

OKANOGAN COUNTY COMMISSIONERS

Ordinance 2021-13

An ordinance of the Okanogan Board of County Commissioners adopting the revised Okanogan County Comprehensive Plan of November 4, 2021.

WHEREAS, Okanogan County adopted a comprehensive plan in 1964 in accordance with Revised Code of Washington (RCW) 35.63.090 (1935), and

WHEREAS, the Okanogan County Board of County Commissioners approved Resolution 119-2014 adopting an updated version of the 1964 Okanogan County Comprehensive Plan along with the adoption of a land use designation map, essential facilities map, findings of fact, and conclusions of law, and

WHEREAS, the Okanogan County Board of County Commissioners reaffirmed the adoption of the Okanogan County Comprehensive Plan of 2014 with Resolution 31-2015, and

WHEREAS, Special interest groups sued Okanogan County arguing the 2014 comprehensive plan and DEIS were unlawful, and

WHEREAS, the Okanogan County Board of County Commissioners directed that the 2014 comprehensive plan be reviewed and updated in accordance with RCW 36.70 Planning Enabling Act and applicable portions of RCW 36.70A Growth Management Act, and

WHEREAS, the Planning department staff and Planning Commission engaged in a period of review and deliberation beginning in 2015 that included a series of public hearings, and comment periods, and subsequently transmitted a final comprehensive plan, FEIS, comment matrix response on the DEIS, comments on the comprehensive plan of 2021, recitals/findings of fact, and recommendation to adopt the plan along with Alternative 3 and associated map to the Board of County Commissioners on December 28, 2021, and

WHEREAS, The Okanogan County Board of County Commissioners held a public meeting on December 29, 2021 to consider the recommendation of the Planning Commission, consider adoption of the recitals/findings of fact, and consider adoption of Alternative 3 and associated map, and

WHEREAS, outside legal counsel reviewed drafts of the updated comprehensive plan and amendments for legality before the Planning Commission made its recommendation to the Board of County Commissioners, and

THEREFORE BE IT RESOLVED, Okanogan County finds the updated comprehensive plan and amendments comply with the Planning Enabling Act and applicable requirements of the Growth Management Act, and adopting the plan would be in the public interest.

BE IT FURTHER RESOLVED, The Okanogan County Board of County Commissioners hereby accepts and adopts the Okanogan County comprehensive plan of 2021 along with the following attachments:

- A. Alternative 3 and associated map
- B. Recitals/Findings of Fact and conclusions of law
- C. Land Use Designation Map
- D. Essential Facilities Map

BE IT FURTHER RESOLVED, Resolutions 119-2014 and 31-2015 are hereby repealed.

DATED at Okanogan, Washington this 29 day of December 2021.

ATTEST:

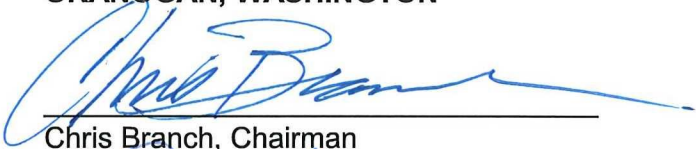


Laleña Johns, Clerk of the Board

APPROVED AS TO FORM:

David Gecas, Civil Deputy PA


**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**



Chris Branch, Chairman



Andy Hover, Member



Jim DeTro, Member

RECITALS

1. Okanogan County conducts planning activities in accordance with Chapter 36.70 of the Revised Code of Washington (RCW), the Planning Enabling Act.
2. The Planning Enabling Act requires that each planning agency shall prepare a comprehensive plan for the orderly physical development of the county, or any portion thereof, and may include any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county.
3. The Planning Enabling Act further provides that, when it deems it to be for the public interest, or when it considers a change in the recommendations of the planning agency to be necessary, the Board of County Commissioners may initiate consideration of a comprehensive plan, or any element or part thereof, or any change in or addition to such plan or recommendation.
4. Okanogan County does not plan under the Growth Management Act (Chapter 36.70A RCW), but applies the guidelines adopted under the Growth Management Act for designating resource lands and critical areas.
5. Okanogan County's Comprehensive Plan was first adopted by the Okanogan County Board of County Commissioners in 1965 and amended most recently in 2014.
6. The Board of County Commissioners initiated consideration of amendments of the 2014 Comprehensive Plan shortly after its adoption as a result of appeals.
7. Okanogan County published draft Comprehensive Plan amendments, initiated a State Environmental Policy Act (SEPA) scoping period in November 2018, and prepared a draft environmental impact statement in 2019 (DEIS).
8. After considering public comments on the 2018 draft Comprehensive Plan amendments and the 2019 DEIS, the County decided to issue a revised draft Comprehensive Plan. The process for revision began immediately through open public meetings with the Planning Commission.
9. On April 7, 2021, the Planning Commission met in a special meeting to consider the four alternatives. The Planning Commission added the following sentence from Alternative 2 to Alternative 3, "The county will promote long term commercially viable agriculture, forest, and mineral uses". The modified Alternative 3 was adopted along with the associated map for Alternative 3; the map did not require alteration.
10. The Planning Commission held a workshop on October 25, 2021 to consider further revisions to the Comprehensive Plan ("2021 Draft Comprehensive Plan"). At that workshop, the Planning Commission recommended the following changes to the 2021 Draft Comprehensive Plan:
 - a. Reordered sentences on pages 6 and 28 to begin paragraph with: "This land also supports the agricultural and natural resources-based activities that are important to the local economy."

- b. Correct typographical errors in labeling of General Land Use Goals and Objectives.
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- 11. The 2021 Draft Comprehensive Plan, including the Planning Commission's October 25, 2021 recommendations, was published on November 4, 2021. The 2021 Draft Comprehensive Plan was posted on the County website.
 - 12. A notice of public hearing for the 2021 Draft Comprehensive Plan was published in the Okanogan Valley Gazette-Tribune and Methow Valley News by Sound Publishing on November 10 and 11, 2021 and posted on Okanogan County's website. The notice stated that the deadline for submitting comments on the Comprehensive Plan was November 29, 2021 at 12:00pm and announced a hearing to be conducted on November 29, 2021 at 6:00 p.m.
 - 13. A DEIS entitled "Draft Environmental Impact Statement of Okanogan County Comprehensive Plan" was issued on November 10, 2021.
 - 14. A public hearing on the 2021 Draft Comprehensive Plan and the 2021 DEIS was held on November 29, 2021.
 - 15. The County accepted public comment on the 2021 Draft Comprehensive Plan and the 2021 DEIS at the November 29, 2021 hearing.
 - 16. Although the public comment period of the 2021 Draft Comprehensive Plan closed on November 29, 2021, as provided in the notice for the Draft Comprehensive Plan, due to public confusion regarding the deadline, the Planning Commission accepted public comment on the 2021 Draft Comprehensive Plan through December 10, 2021.
 - 17. The written comment period for the 2021 DEIS closed on December 10, 2021. A Final EIS was issued on December 22, 2021.
 - 18. The Planning Commission held a special meeting on December 27, 2021, at which the Planning Commission considered the Final EIS, as well as staff recommendations, Tribal government comments, public comments and agency comments on the 2021 DEIS and the 2021 Draft Comprehensive Plan.

RECOMMENDATION CRITERIA

- 19. In order to approve the proposed update to the Comprehensive Plan, Okanogan County must find that the amendments:
 - a. Conform to the requirements of the Planning Enabling Act and to the applicable requirements of the Growth Management Act; and
 - b. Are in the public interest.
- 20. The Planning Commission finds that the proposed updates to the Comprehensive Plan as reflected in the 2021 Draft Comprehensive Plan conform to the requirements of the Planning Enabling Act, conform to the applicable requirements in the Growth Management Act, and are in the public interest.

Population Projections

21. The purpose of the 2021 Draft Comprehensive Plan is to present a vision for the future, with long-range goals and objectives that provide a framework for growth and development over the next twenty (20) years.
22. Okanogan County's estimated 2020 population was 43,084.
23. The Office of Financial Management (OFM) produces population forecasts. The forecasts are provided as a range of low, medium, or high growth. The low growth population projection for Okanogan County for 2040 is 38,493; the medium projection is 45,621; the high projection is 57,894.
24. The 2021 DEIS concluded that there are a sufficient number of existing developable lots within Okanogan County to accommodate the growth expected in the twenty-year planning horizon of 2020-2040, regardless of which OFM growth scenario occurs.
25. The medium population growth scenario represents the most likely growth scenario, and the Comprehensive Plan adopts the medium population growth scenario.
26. Therefore, in accordance with RCW 36.70.330(1), the 2021 Draft Comprehensive Plan estimates future population growth in the area covered by the 2021 Draft Comprehensive Plan, and the correlates estimate population growth with the land use element of the 2021 Draft Comprehensive Plan.

Economic Development Element

27. RCW 36.70.350(11) allows the Planning Commission, as a part of a comprehensive plan, to prepare, receive and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical development of the county.
28. Economic development relates to the physical development of the County and is properly included as an element of the 2021 Draft Comprehensive Plan.
29. The Economic Development Element was added to the 2021 draft Comprehensive Plan establishing local goals, policies, objectives, and provisions for economic growth and vitality including a high quality of life.

Environment and Natural Resources Element

30. RCW 36.70.350(1) provides that a comprehensive plan may include a conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, water sheds, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources.

31. The Environment and Natural Resources Element of the 2021 Draft Comprehensive Plan addresses the conservation, development and utilization of natural resources, including shorelines, water resource inventory areas, water, wildfire, and critical areas.
32. Applicable provisions of the Growth Management Act, RCW 36.70A.170, provide that the County must designate critical areas.
33. Okanogan County previously adopted critical area regulations, codified in chapter 14.12 of the Okanogan County Code, which designate critical areas. Okanogan County's critical areas regulations will be updated in the future to conform to the Comprehensive Plan following the adoption of the Comprehensive Plan.
34. The Environment and Natural Resources Element of the 2021 Draft Comprehensive Plan identifies designation criteria for critical areas consistent with WAC 365-190-030.
35. The Planning Commission received comments from Washington Department of Fish & Wildlife on the Critical Areas subsection of the Environment and Natural Resources Element of the 2021 Draft Comprehensive Plan, which recommended explicit reference to regulatory standards in WAC 365-190-130(1) and WAC 365-196-830(4)).
36. The Planning Commission recommends that CA-1.4 be modified to explicitly reference the standard set forth in WAC 365-196-830(4) as follows: "To achieve no net loss of the functions and values of the ecosystem, provide methods to avoid, minimize, and mitigate, when addressing critical areas, including innovative techniques such as wetland banking, vegetation management, clustered development, planned unit."
37. The Planning Commission recommends that CA-2.1 be modified to explicitly reference the standard set forth in WAC 365-190-130(1) as follows: "While maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and avoiding the creation of isolated sub-populations, balance the regulation of fish and wildlife habitat conservation areas with the needs of existing resource activities (agriculture, grazing, forestry, and mining)."
38. The Planning Commission finds that these changes to more explicitly reference to standards for designation of critical areas clarify the language of the Comprehensive Plan without changing its effect and are within the scope of alternatives considered in the DEIS.
39. The Planning Commission finds that inclusion of the statement "[r]eference locally developed existing habitat and species studies" amounts to a typographical or clerical error in the definition of Fish and Wildlife Conservation Areas definition in Section 5.6, and such statement should be removed.

Land Use Element

40. RCW 36.70.330(1) requires that a comprehensive plan include a land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for

the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

41. The land use element of the 2021 Draft Comprehensive Plan includes Map 1—the Comprehensive Land Use Map. The County considered three alternatives for Map 1, each showing the distribution and extent of the land use designations and overlays in the County, including the distribution and general location of land for agriculture, forest, mineral, rural resource, and neighborhood commercial centers.
42. The Planning Commission recommends the adoption of Alternative 3 for the Comprehensive Land Use Map because it directs growth towards cities, towns and their expansion areas, where: (a) utility services are already available, (b) development is more likely to be served by municipal water, (c) access and fire suppression response time may be better; and (d) growth impacts are already occurring.
43. The 2021 Draft Comprehensive Plan identifies Unincorporated Towns and More Completely Planned Areas as overlays to the land use designations. Two existing MCPAs—the Methow Valley More Completely Planned Area and the Methow Valley More Completely Planned Area Mazama Community Master Plan Sub Unit A—were adopted as part of the 2014 Comprehensive Plan. Prior to readoption of these plans, they will be revised after the adoption of the Comprehensive Plan to ensure that the land use designations and goals and policies within the Methow Valley More Completely Planned Area and the Methow Valley More Completely Planned Area Mazama Community Master Plan Sub Unit A are compatible with the goals and policies of the 2021 Draft Comprehensive Plan.
44. The 2021 Draft Comprehensive Plan adopts the City Expansion Areas developed together with incorporated cities in the County.
45. Protection of the quality and quantity of groundwater used for public water supplies is addressed in Sections 5.3.1 and 5.4 of the 2021 Draft Comprehensive Plan.
46. Estimates of future population growth in the area covered by the 2021 Draft Comprehensive Plan are addressed in Chapter 3 of the Comprehensive Plan.
47. Together with the Sections 5.3.1 (Water Resources Inventory Areas) and 5.4 (Water Rights) and Chapter 3 (Background and Population Projections), the Land Use Element of the 2021 Draft Comprehensive Plan meets the requirements of RCW 36.70.330(1).
48. The changes made to the 2014 Comprehensive Plan were warranted as a result of comments received in the adoption process and subsequent appeal documents to reach the desires of the community and address concerns brought forth during that process by the community.

Resource Lands Element

49. An applicable provision of the Growth Management Act, RCW 36.70A.170, provides that the County shall designate where appropriate: (a) agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products; (b) forestlands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber; (c) mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.
50. The Resources Lands Element of the 2021 Draft Comprehensive Plan identifies designation criteria for agricultural, forest, and mineral resource lands.
51. The 2021 Draft Comprehensive Plan includes Map 1—the Comprehensive Land Use Map. The County considered three alternatives for the Comprehensive Land Use Map, each showing the distribution and extent of the land use designations and overlays in the County, including the distribution and general location of land for agriculture, forest, mineral, and rural resources.
52. The Planning Commission recommends the adoption of Map Alternative 3, which designates approximately 24.9% of land as agricultural resources, approximately 54.1% as forest resource, and approximately .03% as mining resource. This alternative is supported because it follows only major transportation grids and does not extend into areas outside of fire districts or into critical areas. It relies on cities/towns and their expansion areas to serve most of the population growth which drastically cuts down on wells and onsite septic systems across the County. Alternative 3 desires larger lot sizes in resource designations to avoid conflict with agriculture operations and to minimize the risk to residential structures from wildfire. Alternative 3 relies on other regulations including the CAO and SMP, along with connection between density and available water to direct growth.
53. Table 4 of the 2021 Draft Comprehensive Plan, which describes the land use designations, should be updated to reflect the land use designations of Alternative 3.
54. The Planning Commission finds that the Resource Lands Element meets the applicable provision of the Growth Management Act, RCW 36.70A.170.
55. Since 2014 there had been several changes to regulation and water availability including the update of the WRIA 49 plan that warranted changes.

Recreation Element

56. RCW 36.70.350 provides that a comprehensive plan may include a recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development.
57. Okanogan County has elected to adopt a recreation element in the Comprehensive Plan (Chapter 8) as provided in RCW 36.70.350. This element is coordinated and consistent with other 2021 Draft Comprehensive Plan elements such as land use and transportation.

Circulation Element

- 58. RCW 36.70.330(2) requires that the Comprehensive Plan 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.
- 59. Map 2, the Circulation Map, depicts the location, alignment, and extent of major thoroughfares, major transportation routes, rail and power corridors, and airports in the County.
- 60. The Circulation Element addresses planning goals and objectives for regional transportation, local roads, airports, military training routes, and capital facilities.
- 61. The circulation element is correlated with the land use element of the 2021 Draft Comprehensive Plan.
- 62. The Planning Commission finds that the Circulation Element meets the requirements of RCW 36.70.330(2).

Supporting Materials

- 63. The Planning Enabling Act, RCW 36.70.330(3), requires that a comprehensive plan include supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the land use and circulation elements.
- 64. The Planning Commission finds that Maps 1 and 2, the charts included in the 2021 Draft Comprehensive Plans, and material incorporated by reference in the 2021 Draft Comprehensive Plan provide the extent of the materials needed to support the land use and circulation elements.

Public Interest

- 65. The goal of the Comprehensive Plan update is to engage in planning for growth over the planning horizon to serve the people of Okanogan County and comply with the Planning Enabling Act. Such planning is in the public interest.
- 66. The 2021 Draft Comprehensive Plan is in the public interest because it establishes goals and objectives to nurture and support business and industry.
- 67. The 2021 Draft Comprehensive Plan is in the public interest because it establishes goals and objectives to protect life and property in Okanogan County from fire hazards.
- 68. The 2021 Draft Comprehensive Plan is in the public interest because it protects water resources and property developers by connecting watershed planning with land use planning.
- 69. The 2021 Draft Comprehensive Plan recognizes unincorporated towns and neighborhood commercial centers. Recognizing unincorporated towns and neighborhood commercial

centers is in the public interest because they serve an important role as service centers and focal points for the surrounding neighborhoods.

70. Comprehensive Plan Map Alternative 3 is in the best interest of the public's health, safety, and welfare because it directs growth towards cities, towns and their expansion areas, where: (a) utility services are already available, (b) development is more likely to be served by municipal water, (c) access and fire suppression response time may be better; and (d) growth impacts are already occurring.
71. The 2021 Draft Comprehensive Plan conserves resource lands and protects the rural character of the County, which is in the public interest because agriculture and forestry are major economic generators for the County. The 2021 Comprehensive Plan will foster economic development by maintaining viable agriculture and forestry practices.
72. The Planning Commission fully considered the 2021 Draft Comprehensive Plan and compared it to the goals and substantive and procedural requirements of all applicable statutes, codes, and regulations, and finds that the merits of the 2021 Draft Comprehensive Plan outweigh any perceived inconsistencies noted in comments and testimony and is in the best interest of County residents.

RECOMMENDATIONS

The Planning Commission recommends that the Board of County Commissioners adopt the 2021 Draft Comprehensive Plan, with the following changes, which clarify the language of the 2021 Draft Comprehensive Plan without changing its effect and are within the scope of alternatives considered in the DEIS:

1. Modify CA-1.4 as follows: "To achieve no net loss of the functions and values of the ecosystem, provide methods to avoid, minimize, and mitigate, when addressing critical areas, including innovative techniques such as wetland banking, vegetation management, clustered development, planned unit."
2. Modify CA-2.1 as follows: "While maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and avoiding the creation of isolated sub-populations, balance the regulation of fish and wildlife habitat conservation areas with the needs of existing resource activities (agriculture, grazing, forestry, and mining)."
3. Delete the following statement from the definition of Fish and Wildlife Conservation Areas definition in Section 5.6 "[r]eference locally developed existing habitat and species studies."
4. Table 4 should be updated to align with Comprehensive Plan Map Alternative 3.

The Planning Commission recommends the Board of County Commissioner's adopt Comprehensive Plan Map Alternative 3.