

Sharon McKenzie

From: Perry Huston
Sent: Monday, April 20, 2009 11:16 AM
To: Sharon McKenzie
Subject: FW: Comprehensive Plan Meeting
Attachments: comp plan.xlsx

From: Jon Wyss [mailto:wyssj@gebbersfarms.com]
Sent: Monday, April 20, 2009 10:48 AM
To: Perry Huston
Subject: Comprehensive Plan Meeting

I put the wrong email address in the first time. Sorry.

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From: Jon Wyss
Sent: Monday, April 20, 2009 10:44 AM
To: 'phouston@co.okanogan.wa.us'; 'bhover@co.okanogan.wa.us'
Cc: Cass Gebbers; 'gebbfarm@ncidata.com'; Tory Wulf; 'RogerE@erlandsen.com'
Subject: Comprehensive Plan Meeting

Commissioner Hover and Director Huston,

Thank you for taking the time to come meet with the representatives from Gebbers Farms regarding the comprehensive plan. Updating a comprehensive plan is an extremely important task and we look forward to continuing our working relationship with the two of you, the planning commission, and the other commissioners as this process moves forward.

I wanted to take the time to summarize our discussions regarding the meeting.

1.) It is understood by all that this comprehensive plan is still in draft form and has the ability to still be revised by public comment while the planning commission continues deliberation and once the planning commission has completed their tasks the commissioners will travel the county to discuss the plan as passed by the planning commission. While the commissioners are traveling they will also be taking public comment. We appreciate that the commissioners will take additional public input prior to

adopting a final plan.

2.) We took some time to review the Dark Sky ordinance and Ridgeline Development Ordinance both of which to our understanding will not be a part of the comprehensive plan. The comprehensive plan will only mention education as an option for both of these items and no formal ordinance will be placed into effect. This was positive news from the planning commissioners as we were concerned with both ordinances. We hope that the commissioners will agree with the planning commission and leave both of these ordinances out of the comprehensive plan.

3.) It was discussed and confirmed in the meeting that this comprehensive plan is being written to comply with RCW 36.70 with the optional elements provided and not 36.70(A). RCW 36.70(A) is for counties that have opted into Growth Management Act (GMA) and or have reached the criteria for Growth Management. Okanogan County has neither opted into GMA nor has reached the population requirements to GMA.

a. A question has arisen since our meeting on this issue in that Okanogan County has received approximately \$125,000 in GMA grant monies. The grant monies were for the purpose of implementing changes to the comprehensive plan. So by accepting the grant money and by changing the terms in the draft to meet those terms of GMA does this not place us under GMA considerations and rules regarding GMA. At one of the hearings for the planning commission you will see the testimony of Jody Gebbers-Crane regarding Growth Management. We need written confirmation from the planning director and/or commissioners that we will not be converted to or held to GMA standards in our comprehensive plan.

4.) A considerable amount of time was spent discussing Chapter 9 of the draft comprehensive plan. Specifically we discussed items 5 and 20 of the Goals, Policies, and Objectives regarding this chapter.

a. Item five discusses the development of housing to LEED standards. It is important that any references to LEED, Green, and Evergreen standards are removed from the goals and policies of the plan. It should not be a goal or policy of the comprehensive plan to adopt these standards but should be an individual choice as to if someone wants to build to these standards.

b. Item 20 states that as a goal Okanogan County should explore taxing single family homes owned by out of area (second home) owners to support affordable housing. Not only would this item lead to a legal challenge as it is not consistent with state laws, it would also discourage growth in this county by outside parties who may wish to invest in our communities. Without further investment and additional new construction, communities in Okanogan County will continue see limited growth.

c. Regarding these same two issues it was discussed that we would provide other references to environmental building requirements. Within the Subdivision Ordinance line 47 option 5 promotes effective use of land consistent with environmentally sensitive development practices and lines 2335-2336 place a requirement to include environmentally quality considerations. This is a veiled reference to LEED standards and would cause an individual to refer to the comprehensive plan for its meaning. In referring back to the plan on these issues, it would look to the vision statement and goals of the county to interpret the meaning. The vision statement does not include any reference to environmentally sensitive developments and would lead a person to the appendix of the draft comprehensive plan. All of the vision statements from the individual communities and groups has been moved to the appendix according to the description of process and states that they would carry no regulatory weight but serve as input. However, those statements in the appendix would carry weight within the Subdivision Ordinance as support from the public which places all references to LEED standards back in the comprehensive plan unintentionally. Therefore we must request that any veiled references to environmentally sensitive development practices in the subdivision ordinance be removed and question if the individual vision statements are even required to be in the appendix of the comprehensive plan. If they are not required a discussion should be held to determine if they are even necessary to be printed within any portion of the draft comprehensive plan.

5.) A short amount of time was spent discussing the clustering ordinance but we are unable to comment at this time on the ordinance as it continues to change. The terms and use in the public benefit rating system has not been completed and until that is done we are not able to offer up comments other than we are encouraged the draft plan recognizes a clustering ordinance. Once the ordinance is completed we will offer comment.

6.) While discussing the Rural Low, Medium, and High density requirements we were asked to draw on a map what we would potentially like to see for designations. A request was made to have the county produce an overlay map of the proposed designations of density as recommended by the planning commission that would show how land owned by the Gebbers Family would be impacted and then comments would be drafted regarding the proposed designations. To assist you with our request I have attached a list of parcel numbers that need to be included in the overlay from the Assessor's website.

7.) A request to determine if the Rural Medium Density could be applied from Malott to Black Canyon and towards the Gamble Mill was made during the meeting. That being said, the request was made based on our understanding of the current proposed language that would be option 2 for rural medium density with a 3 acre minimum. We must reserve the right to modify this request if the proposed language changes and or if after reviewing the requested overlay map, it does not meet the density options available or does not meet the best interest of the land holdings owned by the Gebbers Family. Whatever density requirements are put in place along with the regulations will impact these holdings values both in the near and long term and we must ensure our development rights are protected.

8.) The term flexibility was used quite often in the meeting regarding the draft plan. The plan should allow for flexibility to transfer from one rural designation to another or to change from rural

designations to commercial designations if applicable. We wanted to make sure that it was clear that we don't want to confuse flexibility with intent. Any plan can be well drafted with flexibility, but flexibility could lead to interpretation which may or may not be a good thing. This plan must be clear in all language and the flexibility of the plan needs to be written to clearly convey exactly what is intended.

9.) Last we spent a brief amount of time discussing how lands would be assessed by the Okanogan County Assessor under the newly revised comprehensive plan upon completion. We are concerned that with some of the new designations that parcels smaller than 20 acres that are classified in farm land may be converted to highest and best use for taxing purposes. The example given was a parcel that is three acres in size (or anything below 20 acres), located on riverfront property or with a river view and not contiguous to other parcels owned by a person involved in commercial agriculture. These parcels have been in commercial agriculture for over 10 years and the question is under the newly designated densities, will parcels like these be removed from the open space agriculture exemption? This is occurring in other counties and Roger Erlandsen gave the example of his own property in Douglas County that went through this same scenario. It could cost an agriculturist seven years worth of back taxes and would raise the assessed value to highest and best use which could be residential. This is a tax transfer that we want to avoid and the comprehensive plan needs to ensure that this cannot happen.

Due to time constraints we concluded the meeting and all agreed that the meeting was beneficial and helpful. We hope to continue this open dialogue and wish to keep the communication lines open. Once we have received the map of the proposed density requirements on Gebbers Farms properties we will review the map and supply the appropriate comments.

A second meeting of this type should probably occur to discuss the draft comprehensive plan further prior to its final approval by the County Commissioners.

Respectfully,

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