

PLANNING COMMISSION
REGULAR MEETING
December 14, 2016

Chairwoman Lorna Johnson called the regular December 14, 2016 meeting to order at 6:11 pm. Commissioners Tamra Stevens, Terry Theile, Saundra Richartz, Margo Locke and new Commissioner Scott Simmons were present as well as Leah VanderStoep, Planning Director, and Mary Kalinowski, Front Desk Receptionist/Planning Commission Secretary.

Discussion and review of the Planning and Enabling Act. Meetings for September through November were not audio recorded. This recorded meeting will reaffirm actions taken in those meetings.

By-laws were reviewed and the discussion of changes to the by-laws was tabled until the January regular meeting.

Items from the September 14, 2016 regular meeting were presented as follows:

1. Goochey – Lot adjacent to Tiffany's Resort, request for reasonable use exception to build a pole barn for storage on parcel 33832130003800, Range 33, Township 38, Section 32, as there is no significant place for storage within Tiffany's Resort. Leah VanderStoep read the September 14, 2016 regular minutes as well as the Findings of Fact. Chairwoman Lorna Johnson requested a motion to approve. Margo Locke made a motion to approve and Tamra Stevens seconded the motion. The motion passed unanimously.

Items from the October 12, 2016 regular meeting were presented as follows:

1. Goochey – Tiffany's Resort, request for a reasonable use exception to build a residence within the Tiffany's Resort property, Range 33, Township 38, Section 32, parcel 33832130002000. Leah VanderStoep read the minutes from the October 12, 2016 regular meeting as well as the Findings of Fact. After a discussion of the Shoreline Master Program Tamra Stevens made a motion to approve with the addition that a pre-existing building be removed as mitigation per the Shoreline Master Program. A second was made by Terry Thiele. The motion passed with 4 ascending and 1 abstaining votes.

Items from the November 9, 2016 regular meeting were presented as follows:

1. Robison – Salishan, request for a boundary adjustment to combine parcels 53223510338000 (0.17 acres) and 53223510337000 (0.17 acres), Range 35, Township 32, Section 23, creating one lot. Leah VanderStoep read the minutes from the November 9, 2016 regular meeting. There was a discussion of property consolidation and whether or not a boundary adjustment was the correct

- procedure. Sandra Richartz made a motion to accept the boundary adjustments being put forth with further research into whether the proper procedure is to vacate the boundary or a boundary adjustment. Scott Simmons seconded the motion and it passed unanimously. Tamra Stevens made a motion to approve the boundary adjustment with the statement added that a buildable lot is not guaranteed. Terry Thiele seconded the motion and it passed unanimously.
2. Bryant – Malo, request for a boundary adjustment, purchased 5 acres of parcel 33813430001000 (40 acres) from Edward Timmer, his neighbor, and wishes to combine with his parcel 3381350104400 (9.72 acres), Range 33, Township 38, Section 13, to create a better building site. Leah VanderStoep read from the November 9, 2016 regular meeting minutes. Tamra Stevens made a motion to approve pending a survey. Terry Thiele seconded the motion. Motion passed unanimously.
 3. DeNault – Kettle Falls, request for a boundary adjustment, purchased 0.26 acres of parcel 63711410002100 (8.59 acres) from her neighbor Michael Paxson. She wishes to combine with her parcel 63712330002000 (54.55 acres), Range 36, Township 37 Section 11, to adjust boundary to align with her driveway and horse trail. Leah VanderStoep read from the minutes of the November 9, 2016 regular minutes. A motion was made by Scott Simmons to approve the boundary adjustment as applied for, requiring a survey to be recorded at the courthouse. Margo Locke seconded the motion. The motion passed unanimously.

Items brought forward for the December 14, 2016 regular meeting:

1. Rochelle – Republic, request for boundary adjustment to dissolve the previous family exempt parcel 33606410005100 (2.5 acres) which is within parcel 3360610005000 (25.33 acres), Range 33, Township 36, Section 06, making one parcel for tax purposes. Margo Locke made a motion to approve the dissolving of the family exempt parcel, creating one large lot. A second was made by Tamra Stevens. The motion unanimously passed.
2. Hatcher – Salishan, request for a boundary adjustment to combine two of his parcels, 5322351203000 (1.19 acres) and 53223510201000 (0.34 acres), Range 35, Township 32, Section 23, creating one lot, lowering his HOA dues. Sandra Richartz made a motion to grant the boundary adjustment. Scott Simmons seconded and the motion passed unanimously.
3. Clise/Carson – Curlew, request for boundary adjustment. Thaddeaus Carson's house sits across Richard Clise's property line. Mr. Clise is selling 0.48 acres of his parcel 24011120001002 (260 acres) to Mr. Carson who wishes to combine with his parcel 24011410001000 (80 acres), Range 32, Township 40, Section 11, making his home within his own boundaries. Scott Simmons made a motion to approve the boundary adjustment as applied for. Terry Thiele seconded the motion. The motion passed unanimously.

During the September 14, 2016 regular meeting there was a discussion of the Shoreline Master Program (SMP) that Ferry County is in the process of finalizing. During the November 9, 2016 regular meeting, changes were made to the SMP comments by the Planning Commission after discussion with Ben Floyd, Anchor QEA, and Jeremy Sikes, Department of Ecology. Changes made as follows:

- Page 7 – Comment Topic: Shrub-step Riparian Buffers.
 - Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates. Prepared for Grant County, June 2013.
 - Add “Anchor QEA,” before June 2013.

- Page 10 – Comment Topic: Critical Areas Provisions – adoption by reference.
 - ~~Agree that the most recent Critical Areas Ordinance be referenced, as suggested.~~
 - Update text to read: “Ferry County 2016 Critical Areas Ordinance (CAO) 2016-03 (or as amended)...”

- Page 10 – Comment Topic: Geologically Hazardous Areas – Landslide Hazards.
 - This comment was previously made by the commenter earlier in 2016, and the response made by the County to that earlier comments is still valid, as provided below.
 - Change “comments” to “comment”.

- Page 12 – Comment Topic: Zoning Map.
 - Ferry County has only two types of zoning as depicted on Map 10 of the IAC report map folio: Rural and Rural Service Area.
 - Change “zoning” to “land use designations”
 - Add to end of sentence “Note: Map 10 incorrectly has these land use designations labeled as “zoning”. Ferry County does not have separate zoning designations.”

- Page 13 – Comment Topic: Zoning Map.
 - What is being referenced to in this comment may be the resource lands also designated by the County as forest, agricultural and mineral lands. These designations are different from the zoning designations.
 - Add “resource land” between “These” and “designations”.
 - Change “zoning” to “County land use”.
 - Add sentence “The Rural Environmental Designation in the SMP includes consideration of the identified resources lands”.

 - No additional changes recommended.
 - Add “SMP” between “No” and “additional”.
 - Change period after recommended to semi-colon and add “IAC report Map 10 labeling will be updated to “Land use” from “zoning””.

- Page 14 – Comment Topic: Shoreline Environment Designations – Natural.
 - ...might be permitted on these lands by the County ~~from~~ the Rural designation.
 - Change “from” to “within”.
 - ~~Discuss areas with~~ Planning Commission.
 - Change to “Additionally the” Planning Commission...
 - Add text: “...has reviewed the Natural Rural designation criteria (see 2.04 (B)(1) Criteria b and c), and the areas identified by WDFW for consideration as Natural and has re-evaluated whether the lands identified would be better fit under Rural or Natural. Conclusions from this review are provided below:”
 - “Reach 1 Kettle River in T40, R32, S14, NW ¼ at -118.7681, 48.9685 decimal degrees – This areas is in an active floodplain. While it is surrounded by cultivated fields, and other rural uses, the shoreline ecological functions and floodplain appear to be largely intact with limited future development potential. This area appears to better fit with the Natural environment designation, as recommended by WDFW. **Update Kettle River Reach 1, Map 1, islands to Natural, for area depicted on Figure 1 below.**”
 - “Subreach 2d Kettle River in T39, R33, S15, NE ¼ at -118.6158, 48.8834 decimal degrees. This areas is in an active floodplain, and is also periodically grazed (low-intensity). While it is surrounded by grazing and hay fields, and other rural uses, the shoreline ecological functions and floodplain appear to be largely intact with limited future development potential. This area appears to better fit with the Natural...”

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 - (Continuation of text from page 14).
 - “...environment designation, as recommended by WDFW, acknowledging that the existing agricultural activities that have and are expected to continue in the future on this land, such as grazing, hay cutting and other agricultural activities are exempt from the SMP. **Update Kettle River Reach 2d, Map 2, designated floodway to Natural, for area depicted on Figure 2 below.**”
 - “ “Madilane’s Island” on Curlew Lake in T37, R33, S05, NE ¼ at -118-6682, 48.7337. We were unable to determine which island is being referred to but did review Zippel and Wiseman islands. Zippel is undeveloped and while low intensity recreation occurs on it, it does appear to better meet the Natural designation criteria, and will be updated accordingly. Wiseman has residential development on it, and so no change is recommended for designation for this island. **Update Curlew Lake Environment Designation, Map 34 to Natural, for area depicted on Figure 3 below.**”
 - “Curlew Creek from the outlet of Curlew Lake downstream to the confluence with Lambert Creek. This area is surrounded by several rural uses, has several functional breaks including old railroad grade, and roads, and is immediately adjacent to active farming and other activities. Consistent with the Rural environment designation criteria, this area should...”

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- (Continuation of text from page 15)
 - "...remain as Rural, recognizing wetland and riparian protections will still apply to protect the noted habitat in this area."
 - "Southern half of Lake Roberta (Curlew Lake). This area has substantial residential development around it, active farming and roads, and so no change in environment designation is recommended. Again, wetland and riparian protections will still apply to protect the noted habitat in this area, along with mitigation sequencing, as applicable to future development proposals."
 - "Grumbach Slough." While it is surrounded by grazing and hay fields, a road to the west, and other rural uses, the shoreline ecological functions and floodplain appear to be largely intact with limited future development potential. This area appears to better fit with the Natural environment designation, as recommended by WDFW. Update to Natural."
 - "Kettle River side channel/wetland area near Danville – This area does not have identifiable development, is active floodplain and has associated stream channels and wetlands. While it is surrounded by rural uses, the shoreline ecological functions and floodplain appear to be largely intact with limited future development potential. Existing..."

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- (Continuation of text from page 16)
 - "...agricultural activity may be occurring in this area. This area appears to better fit with the Natural environment designation, as recommended by WDFW, acknowledging that the existing agricultural activities that have and are expected to continue in the future on this land, such as grazing, hay cutting and other agricultural activities are exempt from the SMP. Update to Natural."
- The SMP was informed by a Shoreline Characterization Report...
 - Add "Inventory, Analysis and" between Shoreline and Characterization.
- ...The County prepared a Cumulative Impact Analysis...
 - Add "also" between "County" and "prepared".
 - Add an "s" after Impact. (Cumulative Impact_s Analysis)
- Regarding the recommendation to manage riparian areas...
 - Add a dash (-) between "Regarding" and "the".

Scott Simmons made a motion to enter the SMP comments into the record of index. Tamra Stevens seconded the motion and it passed unanimously.

From the November 9, 2016 regular meeting, Tamra Stevens brought forth information for the Landsat used by the Forestry Service to monitor the forest. The Landsat could be a valuable tool for Ferry County as well. Tamra Stevens made a motion to bring the information to the Board of County Commissioners (BOCC) and suggest Ferry County use this technology. Scott Simmons seconded the motion. Motion was unanimously passed.

Also from the November 9, 2016 regular meeting Tamra Stevens brought forth a letter published in the fall 2016 Okanogan Farm Bureau newsletter from Nicole Kuchenbuch, Okanogan Farm Bureau President, concerning Represent Okanogan County (ROC). Also brought forth by Tamra Stevens was the Washington Department of Fish and Wildlife (WDFW) Lands 20/20 Plan and the impact on Ferry County. Tamra Stevens made a motion to add to the record of index the above mentioned newsletter as well as the following printed information from the WDFW: *Lands 20/20: A Clear Vision for the Future, 2015 – 2017 Land Acquisition Project Proposals*, and *2017 – 2019 Land Acquisition Project Proposals*. The motion was seconded by Margo Locke and passed unanimously.

Return to discussion of Growth Management Act (GMA) from the November 9, 2016 regular meeting. Background information and updates were given by Sandra Richartz. After conferring with the Washington State Attorney General, the Growth Management Hearings Board (GMHB) ruled they do not have jurisdiction over the case as Ferry County opted out in September of 2014. Scott Simmons brought forth a letter dated December 6, 2016 from the GMHB explaining their ruling. Leah VanderStoep brought forth an email dated December 1, 2016, from Dave Anderson, the Eastern Regional Manager of Growth Management Services, Department of Ecology. The email had a letter attached, also dated December 1, in regards to *Ferry County Application for a Determination of Compliance*. The Department of Commerce now has until March 3, 2016 to make their decision. Chairwoman Lorna Johnson asked for a motion to add the GMHB December 6, 2016 letter along with the Dave Anderson email and Department of Ecology letter dated December 1, 2016, to the record of index. Scott Simmons made the motion to add the two listed documents to the record of index. A second was made by Margo Locke. The motion unanimously passed.

Also discussed under GMA, Attorney Peter Scott adding items to the record of index. It was clarified that the items added to the record were the case record and not the Planning Commission record of index.

Leah VanderStoep led a discussion on the Hirst case and its effect on Ferry County. With this decision, the burden to prove water availability lies with the counties instead of the Department of Ecology. Four counties responded to the decision by putting into place mechanisms such as keeping water logs, well logs and requiring proof of where water is coming from on building permits, in an attempt to be pro-active and give themselves a defense against future law suits. Scott Simmons added that in Whatcom County, the Hirst decision was made because the county Comprehensive Plan was not compliant with the Growth Management Act, the county had to be planning under GMA, which as of December 6, 2016 we are no longer under, and there are no closed basins in Ferry County. These points and the likelihood of a lawsuit being brought forth from Futurewise or others were discussed as well as a plan of action for future development. Tamra Stevens made a motion that at this time the County continues to issue buildings permits as it has in the past and support the efforts of the Washington State Association of Counties (WSAC). Sandra Richartz seconded the motion and the motion passed unanimously.

Under new business Tamra Stevens brought forth an article from the Spokesman Review, "*Matt Shea, Bob McCaslin propose creating new state called "Liberty" in Eastern Washington*", for the Planning Commission's information and support and to encourage the Ferry County BOCC, Association of Counties and Washington COG to support this legislation.

Tamra Stevens also brought forth under new business a copy of an email from Congresswoman Cathy McMorris Rogers with an attached copy of her editorial in the Walla Walla Union-Bulletin entitled "*Our dams support us; it's time to support them*", for the Planning Commission's information.

The meeting was adjourned by Chairwoman Lorna Johnson at 9:10 pm.

The next regular Planning Commission meeting will be held on January 11, 2016.