

FERRY COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
May 13, 2009

Chairwoman Tamra Stevens called the regular, May 13, 2009 meeting of the Planning Commission to order. Commissioners Lorna Johnson, John Hamilton, Gary Howden, and John Egge were also present. Commissioner Bond was present. Irene Whipple and Carolyn Dabney were present from the Planning Department.

- ❖ **Walker Boundary Adjustment:** Stephen Walker wants to combine Lots 13-17 in Block 9 in the town of Orient, Range 36, Township 39, Section 23. The combined lots will be .39 acres. These are legal lots. Mr. Walker is currently applying for a septic permit. After discussion, Gary Howden moved to approve combining these lots into one parcel. Lorna Johnson seconded the motion with all in favor of the motion.
- ❖ **Maryott Reasonable Use:** Forest Maryott owns Lot 23 in Lake Curlew Acre Tracts #3, Range 33, Township 37, Section 17. This lot is .63 acres and is a legal lot. He wants to build a small cabin that will be set back 120 feet from the ordinary high water mark of the lake. The current set back is 150 feet. After discussion, John Egge moved that Mr. Maryott be allowed to build, including the septic system, no closer to the lake than the 120 feet he is proposing. Lorna Johnson seconded the motion with all in favor of the motion.
- ❖ **Boman Boundary Adjustment:** Bradley Boman owns Lots 1-20 in Block 4 in the town of Danville. He wants to combine Lots 1-5. These are legal lots. After discussion, Gary Howden moved to approve combining Lots 1-5. John Egge seconded the motion with all in favor of the motion.
- ❖ **Minutes from 4/8/09, 4/15/09, & 5/6/09:** After discussion John Hamilton moved to accept the minutes as written with the addition of “The Planning Commission discussed these questions at length.”, after the Cattlemen’s questions, at the end of the 5/6/09 minutes. Gary Howden seconded the motion with all in favor of the motion.
- ❖ **Appeal Update:** There were handouts on GMA appeals, with Irene Whipple giving a brief update.
 - Cases 09-1-001 (Pete Simmons) was combined with Case 09-1-0002 (Gary Howden) to become Case 09-1-0002c.
 - Areas that the Growth Management Hearings Board says we were deficient were:
 - Mapped Priority Habitat Areas & Species Observation Points—did not determine Best Available Science and did not consider data supporting generation of said maps.
 - Buffers for streams, rivers and lakes—did not necessarily look at Best Available Science when changing the buffers.
 - The Washington Farm Bureau has intervened on the 09-1-0003 Case, which is the Appeal by Futurewise.

- Ferry County got an extension on three of the old cases, 97, 01 and 04 (we have not heard on the 06 case). Instead of June and July deadlines, we now have until September 21, 2009. (The Governor's office is still working on the timeline we sent in, so we are still trying to meet the August 24, 2009 deadline.)

❖ **Agricultural Lands of Long Term Commercial Significance:**

- **Draft Development Regulations:** For continuity, the following changes have been entered in the order they occur in the document, not the order in which they were discussed:

- Section 8.03, Class I Forest Lands 2), change to read, "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"

- **Section 9.01:** Working from Gary Howden's suggestions for Section 9.01 dated 5/13/09:

- Paragraph 1, 1st sentence, change to read, "To conserve and protect agricultural prime lands designated as Agricultural Lands of Long-Term Commercial Significance. Move the remainder of the paragraph to become paragraph 3.
- Change paragraph 2 to read, "To protect agricultural lands in Ferry County. There are lands in Ferry County which don't meet prime farmland definitions, but are utilized as agricultural lands. Ferry County encourages agriculture on a county wide basis."
- Change the last sentence in Section 9.01 to, "To promote development on non-prime farmlands and conserve prime farmlands for open space, continued agricultural use, or lease for agricultural use."

- Other **Draft Development Regulations** changes:

- Section 9.02, add to end of the last sentence, ", and the U.S. Forest Service Maps of the Colville National Forest, dated 1992."
- Section 9.03, change the sentence just before the "Prime Farmland" section, to read, "Ferry County recognizes Class 2 through 4 soils as Prime Farmland as mapped by the Natural Resources Conservation Service."
- Section 9.03, Prime Farmland, 1st sentence, insert ", as defined by the Natural Resources Conservation Service,". It will read, "Prime farmland, as defined by the Natural Resources Conservation Service, is land that has the best combination...or water)."
- Section 9.04, 1st paragraph, replace "certain lands" with "Class 2 through 4 Soils".
- Section 9.04, end of 1st paragraph, delete "Please see Appendix A."
- Section 9.04, add as the last paragraph, "Upon review of the Natural Resources Conservation Service soil maps and other criteria, (see Appendix A), no Agricultural Lands of Long Term Commercial Significance were currently found to exist in Ferry County."

- Section 9.05, capitalize Agricultural Lands of Long Term Commercial Significance for continuity.
- Section 10.03, add 3) U.S. Forest Service Maps of the Colville National Forest, dated 1992.
- Section 11.05, paragraph 1, enter the correct number of 2009-18 for the Public Participation Plan.

➤ **Appendix A, Draft Development Regulations:**

- Page A1, paragraph 3, 1st sentence will read, “Almost 80 percent of the agricultural crop of Ferry County is in raising and marketing beef cattle.”
- Page A2, Under Ferry County “Prime Soils”:
 - ✓ Move the last paragraph under Methodology, “While Ferry County does have jurisdiction over fee land ... Confederated Tribes.” to become the first sentence in this section.
 - ✓ The old paragraph 1 in the working copy, will now become paragraph 2 and read, “During public meetings ... the same story:”
 - ✓ The next paragraph is written as a stand-alone line, “Ferry County Was Told By Agricultural Advisors*:”.
 - ✓ The next paragraph is taken from the 3rd paragraph in the working copy, and will read, “The majority of prime soils of Ferry County, which have been identified and mapped by the Natural Resources Conservation Service, have severe limitations for agricultural use. Along the river bottoms, the soils tend to be ‘frost pockets’...plantings. Thus the finer and more commercially desirable and valuable crops are not able to be produced.”
 - ✓ The next paragraph is taken from the working copy, paragraph 2. It will now read, “The prime soils of Ferry County are, in fact, thin and poor, ... provided by the Natural Resources Conservation Service.”
- There was discussion about reference to prime soils in “North” Ferry County in Appendix A (see A3). Since the soil maps on the reservation also include Trust Lands, over which Ferry County has no jurisdiction, it was decided to leave the references as written.
- On page A4, Under Soils Recap by class, change the first “3” to “3 (prime non-irrigated)”, and the second “3” to “3 (prime, only if irrigated)”.
- In the same section, for consistency, move the parenthetical irrigation information below the limitations.
- On page A5, top, change “Island and San Juan Counties” to “The other two counties, Island and San Juan Counties, lost...”
- On page A5, 3rd paragraph under “Land in Farms”, the first sentence, add “and/or leases” after “dependent on grazing allotments”.
- On page A5, 3rd paragraph under “Land in Farms”, add as the second sentence, “Although public property, these allotments/leases are considered farm acres in the Census of Agriculture.”
- On page A5, 3rd paragraph under “Land in Farms”, delete the last sentence in that paragraph.

- On page A6, move the sentence, “While Ferry County does have jurisdiction over fee land on the reservation, Ferry County does not have jurisdiction on land owned by the Colville Confederated Tribes.”. This will become the 1st sentence on page A2 under “Ferry County ‘Prime Soils’”. Then add the sentence, “Parcels of prime farmland located on Fee Land on the reservation were small and isolated.”
- On page A6, add a title of “Map Colors” with descriptors of green, yellow and aqua in the appropriate places.
- Leave Soil Mapping Challenge on page A7 unchanged.
- On page A11, I Land Values Under Alternative Uses, change to read, “The value of land designated as Agricultural Land of Long-Term Commercial Significance is expected to be less than recreational or development land.”

➤ **Appendix A, Draft Development Regulations:** Virginia Sweetland submitted a document dated 5/13/09 since she was unable to attend the meeting. The Planning Commission worked from her document for the following changes to Appendix A.

- On page A12, leave paragraph “1)”.
 - On page A 12, paragraph “2)” will remain unchanged. “Long, narrow blocks shall not be included...conflict with non-agricultural neighbors.”
 - Change the next paragraph to: “Another way of recognizing and eliminating long, narrow blocks can be thought of as a ‘perimeter index number’. In evaluating the perimeter index concept, the findings, corroborate the threshold of the block having any dimension of less than three-quarters of a mile, making it a ‘long narrow block’.”
 - To the next paragraph add a new last sentence, “The perimeter index is a number of feet, resulting from dividing total acres into total boundary or perimeter feet.”
 - Change “essentially one square mile” to “essentially one section” in the next paragraph.
 - Add “Alternatively, a block ½ mile by 2 miles = 640 acres = 41 perimeter index” following other perimeter index examples.
 - Do not use the two paragraphs starting, “ An informal or whimsical way of looking at perimeter index...” and ending with “perimeter index = 4.95).”
 - Leave the first sentence in the last paragraph on page A-12 as originally written, do not add the words, “for any appreciable distance”.
 - On the 3rd sentence from the bottom, delete the words, “absent any mitigating extrinsic factors”.
- ❖ Put the **questions from the Cattleman’s Association** members, during the 5/6/09 Planning Commission meeting, into the parking lot to be addressed at a later time.
- ❖ **Draft Critical Areas Ordinance, Habitat of Local Importance:** There was discussion of this appeal and Attorney Steve Graham’s recommendations. The following changes were subsequently recommended by the Planning Commission.
- Appendix A, page A1, 1st paragraph, change to read, “These habitats and species may be identified or nominated by state or local entities, individuals, or organizations.”

- Appendix A, page A1, 1st paragraph, delete the second sentence.
 - Appendix A, page A1, 1) b), change “a paid” to “an”.
 - Appendix A, page A2, next to last paragraph, delete the last sentence.
- ❖ **Clustering:** There was discussion about clustering. After discussion, it was decided to leave it out of the document at this time.
 - ❖ **Lynx:** Gary Howden submitted 3 articles on the Lynx and moved that they be entered as part of the public record. John Egge seconded the motion with all in favor of the motion.
 - ❖ **Send Draft Critical Areas Ordinance to the Board of County Commissioners, with reservations, and out for a 60 day comment period:** After discussion, Lorna Johnson made a motion to sent the Draft Critical Areas Ordinance out for a 60 day comment period as well as sending it to the Board of County Commissioners. John Egge seconded the motion. After more discussion the motion was withdrawn. There was more discussion, and Lorna Johnson made the motion again, with John Egge seconding the motion. There was 1 in favor of the motion, 3 against. There was more discussion, including the fact that the Board of County Commissioners wants Ferry County to come into compliance on their ordinances. It was then moved by John Hamilton to send the Draft Critical Areas Ordinance to the Board of County Commissioners, with reservations, and send it out for a 60 day comment period as reworded and corrected. Lorna Johnson seconded the motion. There were 2 for and 2 against. The Chair broke the tie with an approving vote.

Gary Howden wished to submit a statement on his “no” vote and asked it to be included in the minutes. The following is his statement emailed on 5/14/09, (with minor clarification of his statement on 5/13/09): “Gary cast a ‘No’ vote on the Critical Areas Ordinance based on the inclusion of buffers on Types 1-5 streams with the following statement of reasons: While I appreciate the concern the BOCC has to come into compliance with the Growth Management Act and orders of the Hearings Board, I believe that grievous errors are being made by the County and Hearings Board. First, the State Supreme Court in it’s “Anacortes” decision last year, clearly stated that the GMA and by extension, Growth Management Hearings Board does not have authority over Shorelines of The State as defined by the WAC. The State agencies CTED and WDFW appealed this decision through the Attorney Generals Office asking the Supreme Court to reconsider in August of 2008. The Court has taken no action. At the same time they asked the legislature to clarify the law in this area and on which the Court made its decision. The legislative bills were strongly opposed and died with end of the legislative session. Therefore the Supreme Court ruling stands as the law which the Hearings Board seems inclined to ignore. For this reason I cannot vote for this Draft CAO solely because of its designating buffers where it has no authority in law to do so. However, a secondary reason would be that the buffers for Type 2 waters have been further increased to 150’ per side from 100’. When the stream type designations are changed from the 5 number system to 4 letter system, this 150’ buffer will extend to all streams now designated in the current CAO as Type 3 waters with 75’ buffers. For these reasons I cast a NO vote on the CAO only.”

- ❖ **Send Draft Development Regulations out for a 60 day comment period and to the Board of County Commissioners:** After discussion Gary Howden made the motion to send the Draft Development Regulations out for a 60 day comment period and to the Board of County Commissioners. John Hamilton seconded the motion with all in favor of the motion.

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