can have a negative effect on water quality and quantity, loss of resource lands, wildlife habitat, and many other environmental factors. An example is the Aeneas Lake area 5 miles SW of Tonasket. This is a closed basin, dependent on water from Aeneas Lake and the Okanogan River. In addition to greatly increased residential development in the last 10 years there are now 3 large marijuana farms on the irrigation district as well. The Aeneas Valley is another example of a high density rural area without adequate controls over environmental impacts and there are many other large potential developments throughout the county waiting for the next economic surge.

The fact that land speculators continue to buy up land and then through "exempt segregation" plat it into 20 acre lots or less, while continuing to keep the open space agricultural tax benefits, is indicative that development will continue. The SFI Holdings Co. for example owns 5456 acres of land, much of it near Tonasket. 4707 acres of this are in ag open space classification, so the company gets an annual tax write-off of over \$50,000 dollars. Since most of this land is zoned 1 acre density, the potential for environmental impacts when it is finally developed....which it assuredly will be eventually---the environmental impacts will be considerable. None of these impacts were considered in either the zoning plan or the DEIS, only that these developments will be reviewed on a project basis.

## **Regulatory Controls and Environmental Protection**

The DEIS placates us with the assurance that the county's current regulatory mechanisms in respect to critical areas, shorelines, and water quality and quantity will function to mitigate any negative environmental impacts. Yet unless there has been a major shake-up in the Planning Dept, one judges by previous experience (involvement in an appeal to limit a large local subdivision) that the county will do the minimum necessary. The county cites RCW 90.44.050 and the Campbell Gwinn and other court decisions as their criteria for oversight of exempt well drilling. Yet in the past they have ignored these restrictions in permitting developments such as the Martini Trust, south of Okanogan; Horizon Estates, N. Pine Creek; and the Tonasket Homesteading Development near the Tonasket airport, as well as others. In none of these was the exempt rule regarding subdivisions followed by county administrators, forcing a neighboring land owner in one case to go to court to protect his senior water rights.

The Planning Dept. has not established a valid track record that justifies their contention that regulatory controls will prevent significant environmental harm. As far as conditional use permits, I believe the Planning director stated that only one had been turned down in his entire time as director. What does that portend for the possibility that any restrictions on questionable practices in neighborhoods and rural areas will apply in the future? To date there has been a distinct aversion in county govt. to any type of regulation. A previous commissioner said he was against zoning in airport districts as he preferred "to let the process play itself out". (Could this mean "let an airplane crash into a housing development before we worry about it"?)

It is very probably that this kind of thinking will continue, and we can take the assurances in the DEIS with whole shakers of salt.

## **Agriculture**

Water is indeed "the lifeblood of agriculture" (DEIS, p. 23), however the argument that designating an agriculture zone will limit its transfer from "one farm parcel to another" is hardly a justification for not doing so. The fact that the only agricultural zoning is almost entirely on the public (Federal and State) lands in a county that touts its agricultural heritage is a disgrace. Zoning large blocks of land currently in Ag and forest open space classification as 1 and 5 density "rural" will have much more negative effects on water supply for surrounding resource lands. This will occur especially with the use of numerous "exempt" wells and unregulated Group B water systems. (If current legislation passes, Group B wells in Okanogan county will no longer be under the supervision of the Health Dept.)

Another DEIS argument is that agricultural land will remain so because of the penalties incurred by switching to a higher tax bracket. This has not been an impediment to real estate developers. According to the Headwaters Report large ranches are being lost to developers and this pattern has been noted throughout the county. These properties can then be further subdivided into 20's, then one and five acre parcels, with subsequent loss of agricultural value, especially grazing, which requires large parcels. Yet no mention of this trend, or its negative impacts on agriculture are found in the DEIS, although WDFW land acquisitions are roundly criticized.

## **Aesthetics**

Aesthetics should have been considered in the environmental review. Aesthetics, or the unique scenic quality of the landscape, is what draws people here as tourists, recreationists and residents. 25% of the county is owned by out of county landowners. (If this number were included in the census the county

would probably top 50,000.) The type of large developments that high density zoning encourages will have a significant impact on the appearance of the mountains, forests, rivers, lakes and open land of the Okanogan country. Yet the DEIS' sole consideration is the height and bulk of buildings. Otherwise "no specific criteria have been identified for other aesthetic considerations".

### **Climate Change**

Nor is the fact that climate change, with its implications for serious drought, wildfire and possible population increases from people who have lost their homes due to seacoast flooding, mentioned. A serious lack in a seriously lacking and misleading document