

**FERRY COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
June 10, 2009**

Chairwoman Tamra Stevens called the regular, June 10, 2009 meeting of the Planning Commission to order. Commissioners Lorna Johnson, Gary Howden, Bob Kirkham and Carmen Peterson were also present. Commissioner Bond was present. Irene Whipple and Carolyn Dabney were present from the Planning Department.

- ❖ **Norberg Boundary Adjustment:** Loren Norberg owns Lots 17, 18, and the South half of Lot 19 in Bremner's Curlew Lake Tracts in Range 33, Township 38, Section 29. The lots are 0.34 acre. He wants to combine the lots so he can build. The lots have been surveyed and there is access. After discussion Lorna Johnson made a motion to approve the boundary adjustment. Bob Kirkham seconded the motion with all in favor of the motion.
- ❖ **Norberg Reasonable Use Exemption:** On the lots just approved for boundary adjustment, Loren Norberg requests a reasonable use exemption. He wants to put a 52' x 40' mobile home no closer than 50 feet from the ordinary high water mark of Curlew Lake. At the deepest point, the lots are 116 feet from the lake. After discussion Lorna Johnson made a motion to approve his request to build no closer than 50 feet to the ordinary high water mark and to satisfy all Northeast Tri County Health Department requirements. Bob Kirkham seconded the motion. All were in favor of the motion.
- ❖ **Gould Long Plat, Preliminary Review:** David and Shirley Gould own Lot 12, Lot 13 lying West of Highway 395, and the East 40' of Lot 21, in Boyd Acre Tracts; Range 37, Township 37, Section 08. The combined acreage is 21.66 acres. They want to divide the property into 8 lots. As Boyd Acre Tracts is a Long Plat, and they are creating 8 logs, they will need to Long Plat the property. All of the lots meet the minimum lot requirement of 2.5 acres and all meet the minimum width of 200 feet. Public water will be provided for all the lots. Each lot will have the capacity to have an individual septic system. The property has been surveyed. The roads will need to meet Ferry County road standards. After more discussion, Bob Kirkham moved to approve the preliminary review of the Gould Long Plat. Lorna Johnson seconded the motion with all in favor of the motion.
- ❖ **Doyen/Newman Boundary Adjustment:** Jon Newman owns Tax 44-4A (part of SE4 SE4), 17.45 acres in Range 33, Township 38, Section 15. Christopher Doyen owns Lot C of the Amended Griggs Short Plat, an 8.48 acre parcel. Mr. Newman built his driveway infringing on Mr. Doyen's property and a portion of his house is also on the property line. Mr. Newman's 100' protective well radius also infringes on Mr. Doyen's property. Mr. Doyen has signed a water covenant stating he won't contaminate Mr. Newman's well. He is also willing to boundary adjust the .25 acre containing Mr. Newman's driveway, to Mr. Newman. The 0.25 acres to be boundary adjusted, includes a portion of an easement road used by the neighbor who owns Lot 4 of the John Stotts Short Plat. After further discussion Bob Kirkham made a motion to approve the boundary adjustment with the provision that the 60' easement remains allowing Lot 4 to continue to use the road. If the

easement is not staying in place, then permission for the boundary adjustment must be obtained from the owner of Lot 4. Gary Howden seconded the motion with all in favor of the motion.

- ❖ **Hart Variance:** Randy Hart owns a 137.69 acre parcel in Range 37, Township 35, Section 04. He wants to split off the east portion that is separated from the remainder of his land by the Inchelium Highway. The land to be separated is bordered either by the Inchelium Highway or by surveyed properties. Mr. Hart understands that the new lot will not be guaranteed as buildable. After discussion, Gary Howden made a motion to approve the variance. Bob Kirkham seconded the motion, with all in favor of the motion.
- ❖ **Nelson Plat Amendment:** Lucas Nelson owns Lots 1 and 2 of Lake Curlew Acre Tracts Division 2, and Lot 1 of Lake Curlew Acre Tracts Division 2, in Range 33, Township 37, Section 08 in Curlew Kai. He wants to reconfigure the lots to create two buildable, view lots. He would combine Lot 1 of Division 1 and Lot 1 of Division 2 to make one lot, leaving a portion on the south and east side to be added to Lot 2 of Division 1 for a septic line and drainfield. After discussion Bob Kirkham made a motion to approve the submitted changes. Gary Howden seconded the motion with all in favor of the motion.

❖ **May 13, 2009 Minutes:**

- Add Commissioner Bond to those present at the meeting.
- Add further explanation on page 5, before Gary Howden's emailed statement. It will read, "The following is his statement emailed on 5/14/09, (with minor clarification of his statement on 5/13/09):".

Gary Howden made a motion to accept the minutes with the two noted corrections. Lorna Johnson seconded the motion with all in favor of the motion.

- ❖ **Futurewise** has withdrawn their appeal of the Critical Areas Ordinance.
- ❖ There will be a **Hearing on the Merits** on Monday, June 22 on Case 09-1-0002c at 10:00 a.m. at the PUD.
- ❖ CTED will send out information on **GMA Update Grants**. The Planning Commission needs to begin updating the Comprehensive Plan as we need to have the updates completed by 12/1/2010.
- ❖ **Parking Lot – Cattleman's Association's Questions:** Tamra Stevens put forth suggested responses to the questions posed by the cattlemen on May 6, 2009, and these were used as the basis for discussion. The following answers were agreed upon by consensus.

- **Question #1: Is the \$25,000.00 gross sales to be considered on individual parcels or the entire farming operation?** Since the \$25,000.00 gross sales was to determine hobby farms from commercial farms, it seems to imply a whole farm operation.
 - **Question #2: What if some of the parcels farmed don't fall into Agricultural Lands of Long Term Commercial Significance?** As in the response to question 1, the parcels would be considered as part of the whole farm and would be included. The same would apply to all the expenses.
 - **Question #3: What if the land is leased? Does the income reflect back to the land owner or to the farmer leasing the land?** The lease payment would be the income of the property owner. The income from agricultural activity would be the income of the farmer leasing the land. His lease payment to the property owner would be counted as an operating expense along with any other expenses from agricultural activities.
- ❖ **Farmland of Local Importance:** In response to a request for information, Lloyd Odell with the Ferry Conservation District submitted two possible areas to consider for this designation. After much discussion it was determined not to do so at this time.
- ❖ **Right to Farm Ordinance:** The Planning Commission had reviewed the Right to Farm Ordinances from Kittitas County, Stevens County and Lewis County. After discussion, the Planning Commission decided to work from the Kittitas County and the Stevens County Documents. The following draft Right to Farm Ordinance was developed by consensus.

RIGHT TO FARM IN FERRY COUNTY ORDINANCE # _____

WHEREAS, farming is a historic industry in Ferry County and the State of Washington; and

WHEREAS, a need exists to continue farming and agricultural activities in accordance with generally accepted management practices; and

WHEREAS, agricultural activities in Ferry County on land used for agriculture needs to be protected.

NOW, THEREFORE,

BE IT HEREBY ORDAINED that the Board of Ferry County Commissioners adopt the following "Right to Farm in Ferry County" Ordinance.

Section I. Definitions:

1. "Farm" means land, buildings, livestock, and machinery devoted primarily to the production of agricultural commodities on lands used for agriculture.
2. "Supporting facilities" include, but are not limited to, roads and waterways, storage, processing, conditioning and sale facilities on lands used for agriculture.
3. "Agricultural activity" includes, but is not limited to, the growing or raising, harvesting, storage, disposal, transporting, conditioning, processing, sale, and research and development of, but not limited to, the following: horticultural crops, poultry, livestock, grain, mint, hay, forages and feed crops, apiaries, beekeeping, equine activities, leather, fur, wool, dairy products and seed crops. Agricultural activity may involve, but is not limited to, the following operations and conditions: on-farm and roadside marketing, dust, fumes, vapors, gases, smoke odors, and noise from the farm or farm activities, open burning; operation of machinery; movement (including use of current county road ditches, streams, rivers, canals, and drains, etc.) and use of water for agricultural activities; ground and aerial seeding and spraying; application of fertilizers, conditioners, pesticides and associated drift of such materials; employment and use of labor, roadway movement of equipment and livestock, protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, etc. and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.
4. "Generally accepted agricultural and management practices" means historic practices, and those practices as defined or recommended by the United States or Washington State Department of Agriculture, Farm Services Agency, Soil Conservation Service, Washington State University Cooperative Extension, Ferry Conservation District and other professional and agricultural organizations. These practices may be modified to reflect varying conditions which include, but are not limited to, geographical location, weather, soil types and conditions, type of crop or livestock and management system.
5. "Agriculture" is the grazing, feeding, and watering of livestock, plowing, seeding, cultivation and harvesting for the production of crops and pasture; soil and water conservation practices; the creation and maintenance of farm or stock ponds, irrigation ditches, drainage ditches, underground drainage systems, fences and farm roads, the control of noxious weeds, and includes any associated structures, appurtenances, equipment or activities.
6. "Lands used for agriculture" means lands where agriculture is allowed either as a permitted use or a conditional use or not prohibited. If ongoing and existing agricultural activities occur inside urban growth areas, these shall be considered as "lands used for agriculture".

Section II. An agricultural activity shall not be found to be a public or private nuisance if the farm or agricultural activity conforms to generally accepted agricultural and management practices.

Section III. A farm or supporting facilities shall not be found to be a public or private nuisance if the farm or supporting facilities existed before a change in the land use or occupancy of adjacent land or other land in the general area.

Section IV. Agricultural activities shall not be restricted to time of day or day or days of the week, but shall be conducted according to general accepted agricultural and management practices.

Section V. An agricultural activity shall not be found to be a public or private nuisance when conducted according to generally accepted management practices when in turn these practices may be subject to varying conditions which include, but are not limited to: geographical location, weather, soil types and conditions, type of crop or livestock and management system.

Section VI. This ordinance should not be construed to compromise existing County, State or Federal Laws.

At 8:50 p.m. Bob Kirkham moved to adjourn the meeting. Gary Howden seconded the motion, with all in favor of the motion. The meeting was adjourned.