

FERRY COUNTY
DEVELOPMENT REGULATIONS
ORDINANCE # 2007-06

AMENDING ORDINANCE 2005-04

REVISED

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FERRY COUNTY
Planning Department
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FERRY COUNTY
DEVELOPMENT REGULATIONS ORDINANCE #2007-06
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An ordinance adopting development regulations as required by RCW 36.70A.030 (7).

WHEREAS, RCW 36.70A.040, part of the Growth Management Act, requires that jurisdictions subject to the Act create development regulations to implement comprehensive plans.

WHEREAS, RCW 36.70A.030 Definitions (7) states that "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivisions ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70A.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city."

WHEREAS, RCW 36.70A.040(4)(d) states that "the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan...."

WHEREAS, the Board of County Commissioners held a public hearing on July 9, 2007 to amend the Section 9.03 (2) Cross Road Commercial Areas and 9.03 (3) Shoreline Areas maps. The wording update adds the area between Old West Curlew Lake Road and West Curlew Lake Road into the Lake Curlew Shoreline Rural Service Area that was adopted on October 15, 2001. The other wording change updates the Torboy Cross Road Commercial Area to include an industrial park and to change the acreage. The map update is to the Torboy Cross Road Commercial Area to include approximately 16.83 acres of land known as Tax #24-2, Tax #1A and that portion of Lot 4 of the Clint Brown Short Plat #99-003 that is located just south and west of West Curlew Lake Road and west of the railroad right of way in the SE ¼ of the NW ¼ of Section 29, Township 37N., Range 33 E.W.M.

WHEREAS, the measures adopted through this ordinance are designed to meet these requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of Ferry County Commissioners, as follows:

SECTION 1.00 SHORELINES

The Shorelines Management Act of 1971 states that "it is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." Also "this policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

For these reasons regulations have been prepared to implement the Shoreline Master Program for Ferry County. The regulations are designed to control the type and manner of activity and development along the shorelines, to protect this resource from environmental degradation. It is further the purpose of the Master Program to impose existing conditions along the shorelines by encouraging uses that are compatible with the fragile shoreline environment.

All development adjacent to both "Shorelines" and Shorelines of State-wide Significance" shall be subject to the provisions of Sections 1 through 33 in the Ferry County Shorelines Master Program.

SECTION 2.00 RIPARIAN AREAS

The intent of the riparian area is to provide habitat for fish and wildlife for the long term (e.g. breeding, rearing, escape cover, important travel corridors, streamside shade, foraging, spawning, etc.). They are also intended to mitigate impacts from development along shorelines and to enhance shoreline habitat for water quality, fish and wildlife. Riparian vegetation protection helps prevent erosion, slows flood waters and helps filter contaminants, aids in water storage and release, and aquifer recharge.

Development adjacent to Type I, II, III, IV, and V waters shall be subject to the provisions in Section 11.04 Riparian Area Protection in the Ferry County Resource Lands and Critical Areas Ordinance.

SECTION 3.00 WETLAND

A definition of a wetland as provided by the Growth Management Act:

Wetlands are areas inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

However, wetlands shall include those artificial wetlands, intentionally created from non-wetland areas to mitigate conversion of wetlands, if permitted by the county or city.

Wetlands are identified according to the methodology described in the following publication: "Washington State Wetland Rating System for Eastern Washington" issued by the Department of Ecology. This is a 4-tier rating system and Ferry County will use it as a guideline.

Development adjacent to wetlands shall be subject to the provisions in Section 7.00 and Section 12 of Ferry County Resource Lands and Critical Areas Ordinance.

SECTION 4.00 FREQUENTLY FLOODED AREAS

Class I: Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Class II: Area of special flood hazard: Land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Activities allowed in the floodway and building in areas of special flood hazard will be subject to the provisions in Sections 1.0 through 6.0 of the Ferry County Flood Damage Prevention Ordinance 2002-01.

SECTION 5.00 FOREST LAND

Forest lands are classified to determine those lands in Ferry County that are lands of long-term commercial significance. Lands of long-term commercial significance will be classified by growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the lands.

In classifying forest land, Ferry County uses the current Private Forest Land Grades of the Department of Revenue along with the Orthophoto Maps filed at the Ferry County Assessors Office. The following document serves Ferry County as a Land Use Plan. Forest practices are under the jurisdiction of the Department of Natural Resource under the auspices of the Washington Forest Practices Act. Ferry County has no authority to regulate forest practices. However, Ferry County has authority over current conversions with DNR. Ferry County will review forest practices within designated shorelines.

Development within Class I, II, III, and IV Forest Lands shall be subject to the provisions as stated in Section 4.00 and Section 12 of the Ferry County Resource Lands and Critical Areas Ordinance and the Timber and Forest Practices Ordinance #99-01.

SECTION 6.00 AGRICULTURAL LAND

Ferry County is a forested mountainous county with varied growing seasons. The prime croplands of Ferry County are devoted to: hay, grains, orchards and seed crops. The

remaining agricultural resource land in Ferry County is used in timber, grazing or mining. The timber and mining are addressed in sections 4.00 and 6.00 in the Ferry County Resource Lands and Critical Areas Ordinance.

Ferry County employs the United States Department of Agriculture - Natural Resources Conservation Service's Land-Capability Classification System (Agricultural Handbook No. 210) as a tool to classify agricultural lands of long-term significance, as well as past growing history.

Development within Agricultural Lands shall be subject to the provisions as stated in Section 5.00 and Section 12 of the Ferry County Resource Lands and Critical Areas Ordinance.

SECTION 7.00 MINERAL LAND

Ferry County has a unique geologic history. More than 2.5 million ounces of gold have been produced from epithermal deposits in the Republic area since 1896. Exploration continues and new ore deposits continue to be discovered.

Ferry County will be using Washington Department of Natural Resources' geological maps as tools to designate mineral resource lands of long-term commercial significance on a case by case basis.

Development within Mineral Lands shall be subject to the provisions as stated in Section 6.00 and Section 12 of the Ferry County Resource Lands and Critical Areas Ordinance and Ferry County Mining Ordinance #90-02.

SECTION 8.00 HISTORIC ARCHAEOLOGICAL RESOURCES PRESERVATION

Section 8.01 GOAL

To avoid the loss of archaeological and historic information.

Section 8.02 CLASSIFICATION

The earliest evidence of human history in Ferry County appears at Kettle Falls on the Columbia River, where archaeological sites have yielded dates indicating that native people lived here as long 9,000 years ago.

Later generations of Indian groups such as the Sanpoil, Lakes, Colville, and Okanogan made this area their home and still do. The Columbia, which forms the county's southern and eastern borders, was vitally important to native people. Before dams were built on the river, the salmon ran up many tributary streams, providing not only food but a central theme of local culture.

In 1872, a presidential proclamation set aside an area including the present Ferry and Okanogan counties as the Colville Indian Reservation. As gold discoveries became possible, portions of the reservation were opened up, and the county seat of Republic was established in 1896. The town began its career as a gold rush tent camp called "Eureka" and within three years, its post office (called "Republic" after a major local mine) was doing more business than any other eastern Washington city outside of Spokane.

Ferry County officially separated from Stevens County in 1899, and by 1902, the Republic miners were connected with the outside by two railroads. One was a branch of the Great Northern and the other was a local line. It ran 30 miles from Grand Forks, British Columbia, and operated for 20 years under seven or eight different names, providing one of the more colorful chapters in the county's history.

Ferry County's historic and cultural resources include evidence of all these waves of settlement – native peoples, prospectors, homesteaders, railroad builders – and all who came after. It is in the interest of today's residents to preserve that evidence and protect it for future generations.

Ferry County will be using a list of known, recorded archaeological sites and historic archaeological resources in Ferry County as provided by the Office of Archeology and Historic Preservation (OAHP) to ensure that development activities will not result in the loss of information.

Section 8.03 DESIGNATION

Ferry County will try to ensure that archaeological sites and significant historic archaeological resources are not disturbed or destroyed through any action of the County, or though any action permitted by the County.

All plats, short plats, development permits and building permits issued for development activities shall state that real property located within Ferry County may be subject to state, local and tribal regulations concerning open range, historic or archaeological sites, wetlands, shorelines, floodplains and critical areas.

If a check of known site locations shows no recorded sites, a notice shall be attached to the permit stating that "in the event an archaeological object is discovered through ground-disturbing activities, work in that area shall cease and the Ferry County Planning Department and the Office of Archaeology and Historic Preservation shall be notified." At that point a survey may be required. If a check of known site locations and survey results show there is no archaeological site located within the proposed project area, no further action is needed.

If an archaeological site or significant historic archaeological resource is identified in the known site location records or through survey, a protection plan should be developed by the landowner/developer, the affected tribe, an archaeologist, and the OAHP. Such plan shall be forwarded to the County, who may then issue a permit subject to conditions outlined in the protection plan.

Alternatively, the applicant may choose a mitigation alternative to protecting the site. Such alternatives should be appropriate to the nature of the site and proposed activity, but might include one of the following:

- Recording the site with the OAHP;
- Reburying human remains, should the site be a grave;
- Burying or plating the site with a permeable surface (asphalt, crushed rock, etc) to prohibit intentional damage;
- Excavation and recovery of resources in approved manner;
- Avoidance; or
- A combination of the above measures.

No permit shall be issued for any disturbance of an identified archaeological site or significant historic archaeological resources without an agreed-upon protection or mitigation plan. An archaeological excavation permit from OAHP may be required to carry out the provisions of the protection or mitigation plan per RCW 27.53.060 and 27.44.020 and WAC 25-48. OAHP will inform on requirements of an excavation permit during the development of the mitigation or protection plan.

The applicant would only be responsible for the cost of the predetermination survey, if required. After notification of the predetermination survey, any interested party must respond within 30 days of notification as to the need of additional surveys. If additional surveys are performed by the interested party, they must be completed not to exceed 6 months.

Section 8.04 DEFINITIONS

Archaeological Site – A geographical locality in Washington that contains archaeological objects.

Archaeological Object – An object that comprises the physical evidence of an indigenous or subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products. All sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state are hereby declared to be archaeological resources.

Archaeologist – A “professional archaeologist.” Professional archaeologists may perform surveys.

Ground-Disturbing Action or Activity – Any development, construction, or related operation which could potentially adversely impact archaeological sites and historic archaeological resources, including but not limited to building roads, digging trenches, grading, removing (grubbing) tree stumps, excavating foundations, septic, or utility line installations.

Historic Archaeological Resources – Those properties which are listed in or eligible for listing in the Washington State Register of Historic Places or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470).

Known, Recorded Site – An archaeological site or historic archaeological resources which has been recorded with OAHP.

OAHP – The Washington State Office of Archaeology and Historic Preservation, part of the Department of Community, Trade and Economic Development (CTED).

Pre-determination Survey – also referred to as Phase I Survey – A survey by a consulting archaeologist to determine the existence of an archaeological object or site but not to include the evaluation of the object or site.

Professional Archaeologist – A person who has met the educational, training, and experience requirements of the Register of Professional Archaeologists (RPA).

SECTION 9.00 RURAL ELEMENT

Section 9.01 RURAL AREA DEVELOPMENT — GENERAL PROVISIONS

Rural character—Rural character in Ferry County is identified by large stretches of state and federal lands, mostly timber, with some grazing and mining, punctuated by small clusters of residences, resource uses, and businesses, small towns, crossroad commercial, tourist, and shoreline areas as identified above. The predominance of resource and governmental lands, rather than lot size, is the primary characteristic.

Rural lifestyles and economies—Employment in Ferry County is based predominantly on jobs located outside of urban growth areas. Resource based employment in agricultural, mining, timber production, recreation, and home occupations, small businesses, and industries are critical to the overall success of the Ferry County economy.

All lands outside the Urban Growth Area are considered rural. Resource use, recreational use, and particularly agricultural and timber uses and accessory uses are permitted and encouraged. This is true even if the property is not designated as lands for long-term commercial resource use.

Uses within the County may be commercial, recreational, residential, large-scale industrial, or small-scale industrial, so long as the infrastructure within the community has the capability to handle the demands of the development or that improvements can be made to assure concurrence for schools, traffic, fire, water, and waste discharge. Development shall be subject to concurrency requirements outlined in section 9.04. In addition, smaller home occupations and cottage industries are an essential component of the County economy and will be permitted in all areas.

Finally, the historic disbursal of population of Ferry County, the limited private lands, and the need to encourage a strong economic base warrant additional areas of more intense activity where (1) the area is already developed, (2) limited public facilities already exist, (3) means can be identified to avoid intrusion of more intense activities into undeveloped areas, (4) means can be identified to protect ground and surface water and (5) means can be found to protect resource lands.

All development must also meet the requirements of the Ferry County Resource Lands and Critical Areas Ordinance, Shoreline Master Program and SEPA, all of which operate as overlays to these land use guidelines. Ferry County will be using the Comprehensive Plan Map and the attached rural service area maps in determining as to the current status of land regarding rural area development in this county.

Rural lands include special use areas:

1. Resource lands—timber, mineral, and agricultural as defined in the Comprehensive Plan.
2. Rural Service Areas which are limited areas of more intense rural development based on existing and contained areas of more intense uses with specific locations and logical boundaries.
3. Isolated and dispersed limited areas of small-scale businesses that provide job opportunities for rural residents and support recreational uses.
4. Major natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent.
5. Potentially, major industrial developments which require a parcel of land so large that no suitable parcels are available within an urban growth area—as defined and governed by RCW 36.70A.365.

Section 9.02 RURAL AREA DEVELOPMENT DEFINITIONS

“Rural character” refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities:

- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

“Rural development” refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas. Ferry County rural development activities are identified below at section 9.03.

“Rural governmental services” or “rural services” include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4). Specific rural governmental services include fire districts, school districts presently located outside UGAs and water districts at 100 service connections or lower. Individual systems for industrial use, fire flow, or NPDES or waste discharge under Chapter 90.48 RCW shall not be considered “urban governmental services.”

“Rural service areas” are limited areas of more intense rural development.

“Urban growth” refers to growth that makes intensive use of land for the location of buildings, structures, impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

“Urban growth areas” means those areas designated by a county pursuant to RCW 36.70A.110.

“Urban governmental services” or “urban services” include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning

services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

Section 9.03 RURAL AREA DEVELOPMENT — GUIDELINES

The guidelines set forth below provide the framework for development regulations dealing with a variety of rural area development issues.

Rural areas in Ferry County are those lands which are not within a UGA, and not within designated timber, mineral, or agricultural lands of long-term significance. Within the rural lands, the County recognizes the following categories of uses considered for more intense rural area development; Small Towns, Cross Road Commercial Areas, Shoreline Areas, Tourist Uses, Small-scale Businesses, Master Planned Resorts, Major Natural Resource-based Industries, Major Industrial Developments, and Rural Areas.

1. Small Towns

The small towns in Ferry County are Danville, Curlew, Pine Grove, Laurier, Orient, Inchelium, and Keller.

Nature of the small towns: each of these towns was developed in a historic pattern of small lots surrounding a central commercial industrial or market feature. The small towns have existing infrastructure including fire protection, water districts, school facilities and other public buildings and services which serve not only the small town but also provide basic needs and services for the surrounding community.

Physical limits of the small towns: The areas designated for development within small towns shall be confined to areas of historic development, but making small allowances for regular boundaries and efficient service areas. See Maps for detail. At this time we have no air photo's for the areas within the bounds of the Colville Indian Reservation.

Uses within the small towns may be commercial, residential, recreational, large-scale industrial, or small-scale industrial, so long as the infrastructure within the community has the capability to handle the demands of the development or that improvements can be made to assure concurrence for schools, traffic, fire, water, and waste discharge. The development must also meet the critical area requirements. Residential uses shall be based upon historic lots and lot sizes. Commercial uses shall be principally designed to serve the existing and potential rural population and shall be consistent in character with the existing area. For those areas whose existing character includes service to the highway traveler and/or the tourist industry in addition to the rural population, then extension of such traveler/tourist services is considered to be consistent with the existing area. Commercial uses shall not be larger than 10,000 square feet for non-resource uses. Industrial uses shall not be larger than 50,000 square feet per location, for non-resource based uses.

A. Danville: Danville is a small community situated along Highway 21 at the north boundary of Ferry County. It has an International Border Crossing into

Canada, a post office, grocery store, gas station, tavern, and many small lots created in the early 1900's. The boundaries are confined to the area of development along the highway and existing home sites within the original town site plat. The area is approximately 80 acres in size.

B. Curlew: Curlew is located along the Kettle River and Highway 21. It was platted in the early 1960's. It has a water system, school, post office, grocery store, gas station, tavern, video store, restaurant and lounge, churches, cemetery, Ansorge hotel museum, volunteer fire department, and Pope & Talbot lumber yard. The train from Canada, which is used to transport lumber, goes through Pope & Talbot in Curlew and continues to Vaagens Lumber in Republic and then goes back to Canada. On the west side of the state highway it includes Cougar Corner which has a laundromat, hair salon, grocery store, gas station, restaurant, lounge and medical clinic, an RV park and Chevron card lock. The boundaries are limited to the area that includes the above with some existing residential lots in between. The area is approximately 300 acres in size.

C. Pine Grove: The area has a water district, a well developed road network, and is the primary crossroads in the county at Highways 21 and 20. It has a hardware store, fair grounds, gas station, grocery store, restaurant, pump & satellite shop, rental & saw shop, used car lot, furniture store, small mall, mini storage, recycling center, PUD sub station and a PUD shop, grange, Evans towing and auto body repair & paint shop, mobile home park, Robinson trucking, Republic equipment and a fabrication shop. The uses at Pine Grove have been in existence since the 1960's and all predate December 31, 1991, the date Ferry County opted in to growth management. The boundaries are considered to be the areas already developed, all of which are served by the water system. The area is approximately 120 acres in size.

D. Laurier: Laurier is a small community situated at the Canadian border along Highway 395. It has an International border crossing, a state owned airstrip, post office, grocery store, gas station, liquor store. The boundaries are confined to the area historically known as the town site. The area is approximately 40 acres in size.

E. Orient: Orient was platted in the early 1900's. It has a water system, school, post office, volunteer fire department, restaurant, gas station, grocery store, and tavern. The boundaries are confined to the area of the original town site, which is served by the water system. The area is approximately 275 acres in size.

F. Inchelium: Inchelium is located in the southeast portion of Ferry County and is in the bounds of the Colville Indian Reservation along Lake Roosevelt. It has a water system, sewer system, school, post office, gas station, grocery store, quick stop, community center, volunteer fire department, medical clinic, library, child care center, barber shop, tribal post & pole plant, tribal long house, community college extension, church, and youth center. The boundaries are

confined to the area served by the water system. The area is approximately 600 acres in size.

G. Keller: Keller is located in the southern portion of Ferry County and is in the bounds of the Colville Indian Reservation along State Highway 21. It has a water system, sewer system, school, post office, grocery store, community center, library, church and tribal long house. The boundaries are confined to the area known as the Keller town site but also includes three separate housing developments north of Keller that are also served by the water system. The area is approximately 160 acres in size.

2. Cross Road Commercial Areas

Cross Road Commercial areas provide residential, recreational, commercial, and industrial opportunities which are important to Ferry County and its economy. Cross Road Commercial areas are found at major intersections where local commercial service needs are met. Uses within the cross road commercial areas may be commercial, residential, recreational, large-scale industrial, or small-scale industrial, so long as the infrastructure within the community has the capability to handle the demands of the development or that improvements can be made to assure concurrence for schools, traffic, fire, water, and waste discharge. The development must also meet the critical area requirements. Residential shall be limited to the area of current development. Commercial uses shall be principally designed to serve the existing and potential rural population and shall be consistent in character with the existing area. For those areas whose existing character includes service to the highway traveler and/or the tourist industry in addition to the rural population, then extension of such traveler/tourist services is considered to be consistent with the existing area. Commercial shall not exceed 10,000 square feet per building and 5,000 square feet per use. For example: a person wants to put in a commercial business within the cross road commercial area. He would be subject to a 5,000 square foot building. However, if he wanted to put in a 10,000 square foot building such as a mini mall, a number of small stores could be located within the building. Each use within that building would be limited to less than 5,000 square feet. Industrial uses shall be limited to 20,000 square foot buildings per location. Size limits do not apply to resource based uses.

The County has six (6) such areas: Malo, Barstow, Barney's Jct., The Pines, Boyds and Torboy.

A. Malo: Malo is located at the junction of State Highway 21 and St. Peters Creek Rd. It has a post office, grocery store and gas station and some small residential lots. The boundaries are the developed area from just south of the post office to the Malo store. The area is approximately 15 acres in size.

B. Barstow: The area has a gas station and grocery store. It is surrounded by small platted residential lots and the Kettle River. It is located on Highway 395 and is the only place to get gas and groceries between Barney's Jct. and Orient.

The boundaries are limited to the area of the store and gas station which is approximately 5 acres in size.

C. Barney's Jct.: Barney's is located at the junction of State Highway 20 and State Highway 395. The area has 2 restaurants with lounges, gas station (currently closed), fire hall, motel, mobile and RV parks, water system, sewer system and mini storage. The boundaries are confined to the area that includes the above and is approximately 100 acres in size.

D. The Pines: The Pines is located within the bounds of the Colville Indian Reservation where Cache Creek Road meets State Highway 21 in the south end of Ferry County. The area has a restaurant and gas station. It also includes the home and property of the owner of the Pines. It is the only restaurant and gas station in the south west portion of the county. The boundaries are the State Highway and the Cache Creek Rd. The area is approximately 10 acres.

E. Boyds: Is located on State Highway 395 south of Barstow. It has potential for future business because of the railroad siting. It had a gas station and a tavern at one time. It currently has a second hand store and a used car lot. The area is approximately 40 acres.

F. Torboy: Is located north of Republic along State Highway 21 and West Curlew Lake Rd. The Area has an RV park, mini storage, industrial park and equipment shop. The area is approximately 35 acres.

3. Shoreline Areas

Ferry County has three (3) lakes which are considered areas in which more intense rural area development may occur. They were platted into small residential lots along or in the vicinity of their shorelines to take advantage of recreation and view amenities, prior to Ferry County opting for growth management. Other shorelines within the county are designated rural and are not considered areas we wish more intense development to occur. The areas considered to have adequate school, water, and other public services to permit continued enjoyment of the shorelines of the County without causing an undue sprawl or impact to resource lands include:

A. Lake Curlew---Platted portions and limited infill. The Lake Curlew sub-area plan was adopted along with the Ferry County Comprehensive Plan. The Lake Curlew Planning District boundaries are confined within the area between Highway 21 and West Curlew Lake Road which meet at the north boundary. The south boundary is the West Herron Creek Rd. The area between Old West Curlew Lake Road and West Curlew Lake Road is also included in the Lake Curlew Shoreline Rural Service Area. The area has 4 resorts, a state park, Ferry Conservation District, some county owned property and many subdivisions and short platted lots. Lots smaller than one acre in size are prohibited in the planning district.

B. North & South Twin Lakes---Platted portions and limited infill. Located within the bounds of the Colville Indian Reservation. Twin Lakes has water systems, sewer systems, tavern, restaurant, 2 resorts with gas, youth camp, Tribal campground, laundromat, and several subdivisions. The boundaries are confined to the area already developed and the small portion of fee lands along the Twin Lakes Meteor Rd.

Areas of more intense shoreline development shall be limited to areas within existing plats, infill between plats where not separated by more than one half mile, and minor adjustments for ease of public service and logical boundaries.

Shoreline areas will not be permitted to extend into areas of prime farmland, prime timber land, or areas of operating mineral lands.

All development around Curlew Lake will also be subject to the rules and regulations in the Curlew Lake Sub Area Plan as well as any other regulations that apply.

4. Tourist Uses

The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development will be allowed in the rural area.

A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use.

5. Small-scale Businesses

The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non residential uses, but do provide job opportunities for rural residents are encouraged and permitted in the rural area. Public services and public facilities shall be limited to those adequate to serve the isolated use and does not require urban services.

To assure the isolated nature of such businesses, new small-scale businesses shall not exceed 10,000 square feet per building and 5,000 square feet per use. Industrial uses shall be limited to 20,000 square foot buildings per location. Size limits do not apply to resource based uses.

6. Master Planned Resorts

Ferry County considers a stand alone resort to be an appropriate use within rural areas and such uses may include commercial facilities designed to serve the tourist population. While no such facilities presently exist, public facilities designed to serve such rural

tourist uses shall not be used to serve private residential structures intended for sale. The development will be subject to RCW 36.70A.360 and must meet all SEPA and critical area requirements.

7. Major Natural Resource-based Industries

An existing or new natural resource-based industry requiring a location near agricultural land, forest land, or mineral land upon which it is dependent will be allowed outside the Urban Growth Area subject to RCW 36.70A.365.

8. Major Industrial Developments

An existing or new manufacturing, industrial, or commercial business that requires a parcel of land so large that no suitable parcels are available within an urban growth area will be allowed subject to RCW 36.70A.365.

9. Rural Areas

Lands outside of the small towns, cross road commercial, and shoreline areas defined above shall be rural with an overall land use density of one unit per 2.5 acres for any residential development. A new business use will be limited to one commercial building and/or one industrial use per legal parcel whether or not the parcel also contains a residential use, except that any business conducted entirely as an in-home occupation will not be limiting as to number of uses per residence.

Section 9.04 REGULATIONS PERTAINING TO RURAL AREA DEVELOPMENT:

1. The rural based economy and lifestyles authorized in Ferry County must comply with shoreline, critical area, and SEPA based rules and regulations designed to protect the environment, and particularly fish and wildlife habitat. This is accomplished through the permit process and requirements for concurrency. Mitigation through SEPA may be required to avoid or reduce impacts and projects may be rejected where major impacts identified in environmental documents cannot be acceptably mitigated.
2. Except as provided above, rural area development shall be limited to residential development at a density of no more than 1 unit per 2.5 acres, and home occupations, recreational uses, and resource based activities as specified in this development regulation. The minimum lot size within rural service areas for a single family home with community water and individual sewer shall be 1 acre. A single family home with individual water and sewer shall be a minimum of 2.5 acres.

Curlew Lake Sub Area: Maximum development density for all property within 500' of Curlew Lake's shoreline shall not be less than 2.5 acres and must provide

for individual water and sewer. Maximum development density for all property beyond 500' of Curlew Lake's shoreline shall not be less than 1 acre. Lots beyond 500' of the shoreline with lots from 1 acre to 2.5 acres in size must provide for community water and either a community sewer system or an area of clustered individual drain fields. Lots beyond 500' of the shoreline area with lots 2.5 acres in size may provide for individual water and sewer.

3. All development permits and building permits issued for development activities on rural lands shall contain a notice that the subject property is on/or within one thousand three hundred twenty feet (1320') of lands designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development.
4. Concurrency is the availability of adequate public facilities to serve the needs of a particular facility or development contemporaneously with the advent of the impact to be mitigated. Each development which imposes on the community impacts over and above those which the community is equipped to handle is required to address and deal with the service limitations in advance of receiving a building permit or development permit for the project in question. Development regulations shall provide that each public service agency providing public services to a given project, including school districts, fire districts, any water district which may be affected, and the County must all verify in writing that to the extent impacted by the development (a) the district has the capability to provided any increased service needs or (b) the district has entered into a mitigation agreement with the proponent to assure that adequate capacity and service to meet demands reasonably created by the new project will be available when needed.

Section 9.05 SUB-STANDARD LOTS IN THE RURAL ELEMENT

Development will be permitted on any existing lot that is less than the current standard size provided that 1) the lot was legally created prior to the adoption of this ordinance; 2) that water and wastewater can be provided and approved; and (3) any critical area requirements are met.

Section 9.06 NONCONFORMING USES IN THE RURAL ELEMENT

A nonconforming use is an activity, structure, or condition in existence at the time of adoption of this ordinance that would not now be permitted. A nonconformance may be continued or physically maintained as provided in this sub-section.

Structural modification of, addition to or replacement of any structure in existence before the adoption of this ordinance which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas are exempt if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described buffer or building setback area by more than 1000 square feet over that existing before the adoption of this ordinance and no portion of the modification, addition or replacement is located closer to the critical

area or, if the existing residence is in the critical area, no portion of the modification extends farther into the critical area. All development adjacent to both "Shorelines" and "Shorelines of State-wide Significance" shall be subject to the provisions in the Ferry County Shorelines Master Program.

Section 9.07 PUBLIC FACILITY EXCEPTION IN THE RURAL ELEMENT

If the application of this section would prohibit a development proposed by a public agency or public utility, the agency or utility may apply for an exception based on the following criteria:

1. There is no other practical alternative with less impact on the critical area;
2. That the proposal minimizes the impact on critical areas;

Section 9.08 REASONABLE USE EXCEPTION IN THE RURAL ELEMENT

If the application of this section would deny all reasonable use of the property, the applicant may apply for an exception pertinent to this subsection.

1. The applicant shall apply to the Planning Commission. The applicant may apply for a reasonable use exception without first applying for a variance if the requested exception includes relief from standards for which a variance cannot be granted. The Planning Commission shall review the application in consultation with the prosecuting attorney and the criteria as stated in subsection 2 of this section and shall prepare a recommendation to the Board of County Commissioners.
2. The Planning Commission shall review the exception and shall make a final decision based on the following criteria:
 - the application of this chapter would deny all reasonable use of the property;
 - there is no other reasonable use with less impact on the critical area;
 - the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this ordinance and with the public interest; and
 - any alternations permitted to the critical area shall be the minimum necessary to allow for reasonable use of the property.
3. Any authorized alteration of a critical area under this subsection shall be subject to conditions established by the Planning Commission or the Board of County Commissioners including, but not limited to, mitigation under an approved mitigation plan.

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Section 9.09 VARIANCES IN THE RURAL ELEMENT

1. The Planning Commission shall hear and decide all applications for variances from the requirements of this section, PROVIDED that any variance granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the area in which the subject property is situated, and that the findings of fact adopted by the Planning Commission to support their decision indicate that the following circumstances apply:
 - a. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical classifications;
 - b. That the granting of the variance will not be detrimental to the public health, safety, and welfare or be injurious to other properties and improvements in the vicinity of the subject property;
 - c. That the variance is not required solely due to actions by the applicant which prevent direct compliance with the use standards applicable to the subject property;
2. A permit for a use involving a variance shall be void after one year if proposed use has not commenced.

Section 9.10 AMENDMENTS TO THE RURAL ELEMENT

1. Authorization to Initiate Amendments – An amendment to the text or the maps may be initiated by the Board of County Commissioners, by the Planning Commission, or by a petition of one or more persons affected by the proposed amendment. Said petition shall be filed with the County Planning Director.
2. Planning Commission Review and Recommendation – Any proposed text amendment shall be reviewed by the Planning Commission during their regular January meeting, provided that the petition in completed form has been filed with said Director at least twenty-one (21) days prior to the meeting. After review, the Planning Commission shall recommend to the Board of County Commissioners that the proposed amendment be either enacted or rejected.

Any proposed map amendment shall be reviewed by the Planning Commission which shall recommend to the Board of County Commissioners that the proposed amendment be either enacted or rejected. The review by the Planning Commission shall be as provided under this section.

3. Petition Review – Whenever a petition for a map amendment is filed with the Planning Director, the Planning Commission at its next meeting shall review the petition, but only if;
 - The petitioner requests the hearing at the Planning Commission’s next meeting; and
 - The petition, in completed form, has been filed with said Director at least twenty-one (21) days prior to the meeting. A petition shall not be in “completed form” under this section if it fails to comply with the requirements of subsection 4 of this section. The Planning Commission may conduct more than one review on a petition.
4. Contents of Petition for Amendment – A petition for a map amendment shall contain the following information:
 - The proposed amendment and the reason it is sought.
 - An identification of that portion of this ordinance or the development map proposed to be amended.
 - A legal description of all land of which would be governed by new land use regulations if the amendment were enacted.
 - A generalized description of the actual land uses on all land described in this subsection and on all land located within five hundred (500) feet of the land described in this subsection.
 - A description of the petitioner’s property which would be governed by the new land use regulations if the amendment is enacted.
 - The names and addresses of each owner of land located within five hundred (500) feet of the land described in this subsection.
5. Findings of Planning Commission – Whenever the Planning Commission makes a recommendation either for enactment or rejection of an amendment, it shall prepare a statement containing its findings in support of the recommendation, which shall include, but not limited to, findings on the following points:
 - Whether the enactment of the amendment complies with the purpose of the Ferry County Comprehensive Plan;
 - Whether all of the new uses to be permitted on the land covered by the amendment would be compatible with uses permitted on adjacent or nearby land;
 - Whether there is likelihood that enactment would have a disruptive effect on the stability and continuation of land use patterns on land not covered by the amendment;
 - Whether there is likelihood that the new land uses provided under the amendment would cause the value of land not covered by the amendment to increase greatly in value and thereby render the current land use provisions economically ill-suited as the pertain to such land;
 - Whether the existing use regulations unreasonably restrict or prevent use of land covered by the amendment, and whether such regulations apply to adjacent uses;

- Whether the enactment of the amendment complies with the purpose of this ordinance and the public interest would be served; and
 - Whether there is likelihood that enactment of the amendment would result in other petitions to amend this ordinance.
6. Recommendations to Board – Within fourteen (14) days after the date on which the Planning Commission adopts a recommendation on a map amendment, it shall provide the petitioner and the Board of County Commissioners with a copy of its findings.
 7. Action by Board – Upon receipt of any recommendation amendments to the Development Regulation Ordinance, the Board of County Commissioners shall at its next regular public meeting set the date for a public hearing where it may, by ordinance, adopt or reject the recommended amendment.
 8. Review by Board – The Board of County Commissioners shall review the petition in the identical form in which it was finally acted on by the Planning Commission.
 9. Notices of Public Hearing – Each public hearing held pursuant to this section shall be prescribed in Section 9.11 of this ordinance.
 10. Withdrawal of Petition – A petition of an amendment may be withdrawn upon written note from the petitioner or, if there is more than one petitioner, by majority of the persons signing the petition.

Section 9.11 PUBLIC HEARINGS IN THE RURAL ELEMENT

Unless otherwise directed by this ordinance, notice of time, place and purpose of all public hearings shall be given by three publications in a newspaper of general circulation in the county at least ten (10) days before the date of hearings. Also, each record owner of property within five hundred (500) feet of any property included within a proposal shall be mailed notice of hearings.

Section 9.12 ADMINISTRATION AND ENFORCEMENT IN THE RURAL ELEMENT

It shall be the duty of the County Planning Director or other such persons designated by the Responsible Official to administer the provisions of these regulations.

The Prosecuting Attorney, at the request of the Responsible Official, may institute any legal proceedings to enforce the provisions of these regulations.

Section 9.13 APPEALS IN THE RURAL ELEMENT

1. Appeals - Appeals may be taken to the Board of County Commissioners by any person aggrieved, or by any officer, department, board or bureau of Ferry County affected by any decision of an administrative nature pursuant to this ordinance. Such

appeals shall be filed in writing in duplicate with the Clerk of the Board within twenty (20) days of the action being appealed.

2. Notice of Time and Place for an Appeal – Upon the filing of an appeal, the Board of County Commissioners shall set the time and place at which the matter will be considered. At least a ten (10) day notice of such time and place together with one (1) copy of the written appeal, shall be given to the Planning Director. At least ten (10) days notice of the time and place shall be given to the adverse parties of record in the case. The Planning Director shall forthwith transmit to the Board of County Commissioners all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.
3. Scope of Authority on Appeal – In exercising the powers granted by this ordinance, the Board of County Commissioners may, in conformity with this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the Planning Commission from whom the appeal was taken insofar as the decision on the particular issue is concerned.
4. Action Final – The action by the Board of County Commissioners on an appeal from the decision of the Planning Commission shall be final and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction.
5. Findings of Fact – The Board of County Commissioners shall, in making an order, requirement, decision, or determination, include in a written record of the case, the findings of fact upon which the action is based.

Section 9.14 VIOLATION AND PENALTY

Any person who knowingly commences a regulated activity beyond the stated conditions of the person's permit or variance, shall be in violation of this ordinance.

Any person convicted of violating this ordinance shall be guilty of a misdemeanor.

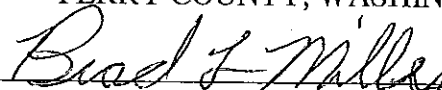
SECTION 10.00 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances is not affected.

SECTION 11.00 EFFECTIVE DATE:

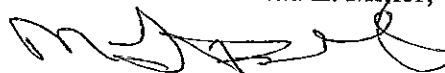
This ordinance shall come into full force and effect, the 16th day of July, 2007.

**FERRY COUNTY BOARD OF COUNTY COMMISSIONERS
FERRY COUNTY, WASHINGTON**



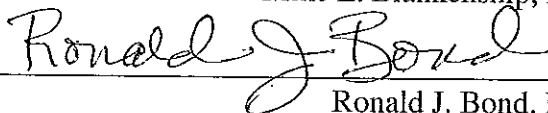
A handwritten signature in cursive script, reading "Brad L. Miller".

Brad L. Miller, Chairman



A handwritten signature in cursive script, reading "Mike L. Blankenship".

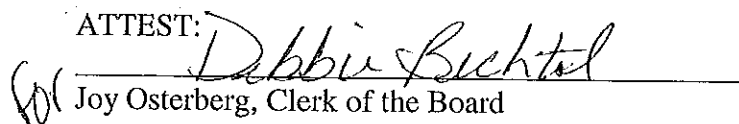
Mike L. Blankenship, Member



A handwritten signature in cursive script, reading "Ronald J. Bond".

Ronald J. Bond, Member

ATTEST:



A handwritten signature in cursive script, reading "Joy Osterberg".

Joy Osterberg, Clerk of the Board

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FERRY COUNTY, WASH.

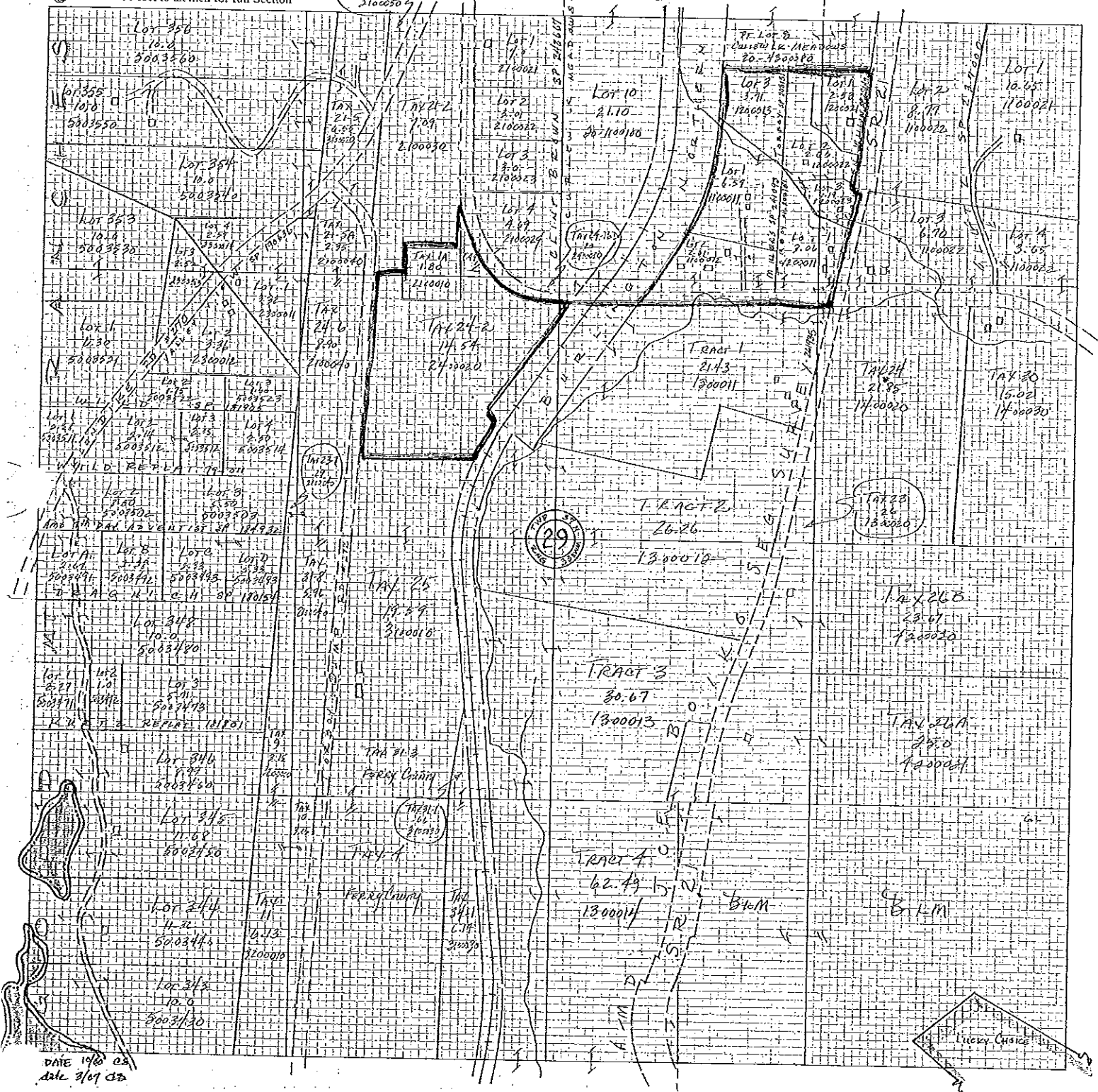
SECTION 29

TOWNSHIP 37N

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