The Methow Valley Citizens' Council

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PLANNING & DEVELOPMENT

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June 16, 2014

Perry Huston, Planning Director
123 5th Ave. North, Suite 130
Okanogan, WA 98840

RE: Comments on SEPA Checklist, Withdrawal of DS, and Issuance of DNS for proposed Okanogan County Comprehensive Plan and Interim Zoning Ordinance

Sent via e-mail to: phuston@co.okanogan.wa.us.

Dear Director Huston:

Thank you for this opportunity to comment and for the time you have spent on the Comprehensive Plan update. We believe the county was correct in its initial Determination of Significance for the proposed the County Comprehensive Plan and related documents and should thus prepare an Environmental Impact Statement for the current proposal.

A major thrust of the SEPA Checklist is devoted to minimizing the probable adverse impacts of the proposed Comprehensive Plan and Interim Zoning Ordinance by comparing them with the current 50-year old Comprehensive Plan and current pattern of growth. However, the County is responsible by law to disclose the absolute impact of the proposed Comprehensive Plan and Interim Zoning regulations, regardless of the nature of the existing environment. We are especially concerned about the pressing issues of water availability and protection of groundwater quality that remain unaddressed in these documents and will greatly influence the future of this county.

Because significant environmental impacts were not analyzed nor disclosed, withdrawal of the DS and issuance of a DNS violates the State Environmental Policy Act.

The Methow Valley Citizens' Council

We respectfully request that the SEPA decisions be remanded, that you proceed with due diligence to address inconsistencies, contradictions, and crucial omissions in the proposal, and that you prepare an adequate Environmental Impact Statement.

Very truly yours,

Maggie B. Coon

Maggie Coon
Chair, the Methow Valley Citizens' Council

MVCC incorporates by reference these documents:

* Notice of Appeal and Argument under OCC 14.04.220A.1, filed 5/27/14 by Futurewise and MVCC, along with attachments.

* All previous submissions by MVCC to Okanogan County during years 2009-2014 relating to the Comprehensive Plan update, SEPA determination, EIS, and related documents (Zoning, Shorelines, Critical Areas, and Subdivision ordinances) along with their attachments.

* MVCC's Comments on the proposed Comprehensive Plan and Interim Zoning Ordinance, dated June 16, 2014, including the attachments.

COMMENTS

1. The SEPA Checklist lacks information that is reasonably sufficient to evaluate the proposal's environmental impacts. Thus, it does not comply with SEPA. The checklist simply uses repetitive language postponing environmental analysis to the project review stage and assumes compliance with applicable standards. Compliance with relevant law is assumed.

2. The SEPA Checklist for the Comprehensive Plan update and Interim Zoning names as mitigating measures regulations that are not yet adopted. These include the updated Shoreline Master Program which is years behind schedule, the adoption of a Critical Areas Ordinance for which the county has missed its update deadline, resource protection codes, and protections for historic and cultural sites. The checklist includes the More Completely Planned Area documents for Sub Unit A and the Middle Methow (Subunits B, C, and D) as relevant, although the County's adoption of these "updated" documents is not scheduled until after County adoption of the Comprehensive Plan itself has occurred. For example, on p. 16 of the Comprehensive Plan Appendices A and B are apparently relied upon to show that sufficient

Resource Lands have been designated; but these More Completely Planned Area plans are not scheduled for adoption until after the Comp Plan has been adopted. In addition, these More Completely Planned Area documents are still outdated. They address major development projects that are no longer proposed, such as the Arrowleaf resort. The County has not done its job in updating, although the Comprehensive Plan update has been underway for 7 years. The SEPA Checklist does not disclose the impacts that will occur if any of these plans and mitigation measures are adopted late or never adopted at all.

3. The claim that the Comprehensive Plan per se will have no specific effect ignores the Interim Zoning and the impacts it will cause. The SEPA Checklist for the comprehensive plan update and interim zoning asserts the "Comprehensive Plan per se will have no specific effect." However, this statement ignores the interim zoning with its long lists of permitted uses, including high-density apartments and the new statewide maximum SEPA exemption thresholds the county recently adopted. The almost identical range of uses across the R-1, R-5, and R-20 zoning fails to differentiate the variation in needs and impacts in these various zoning categories. The "no specific effect" statement ignores WAC 197-11-060(4)(d), stating that the "adoption of a zoning ordinance will encourage or tend to cause particular types of project." It also ignores the Spokane County court's command that "for a nonproject action, such as a comprehensive plan amendment or rezone, the agency must address the probable impacts of any future project action the proposal would allow." (See MVCC/Futurewise Appeal of 5/27/14.)

4. Inconsistencies within and among the included maps and keys to maps, text of the Comprehensive Plan, and text of the Interim Zoning document (including the District Use Chart) make evaluation of the environmental impact of the proposal impossible to evaluate for an adequate Threshold Determination. Examples include, but are not limited to:

A. Conflicts from maps to text exist – One example is the conflicts between text description of R-1, R-5, and R-20 zones and the Zoning map, along with Transportation maps which show county "minor" and "major" but no "arterials." The verbal descriptions of these zones do not seem to coincide with the Zoning map, which shows R-1 zoning in very remote areas with dirt and gravel roads leading to hayfields and public lands.

B. Ambiguities from map to map exist. Comparisons of the Methow Review District Sub Unit maps and Interim Zoning ordinance map reveal differences that could cause confusion as to whether some areas are in 5 acre or 20 acre zoning. In addition, properties designated for R-1 zoning (one acre minimum) on the Zoning map show up on Forest Service maps as being far from services and accessed by dirt or gravel roads (and by a jeep trail in at least one instance.) Many of these properties also appear on such detailed maps to be significantly more than one mile from anything that could be considered a county "arterial," the criterion for R-1 zoning.

C. Conflicts exist between the text of the District Use Chart, Rural-1 text, and the Zoning map regarding whether or not agriculture is allowed in rural areas.

D. Zoning maps do not coincide with verbal descriptions of these zones, such as the consideration of how far properties in these zones are from services such as grocery stores. Properties far away from such services are mapped as in R-1, one-acre zoning. Areas in narrow valleys with dead-end one-lane roads with steep, heavily forested hillsides are designated for 5-acre zoning when the resultant fire situation with this density of development could be disastrous.

5. Withdrawal of the DS violates SEPA because the proposal has significant environmental impacts that were not analyzed and disclosed in the SEPA checklist. A DS is to be withdrawn and a DNS issued instead if at any time after the issuance of a DS a proposal is changed significantly. If, in the judgment of the lead agency, there are no probable significant adverse environmental impacts, the DS shall be withdrawn and a DNS issued instead. This description of appropriate DS withdrawal does not fit the facts in this case.

6. The Comprehensive Plan and Environmental Checklist have crucial omissions which prevent an accurate analysis of impacts. Some examples of lacking elements include, but are not limited to:

A. Description of any protective provisions for Wellhead protection zones. These zones are marked on the Transportation Map, but there is no description of what "Wellhead Protection Zone" refers to in this county.

B. Any definition for "county arterial" or description of methodology in measuring the distance from a county arterial, which is used to designate the zoning for properties in R-1, R-2, and R-20 into their categories. (Is distance measured by road travel, or "as the crow flies?")

C. Description of what fiscal impact will arise from development encouraged by the Comp Plan and Interim Zoning ordinance in rural areas. This is particularly in relation to remote areas planned for 1-acre or 5-acre development which are on dirt and gravel roads, far from services such as grocery stores. Uses in these areas include multi-family dwellings. The cost of upgrading and maintaining roads, aside from needs for delivery of electricity and possibly sewage disposal systems, is not addressed. A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects; or extension of sewer lines would tend to encourage development in previously unsewered areas. None of the documents in question address the fiscal impacts of these broadly applicable zoning provisions that apply across all the Rural zoning categories.

D. Much information regarding the changes in climate and predictions for our area has become available in the past few years, and certainly since the Comprehensive Plan of 1964 was issued. Differences in climate will affect the already overallocated water supplies in the County but are not addressed in any discussion of planning needs or related impacts.

E. The Circulation Element is totally lacking in substance. A transportation plan should guide the Comprehensive Plan, but there is little in the Circulation Element to provide this guidance. How will roads support growth? What impact will there be from new roads? What will be the need for capital projects? Although the Commissioners are in the process of passing an ordinance giving blanket approval for All Terrain Vehicles on all county roads with speed limits of 35 mph and under, including roads crossing public lands, this is not addressed in the Circulation Element at all; nor are the impacts of such a sweeping proposal addressed.

F. Where are the Forestry and Agricultural Resource Lands located, and how many acres are included in each designation? Although there are two maps dealing with "Land Use Designation" and "Current Land Use," there is no map that clearly shows where the Comp Plan designates Resource Lands of Long Term Commercial Significance, as required. On the Land Use Designation Map, the approximate locations of current mines are located. But where are the Resource Lands for Forestry and Agriculture? No text is clear enough to help identify these Resource Lands either. What portion includes public lands? What portion includes private lands? To present a list of "priority uses" in some of the zoning designations does not assure that these lands will not be used for other purposes in these designations than forestry or agriculture. Many uses are allowed in the Rural Resource/Low Density lands other than agriculture and forestry. What land has actually been set aside by the County for Agriculture and Forestry? How can it be determined from the information provided whether the amount of land designated is sufficient for future needs in uses such as orchards, cattle, forest industries, and agricultural crops?

7. The overallocation of water in the Methow Valley and other drainages in the County is a pressing planning issue and must be addressed in the Comprehensive Plan. The Checklist fails to reveal the significant impacts of this failure to address available water. The Methow Watershed Council has predicted that a minimum of 1,092 lots to a maximum of over 24,000 lots are at risk of having no water available for future development in the Methow's Lower Reach (Beaver Creek to Pateros.) Recent changes in our local climate make effective water planning even more urgent. Who will get the water? What conservation provisions could be employed to avoid closures? What values and policies will set the direction for our county in such decisions? The lack of policies to set the direction for our county in relation to water will be responsible for huge impacts not addressed in the Checklist.

8. The Plan fails to meet its state-mandated obligation to "protect the quality and quantity of groundwater used for public water supplies," and the Checklist fails to adequately address the impacts of this failure. Critical recharge aquifers are not identified in the Plan, nor are any plans for their protection revealed; the Critical Areas Ordinance, which also deals with aquifers, is long overdue in its adoption. Locations of suggested Wellhead Protection Zones for public water supplies are marked on the Transportation map, but protections remain unaddressed. The District Use chart allows such uses as acid manufacturing plants, asphalt plants, explosive manufacturing/storage and other potentially toxic uses over critical aquifers and Wellhead Protection Zones in all the Rural 1 acre, 5 acre, and 20 acre zonings – along with onsite septic systems.

9. The Checklist fails to address the impact resulting from new requirements in the Comprehensive Plan upon easements, dedications, and other "development related servitude." Conservation easements or property acquired by such organizations and agencies as the Methow Conservancy and WDFW have had huge and positive impact upon the environment of the county and particularly the Methow Valley. Yet the Comprehensive Plan refers to "dedication, easement, <u>or other development-related servitude</u> imposed on lands during a permit review" and declares that "such requirements shall not be imposed," unless a list of new requirements are followed (line 73, proposed Comprehensive Plan.)