

A Citizens' Guide to Action on Land Use Issues

Mid-July, 2008 Edition

PURPOSES

Of this publication

* To empower citizens by giving guidelines as to how to take part in local land use issues

* To enable citizens to take part in the public process early, before opportunities to make comment on proposed developments or to appeal inappropriate developments are lost. This information will get you started, hopefully without missing important deadlines. **You will learn as you go!**

Note: This pamphlet should not be interpreted as legal advice. It does not take the place of advice from an experienced land use attorney. It is a guideline to the opportunities for citizen input and actions which are available through the public process.

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I. SMALLER DEVELOPMENTS AND SUBDIVISIONS IN UNINCORPORATED AREAS OF OKANOGAN COUNTY

1. You decide to monitor proposed developments in your neighborhood or other areas of the Methow:

Your Job

a.) **Monitor official legal advertisements weekly in the Omak Chronicle.** At this time, the county has been advertising developments in the Methow Valley once each, on a weekly basis, in the MV News. However, it is safest to check the Chronicle on a weekly basis. A member of your neighborhood should subscribe to and monitor the Chronicle weekly and should pass on the duty when they leave for vacations. The official county paper is chosen once a year in the Spring, so be aware of this possible change.

b.) **Find a good map.** The location of developments is sometimes given in simple language, but often you need a map to find the location from a legal description. You should **check the Township, Range, and Section** listed in the notices and also make sure they match up with other descriptions, since mistakes are made in the legals. For developments in the Methow Valley, look for legal descriptions which lie in Townships 30 through 38 and Ranges 17 through 23. Keep a map in a handy place – the US Forest Service map of the Okanogan National Forest works well. An electronic option is the Okanogan County Mapsifter (<http://okanoganwa.mapsifter.com/mapsifter/>)

c.) **Begin gathering documents.** While this is not really necessary until you are currently active on an issue (or assisting another group), any documents which can be gathered ahead of time will greatly assist in addressing issues which arise in the future in a timely fashion.

You will find a list of useful documents in the “Important Resources” section at the back of this booklet.

2. A development in your area of concern is announced in the legal notices:

Your Job:

a. **Mark on your calendar:** deadlines for input (both for SEPA and the development itself), date for the scheduled public hearings, date of the publication of the ads, and appeal deadlines when available (The most common reason for lack of public input is missing the deadlines, which can eliminate your options for appeal later in the process.)

b. **Set aside the newspaper ad** in a place you can easily find it again for reference, highlighting the ad.

c. **Call or e-mail the county planner** listed in the legal notice **immediately**. You have no time to waste at this point. Ask that the information be e-mailed or mailed to you immediately. If the contact information in the ad is not adequate, call or e-mail the county planning department and ask to be put in touch with the planner for that development: 509-422-7160 (See contact information under Important Resources.)

d. **Look on your map** for the legal description in the ad and **check this and other information in the ad carefully**. A large number of mistakes are typically made – incorrect name for the development, incorrect legal description, incorrect listing as long plat or short plat, etc. The county is legally bound to publish the correct information, so the necessity of re-publishing could buy you precious time and is also important to others who might read the legal ad and get incorrect information. If there are errors, notify the planner in charge and ask that the ad be republished with the correct information.

3. You receive the information packet on the development from the county:

Your Job:

a. **Read the information packet**, which will likely include most of the following. If possible, give copies to other citizens or meet with them regarding the information:

- The developer's application (required)
- The SEPA checklist filled out by the developer (required)
- Maps (Location of lots, floodplain, shorelines setbacks, etc.)

- Reports written by consultants and surveyors hired by the developer (revealing cultural sites; sensitive, threatened, or endangered species, soils, etc.)

b. **Make note of concerns which have not been addressed, information on the developer's application you think is incorrect, or information the consultants have given which is incomplete or questionable**. Typical concerns have been inadequate or interruptible water sources, poor traffic plans for emergencies or highway entry, incorrect maps of floodplains and required shorelines setbacks, and others.

c. **Contact the appropriate public agencies** who deal with the areas of your concerns and ask if they have read the information on the development sent by the county and intend to respond. Some of the state agencies may not have received the opportunity to comment. Let them know your concerns and ask that they respond to the county's announcement, sending you a copy of their response. This will assist you in making knowledgeable comments, especially if you receive the agencies' written responses in time to consider for your written comment. Most Okanogan agencies will have been asked to comment, but you may want to call agencies at the state level in case they have not received notice.

Okanogan Department of Public Works: road design, etc.(422-7308)
Washington State Dept of Ecology: Gwen Clear (509-575-2012) (water, air)
Wetlands, shorelines: (509-454-4260)
Note: for questions on wells if there are concerns, call (509-575-2639)
Okanogan County Public Health:, septic (509-422-7141)
Okanogan County Public Health: Water supply (509-422-7154)
Okanogan County Noxious Weed: (509-422-7165)
Colville Confederated Tribe Archeology: artifacts, etc. (509-634-2654)
Washington State Dept. of Transportation (509-667-2910)
Washington State Dept. of Wildlife (509 - 754-4624)

d. **List your concerns about the development and publicize them** to concerned neighbors, friends, and interested organizations. Request that they comment to the county by the deadline for public comment. Write letters to the editor or a "My Turn" listing your concerns.

e. **If you decide to file a SEPA (State Environmental Policy Act) comment to reserve your right to appeal, make sure it is received (not postmarked) by the county by the deadline announced in the legal ads**. It may be sent by e-mail, but have a back-up plan in case of e-mail problems so it will not be late. **It is best if SEPA comment is made under the name of an organization, since appeals can often be expensive if pursued in court and organizations usually have more resources than individuals.**

BACKGROUND INFORMATION ON SEPA

If you are responding to the SEPA comment deadline, if you are not claiming that there are errors in the application and checklist, you will be disagreeing with the Threshold Determination. You will be saying that either the development is actually environmentally significant and needs an Environmental Impact Statement or that there are significant impacts that must be mitigated through a Mitigated DNS or additional Conditions of Approval.

The threshold determination process is the process used to evaluate the environmental consequences of a proposal and determine whether the proposal is likely to have any “**significant adverse environmental impact.**” This determination is made by the lead agency (In this case, Okanogan County) and is documented in either a determination of nonsignificance (DNS), or a determination of significance (DS) and subsequent preparation of an environmental impact statement (EIS). Where there are significant impacts that could occur, the lead agency may issue a MDNS (mitigated DNS), requiring that the developer fulfill certain actions that will render the significant impacts as nonsignificant, rather than doing an EIS.

WAC 197-11-794 defines “significant” as “a reasonable likelihood of more than a moderate adverse impact on environmental quality.”

Here is a link to a Citizen Guide on SEPA, with links to the SEPA home page: <http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm>

BACKGROUND INFORMATION ON WELLS AND SEWAGE

Wells: a piece of land must be at least 3 acres in a long plat and 2 acres in a short plat in order to have its own well and septic. Be sure all lots are at least this size. If the lots are smaller and a new Group Domestic Well is relied upon, this is an interruptible right in the Methow Basin until Washington state law is changed. The developer must then go below bedrock and seal the well so that it is not in continuity with the Methow River. If there are more than one short plat (say, two adjacent 20-acre parcels under the same ownership) question whether they should be considered physically and functionally related. If so, they should be considered a long plat and should come under SEPA. In addition, the required minimum acreage for an individual domestic well will then be 3 acres rather than 2 acres and the maximum density will change. (See below)

SEWAGE (from on-site sewage regulations) 8.01.01. Minimum lot size shall be three acres for new long subdivisions and two acres for new short subdivisions where the lots will not be connected to an approved public water supply. Provided that, the well protection zone of a 100 feet radius shall be within the lot boundary, in a common well area, or on adjacent property protected by restrictive covenants. Except the minimum lot size for lots in

Type 1 and Type 1 soils in short subdivisions shall be two and one-half acres if the applicant meets all of the requirements of WAC 246-272A-0234(6) when a conventional gravity system is intended to be utilized.

On-site sewage regulations:

<http://www.okanogancounty.org/ochd/OSSReg12-11-02.pdf>

BACKGROUND INFORMATION ON SHORT PLATS/LONG PLATS

These smaller developments can be Planned Developments (in which density bonuses are set by county code), short plats (4 or fewer lots), or long plats (over 4 lots.) Developments of 4 dwelling units and under (as well as certain other types of developments) are exempt from review under SEPA, the State Environmental Policy Act. These residential developments are called “short plats.” The problem is that, under an apparent loophole, developers have been applying separately for several adjacent short plats rather than applying as one “long plat” which could be required to go through the public process under SEPA. If they are part of a series of actions which are “physically and functionally related,” these units should not be exempt from a “Threshold Determination” (determination as to whether or not they are environmentally significant. (WAC 197-11-305 (b) ii) Citizens are currently attempting to find the best way to deal with this type of situation in Okanogan County.

4. You decide there are valid concerns relating to this proposal, and you want to respond:

Your Job

a. Decide whether you would like to simply comment on the development, (suggesting changes, conditions of approval, pointing out concerns, supporting the development as is, etc.) **or whether you also want to make a comment on the environmental significance** of the project under SEPA (The State Environmental Policy Act.)

b. If you do not agree that the project is not environmentally significant, or if you think there is an error in the developer’s application (including the SEPA checklist) **you must file a SEPA comment by the deadline announced or lose your right to appeal the environmental significance of the project under SEPA to the county commissioners later.**

c. **Send your comments on the development itself to the county so that they are received by the announced deadline.** You may duplicate information in both comments. While you may still comment verbally at the hearing if you do not send written comment at this time, your comments will not be included the Staff Report, which is prepared for members of the Planning Commission to read in advance of the public hearing. If your comment is sent in time, you may also refer to your comments during the

hearing, since the Planning Commission members will have a copy of the Staff Report in front of them at the hearing. New information you gain after your written comment may be stated verbally at the public hearing.

Be sure to clearly request that you be made a party of record, and request to be informed of future decisions and meeting dates associated with the project in question. Sample language that you can use: “By way of this comment letter, I request to be made a formal party of record for this application. Please mail all future meeting notices or decisions related to this proposed project to me at the following address_____”

d. Contact the staff at the county responsible for this development and request that a Staff Report be sent to you as soon as it is available. The towns of Winthrop and Twisp announce that this report will be available seven days before the public hearing. Okanogan County may be more difficult to deal with at this time. If you do not have the Staff Report a week before the hearing, it is recommended that you contact the county immediately, repeating your request.

Items to check when commenting:

Shorelines: The shorelines maps and floodplain maps (and thus the required foot setback) are often in error.

Endangered and threatened species: Are they all revealed in the checklist, and are any mitigations adequate?

Water supply: Does the development rely upon drilling a new Group Domestic Well? In this case, in the Methow Valley it is an interruptible right (that is, after the river falls to below a certain level, the water must be shut off in this development.) Contact Avery Richardson or the DOE regarding this issue (Important Resources at the end of this booklet.)

Is the shorelines map correct? Are braided/seasonal stream channels dealt with correctly, or has the developer considered only floodplain setbacks? You may need to consult long-time residents or rafters for information. The Forest Service may have maps of the area, and the County Assessor’s office should have aerials (they are supposedly now online.)

Is the development depending upon transfer from an agricultural water right? If so, has that right been abandoned in the past through non-use?

Are the lot sizes compatible with requirements for individual septic systems if this is what is planned? (see Background Information)

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Density: Does the development comply with county regulations for this type of development? (See Okanogan County Zoning Code under Important Resources at the end of this booklet.)

Critical areas: Does any part of the development lie within critical areas as designated by the Okanogan County Zoning Code?

5. You receive the Staff Report from the County after the Commenting Deadline is Past

a. Look for the responses various government agencies have made to the development. This information can be used in your testimony at the hearing and to guide you in considering issues that may be involved..

b. When you receive the staff report, if you see that the agencies have not sent in comments, contact the agencies if you are concerned about issues in their areas of expertise. Give them what information you have on your concerns ask for any opinions, request that they send comments to the county, and request that they send a copy of their comments to you. For example, if you think there are wildlife concerns and the Washington Department of Wildlife has not replied to the development, call them, express your concerns, and ask that they check into the issues and write the county, sending you a copy of these comments. In Okanogan county, if the agencies do not reply to the announcement of the development, it is concluded that the agencies have no concerns. Overwhelmed agencies sometimes only respond to larger development plans unless alerted by the public that there are important issues involved.

Most agency people are busy and sometimes hard to reach, but they are almost always glad to talk with interested citizens, explain the laws, and answer questions – and it is their job. You will learn as you go. Do not be intimidated. Ask for clarification regarding regulations or technical information whenever needed. Agencies may sometimes even call your number back in order to save money on your phone bill.

c. Continue watching the legal ads for all announcements of deadlines. If you do not file comments and appeals) by the announced deadlines, you lose your right to appeal the environmental significance of the project. (This means that you cannot say the project needs an Environmental Impact statement, that the SEPA checklist is in error, or that additional mitigations

are needed so that the development will not have a significant impact upon the environment.) The deadline for SEPA comments is usually different from the deadline for public comments for the hearing, and often a SEPA appeal must be filed before the public hearing occurs.

6. PREPARATION FOR THE PUBLIC SEPA HEARING BEFORE THE PLANNING COMMISSION

a. Decide, with the help of others such as government agencies, other professionals, experienced citizen activists, what the main issues are and which issues offer you the best chance of prevailing in requesting changes.

b. Decide what remedy you want to ask for: DS (declares that the project is environmentally significant), MDNS (with additional mitigations), or additional Conditions of Approval or mitigations to minimize impacts. Typical concerns have been traffic and safety issues, wetlands and wetlands setbacks, fawning areas, migratory waterfowl, endangered species such as eagles, shorelines setbacks, and the adequacy of the water supply for the development.

See Citizen guide to SEPA Review and Commenting:

<http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm>

7. PREPARATION FOR THE PUBLIC HEARING BEFORE THE PLANNING COMMISSION

YOUR JOB

If you have followed the previous steps, most of your work is done. If not, you may still testify at the public hearing, giving the information listed above orally. It also helps to provide the clerk a copy of your testimony after you have given it.

a. **Alert interested citizens** of the date of the public hearing and encourage them to attend. THE NUMBER OF PEOPLE AT THE HEARING, ESPECIALLY THOSE SUBMITTING COMMENTS, DOES MATTER! Encourage people to attend even if they do not testify. It often helps to arrange a ride pool for the trip to Okanogan. One typical meeting place has been the Methow Valley Community Center in Twisp. People decide upon the ride pool depending upon who shows up.

b. Be sure those who attend have a list of the major points of concern so that they can speak knowledgeably even if they have not prepared testimony ahead of time. LIST SOME POSITIVE THINGS WHICH COULD BE SAID ABOUT THE PROPOSAL IF AT ALL POSSIBLE.

c. If you have many points of concern, it may help to divide them up among individuals in your group who can cover certain topics, as long as all points are covered under the name of a group which could appeal (standing.)

d. You may want to decide which points are most important and emphasize those rather than covering each small point, if the smaller points have already been addressed in previously submitted written comments under the names of groups/individuals who might appeal (to establish standing.)

e. You may be able to get a copy of the agenda for the Planning Commission hearing from the county. If you are very late on the agenda, be prepared for a possible continuation of the hearing at a later date, or be prepared for the fact that the members of the commission may be very sleepy by the time they hear your testimony. You can always request a continuance if you feel the time is so late that it will have an effect upon your presentation (perhaps people have had to leave) and see what happens. You can also try requesting ahead of time that you be early on the agenda, since folks in the Methow are a long drive away.

f. The commission will either make a decision to approve the development at the hearing, add conditions of approval, and/or continue the hearing at a later date.

g. If the hearing is continued, it is important to attend again and to find others to attend. Often people do not return for the follow-up hearing and the project is approved, especially if it is late at night!

h. Try not to be discouraged or disappointed if your carefully prepared information is not adequately considered. It is more than likely that you will have to appeal at least some points.

8. OPPORTUNITIES FOR APPEAL

If the Planning Commission grants approval to the development without issuing adequate mitigations, conditions, or changes which would make the development acceptable, you may file an appeal:

1. SEPA appeal: (On grounds that the proposal requires an Environmental Impact Statement or that the MDNS is not adequate.) If SEPA hearing is held, comment on development will be after that. Your appeal to the County

Commissioners must be filed 15 calendar days after final determination is filed by the responsible official. (This will be after the public hearing by the planning commission.) It must be filed with Brenda Crowell, the clerk for the county commissioners and accompanied by a \$150 fee. The appeal must be combined with an appeal to the development.

See Citizen guide to SEPA Review and Commenting:

<http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm>

2. Appeal to the commissioners on the development itself: You may appeal to the county commissioners.

3. Judicial review of Land Use decisions by county officials: If you lose your appeal to the County Commissioners, you may want to consider going to court. See Chapter 36.70C RCW: Judicial Review of Land Use Decisions. Before Judicial Review, all other appeals opportunities must have been exhausted (such as an appeal to the Commissioners.) Before getting started on any judicial appeals, check the website for the Environmental Land Use Hearings Board (a relatively new establishment about which we have little information at this time) at the end of this booklet. If requesting judicial review in the courts, you will most likely want an attorney unless you are quite knowledgeable about the procedures.

3. The opportunity exists to bypass much of the county process and contest illegal parts of the development under state or federal law when development permits are issued for specific actions or the state/federal government approve certain actions. For example, if you believe there are violations of the state Shorelines Management Act or the Methow Basin plan (a section of State Law) or federal Clean Water act (wetlands violations, for example) you can keep in touch and appeal at the time the state or federal government has taken an action (or failed to take action) allowing the development.

Advantages: You don't have to deal with county

Disadvantages: You need to keep on top of development actions over time, make contacts, check up on whether you have been notified of actions by the agency involved, have more knowledge, have the time to deal with all this, and make the development your personal project or perhaps seek the assistance of an attorney.

For example, if a well which requires a permit is in question a citizen can keep in touch with the Dept of Ecology (Avery Richardson – see Important Resources), make it known that they want to be advised of any actions, and that they be notified when the well driller's report goes to the Dept of Ecology.

Then a citizen can appeal within 30 days of getting the written approval for the well. You need to ask DOE that you be alerted when the state makes their decision and state that you may want to appeal when the decision has been made. You can appeal, and the appeal is simple – you disagree that the well is not in continuity with the river. However, when it comes time for your appeal to be heard you need to prove your objections, which will probably involve hiring a hydrologist, which can be expensive. The appeal goes to the Pollution Control Hearings Board. (See Important Resources at the end of this booklet.)

Similar appeals can be filed under other State Hearings Boards (see **Environmental Hearings Office** under Important Resources at the end of this booklet.)

Federal law: If there are violations of the Endangered Species Act, the Clean Water Act, or other federal law, you can contact federal agencies for assistance. This can become complicated and it is very likely you'd need an attorney to do an effective job.

II. DEVELOPMENTS IN THE TOWNS OF TWISP, WINTHROP, AND PATEROS

(Start-up information only)

1. **Monitor** the legal notices in the Methow Valley News each week.

2. **Call** the city planner listed in the legal ads immediately for information on the development.

3. **Mark** deadlines on your calendar and be sure to meet them.

4. **Attend** any relevant town meetings (Planning Commission, Town Council, Board of Adjustment, etc.)

WINTHROP: <http://www.townofwinthrop.com/>

(Town Code on menu bar)

TWISP: <http://www.townoftwisp.com/>

(Town Code, Zoning, etc. on menu bar. Draft comprehensive plan also available.)

PATEROS: We have little information at this point and recommend calling city hall at 923-2571.

III. Large Developments (Possible Planned Destination Resorts, Large Planned Developments)

Start-up information only

These developments could be in the form of Planned Destination Resorts (if still allowed in the Methow after the new County Comprehensive Plan has been adopted), large Planned Developments, or an unusual type of non-residential development, possibly utilizing a Development Agreement if this procedure is adopted by the County. You may first find out through the media, through a legal ad for a transfer of agricultural water rights to domestic use, word of mouth, or through a legal advertisement from the Planning Department. You may hear by word of mouth or through the media before any permits have been applied for. If there is an advertisement, it may be in the form of a re-zone so that a PD or PDR may begin the legal process.

Your Job:

- a. Contact other concerned citizens and organize a meeting to begin looking into your options.
- b. Contact other organizations which have been involved with large development proposals. The Methow Valley Citizens' Council is familiar with large developments proposed under SEPA and NEPA (Early Winters and Arrowleaf resorts.) Friends of Bear Creek is currently involved with the possibility of a golf and/or residential development on private land on Bear Creek and is familiar with forming a non-profit organization and gathering background information. Both organizations are good resources.
- c. Contact the County Planning Department to find out whether any permits have been applied for.
- d. Contact the Department of Ecology to find out whether water rights have been applied for and whether any change in water rights have been applied for through the Water Conservancy Board. (See "Important Resources" at the end of this booklet.)
- e. Check the County Zoning Code to see what types of developments are permitted and the current Comprehensive Plan to see if this type of development should be permitted.

f. Contesting or tracking a large development is often best done by an organized group of citizens who will be financially able to appeal and would enough folks to help. If this development is one you will consider appealing, start organizing your group (establish By Laws and either establish contact with a sympathetic non-profit or begin the paperwork to become a non-profit.

IV. DEVELOPMENTS INVOLVING FEDERAL OR STATE AGENCIES

Start-up information only

Examples of such development proposals in the Methow have been the Early Winters Ski Resort, the PUD Twisp-Pateros Powerline, and if a mining proposal should develop, it would come under this heading.

These developments may involve the National Environmental Policy Act if Federal Agencies are involved. This Act gives more protection than SEPA, its state counterpart. You may first find out about the proposal from a mailing by the USFS or some other government agency, from a newspaper article, from the Federal Register (not read by most individuals), or other news media.

Appeal of such developments often involves complex litigation through a nonprofit organization and using an attorney. There are many opportunities for citizen input before the decision to appeal takes place. In some cases, due to the size and impact of the development, it is obvious that you will want to appeal. In other cases, influencing the development through the public process may satisfy your concerns.

The process starts off with "scoping," in which groups and individuals can offer comments about the scope of the impact.

Find out what agency is the lead agency and alert the lead agency that you want to be informed of any action that takes place and any opportunities for comment.

Citizens' Guide to NEPA:

http://www.nepa.gov/nepa/Citizens_Guide_Dec07.pdf

"Having Your Voice Heard," by the Council on Environmental Quality.

Start a group and start collecting money.

Start gathering or bookmarking on your computer: NEPA (National Environmental Policy Act) and citizens' guides, Administrative Procedures Act, rules of the Agencies involved (Under the Code of Federal Regulations, or (CFR's.) Each federal agency has its own set of rules. The earlier you become involved in the public process, the better. In fact, if you do not take part early you may lose your right to appeal later.

1. Take part in scoping. Use information from the internet about similar developments and concerns that have arisen.
2. Review the draft EIS or Environmental Assessment and submit comments. At this point, you must be detailed.
3. Final EIS – deadlines. (At this point, you may need an attorney.)

NEPA: <http://www.nepa.gov/nepa/regs/nepa/nepaeqia.htm>

V. SHORELINES, FLOODPLAINS, WETLANDS, VEGETATION REMOVAL

Wetlands and shorelines are protected from new development by a setback, or buffer. Even new residences require such a buffer. This protects wildlife, hydrologic functions such as water quality, flood abatement, and water storage. County laws provide minimal buffers for isolated wetlands, but new regulations are more strict, particularly in rural areas. Almost all streams and rivers also have associated wetlands along the edges. Penalties for violating wetlands can be strict, since they are often a federal offense.

Permits are required for doing work in wetlands (Clean Water Act, Section 404: “404 permit”) and a state **Hydraulics permit** is required for doing any work in a stream. Substantial development permits are required for any substantial work along shorelines of rivers and significant streams.

Sometimes trees or other vegetation is cut along shorelines or wetlands, causing damage because people are unaware that a **State Forest Practices permit** is necessary from the Department of Natural Resources is needed unless you are cutting less than 5,000 board feet per year (approximately one log truck load) of timber for personal use **when no resource issues exist**. (Logging alongside streams, rivers, and wetlands are resource issues.)

IMPORTANT RESOURCES

Reporting Violations

Department of Ecology: 509-575-2490 and tell them that you think you want to file a complaint and need to know which department to speak to. Give them all the information you know about the situation to get to the right department. This could be a complaint about shorelines, wetlands, water quality, water resources, groundwater, dust abatement, developments, etc.

Wetlands violations specifically:

County Planning Department Director: Perry Huston 509-422-7218 (Perry has been very helpful in the past on wetlands violations as a first contact.) phuston@co.okanogan.wa.us

[Gary Graff \(509-454-4260\) gagr461@ecy.wa.gov](mailto:gagr461@ecy.wa.gov)

Debbie Knaub (509-682-7010) Army Corps of Engineers

Rebecca Chu (206-553-1774) EPA

Wetlands information: Environmental Protection Agency
800-832-7828 (EPA has oversight over the DOE.)

Stream violations: (working in stream without Hydraulics permit, damming streams, fish screens, etc.)

Connie Iten: itencri@dfw.wa.gov; 826-3123 (Dept of Fish and Wildlife)

North Central Washington Captain Chris Anderson (509) 754-4624 (Okanogan, Chelan, Douglas, Grant, and Adams Counties)

Forest Practices (logging, thinning, etc.)

Department of Natural Resources:

<http://www.dnr.wa.gov/Pages/default.aspx> (Forest Practices Permit, removal of vegetation around streams and wetlands, other timber harvest regulations, etc.)

Northeast Region: northeast.region@dnr.wa.gov (509-684-7474)

General information: **360-902-1000**: If you call this number, you should be connected with the appropriate office to deal with your concerns.

Agency Contacts

County Land Use Issues

Website: <http://www.okanogancounty.org/planning/>

Okanogan County Commissioners 509-422-7100

Okanogan County Planning Dept., general #: 509-422-7160

Department Director: Perry Huston 509-422-7218
phuston@co.okanogan.wa.us

Senior Planner: Ben Rough 509.422.7122
brough@co.okanogan.wa.us **Code Amendments * Planned Developments * Comprehensive Plan * Short Plats * Boundary Line Adjustments (BLA) * Binding Site Plans * Long Plats * Parcel Consolidations * Zoning**

Natural Resource Senior Planner: Char Beam 509.422.7113
cbeam@co.okanogan.wa.us **Shoreline Master Program (SMP) * Salmon Recovery * Lead Entity * Shoreline Permitting (JARPA)**

Natural Resource Planner: Nathan Wehmeyer 509.422.7120
nwehmeyer@co.okanogan.wa.us **Wetlands * Natural Resources * Watershed Planning * Open Space Timber * Open Space Open Space ***

Administrative Secretary: Sharon McKenzie 509.422.7214
smckenzie@co.okanogan.wa.us **Office Administration**

Wells, Water Rights

DOE Water Master, Methow Valley: Susan Burgdorff-Beery 997-1364, SBUR461@ecy.wa.gov. Susan is very busy but can give a wealth of information regarding water rights, water quantity, and refer you to agents who can best answer the questions you have. Violations can also be reported.

Wells: For information on legality of wells and enforcement: Avery Richardson 509-575-2639, aric461@ecy.wa.gov

For logs of all wells in State of Washington:
<http://apps.ecy.wa.gov/welllog/>

Septic Systems

Okanogan County onsite sewage regulations

<http://www.okanogancounty.org/ochd/2008%20OSS%20.pdf>

Okanogan County Health Department

Steve Rowe: srowe@co.okanogan.wa.us

<http://www.okanogancounty.org/ochd/index.htm>

Changes in Water Rights:

Changes in water rights and uses such as as changes in point of diversion, agricultural to domestic, changes in place of use or purpose of use, amount, time of use, etc. are governed by each county's Water Conservancy Board.

State Water Conservancy Board Website: *This website lists the decisions made by each county's Water Conservancy Board. It should be checked frequently, more than once a month. Comments can be made to the Dept of Ecology within 30 days regarding any decision made by a Water Conservancy Board. There is an electronic comment form available, as well as relevant dates.*

http://www.ecy.wa.gov/programs/WR/conservancy_boards/rodhorme.html

Helpful contacts: **John Kirk** (509) 457-7146 or **Tom Tebb** (509) 574-3989

APPEALS: State Hearings Boards

Actions and decisions of the County, DOE, Fish and Wildlife, Dept of Natural Resources, etc. can be appealed (after the previous requirements for comment/appeal have been met and standing has been established through previous comments and appeals.) Be sure you establish and meet the deadlines for filing an appeal:

*Environmental Hearings Office ; <http://www.eho.wa.gov/>
(The above website contains all the procedures for appeals to the following boards)*

Pollution Control Hearings Board

The Pollution Control Hearings Board hears appeals from orders and decisions made by the Department of Ecology and other agencies as provided by law. The Board's sole function is to provide litigants a full and complete administrative hearing, as promptly as possible, followed by a fair and impartial written decision based on the facts and law.

Shorelines Hearings Board

Local government administers and issues shoreline substantial development, conditional use, and variance permits. Approvals by local government of shoreline conditional use and variance permits must be reviewed by the Ecology, which then issues the final decision. Local government and Ecology can also issue fines under the SMA. The Shorelines Hearings Board hears appeals from these permit decisions, and from those shoreline penalties jointly issued by local government and Ecology, or issued by Ecology alone. The Board is not affiliated with any other unit of government.

Forest Practices Appeals Board

The Forest Practices Appeals Board hears appeals from the decisions of the Department of Natural Resources (DNR) including the approval or disapproval of a forest practices application, civil penalties, stop work orders and notices to comply. The Board's sole function is to provide all litigants a full and complete administrative hearing, as promptly as possible, followed by a fair and impartial written decision based on the facts and law.

Hydraulic Appeals Board

The HAB has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the Department of Fish and Wildlife for the diversion of water for agricultural irrigation or stock watering purposes or when associated with stream bank stabilization to protect farm and agricultural land or off-site mitigation proposals.

Environmental and Land Use Hearings Board

The Environmental and Land Use Hearings Board was established in 2003, within the Environmental Hearings Office, created under RCW 43.21B.005. RCW 43.21L.005 The purpose of this chapter is to reform the process of appeal and review final permit decisions made by state agencies and local governments for qualifying economic development projects, by establishing uniform, expedited, and coordinated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely review. "Qualifying project" means an economic development project that is (a) located within a county that in its entirety qualifies as a distressed area as defined in RCW 43.168.020(3) and a rural natural resources impact area as defined in RCW 43.160.020,(b)

Okanogan County Planning Dept:

<http://www.okanogancounty.org/planning/>

(The above website includes the following Okanogan County documents)

- 1) Okanogan County Shoreline Master Program
- 2) Okanogan County Zoning Code (Chapter 14 includes Okanogan County SEPA rules)
- 3) Okanogan County Comprehensive Plan
- 4) Methow Plan (Methow Valley Addendum to the County's Comprehensive Plan)
- 5) Okanogan County SEPA regulations: See planning website, Zoning Code, Chapter 14.

Okanogan County Mapsifter:

<http://okanoganwa.mapsifter.com/mapsifter/>

For projects under Washington State law:

SEPA - Citizen guide to SEPA Review and Commenting: <http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm>

SEPA (State Environmental Policy Act - the law itself)
<http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

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Traffic: We have been informed that Washington State has traffic plans of which the general public is often unaware. Here is the Department of Transportation website in case you would like to

explore the plans for roads or highways that may exist for your area: <http://www.wsdot.wa.gov/>

Revised Code of Washington (RCW's) - the law, as passed by the legislature. <http://apps.leg.wa.gov/RCW/>

Washington Administrative Code (WAC's) - the regulations implementing the laws passed by the legislature (RCW's)
<http://apps.leg.wa.gov/wac/>

**** Good source of Planning and Land Use information specific to Washington State: Municipal Research and Services Center. www.mrsc.org**

For projects under Federal Law:

NEPA: Citizen guide
http://www.nepa.gov/nepa/Citizens_Guide_Dec07.pdf

NEPA (info on the National Environmental Policy Act)
<http://epa.gov/oecaerth/basics/nepa.html>

U.S. Administrative Procedures Act:
<http://usgovinfo.about.com/library/bills/blapa.htm>

Code of Federal Regulations (CFR's): These are the rules under which each federal agency must operate (for example, The US Forest Service): <http://www.gpoaccess.gov/CFR/INDEX.HTML>

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Are you a concerned citizen?

Then MVCC is your organization! For over 33 years MVCC has worked to protect the rural character and biological integrity of the Methow watershed. With your support we will continue to do so. Let's bequeath to our children a valley every bit as vibrant and beautiful as

the one we are privileged to live in. Send in your MVCC membership today.

Limited Income \$10 Regular Membership \$35
Additional contributions welcome!

Yes

....., I'd like to become a member. I support MVCC's goals and actions in promoting and protecting the rural and environmental character of the Methow.

Name_____

Signature_____

Address_____

City, State, Zip_____

Phone_____ Email_____

Membership dues and contributions are tax deductible

Volunteers are welcome! I could help with one of the following:

- Join the board Attend meetings Write letters
- Fund raising Network and phone tree help Clerical work

MAIL TO: METHOW VALLEY CITIZENS' COUNCIL
BO 774
TWISP, WASHINGTON 98856