

**FERRY COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
July 08, 2009**

Chairwoman Tamra Stevens called the regular, July 08, 2009 meeting of the Planning Commission to order. Commissioners Lorna Johnson, Gary Howden, John Egge and John Hamilton were also present. Commissioner Bond was present. Irene Whipple was present from the Planning Department.

- ❖ **Hanson/Miller Boundary Adjustment:** Robert Miller wants to acquire a 1 acre triangular piece, from the south-eastern portion of Randall Hansen's Lots D (16.92 acres) of the R. Layton Short Plat, in Range 37, Township 35, Section 17. He wants to boundary adjust it to the Lot 39 of Martin Creek Tree Farms (1.86 acres), as some of his buildings are encroaching on the piece. The piece to be transferred has been surveyed. After discussion, John Egge made a motion to approve the boundary adjustment. Gary Howden seconded the motion with all in favor of the motion.
- ❖ **Tolliver Family Exemption:** Lawrence Tolliver owns a 20 acre parcel in Range 36, Township 39, Section 03, off Little Boulder Creek Road. He wants to break off two, five acre parcels to give to his daughters. Family exemptions do not require a survey at the time of the exemption. Each parcel is over 2.5 acres and they have owned the original parcel for over 5 years. After discussion, Lorna Johnson made a motion to approve the family exemption. John Hamilton seconded the motion with all in favor of the motion.
- ❖ **Minutes from 6/10/09 Meeting:** After discussion, there were three corrections to be made.
 - **Change** "Commission" to "Commissioner", page 2, under "May 13, 2009".
 - **Change** "wildfire" to "wildlife", page 4, under "3".
 - **Change** "to" to "of", page 4, under "5".

Lorna Johnson made a motion to accept the minutes as corrected. There was no second to the motion, but all were in favor of the motion.

- ❖ **GMA Appeal Update:** The Growth Management Hearings Board has ruled that petitioners Simmons and Howden failed to meet their burden of proof on case #09-1-0002c.
- ❖ **GMA Grant Timeline:** The Comprehensive Plan and Development Regulations for Ferry County were to have been updated by 2007. However, the slower growing counties were given the option of a 3 year extension. Now our deadline is December 1, 2010. The Department of Commerce (CTED) is offering a GMA grant to help fund these updates. Ferry County has been allocated \$70,000. This has not been presented to the Board of County Commissioners yet, as Irene Whipple wants to work out the details first. It is up to the BOCC whether to accept the money. They may also want to use the money for a consultant to perform the update. In the past there has been criticism of using GMA grant

funds. This grant is for the Comprehensive Plan and Development Regulations to be sure they comply with Growth Management. The updates must be performed, whether or not the grant is accepted. Our Critical Areas Ordinance should be compliant with Best Available Science and Growth Management, and we have updated those areas of the Comprehensive Plan. However, we still need to work on the 20 year projection and any areas that have not been updated recently. We also have to look for consistency between all the ordinances. The Department of Commerce has provided a Comprehensive Plan checklist for the process. The items in bold are required by GMA, the others are suggestions. After discussion there was a consensus to approve the “Statement of Work” adding the 60 day review. and to send that to the BOCC with the suggestion that application be made for the grant.

Growth Management Act/Shoreline Management Act: Due to the State Supreme Court’s final decision on *Futurewise v. Anacortes*, the Department of Ecology and the Department of Commerce are suggesting that counties do not have to submit their Critical Areas Ordinances (CAO) as Shoreline Master Program (SMP) updates at the present time. Since the SMP inventory and update is not due until 2014, the Board of County Commissioners do not want to submit the CAO as an SMP update at this time. The Planning Commission will first be devoting their energy into the Comprehensive Plan and Development Regulations update which is due by December, 2010. The BOCC want to leave things as they are for now.

❖ **Right to Farm Ordinance:** There was a motion by Gary Howden to send the draft Right to Farm Ordinance to the BOCC with the following 3 changes. Lorna Johnson seconded the motion. All were in favor of the motion.

- Page 1, under “3”, add “wildfire”, so it reads, “...damage by wildlife and wildfire; prevention of...”.
- Page 2, Section II., change the beginning of the sentence from, “An agricultural activity,” to “Agriculture and its attendant activities”.
- Page 2, Section III., add “on lands used for agriculture” so it reads, “A farm or supporting facilities shall not be found to be a public or private nuisance if the farm or supporting facilities, on lands used for agriculture, existed before a change in the land use or occupancy of adjacent land or other land in the general area.

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

- It appears the workshop that the Department of Commerce was attempting to set up between the Ferry County Planning Commission, the Lewis County lawyer, and themselves regarding Agricultural Lands of Long Term Commercial Significance will not happen any time soon.
- There are now 5 comments on Agricultural Lands of Long Term Commercial Significance.
- Comment # 2 should be disregarded as it was a phone call. Anything that is not directly written by the commenter could be misinterpreted or confused. Comments must be submitted in writing for it to be considered as an official comment to be

entered into the record. Emails are treated as unofficial also. Irene Whipple will contact Mr. Walker, who called with the comment, and let him know that he needs to submit his comment in writing to be official.

❖ **Comments on Draft Development Regulations Ordinance:** Comment # 5 from Bruce Hunt, Department of Commerce (CTED) is addressed here.

- Change the 1st paragraph in Section 9.02 of the draft Development Regulations to read: “Ferry County is a forested mountainous county with varied growing seasons. The prime croplands of Ferry County are devoted to primarily raising hay for winter feed for locally owned cattle. Other limited crop lands are used for grains, other animal products, orchards and locally sold produce. Cattle are summer grazed on Federal and State forest lands which are designated Forest Lands of Long-Term Commercial Significance. The remaining resource land in Ferry County is used in timber or mining. The timber and mining are addressed in Sections 8.00 and 10.00.”
- Section 9.04, last paragraph, after “(see Appendix A)” add, “and compliance with the requirements of WAC 365-190-050,”.
- Appendix A, page A-6 Methodology for Designation of Agricultural Lands of Long-Term Commercial Significance: Add to the end of the 2nd paragraph, “To insure an objective numerical value is assigned to each criteria, all criteria are initially assigned a numeric value of zero. Then factors that are favorable to long-term commercial significance were assigned additional points, while factors that are unfavorable were assigned negative points. After each criteria was reviewed and points assigned accordingly, they were applied to the prime soils 2 through 4 mapped by the Natural Resource Conservation Service to determine the Agricultural Lands of Long-Term Commercial Significance located within Ferry County.”
- Appendix A, page A-8, A. Proximity to Urban Growth Areas, 3rd paragraph, change to: “Although there is no known documented standard by which to measure the general adverse effects, a buffer between agricultural uses and non-agricultural uses is a proven method of minimizing the potential adverse impacts of incompatible uses. As Ferry County has only one UGA (Republic), it was determined that any lands within one mile carried a great potential for increased development, while lands within five miles had a high potential. It was also determined that a large buffer around Ferry County’s only UGA would be beneficial to the County’s agriculture industry as a whole, while concentrating development in a specific area, thus fulfilling an additional GMA mandate to avoid sprawl.”
- Appendix A, page A-8, B. Parcel Size, last sentence, after “...breakdown” add, “,with a 180 acre farm being the smallest suited to sustain long-term commercial significance.”

- Appendix A, page A-9, C. Enrollment in Agriculture Current-Use Program, add to the end of the paragraph, “It was determined that a parcel of land already enrolled in a tax program was more likely (but not definitely), to be a commercial venture. Enrollment in an agricultural tax program does not conclusively indicate a viable commercial venture.”
- Appendix A, page A-9, E. Proximity to Public Facilities and Services, 3rd sentence, change to read, “Since Ferry County has only one UGA, it was determined that potential agricultural land within close proximity to LAMIRDs would face a higher potential for conversion. The logical boundaries of the LAMIRDs were also taken into consideration in the process of assigning values. It was also determined that a buffer equal to the ‘Resource Lands Notice’ would be beneficial to existing agriculture in close proximity to LAMIRDs.”
- Section 7.00 Resource Lands, page 12, just before the last paragraph of the section, add a subheading in bold, “**Resource Lands Notice**”.

Gary Howden had 3 documents to enter into the official record.

- A letter from the BOCC to the Colville National Forest Service regarding “Principles Guiding Involvement and Expectations of Ferry County in Federal Land Use Planning and Management”.
- Ferry County Ordinance No. 2003-01, “An Ordinance for the Purpose of Coordinating County, Federal and State Government Actions Affecting Federal and State Land, and Natural Resources Use in Ferry County, Washington.
- Ferry County Ordinance No. 2007-07, “Supporting County Custom, Culture, and Heritage Plan in Decision Making on Federal Lands in Ferry County, State of Washington”.

The Planning Commission will start with proximity to market at the next meeting.

At 8:30 p.m. the meeting was adjourned.