

FERRY COUNTY PLANNING COMMISSION
REGULAR MEETING
April 14, 2010

Chairwoman Tamra Stevens called the regular April 14, 2010 meeting of the Planning Commission to order. Commissioners Gary Howden, John Hamilton, John Egge and Bob Kirkham were also present. Irene Whipple was present from the Planning Department. Commissioner Joe Bond and Attorney Steve Graham were also present. Clint Brown, Brad Brown and Bill Knutz attended as guests. Karin Divens, Fish and Wildlife Priority Habitat and Species Biologist attended as an invited guest to speak to the Planning Commission.

The Planning Commission reviewed a proposal to amend an Unplatted Lot, Lot 1, Lot 2 and Lot 3 of the Miyoko Point Long Subdivision and Lot 3 and Lot 4 of the Earl Williams Short Plat. These amendments were due to the fact that the as-built Miyoko Point County Road was not built as-platted. Therefore, the as-platted road needs to be vacated and the as-built road needs to be officially adopted. The location of the as-built road affected the adjoining lots; with some lots increasing in size and some lots decreasing. Per the amendment, the Unplatted Lot, Lot 1, Lot 2, and Lot 3 of the Miyoko Point Long Subdivision were combined creating one lot out of the original four lots. Lots 3 and Lot 4 of the Earl Williams Short Plat were combined creating one lot out of the original two lots. A public hearing will be held with the Board of County Commissioners regarding the long plat amendment and the road vacation/adoption. John Egge made a motion to approve the amendments. Bob Kirkham seconded the motion and it passed unanimously.

The Planning Commission reviewed the January 13th, March 10th, and March 24th minutes and made the additional following changes:

January 13, 2010 minutes:

- On Page 3, Page 3-7 change to read 3-7, 9 & 10: Change “Department of Community Development” to “Department of Commerce”
- Page 3, Page 4-1 Agricultural Land: Change “CAO” to “Development Regulations Ordinance”
- Page 3, Page 4-1 Agricultural Land of Long-Term Commercial Significance: change “CAO” to “Development Regulations”
- Page 4, page 4-5 Manufactured Housing: Change “Housing” to “Home”

Gary Howden made a motion to approve the minutes as corrected and Bob Kirkham seconded the motion with all in favor.

March 10, 2010 minutes:

- Page 4, Section 4, top of page: Add to sentence: “Rural Development,”

Bob Kirkham made a motion to approve the minutes as corrected. John Hamilton seconded the motion with all in favor.

March 24, 2010 minutes:

John Hamilton made a motion to approve the minutes as written. Bob Kirkham seconded the motion with all in favor.

Tammy read an article for submission to the newspaper. It addressed her concern that the Growth Management Hearing Board was not only biased against the county but was completely prejudiced. It quoted numerous examples directly from the GMHB’s March 23, 2010 Sixth Compliance Order on Case #01-0-0019. Discussion was held and numerous suggestions were given. Tammy will continue to work on the article.

Karin Divens, Fish and Wildlife Priority Habitat and Species Biologist, was introduced to the Planning Commission.

- Karin has a Biology degree however it is not a Masters Degree. She has worked for F&W for 16 years and did other projects prior to that. She is among six other people within Washington State that provides technical assistance in PHS, and her area being Region 1.
- She was invited to the meeting to discuss Fish and Wildlife Conservation Areas; in particular, buffers around polygons. Karin indicated that Futurewise was on their own on this appeal, as the County had addressed F&W's concerns and that they were pretty happy about our Critical Areas Ordinance. She stated that she was here to provide technical assistance but could not help in settling our legal dispute.
- In her March 25, 2010 letter, it stated that buffers are not required around polygons, however in the next paragraph it recommends them. She said that a recommendation is totally different from a requirement; that Fish and Wildlife is just providing technical assistance and does not have regulatory authority in the Growth Management arena. Regarding a polygon that F&W has mapped, for example an elk polygon or a lynx polygon, F&W feels that putting an additional buffer on that polygon is not necessary and would not require it or recommend it. That polygon, in itself, has been designated based on observation, available habitat, study that has been done, or data provided by someone else of adequate source of science, so F&W feels that the polygon captures the area of concern. However, buffers may be recommended depending on the project and the particular species.
- Karin explained that there were two ways of mapping information—1) point data which is a known nest or den site, and 2) polygon data in which they are trying to capture the habitat that a species might need.
- F&W provided Ferry County with a list of 29 Endangered, Threatened and Sensitive and Candidate species located within Ferry County. We questioned whether some of the species on the list are within Ferry County, as F&W information regarding those species indicated that they were located in different parts of the state. She stated that even if a specific species is not in Ferry County, the habitat is still here. However, it was mentioned to her that the definition of Fish and Wildlife Habitat Conservation Areas is areas with which species have a primary association; so if the species is not here within the county line, the species would not have a primary association. She replied that she would have to look at Ferry County's point data to determine where the particular species were located and that Fish and Wildlife tries to update the data every three years. The Department of Commerce reference/guidance documents recommends buffer on polygons, and Fish and Wildlife probably did review them, however they were not the authors. Fish and Wildlife is in line with the Department of Commerce regarding recommendations on buffers; thinking they are a good idea; but again, they are not requiring buffers.
- It was asked if there were scientific journal articles stating that polygons were the way to protect species. We were informed that the Priority Habitat and Species (PHS) program has been in place since the 1990's and she confirmed that when polygons were created, buffers were not envisioned. She said nest or den point sites were the ones they were most concerned about, however there may also be an observation point site. Each point has the information attached to that point; like if it was just observation, den site, etc.
- Regarding the Lynx polygon, generally Fish and Wildlife do not map polygons on Federal Land, however if the Feds have mapped a species like the lynx polygon, then Fish and Wildlife would probably concur and designate it as State listed and adopt that polygon.
- We requested that in the future when F&W writes a comment letter; along with what still needed to be addressed, that they also state what they liked about the ordinance and what was consistent with Best Available Science.

The Planning Commission held a general discussion regarding compliance issues.

- It was mentioned that Futurewise was quoting RCW 36.70A.040(3) which states that we must designate agricultural land of long term commercial significance. We were looking at RCW 36.70A.060 which mentions “where appropriate”.
- Also, WAC 365.190.030 regarding ag land of long-term commercial significance goes on to say “...commercially sustainable levels for at least the twenty-year planning period, if adequately conserved.” Dan Fagerlie has documentation that twenty years ago, the cows sold was approximately over 2,000 down to 600 or 700 this last year.
- We may also be able to add more “Whereas” in the beginning of the document stating acres of wetland, etc. so in the end we could say this leaves so many acres of prime acres.
- Another possibility would be to designate all the past and present Forest Service grazing allotments as ag land of long-term commercial significance, applying “restrictions to protect.” We would need to look at the possibility of designating the private Forest Capital grazing allotments.
- Another possibility would be to go back and remove the one “local issue” that had a point assigned to the maps.

Gary Howden informed the Planning Commission that Wes McCart, Stevens County Farm Bureau President was willing to attend our special Planning Commission meeting on April 28th to discuss agricultural land of long-term commercial significance.

The meeting adjourned at 8:35 p.m.