

portion of

FERRY COUNTY

DEVELOPMENT REGULATIONS

ORDINANCE #2011-03

AMENDING ORDINANCE #2009-04

REVISED

August 8, 2011
August 24, 2009
December 1, 2008
July 16, 2007
September 26, 2005
February 9, 2004
October 22, 2001

FERRY COUNTY
Planning Department
147 N. Clark, Suite 7
PO Box 305
Republic, WA 99166

WHEREAS, the "land in farms" figures from the U.S. Agricultural Census report that there are 749,452 acres in farms in Ferry County. However, there are, in fact, only 257,603 total privately held acres in the county which includes the city of Republic, the Limited Areas of More Intense Rural Developments (LAMRIDS), residential and recreational land, and natural resource lands. The Census reports "in many instances, an entire American Indian Reservation was reported as one farm." Removing this 589,738 acres within the Colville Indian Reservation from "land in farm" leaves 159,714 acres reported as actual "land in farms", which includes timber tracts, and

WHEREAS, the U.S. Agricultural Census (American Indian Reservations, Vol. 2, Subject Series, Part 5) on page 23 information regarding the Colville Tribe. Figures show 1,344,170 acres as "land in farms" with the number of farms as 227. These figures include the Reservation area in both Okanogan and Ferry Counties, and

WHEREAS, the Natural Resources Conservation Service soil surveys report 18 prime soil types in Northern Ferry County and 49 prime soil types on the Colville Reservation located within Ferry County, and

WHEREAS, pastured woodland and woodland not pastured (woodlots, timber tracts and sugarbush) are included as "land in farms" reported in the U.S. Agricultural Census. All state and federally managed forest lands or lands under current use taxation programs as either designated forest or current use timber are designated as Forest Lands of Long-Term Commercial Significance in Ferry County, and protected in Section 8 of this document. The Assessor's office reports 630,418 acres in these programs, leaving 25,215 acres as actual privately held "land in farms" under agricultural use, and

WHEREAS, the 21,360 acres of prime soils found in Northern Ferry County include lands in the Urban Growth Area as well as platted lots, timber lands, and isolated pockets, it is clear that this figure of prime soil acreage is not useful in substantiating acres used for agricultural activity, and

WHEREAS, Ferry County's primary agricultural product is livestock (cattle) and is entirely dependent upon public rangeland for grazing. The 1934 Taylor Grazing Act, the 1976 Federal Land Policy and Management Act and the 1978 Public Rangeland Improvement Act provides leased grazing which stabilizes the livestock industry dependent upon the public range, prevents economic disruption, saves open space and western wildlife and has been the mainstay of the rural western economy, and

WHEREAS, there are 459,545 acres of Colville National Forest grazing leases and 19,423 acres of Washington State grazing leases within Ferry County, and

WHEREAS, Ferry County has a Range Law and a Right to Farm Ordinance. Agricultural activities are not limited to specific areas but take place on a county-wide basis.

NOW, THEREFORE, BE IT ORDAINED by the Board of Ferry County Commissioners, as follows:

pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state are hereby declared to be archaeological resources.

Archaeological Site – A geographical locality in Washington that contains archaeological objects.

Archaeologist – A “professional archaeologist.” Professional archaeologists may perform surveys.

Contiguous – Areas immediately adjacent to one another.

Designated Forest Land (tax purpose) - Land designated by the owner as forest land, as provided for in RCW 84.33.130, to be valued for tax purposes under RCW 84.33.140. Designated forest land includes those land parcels previously defined as “classified forest land”.

Forest Land of Long-Term Commercial Significance - All lands classified as forest lands under the open space use tax program that is greater than or equal to 20 acres in size where a predominance of the land area is made up of grade 6 or better as determined by the Department of Revenue maps and is characterized by current resource use, and is located outside of urban growth boundaries. This includes Federal and State managed forest lands.

Forest Practices – Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber. This does not include the conversion of forested land to a use incompatible with growing timber.

Ground-Disturbing Action or Activity – Any development, construction, or related operation which could potentially adversely impact archaeological sites and historic archaeological resources, including but not limited to building roads, digging trenches, grading, removing (grubbing) tree stumps, excavating foundations, septic, or utility line installations.

Historic Archaeological Resources – Those properties which are listed in or eligible for listing in the Washington State Register of Historic Places or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470).

Known, Recorded Site – An archaeological site or historic archaeological resources which has been recorded with the Department of Archaeological and Historic Preservation.

Rural Element – Lands that are not designated for urban growth, agriculture, forest, or mineral resources (RCW 36.70A.070(5)). In Ferry County that includes all lands outside of the Urban Growth Area and not designated as agricultural, forest, or mineral lands of long-term commercial significance.

Rural Governmental Services or Rural Services - Include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4). Specific rural governmental services include fire districts, school districts presently located outside UGAs and water districts at 100 service connections or lower. Individual systems for industrial use, fire flow, or National Pollutant Discharge Elimination System or waste discharge under Chapter 90.48 RCW shall not be considered "urban governmental services."

Rural Lands - All Ferry County lands not within the Urban Growth Area.

Rural Service Areas - Areas of more intense rural development which have specific locations and mapped boundaries as adopted in the Comprehensive Plan. Rural Service Areas meet the criteria of RCW 36.70A.070(5)(d)(iv) & (v).

Rural Small Scale Business – Those businesses which do not exceed 10,000 square feet per building for commercial use or 20,000 square feet per building per industrial use, do not require the extension of urban government services and maintain a rural character.

Urban Governmental Services or "Urban Services" - Include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

Urban Growth - Refers to growth that makes intensive use of land for the location of buildings, structures, impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

Urban Growth Areas - Those areas designated by a county pursuant to RCW 36.70A.110.

6) A combination of the above measures.

No permit shall be issued for any disturbance of an identified archaeological site or significant historic archaeological resources without an agreed-upon protection or mitigation plan. An archaeological excavation permit from DAHP may be required to carry out the provisions of the protection or mitigation plan per RCW 27.53.060 and 27.44.020 and WAC 25-48. DAHP will inform on requirements of an excavation permit during the development of the mitigation or protection plan.

The applicant would only be responsible for the cost of the predetermination survey, if required. After notification of the predetermination survey, any interested party must respond within 30 days of notification as to the need of additional surveys. If additional surveys are performed by the interested party, they must be completed not to exceed 6 months.

SECTION 7.00 NATURAL RESOURCE LANDS

The Growth Management Act requires every county to designate resource lands and to adopt development regulations that assure the conservation of these lands for resource use.

RCW 36.70A.170 defines three categories of lands for designation:

- 1) 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;
- 2) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- 3) Mineral lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

It is the Natural Resource Lands goal of Ferry County to maintain and enhance natural resource-based industries in the county, and to provide for the stewardship, conservation and productive use of these forest, agricultural and mineral lands. The regulations included in this ordinance are designed to protect against loss of natural resource lands consistent with the goals and regulations of the Growth Management Act.

Resource Lands Notice:

All development permits and building permits issued for development activities on rural lands shall contain a notice that the subject property may be on/or within one thousand three hundred twenty feet (1320') of lands designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development. In the case of mineral resource lands, an application might be made for mining related activities including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

The following lands are those designated state and federally managed forest lands or are under current use taxation programs as either: Designated Forest or Current Use Timber.

Class I Forest Lands

- 1) Existing use demonstrated as commercial resource management; and
- 2) In any one section of land (640 acres or more), where 100% of the land is for resource use only, including all federal and state managed forest land; and
- 3) Lands that fall within grades 1 through 6 of the Forest Lands grades; and
- 4) Minimum area meeting the criteria in 1 through 3 above is 640 acres in size.

Class II Forest Lands

- 1) Existing use demonstrating as commercial resource management; and
- 2) No more than 10% of the land is non-resource use; and
- 3) Lands that fall within grades 1 through 6 of the Forest Lands Grades; and
- 4) Minimum area meeting criteria in 1 through 3 above is 320 acres in size.

Class III Forest Lands

- 1) Existing use demonstrated as commercial resource management; and
- 2) No more than 25% of the land is non-resource use; and
- 3) Lands that fall within grades 1 through 6 of the Forest Lands Grades; and
- 4) Minimum area meeting criteria in 1 through 3 above is 80 acres.

Class IV Forest Lands

- 1) Existing use demonstrated as commercial resource management; and
- 2) Timber lands of any grade, greater than or equal to 20 acres, where the best use is for timber production.

SECTION 8.04 PROTECTION MEASURES

Class I and II Forest Lands:

- 1) Lands within Class I and II Forest Lands shall have no more than one single or multiple family dwelling per 20 acres.
- 2) Lands within Class I and II Forest Lands shall not be divided into parcels less than 20 acres.

Class III and IV Forest Lands:

- 1) Lands within Class III Forest lands shall have no more than one single or multiple family dwelling per 10 acres.
- 2) Lots will be designed to ensure that the residences or other occupied structures are constructed and controlled by the residents.
- 3) Lands within Class III Forest Lands shall not be divided into parcels less than 10 acres.

Property owners who intend to use off-site water supply from adjacent Forest Lands, will be required to show legal access (i.e. easement/water rights) from the forest landowner, prior to platting or upon application for a building permit.

continuation of the overall agricultural use of the property and the neighboring properties.

- a. Agricultural accessory uses and activities will be allowed including, but not limited to, the storage, distribution and marketing of regional agricultural products, agriculturally related experiences, or the production, marketing and distribution of value-added agricultural products.
- b. Non-agricultural accessory uses and activities will be allowed as long as the uses and activities are consistent with the size, scale and intensity of the existing agricultural use of the property. Non-agricultural accessory uses shall not convert more than one acre of agricultural land to non-agricultural uses.

SECTION 10.00 MINERAL LAND

SECTION 10.01 GOALS

To conserve mineral lands for productive economic use by identifying and designating mineral resource lands of long-term commercial significance and to minimize loss of paleontological information.

SECTION 10.02 CLASSIFICATION

Ferry County has a unique geologic history. Epithermal precious-metal deposits in the Eocene Sanpoil Volcanics in the Republic graben have been targeted by several mineral exploration companies. More than 2.5 million ounces of gold have been produced from epithermal deposits in the Republic area since 1896. Exploration continues and new ore deposits continue to be discovered.

The ancient lakebeds of the Eocene Klondike Mtn. Formation overlie the heavily mineralized Sanpoil Volcanics. These sediments have yielded many fossils of plants, fish, and insects and are known as the world's richest source of Eocene temperate climate plant fossils. Outcrops in Republic have produced many previously unknown plant taxa and contain valuable evidence of past environmental conditions and plant adaptations.

Since the fossil bearing lake sediments were deposited in the Republic Graben's lowlands, it is reasonable to assume that additional fossils exist in graben. It is likely that increased exposure of the Klondike Mtn. formation by development and mineral exploration will reveal new fossil locations.

SECTION 10.03 DESIGNATION

Ferry County will use the following as tools to designate mineral resource lands of long-term commercial significance on a case-by case basis:

- 1) The Washington State Department of Natural Resources geological maps;
- 2) The USGS Quadrangle Geological Survey Bulletins for the Ferry County area.
- 3) US Forest Service Maps of the Colville National Forest, dated 1992.

In order to minimize loss of important scientific information, Ferry County strongly encourages property owners and developers to submit all fossils found to the Stonerose