FERRY COUNTY
RESOLUTION NO. 2012-08

ADOPTING FERRY COUNTY CODE OF THE WEST

WHEREAS, the Ferry County Board of Commissioners wishing to take a proactive stance and advise current and prospective rural residents of the conditions and circumstances generally associated with rural living that they may not have considered prior to making their decision to locate their homes and families to rural Ferry County, and

WHEREAS, a commissioner from Larimer County, Colorado developed an approach to providing this information in a context that brings to mind the spirit of the pioneers who first settled this area, and

WHEREAS, this approach called the **"Code of the West"** has been adapted to reflect Ferry County and the State of Washington's requirements and conditions.

NOW THEREFORE BE IT RESOLVED that the Ferry County Board of Commissioners hereby adopts the Ferry County Code of the West dated April 16, 2012 as an official advisory statement.

Adopted this 16th day of April, 2012.

FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON

Brian Dansel, Chairman

Brad M. Miller, Member

Robert L. (Bob) Heath, Member

ATTEST:

Hayley Aubertin,
Clerk of the Board

Ex. #7

FERRY COUNTY

CODE OF THE WEST

original

A few things to consider when moving into rural areas in Ferry County.

April 16, 2012

Endorsed by the Board of County Commissioners

FERRY COUNTY, WASHINGTON

Code of the West

Adapted from Lincoln County, Washington

The Code of the West was first chronicled by the famous western writer, Zane Grey. The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self-reliance guided their decisions, actions and interactions. In keeping with that spirit, we offer this information to help citizens of Ferry County who wish to follow in the footsteps of those rugged individualists by living outside city and town limits.

Introduction

It is important for you to know that life in the country is different from life in town. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to reside in Ferry County.

Access

The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency services vehicles can achieve the same level of access at all times. Please consider the following:

1.1 Emergency response times (sheriff, fire suppression, medical care, etc,) cannot be guaranteed. Under extreme conditions you may find that emergency response is extremely slow and expensive.

1.2 There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand easements that may be necessary when these types of questions arise.

1.3 You can experience problems with the maintenance and cost of maintenance of your road. Ferry County maintains 720 + miles of road, and many rural property owners are served by private or public roads that are

maintained by private road associations or private individuals. There are even some county roads that are infrequently maintained by the county – very little grading and snow plowing. There are even some public roads that are not maintained by anyone! Make sure you know what type of maintenance to expect and who will be providing that maintenance. Refer to Access 1.17 for further information.

1.4 Extreme weather conditions can destroy roads. It is wise to determine whether or not your road was constructed with or has installed adequate drainage facilities and structure.

1.5 Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.

1.6 School buses rarely travel off of maintained county roads that have been designated school bus routes by the school district. You may need to drive your children to the nearest county road so they can get to school.

1.7 In extreme weather, even county maintained roads could become impassable. You may need a four-wheel drive vehicle with chains for all four wheels to travel during these episodes, and even then you may not be able to get out. Situations like this can last for several days.

1.8 Natural disasters, especially floods, can destroy roads. Ferry County will repair and maintain county roads; however, subdivision roads, private roads and public roads are the responsibility of the landowners who use those. A dry creek bed can become a raging torrent and washout roads, bridges, and culverts. Residents served by private roads and bridges can be hit with large bills for repairs or reconstruction after floods. Not to mention loss of access until repairs are made.

1.9 Unpaved roads generate dust. When traffic levels reach certain levels, it may be necessary to treat your road with a dust control material. Dust is a fact of life for most rural residents. Ferry County does not apply dust control agents except under specific circumstances. Please contact the Public Works Department for details and permits to apply dust control products.

1.10 If your road is unpaved, it is highly unlikely that Ferry County will pave it in the foreseeable future. Check carefully with the county Public

Works Department when any statement is made by the seller of any property that indicated any unpaved roads will be paved.

1.11 Unpaved roads are not always smooth and are often slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on unpaved rural roads. It is also necessary to reduce speed levels when traveling on unpaved roads due to the changes in surface you will experience.

1.12 Mail delivery may not be available in all areas of the county. Ask the local postmaster to describe the system for your area.

1.13 Newspaper delivery may not be available in all areas of the county. Check with the newspaper of your choice before assuming you can get delivery.

1.14 Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with these service providers as to your status.

1.15 It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required to reach your site.

1.16 Construction of an approach to provide access on to a county road requires a permit from the Public Works Department and you must meet the various conditions regarding size, location and construction.

1.17 Primitive Roads – many roads in Ferry County have been classified as "Primitive" this classification removes any requirements for design, signing and maintenance for the road that is designated and marked as to a primitive road. What this means is that using a primitive road is done at your own risk with no recourse to the county.

Utility Services

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs often take much longer than in towns and cities. Please review your options from the non-exhaustive list below:

2.1 Telephone communications can be a problem, especially in the canyon areas of Ferry County. Even cellular phones will not work in all areas.

2.2 If sewer service is available to your property, it may be expensive to hook into the system. It may also be expensive to maintain the system you use.

2.3 If sewer service is not available, you will need to use an approved septic system or other treatment process. The type of soil you have available for a drain field will be very important in determining the cost and function of your system. Have the system checked by a reliable sanitation firm and ask for assistance from the Northeast Tri-County Health District. They are also charged with issuing the required permits.

2.4 If you have access to a supply of treated domestic water, the tap fees can be expensive. You may also find that your monthly cost of service can be costly when compared to municipal systems.

2.5 If you do not have access to a supply of treated domestic water, you will have to locate an alternate supply. The most common method is use of a water well. Notice of intent to construct a water well must be filed with the Washington State Department of Ecology and the cost of drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully.

2.6 Not all wells can be used for watering of landscape and/or livestock. A water right from the State Department of Ecology is required if you withdraw more than 5000 gallons per day or irrigate over ½ acre. If you have other needs, make certain that you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permits.

2.7 Electric service may not be available to every area of Ferry County. It is important to determine the proximity of electric power. It can be very expensive to extend power lines to remote areas.

2.8 It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It

is important to make sure that the proper easements are in place to allow lines to be built to your property.

2.9 Electric power may not be available in two phase and three phase service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.

2.10 If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.

2.11 The cost of electric service is usually divided into a fee to hook into the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a piece of property.

2.12 Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may lose food in freezers and refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.

2.13 Trash removal can be much more expensive in a rural area than in a city. In some cases, your trash dumpster may be several miles from your home. It is illegal to create your own trash dump, even on your own land. It is also illegal to burn your trash. It is good to know the cost for trash removal as you make the decision to move into the country. Recycling is more difficult because pick-up is not available in most rural areas. Contact the certified waste hauler in your area or for assistance call the County Transfer Station at (509) 775-8019 or (509) 775-5225 Ext. 1131.

The Property

There are many issues that can affect your property. It is important to research these items before purchasing land.

3.1 Not all lots are buildable, for example, flood plains. The Ferry County Assessor has many parcels that are separate for the purpose of taxation that are not legal lots in the sense that a building permit can be issued. You must

check with the Ferry County Public Works Department, Planning/Building Department, and Northeast Tri-County Health District regarding building, land use and environmental requirements.

3.2 Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that are not of record. Check these issues carefully.

3.3 Many property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the land and who owns them. Much of the rural land in Ferry County can be used for mining, however a special review by the county commissioners is usually required. Be aware that mining on adjacent property can expand and cause negative impacts.

3.4 You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.

3.5 Fences that separate properties are often misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines.

3.6 Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.

3.7 Homeowners associations (HOA's) are required to take care of common elements, roads, open space, etc. within subdivisions. A dysfunctional homeowners association or poor covenants can cause problems and even involve you in expensive litigation.

3.8 Dues are almost always a requirement for those areas with a HOA. The by-laws of the HOA will tell you how the organization operates and how the dues are set.

3.9 The surrounding properties will probably not remain as they are indefinitely. You can check with the Ferry County Planning Department to find out how the properties are zoned and to see what future developments may be in the planning stages. The view from your property may change.

3.10 If you have an irrigation ditch running across your property there is a good possibility that the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch.

3.11 Water rights that are sold with the property may not give you the right to use the water from any ditches that cross your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the oversizing or otherwise improving of the ditch.

3.12 It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock and was issued for the purpose you intend to pursue.

3.13 The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it. Water rights are required for any use of any surface waters.

3.14 Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active stream, consider the possible danger to your family.

3.15 If you buy property along a river such as the San Poil or Kettle Rivers, you should be aware of the fact that while floating the river is allowed, access is to be obtained at the public access points or by permission of a property owner to cross their property.

Mother Nature

Residents of the county usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

4.1 The physical characteristics of your property can be both positive and negative. Trees are a wonderful environmental amenity, but can involve

your home in a forest fire. Building at the top of a wooded draw should be considered as dangerous as building in a flash flood area. "Defensible perimeters" are very helpful in protecting buildings from forest fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, you can contact the Department of Natural Resources or your local fire department.

4.2 Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

4.3 Expansive soils, such as Bentonite Clay can buckle concrete foundations and twist steel I-beams. You can know the soil conditions on your property if you have a soil test performed.

4.4 North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.

4.5 The topography of the land can tell you where water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through the ravine now drains through their house.

4.6 A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when building.

4.7 Spring run-off can cause a very small creek to become a major river. Many residents use sand bags to protect their homes. The county is prohibited from providing sand bags, equipment or people to protect private property from flooding.

4.8 Nature can provide you with some wonderful neighbors. Most, such as deer and eagles are positive additions to the environment. However, even "harmless" animals like deer can cross the road unexpectedly and cause traffic accidents. Rural developments encroach on the traditional habitat of coyotes, bobcats, cougar, rattlesnakes, ground squirrels, bears and other animals that can be dangerous and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and know that if you

do not handle your pets and trash properly, it could cause problems for you and the wildlife. The Washington State Department of Fish and Wildlife and Washing State University Extension Service are two good resources for information. They have many free publications to help educate you about living in the wild.

Agriculture

Water has allowed agriculture to become an important part of our environment. Owning rural land means knowing how to care for it. There are a few things you need to know.

5.1 Farmers often work around the clock, especially during planting and harvest time. Dairy operators sometimes milk without stopping and hay is often swathed or baled at night. It is possible that adjoining agriculture uses can disturb your peace and quiet. Irrigation pumps and sprinklers may be noisy, also vehicles such as four-wheelers, motorcycles and snow mobiles may be used on many farms to maintain fences and locate livestock. Dogs may bark at night providing a useful function as predator control.

5.2 Land preparations and other operations can cause dust, especially during windy and dry weather.

5.3 Farmers occasionally burn their ditches to keep them clear of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.

5.4 Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people have severe allergic reactions. Many of these chemicals may even be applied by airplanes that fly early in the morning.

5.5 Animals and their manure can cause objectionable odors. What else can we say?

5.6 Agriculture is an important business in Ferry County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in normal day-to-day operations of your agri-business neighbors. In fact, Washington has "Right to Farm"

legislation that protects farmers and ranchers from nuisance and liability lawsuits. It enables them to continue producing their products.

5.7 Washington has a range law. Most of Ferry County is considered range. Range means that cattle, horses, mules and donkeys are free to wander and graze unless fenced off a property by a legal fence. Washington State University Extension office has produced a brochure to explain the responsibilities of residents regarding the range area laws in Ferry County.

5.8 Before buying land you should know if it has noxious weeds you may be required to control that may be expensive to control. Some plants are poisonous to horses and other livestock. The Ferry County Weed Department can assist in determining the existence of noxious weeks.

5.9 Animals can be dangerous. Bulls, stallions, rams, boars, etc. can attack human beings. Individuals need to know that it is not always safe to enter pens, pastures or range lands where animals are kept.

In Conclusion

Even though you pay property taxes to the county, the amount of tax collected does not cover the cost of the services provided to rural residents. In general, those living in the cities subsidize the lifestyle of those who live in the country by making up the shortfall between the cost of services and the revenues received from rural dwellers.

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be less than you expect.

We have offered these comments in the sincere hope that it can help you enjoy your decision to reside in the country. It is not our intent to dissuade you, only inform you.