

**FERRY COUNTY**  
**DEVELOPMENT REGULATIONS**  
**ORDINANCE # 2009-04**

**AMENDING ORDINANCE 2008-03**

**REVISED**

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FERRY COUNTY  
DEVELOPMENT REGULATIONS ORDINANCE #2009-04  
AMENDING ORDINANCE 2008-03

An ordinance adopting development regulations as required by RCW 36.70A.030 (7).

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, RCW 36.70A.020 (6) states that "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions."

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.170 states that each county shall designate where appropriate (a) agricultural land that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products; (b) forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber; (c) mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals, and (d) critical areas.

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

WHEREAS, Ferry County is required by WAC 365-190-050 to consider as agricultural lands all lands mapped as prime soils by the Natural Resources Conservation Service.

WHEREAS, Ferry County has considered all such mapped prime soils – printed by color code on maps from data downloaded from NRCS, and constituting all the mapped prime soils shown in tabular form on the NRCS data table "Farms and Other Important Farmlands – North Ferry County Washington – USDA / NRCS – Tabular Version 6, date 09/30/2008. Ferry County has considered each of the 18 prime soils areas shown on that table.

WHEREAS, in considering the mapped prime soils, Ferry County utilized the model provided for the county by then CTED, which was developed by Lewis County. Among other attributes, the Lewis County model included "capability class" as one of the descriptors of the mapped prime soils. As with Lewis County, the model was initiated by assigning NRCS capability class to each increment of mapped prime soil. For Ferry County this consists of Classes II, III, and an occasional instance of Class IV. There are

no Class I soils in Ferry County so that was a required modification from the Lewis County model.

WHEREAS, grazing on the Colville National Forest is critical to the beef cattle industry, according to the Ferry County Cattlemen's Association which states: "The only continuous grazing land found in our county is found on U.S. Forest Service land where almost all of our cattle grazing takes place."

WHEREAS, there are 470,151 acres of leased grazing land in the Colville National Forest within Ferry County, of which 393,738 acres were in active leases in 2009. There are currently 21 current leases. Forest Service grazing leases are from May 1<sup>st</sup> through October 31<sup>st</sup>.

WHEREAS, there is no discrepancy between "land in farms" figures from the Census of Agriculture and from the Colville National Forest. The total of land in farms is as reported by the farmer who submitted the census form, and will not change. However, Table 8 of the Census provides some additional detail such as a breakdown of farms and acres by farm size. It is in this table that the Colville National Forest statement regarding data confidentiality applies. The Census states that the 20 largest farms cannot have any data shown in Table 8 due to confidentiality.

WHEREAS, it is not possible that any major portion of privately held lease land is included in the total of "land in farms", because the total of all privately held land for all purposes in Ferry County is so small relative to the "land in farms". There are 749,452 acres in farms in Ferry County per the Census. There are only 258,500 total acres of land privately held in the county, which includes the City of Republic, the LAMIRDS, agricultural crop land, residential and recreational land, and timber lands of long terms significance.

WHEREAS, furthermore, land held by other government agencies (BLM, DNR) are minimal compared to the acreage being sought as leased land.

WHEREAS, the majority of the privately owned leased property is designated as Timber Land of Long-Term Commercial Significance. The Planning Department analyzed this private leased property relative to the adjacent prime soils parcels and nothing met the block size criteria. In fact there was only one 40 acre leased property that was adjacent to an 80 acre prime soil parcel.

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

## TABLE OF CONTENTS

Acronym List	5
Section 1.00 Authority	6
Section 2.00 Purpose	6
Section 3.00 Scope	6
Section 4.00 Definitions	6
Section 5.00 Other Applicable Ordinances	11
Section 6.00 Historic Archaeological Resources Preservation	11
Section 6.01 Goal	11
Section 6.02 Classification	11
Section 6.03 Designation	12
Section 7.00 Resource Lands	13
Section 8.00 Forest Land	13
Section 8.01 Goals	14
Section 8.02 Policies	14
Section 8.03 Classification and Designation	14
Section 8.04 Protection Measures	15
Section 9.00 Agricultural Land	16
Section 9.01 Goals	16
Section 9.02 Classification	16
Section 9.03 NRCS Land Capability Classes (Classes I-VIII)	16
Section 9.04 Designation	19
Section 9.05 Uses Allowed on Designated Agricultural Lands	20
Section 10.00 Mineral Land	21
Section 10.01 Goals	21
Section 10.02 Classification	21
Section 10.03 Designation	22
Section 11.00 Rural Element	22
Section 11.01 Rural Area Development-General Provisions	22
Section 11.02 Rural Area Development-Guidelines	23
Section 11.03 Regulations Pertaining to Rural Area Development	30
Section 11.04 Sub-Standard Lots in the Rural Element	31
Section 11.05 Amendments to the Rural Element	31
Section 12.00 Nonconforming Uses/Exceptions/Variances	32
Section 12.01 Nonconforming Uses	32
Section 12.02 Public Facility Exception	32
Section 12.03 Variances	32
Section 12.04 Reasonable Use Exception	33
Section 13.00 Administration and Enforcement	33
Section 13.01 Appeals	34
Section 13.02 Violation and Penalty	34
Section 13.03 Civil Remedy	34
Section 13.04 Criminal Penalty	34
Section 14.00 Severability	34
Section 15.00 Bibliography	35
Appendix A	A-1
Effective Date	38

## ACRONYM LIST

<b>BLM</b>	Bureau of Land Management
<b>CTED</b>	Washington State Department of Community, Trade and Economic Development (now Washington State Department of Commerce)
<b>DAHP</b>	Washington State Department of Archaeology and Historic Preservation
<b>DNR</b>	Department of Natural Resources (Washington State)
<b>GMA</b>	Growth Management Act
<b>LAMIRD</b>	Limited Areas of More Intense Rural Development
<b>NRCS</b>	Natural Resources Conservation Service (USDA)
<b>PUD</b>	Public Utilities District
<b>RCW</b>	Revised Code of Washington
<b>RSA</b>	Rural Service Area
<b>RV</b>	Recreational Vehicle
<b>SEPA</b>	State Environmental Policy Act (Washington State)
<b>UGA</b>	Urban Growth Area
<b>USDA</b>	United States Department of Agriculture
<b>USGS</b>	United States Geological Survey
<b>WAC</b>	Washington Administrative Code

**FERRY COUNTY ORDINANCE #2009-04  
DEVELOPMENT REGULATIONS ORDINANCE**

**SECTION 1.00 AUTHORITY**

This ordinance is adopted pursuant the authority granted Ferry County under RCW 36.70, known as "Counties – Planning Enabling Act", and in accordance with RCW 36.70A, known as the Growth Management Act.

**SECTION 2.00 PURPOSE**

The purpose of this ordinance is to promote the general health, safety and welfare of county residents, public and private property and the natural environment inherent in Ferry County. This ordinance implements the policies of the Growth Management Act (RCW 36.70A) and the policies of the Ferry County Comprehensive Plan.

It is Ferry County's intention to enable the Federal and State agencies to coordinate their planning for intermingled state and federal lands with Ferry County's planning.

**SECTION 3.00 SCOPE**

This ordinance regulates land uses on all lands in Ferry County outside of the Urban Growth Area. The only designated Urban Growth Area is within the city limits of the City of Republic; thus this ordinance regulates all land uses in the unincorporated area of Ferry County. These lands may be generally referred to as "Rural Lands."

**SECTION 4.00 DEFINITIONS**

**Administrator** - The Planning Director, who shall be responsible for the administration and enforcement of the provisions of these regulations within the unincorporated territory of Ferry County.

**Agricultural Land** - Land primarily devoted to commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, finfish in upland hatcheries, or livestock.

**Agriculture Land of Long-Term Commercial Significance** – Designated agriculture lands that include the 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 land.

**Appeal** - A request for a review of the Administrator's interpretation of any provision of this ordinance or a request for a variance.

**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.

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

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

**Designated Forest Land (tax purpose)** - Land designated by the owner as forest land, as provided for in RCW 84.33.130, to be valued for tax purposes under RCW 84.33.140. Designated forest land includes those land parcels previously defined as “classified forest land”.

**Forest Land of Long-Term Commercial Significance** - All lands classified as forest lands under the open space use tax program that is greater than or equal to 20 acres in size where a predominance of the land area is made up of grade 6 or better as determined by the Department of Revenue maps and is characterized by current resource use, and is located outside of urban growth boundaries. This includes Federal and State managed forest lands.

**Forest Practices** – Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber. This does not include the conversion of forested land to a use incompatible with growing timber.

**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 the Department of Archaeological and Historic Preservation.

**Limited Areas of More Intense Rural Development (LAMIRD)** – Limited areas of more intense rural development, including necessary public facilities and public services, as allowed by the GMA (RCW 36.70A.070(5)(d)).

**Master Planned Resort** – Major development as authorized under RCW 36.70A.360.

**Mineral Land of Long-Term Commercial Significance** - Lands from which the extraction of aggregate and mineral resources can be anticipated, based on geologic, environmental, and economic factors, existing land uses, and land ownership. To be included are lands with long-term commercial significance for extraction of at least the following: sands, gravel, building stone, fossils, valuable metals, gemstones and other naturally occurring inorganic substances that are crystalline, or composed of crystalline materials, that are of value; and any areas for which permits for mining activity have been issued.

**Minerals** - Sand, gravel and valuable metals, gemstones and other naturally occurring inorganic substances that are crystalline, or composed of crystalline materials, that are of value.

**Mining Operations** - Mining of rock, stone, gravel, sand, earth and minerals.

**Open Space Forest Land (tax purpose)** - A designation of parcel land related to timber growth not meaning after a "Forest Land" has been logged but in reference to open space. Ref. RCW 84.34.

**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.

**Pre-Existing and Ongoing Agricultural Activities** - Agricultural uses and practices including but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment, maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the critical area than the original facility, and maintaining agricultural lands under production or cultivation. Agricultural products includes but are not limited to: Horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed



or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products. Agricultural equipment and agricultural facilities includes but are not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing agricultural products. Agricultural land means those specific land areas on which agriculture activities are conducted including State and Federal grazing allotment lands.

**Professional Archaeologist** –A person with qualifications meeting the Federal Secretary of the Interior’s standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal standards. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal. Ref: RCW 27.53.030 (8); and Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation, 1983 (48 FR 447 16).

**Resource Lands** - Agricultural, Mineral and Forest land of long-term commercial significance.

**Rural Character** - Refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- 1) In which open space, the natural landscape, and vegetation predominate over the built environment;
- 2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- 3) That provide visual landscapes that are traditionally found in rural areas and communities;
- 4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- 5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- 6) That generally do not require the extension of urban governmental services; and
- 7) 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 11.03.

**Rural Element** – Lands that are not designated for urban growth, agriculture, forest, or mineral resources (RCW 36.70A.070(5)). In Ferry County that includes all lands outside of the Urban Growth Area and not designated as agricultural, forest, or mineral lands of long-term commercial significance.

**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 National Pollutant Discharge Elimination System or waste discharge under Chapter 90.48 RCW shall not be considered “urban governmental services.”

**Rural Lands** - All Ferry County lands not within the Urban Growth Area.

**Rural Service Areas** - Areas of more intense rural development which have specific locations and mapped boundaries as adopted in the Comprehensive Plan. Rural Service Areas meet the criteria of RCW 36.70A.070(5)(d)(iv) & (v).

**Rural Small Scale Business** – Those businesses which do not exceed 10,000 square feet per building for commercial use or 20,000 square feet per building per industrial use, do not require the extension of urban government services and maintain a rural character.

**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.

**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** - Those areas designated by a county pursuant to RCW 36.70A.110.

**Variance** - A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

## **SECTION 5.00 OTHER APPLICABLE ORDINANCES**

All development must also meet the requirements of other applicable Ferry County ordinances which operate as overlays to these land-use guidelines. These other ordinances include, but are not limited to:

Critical Areas Ordinance;  
Shoreline Master Program;  
State Environmental Policy Act (SEPA) Implementing Ordinance;  
Timber and Forest Practice Ordinance;  
Flood Damage Prevention Ordinance;  
Building Ordinance;  
Concurrency Ordinance;  
Subdivision Ordinances, including the Long Subdivision, Short Subdivision and Binding Site Plan Ordinances.

## **SECTION 6.00 HISTORIC ARCHAEOLOGICAL RESOURCES PRESERVATION**

### **SECTION 6.01 GOAL**

To avoid the loss of archaeological and historic information.

### **SECTION 6.02 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 Department of Archeology and Historic Preservation (DAHP) to ensure that development activities will not result in the loss of information.

### **SECTION 6.03 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 through 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 Department 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 DAHP. 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:

- 1) Recording the site with the DAHP;
- 2) Reburying human remains, should the site be a grave;

- 3) Burying or plating the site with a permeable surface (asphalt, crushed rock, etc) to prohibit intentional damage;
- 4) Excavation and recovery of resources in approved manner;
- 5) Avoidance; or
- 6) 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 DAHP 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. DAHP 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 7.00 RESOURCE LANDS**

The Growth Management Act requires every county to designate resource lands and to adopt development regulations that assure the conservation of these lands for resource use.

RCW 36.70A.170 defines three categories of lands for designation:

- 1) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
- 2) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- 3) Mineral lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

#### **Resource Lands Notice:**

All development permits and building permits issued for development activities on rural lands shall contain a notice that the subject property may be 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. In the case of mineral resource lands, an application might be made for mining related activities including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

#### **SECTION 8.00 FOREST LAND**

Forest lands are to be classified to determine those lands in Ferry County that are lands of long-term commercial significance. Forest 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 of long term commercial significance, Ferry County will use the current Forest Land Grades of the Department of Revenue along with the Orthophoto Maps filed at the Ferry County Assessor's Office and the Colville National Forest Maps, 1992. Forest practices on private and state owned lands 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.

### **SECTION 8.01 GOALS**

- 1) Conserve and protect Forest Lands from activities that would adversely affect the primary use of forest land for commercial forest management.
- 2) Minimize the loss of Forest Land acreage, functions, and values through a combination of land use and development regulation and non-regulatory means such as public education, technical assistance to land owners and tax incentives.
- 3) Encourage and assist the restoration and enhancement of degraded forest lands.
- 4) Support and encourage the application of Federal laws on multiple use and sustained yield use of the Federal forest lands for production of food, fuel, fiber and mineral products.

### **SECTION 8.02 POLICIES**

- 1) Commercial forest lands will be identified and designated based on operational factors; surrounding land use; parcel size and public service levels that are conducive to long-term continuance in forest management.
- 2) The primary land use activities in forest areas are commercial forest management, agriculture, mineral extraction, recreation and those subordinate uses that maintain, enhance or have no impact on the long-term management of designated commercial forest lands.
- 3) Ferry County supports and encourages the maintenance of forest lands in timber and current use property tax classifications consistent with RCW 84.33 and 84.34.
- 4) Ferry County encourages the continuation of commercial forest management by working with forest managers to identify and develop other incentives for continued forestry.

### **SECTION 8.03 CLASSIFICATION AND DESIGNATION**

Forest lands of long-term commercial significance are those lands outside of designated urban growth areas classified as Forest Lands Grades 1 through 6, within a majority of acreage and in parcels of twenty acres or greater, or of contiguous ownership totaling 20 acres.

The following lands are those designated state and federally managed forest lands or are under current use taxation programs as either: Designated Forest or Current Use Timber.

### **Class I Forest Lands**

- 1) Existing use demonstrated as commercial resource management; and
- 2) 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
- 3) Lands that fall within grades 1 through 6 of the Forest Lands grades; and
- 4) Minimum area meeting the criteria in 1 through 3 above is 640 acres in size.

### **Class II Forest Lands**

- 1) Existing use demonstrating as commercial resource management; and
- 2) No more than 10% of the land is non-resource use; and
- 3) Lands that fall within grades 1 through 6 of the Forest Lands Grades; and
- 4) Minimum area meeting criteria in 1 through 3 above is 320 acres in size.

### **Class III Forest Lands**

- 1) Existing use demonstrated as commercial resource management; and
- 2) No more than 25% of the land is non-resource use; and
- 3) Lands that fall within grades 1 through 6 of the Forest Lands Grades; and
- 4) Minimum area meeting criteria in 1 through 3 above is 80 acres.

### **Class IV Forest Lands**

- 1) Existing use demonstrated as commercial resource management; and
- 2) Timber lands of any grade, greater than or equal to 20 acres, where the best use is for timber production.

## **SECTION 8.04 PROTECTION MEASURES**

### **Class I and II Forest Lands:**

- 1) Lands within Class I and II Forest Lands shall have no more than one single or multiple family dwelling per 20 acres.
- 2) Lands within Class I and II Forest Lands shall not be divided into parcels less than 20 acres.

### **Class III and IV Forest Lands:**

- 1) Lands within Class III Forest lands shall have no more than one single or multiple family dwelling per 10 acres.
- 2) Lots will be designed to ensure that the residences or other occupied structures are constructed and controlled by the residents.
- 3) Lands within Class III Forest Lands shall not be divided into parcels less than 10 acres.

Property owners who intend to use off-site water supply from adjacent Forest Lands, will be required to show legal access (i.e. easement/water rights) from the forest landowner, prior to platting or upon application for a building permit.

Access to private properties within forest lands shall not traverse through forest lands except where the access is subject to an Existing Easements as filed in the Records of Survey in the Ferry County Auditor's Office, or shown on maps of the Ferry County

Public Works Department and/or Forest Service Maps of the Colville National Forest, dated 1992.

Property owners within or adjacent to Forest Lands will be notified at the time of platting, obtaining a building permit or a development permit that they will be liable for the cost of extinguishing any fires that they may cause.

## **SECTION 9.00 AGRICULTURAL LAND**

### **SECTION 9.01 GOALS**

To conserve and protect agricultural prime lands designated as Agricultural Lands of Long-Term Commercial Significance.

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.

To encourage the continuation of present agricultural practices and continue all available tax incentives for those who may contemplate and practice agriculture in the future. Existing and ongoing agricultural activities shall be encouraged.

To promote development on non-prime farmlands and conserve prime farmlands for open space, continued agricultural use, or lease for agricultural use.

### **SECTION 9.02 CLASSIFICATION**

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.

As required by WAC 365-190-050, Ferry County will employ the United States Department of Agriculture - Natural Resources Conservation Service's Land-Capability Classification System (Agricultural Handbook No. 210, September, 1979) as a tool to classify Agricultural Lands of Long-Term Commercial Significance, as well as past growing history and the US Forest Service Maps of the Colville National Forest, dated 1992.

### **SECTION 9.03 NATURAL RESOURCES CONSERVATION SERVICE LAND- CAPABILITY CLASSES (CLASSES I- VIII)**

The following excerpts from United States Department of Agriculture - Natural Resources Conservation Service's Land-Capability Classification System (Agricultural Handbook No. 210) describe the various soil units (Donavan loam, Malo silt loam, Mires



loam, etc....) grouped into Classes. Class I being the most prime farm land. The classifications are not copied in their entirety.

#### **CLASS I:**

Soils in Class I have few limitations that restrict their use. Soils in this class are suited to a wide range of plants and may be used safely for cultivated crops, pasture, woodland and wildlife. The soils are nearly level and erosion hazards (wind or water) are low. They are deep, generally well drained, and easily worked. They hold water well and are either fairly well supplied with plant nutrients or highly responsive to an input of fertilizer.

The soils in Class I are not subject to damaging overflow. They are productive and suited to intensive cropping. The local climate must be favorable for growing many of the common field crops.

In irrigated areas, soils may be placed in Class I if the limitation of the arid climate has been removed by relatively permanent irrigation works. Such irrigated soils (or soils potentially useful under irrigation) are nearly level, have deep rooting zones, have favorable permeability and water-holding capacity, and are easily maintained in good tilth. Some of the soils may require initial conditioning including leveling to the desired grade, leaching of a slight accumulation of soluble salts, or lowering of the seasonal water table. Where limitations due to salts, water table, overflow, or erosion are likely to recur, the soils are regarded as subject to permanent natural limitations and are not included in Class I.

Note: There are no Natural Resources Conservation Service Class I soil units found in Ferry County.

#### **CLASS II:**

Soils in Class II have some limitations that reduce the choice of plants or require moderate conservation practices. Soils in Class II require careful soil management, including conservation practices to prevent deterioration or to improve air and water relations when the soils are cultivated. The limitations are few and the practices are easy to apply. The soils may be used for cultivated crops, pasture, range, woodland or wildlife food and cover.

Limitations of soils in Class II may include single or in combination the effects of (1) gentle slopes, (2) moderate susceptibility to wind or water erosion or moderate adverse effects of past erosion, (3) less than ideal soil depth, (4) somewhat unfavorable soil structure and workability, (5) slight to moderate salinity or sodium easily corrected but likely to recur, (6) occasional damaging overflow, (7) wetness correctable by drainage but existing permanently as a moderate limitation, and (8) slight climatic limitations on soil use and management.

#### **CLASS III:**

Soils in Class III have severe limitations that reduce the choice of plants or require special conservation practices, or both. Soils in Class III have more restrictions than those

in Class II and when used for cultivated crops, pasture, woodland, range or wildlife food and cover.

Limitations of soils in Class III restrict the amount of clean cultivation; timing of planting, tillage, and harvesting; choice of crops; or some combination of these limitations. The limitations may result from the effects of one or more of the following: (1) moderately steep slopes; (2) high susceptibility to water or wind erosion or severe adverse effects of past erosion; (3) frequent overflow accompanied by some crop damage; (4) very slow permeability of subsoil; (5) wetness or some waterlogging after drainage; (6) shallow depths to bedrock, hardpan, fragipan, or claypan that limit the rooting zone and the water storage; (7) low moisture-holding capacity; (8) low fertility not easily corrected; (9) moderate salinity or sodium; or (10) moderate climatic limitations.

#### **CLASS IV:**

Some soils in Class IV have very severe limitations that restrict the choices of plants, require very careful management, or both. The restrictions in use for soils in class IV are greater than those in Class III and the choice of plants is more limited. When these soils are cultivated, more careful management is required and conservation practices are more difficult to apply and maintain. Soils in Class IV may be used for crops, pasture, woodland, range, or wildlife food and cover.

Soils in Class IV may be well suited to only two or three of the common crops or the harvest produced may be low in relation to inputs over a long period of time. Use for cultivated crop is limited as a result of the effects of one or more permanent features such as (1) steep slopes, (2) severe susceptibility to shallow soils, (3) severe effects of past erosion, (4) shallow soils, (5) low moisture-holding capacity, (6) frequent overflows accompanied by severe crop damage, (7) excessive wetness with continuing hazard of waterlogging after drainage, (8) severe salinity or sodium or (9) moderately adverse climate.

#### **CLASS V:**

Soils in Class V have little or no erosion hazard but have other limitations impractical to remove or limit their use largely to pasture, range, woodland, or wildlife food and cover.

Soils in Class V have limitations that restrict the kind of plants that can be grown and that prevent normal tillage of cultivated crops. They are nearly level but some are wet, are frequently overflowed by streams, are stony, have climatic limitations, or have some combination of these limitations. Examples of Class V are (1) soils of the bottom lands subject to frequent overflow that prevents the normal production of cultivated crops, (2) nearly level soils with a growing season that prevents the normal production of cultivated crops, (3) level or nearly level stony or rocky soils, and (4) ponded areas where drainage for cultivated crops is not feasible but where soils are suitable for grasses or trees. Because of these limitations cultivation of the common crops is not feasible but pastures can be improved and benefits from proper management can be expected.

#### **CLASS VI:**

Soils in Class VI have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife food and cover.

**CLASS VII:**

Soils in Class VII have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland or wildlife.

**CLASS VIII:**

Soils and landforms in Class VIII have limitations that preclude their use for commercial plant production and restrict their use to recreation, wildlife, or water supply or to aesthetic purposes.

Ferry County acknowledges Class II through IV soil units as Prime Farmland as described and mapped by the Natural Resources Conservation Service.

**Prime Farmland:** Prime farmland, as defined by the Natural Resources Conservation Service, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forestland, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

**Unique Farmland:** Those lands other than prime farmland that are used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. According to the Natural Resources Conservation Service, Ferry County does not have any Unique Farmland.

**SECTION 9.04 DESIGNATION**

It is the intent of Ferry County to designate Agriculture Lands of Long-Term Commercial Significance. Ferry County will consider for designation those lands which meet the classification of prime farmland soil units (Class II through IV) as described and mapped by the Natural Resources Conservation Service.

The County shall also consider the combined effects of the proximity to population areas and the possibility of more intense uses of the land as indicated by:

- 1) The availability of public facilities;
- 2) Tax status;
- 3) The availability of public services;

- 4) Relationship or proximity to urban growth areas;
- 5) Predominant parcel size;
- 6) Land use settlement patterns and their compatibility with agricultural practices;
- 7) Intensity of nearby land uses;
- 8) History of land development permits issued nearby;
- 9) Land values under alternative uses; and
- 10) Proximity of markets.

Prior to designation, the owner of each parcel proposed for such designation will be notified and will be given the opportunity at public hearings to show cause why the parcel should not be so designated.

The County may remove an area from designation as Agricultural Land of Long-Term Commercial Significance consistent with one or more of the following criteria:

- 1) Change in circumstances pertaining to the comprehensive plan or public policy;
- 2) Change in circumstances beyond the control of the landowner pertaining to the subject property;
- 3) An error in designation;
- 4) New information on natural resource land.

The process to consider de-designation may be initiated by the County or by petition of a property owner, and will be considered on an area-wide basis during the comprehensive plan update or amendment process.

Upon review of the Natural Resources Conservation Service soil maps and other criteria (see Appendix A) and compliance with the requirements of WAC 365-190-050, no Agricultural Lands of Long-Term Commercial Significance were currently found to exist in Ferry County.

#### **SECTION 9.05 USES ALLOWED ON DESIGNATED AGRICULTURAL LANDS**

Agricultural Lands of Long-Term Commercial Significance shall not be divided into parcels less than 20 acres.

Agricultural Lands of Long-Term Commercial Significance shall be limited to residential development at a density of no more than 1 unit per 20 acres other than additional residential units for extended family or full time employees of a farm upon which they work and live. Any such additional residential uses should be sited on soils other than the prime soils of the parcel, where possible, or should be sited to have the least practical impact on the contiguity and integrity of the portion of the parcel actually used for agricultural production.

Accessory uses will be allowed as provided in RCW 36.70A.177. The accessory uses shall be located, designed and operated so as to not interfere with, and to support, the continuation of the overall agricultural use of the property and the neighboring properties.

Agricultural accessory uses and activities will be allowed including, but not limited to, the storage, distribution and marketing of regional agricultural products, agriculturally

related experiences, or the production, marketing and distribution of value-added agricultural products.

Non-agricultural accessory uses and activities will be allowed as long as the uses and activities are consistent with the size, scale and intensity of the existing agricultural use of the property. Non-agricultural accessory uses shall not convert more than one acre of agricultural land to non-agricultural uses.

The 'Open Range Law' is in effect in most of Ferry County, therefore those moving into the area need to be aware that livestock may be grazing on or near their property. If a landowner objects to livestock on their land, they can find the Open Range Law under RCW 16.24. Legal fencing is addressed under RCW 16.60.

Ferry County shall give priority to agricultural lands of long-term commercial significance when considering urban growth area boundaries.

The type of farming performed in Ferry County has typically been non-aggressive (low usage of pesticides and fertilizers). For this reason Ferry County has decided against requiring buffers between agricultural lands and new development. If the type of farming should change in the future, the decision against buffers shall be reviewed through administrative and public process.

Property owners who intend to use off-site water supply from adjacent Agricultural Lands, will be required to show legal access (i.e., easement/water rights) from the Agricultural landowner, prior to platting or upon application for a building permit.

Access to private properties within or adjacent to agricultural lands shall not traverse through agricultural lands except where the access is subject to an Existing Easements as filed in the Records of Survey in the Ferry County Auditor's Office, or shown on maps of the Ferry County Public Works Department and/or Forest Service Maps of the Colville National Forest, dated 1992.

## **SECTION 10.00 MINERAL LAND**

### **SECTION 10.01 GOALS**

To conserve mineral lands for productive economic use by identifying and designating mineral resource lands of long-term commercial significance and to minimize loss of paleontological information.

### **SECTION 10.02 CLASSIFICATION**

Ferry County has a unique geologic history. Epithermal precious-metal deposits in the Eocene Sanpoil Volcanics in the Republic graben have been targeted by several mineral exploration companies. 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.

The ancient lakebeds of the Eocene Klondike Mtn. Formation overlies the heavily mineralized Sanpoil Volcanics. These sediments have yielded many fossils of plants, fish, and insects and are known as the world's richest source of Eocene temperate climate plant fossils. Outcrops in Republic have produced many previously unknown plant taxa and contain valuable evidence of past environmental conditions and plant adaptations.

Since the fossil bearing lake sediments were deposited in the Republic Graben's lowlands, it is reasonable to assume that additional fossils exist in graben. It is likely that increased exposure of the Klondike Mtn. formation by development and mineral exploration will reveal new fossil locations.

### **SECTION 10.03 DESIGNATION**

Ferry County will use the following as tools to designate mineral resource lands of long-term commercial significance on a case-by case basis:

- 1) The Washington State Department of Natural Resources geological maps;
- 2) The USGS Quadrangle Geological Survey Bulletins for the Ferry County area.
- 3) US Forest Service Maps of the Colville National Forest, dated 1992.

In order to minimize loss of important scientific information, Ferry County strongly encourages property owners and developers to submit all fossils found to the Stonerose Interpretive Center in Republic, The Thomas Burke Washington State Museum, at the University of Washington in Seattle, or other qualified paleontological facilities for evaluation.

All exploration, extraction, mining reclamation, and processing operations in Ferry County shall comply with Ferry County Mining Ordinance #90-02, and State and Federal mining reclamation laws.

Property owners who intend to use off-site water supply from adjacent Mineral Lands, will be required to show legal access (i.e., easement/water rights) from the mineral landowner, prior to platting or upon application for a building permit.

Access to private properties within or adjacent to mineral resource lands shall not traverse through mineral resource lands except where the access is subject to an Existing Easements as filed in the Records of Survey in the Ferry County Auditor's Office, or shown on maps of the Ferry County Public Works Department and/or Forest Service Maps of the Colville National Forest, dated 1992.

## **SECTION 11.00 RURAL ELEMENT**

### **SECTION 11.01 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. 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 to be “rural lands” in the context of contributing to rural character and contributing to the rural lifestyle and economy. In context of guidelines and regulations for “rural area development”, the classification “Rural Element” does not include those lands designated as “resource lands of long-term commercial significance”. 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 11.03. 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.

## **SECTION 11.02 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 an Urban Growth Area, and not within designated timber, mineral, or agricultural lands of long-term commercial significance. Within the rural element it is anticipated that the development pattern will retain essentially the current rural character and development pattern. As envisioned by the policies of the Comprehensive Plan, the landscape will continue to be characterized by large stretches of land in agriculture and timber use, though not specifically designated as resource lands of long-term commercial significance. Resource uses will be allowed and encouraged anywhere within the rural area and will not be restricted based on other uses in the vicinity. The resource uses will be interspersed with recreational, residential and small-scale business uses. Residential densities will provide a variety of choices

from very large lots to the minimum available lot size for new subdivision, 2.5 acres per lot.

Within the rural element, the County recognizes the following categories of uses considered for more intense rural area development: Rural Service Areas, which include small towns, cross road commercial areas and shoreline areas; small-scale business; tourist uses; natural resource based industries; and, potentially, master planned resorts and major industrial developments.

**1) Rural Service Areas**

Rural Service Areas are areas of more intense rural development which have specific locations and mapped boundaries as adopted in the Comprehensive Plan. The boundaries are based on the logical extent of commercial, industrial, residential, or mixed-use activity which was developed and in place prior to the commencement of Ferry County planning under the GMA. The Comprehensive Plan, Section 7.12.3, describes the nature and extent of development in each of the Rural Service Areas and includes boundary maps which are hereby made a part of these Development Regulations.

New subdivision of land within a Rural Service Area is limited to the following minimum lot sizes:

Minimum 12,500 square feet for a residential lot that is to be served by community water and community sewer systems.

Minimum one acre for a lot to be served by community water and individual sewer system.

Minimum 2.5 acres for a lot to be served by individual water supply and individual sewer system.

Additional restrictions apply in the Curlew Lake Shoreline Area as indicated in Section c) Shoreline Areas below.

**a) 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 photos 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, electric power, water, and waste discharge. The development must also meet the Critical Area Ordinance 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.

- i) Danville: Danville is a small community situated along Highway 21 at the north boundary of Ferry County, in Township 40 N, Range 34 E.W.M. It has an international border crossing into Canada, a post office, existing or potential community-scale or highway-oriented businesses, 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.
- ii) Curlew: Curlew is located along the Kettle River and Highway 21, in Township 39 N., Range 33 E.W.M. Curlew has a public water system operated by a water district, which is exploring options for implementing a public sewer system. Curlew was formerly served by a railroad line, which has now been abandoned and is, potentially, to be preserved as a rail-bank and trail system. The Curlew "town center", platted in the early 1960's, includes a post office, K-12 school, churches, a community center, a cemetery, a volunteer fire department, tourist facilities, existing and potential community-scale businesses, and a registered historical site, the Ansorge Hotel/Museum. To the north of town center lies a potentially available industrial site formerly served by the railroad. On the west side of the highway, the boundary includes "Cougar Corner" at the junction of Highway 21 and the Kettle River Road, the site of a medical clinic plus potential for highway-oriented and community-scale businesses and for institutional/agency facilities. The boundary also includes an R/V park development at the junction of Highway 21 and Customs Road. The boundary is limited to the areas described above, with some existing residential lots in between. The area is approximately 300 acres in size.

- iii) Pine Grove: Pine Grove is located at the junction of State Highways 21 and 20, in Townships 36 and 37 N., Range 33 E.W.M. The area borders the County fairgrounds, has a well developed road network, and is served by a public water system operated by a water district. There are existing and potential community-scale and highway-oriented businesses and several active or available industrial sites. The area includes a recycling center and the major shop and facilities of the Ferry County Public Utility District. The boundaries reflect the area developed as of 1991 and/or as served by, or committed to service by the water district. The area is approximately 120 acres in size.
  - iv) Laurier: Laurier is a small community situated at the Canadian border along Highway 395, in Township 40 N., Range 36 E.W.M. Laurier has an international border crossing, a state-owned airstrip, post office, existing or potential community-scale or highway-oriented businesses. The boundaries are confined to the area historically known as the town site. The area is approximately 40 acres in size.
  - v) Orient: Orient is a small community lying along State Highway 395 and the Kettle River, in Township 39 N., Range 36 E.W.M. Orient has a water system, school, post office, volunteer fire department, and existing or potential community-scale businesses. The boundaries are confined to the area of the original town site, platted in the early 1900's, which is served by the water system. The area is approximately 275 acres in size.
  - vi) Inchelium: Inchelium is located in the southeast portion of Ferry County, in Township 32 N., Range 37 E.W.M., and is in the bounds of the Colville Indian Reservation along Lake Roosevelt. It has a water system, sewer system, school, post office, community center, volunteer fire department, ambulance service, medical clinic, library, child-care center, community college extension, church, tribal long-house, and youth center. Inchelium includes existing or potential community and tribal businesses. The boundaries are confined to the area served by the water system. The area is approximately 600 acres in size.
  - vii) Keller: Keller is located in the southern portion of Ferry County, in Township 30 N., Range 33 E.W.M., and is in the bounds of the Colville Indian Reservation on State Highway 21. It has a water system, sewer system, school, post office, medical clinic, community center, church, tribal long house, and existing or potential community small-scale businesses. The boundaries are confined to the area known as the Keller town site, but also include three separate housing developments north of Keller that are also served by the water system. The area is approximately 160 acres in size.
- b) **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 Ordinance 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.

- i) Malo: Malo is located at the junction of State Highway 21 and St. Peters Creek Rd, in Township 38 N., Range 33 E.W.M. It has a post office, community-scale business, and some small residential lots. The boundaries are the developed area from just south of the post office to north of the historic Malo store. The area is approximately 15 acres in size.
- ii) Barstow: Barstow is located on Highway 395, in Township 38 N., Range 37 E.W.M. It has existing or potential community-scale or highway-oriented businesses. The boundaries are limited to the area of the businesses, which is approximately 5 acres in size.
- iii) Barney's Jct.: Barney's is located at the junction of State Highway 20 and State Highway 395, in Township 36 N., Range 37 E.W.M. The area has a water system, sewer system, and fire hall, and includes a mobile-home and RV park. The area includes existing or potential highway-oriented and tourist-accommodation businesses, including tribally-owned business. The boundaries are confined to the area that includes the above, and is approximately 100 acres in size.
- iv) The Pines: The Pines is located in the southern part of the County, in Township 31 N., Range 33 E.W.M., within the bounds of the Colville Indian Reservation where Cache Creek Road meets State Highway 21. The area

includes potential for highway-oriented business plus associated residential property. The area is approximately 10 acres.

- v) Boyds: Boyds is located on State Highway 395, in Township 37 N., Range 37 E.W.M. It includes existing or potential community-scale or highway-oriented businesses, and has potential for industrial location because of the railroad siding. The area is approximately 40 acres.
- vi) Torboy: Torboy is located north of Republic along State Highway 21 and West Curlew Lake Road, in Township 37 N., Range 33 E.W.M. The area includes an RV park plus storage and equipment shop, and includes an industrial site owned and operated by the Republic Public Development Authority (PDA). The area is approximately 35 acres.

**c) 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 intended for 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:

- i) Lake Curlew: Platted portions and limited infill. Located in Townships 37 and 38 N., Range 33 E.W.M., 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 includes the Ferry County airport, has resorts, a state park, Ferry Conservation District, some county owned property and many subdivisions and short platted lots. The largest of the subdivisions, Curlew Kai, includes a public water system owned and operated by the homeowner's association. Lots smaller than one acre in size are prohibited in the planning district.
- ii) North & South Twin Lakes: Platted portions and limited infill. Located in Township 32 N., Range 35 E.W.M., within the bounds of the Colville Indian Reservation. Twin Lakes includes water systems, sewer systems, existing or potential community-scale or tourist businesses, 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. Within the Curlew Lake Sub Area Plan, 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.

## **2) Small-scale Business**

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. Each individual use within the building would be limited to 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.

## **3) 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.

## **4) 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.

**5) 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.

**6) 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.

**SECTION 11.03 REGULATIONS PERTAINING TO RURAL AREA DEVELOPMENT**

- 1) The rural based economy and lifestyles authorized in Ferry County must comply with the Shoreline Master Program, Critical Area Ordinance, 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 for Rural Service Areas, rural development shall be limited to resource use, recreational use, single-family residential development which may include home occupations, and those special uses itemized in Section 11.02, 2 through 6. Any new subdivision in the rural area shall have a minimum lot size of 2.5 acres per lot. Residential development on a lot larger than 2.5 acres shall be limited to a density of not more than one single-family dwelling unit per 2.5 acres and/or not more than one business use per lot other than no limit on home occupations conducted entirely within the residence which do not require parking or other facilities not typical for residential use.
- 3) All development permits and building permits issued for development activities on rural lands shall contain a notice that the subject property may be 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. In the case of mineral resource lands, an application might be made for mining related activities including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.
- 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 11.04 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 11.05 AMENDMENTS TO THE RURAL ELEMENT**

Amendments to these development regulations will be considered by the Planning Commission and by the Board of County Commissioners in accord with the County's Public Participation Plan, Resolution 2009-18.

- 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 - As specified in the Public Participation Plan, suggestions for amendment, submitted to the Planning Department, will be added to the docket of suggested amendments. At least once per year, the suggestions will be considered by the Planning Commission which will make a recommendation to the Board of County Commissioners. The review by the Planning Commission will be as provided in this Section.
- 3) Contents of Petition for Amendment – A petition for a map amendment shall contain the following information:
  - a) The proposed amendment and the reason it is sought.
  - b) An identification of that portion of this ordinance or the development map proposed to be amended.
  - c) A legal description of all land which would be governed by new land use regulations if the amendment were enacted.
  - d) 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.
  - e) A description of the petitioner's property which would be governed by the new land use regulations if the amendment were enacted.
  - f) The names and addresses of each owner of land located within five hundred (500) feet of the land described in this subsection.
- 4) 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 be limited to, findings on the following points:
  - a) Whether the enactment of the amendment complies with the purpose of the Ferry County Comprehensive Plan;

- b) 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;
  - c) 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;
  - d) 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 or decrease greatly in value and thereby render the current land use provisions economically ill-suited as they pertain to such land;
  - e) Whether the existing use regulations unreasonably restrict or prevent use of land covered by the amendment, and whether such regulations apply to adjacent uses;
  - f) Whether the enactment of the amendment complies with the purpose of this ordinance and the public interest would be served; and
  - g) Whether there is likelihood that enactment of the amendment would result in other petitions to amend this ordinance.
- 5) Public Participation - Public notice, public hearing, and action by the Board of County Commissioners will be in accord with the Public Participation Plan.
  - 6) 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.
  - 7) Notice to Nearby Property Owners - In addition to requirements of the Public Participation Plan, a notice of proposed amendment and the schedule for public hearing shall be mailed to each property owner of record within 500 feet of any property included in a proposal.

## **SECTION 12.00 NONCONFORMING USES/EXCEPTIONS/VARIANCES**

### **SECTION 12.01 NONCONFORMING USES**

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. Structural modification of, addition to, or replacement of any nonconforming structure is permitted if the modification, addition, or replacement does not increase the size of the structure by more than 1000 square feet over that existing before the adoption of this ordinance.

### **SECTION 12.02 PUBLIC FACILITY EXCEPTION**

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.

### **SECTION 12.03 VARIANCES**

A permit for a variance provides the opportunity for a landowner to make reasonable use of his property when adherence to the requirements of these regulations discriminates against the individual. A variance may be granted an individual property owner when the Planning Commission finds that all of the following are met:



- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same designated area;
- 2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same designated area under the terms of this ordinance, and prevent an otherwise reasonable use of the property;
- 3) That special conditions and circumstances do not result from actions of the applicant;
- 4) That granting the variances requested would not confer on the applicant any privilege that is denied by this ordinance to other lands, structures, or buildings in the same designated area;
- 5) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;
- 6) The variance granted is the minimum necessary to accommodate the use;
- 7) The use will not conflict with local or state health regulations;
- 8) The granting of the variance is consistent with the general purpose and intent of this ordinance and of the Ferry County Comprehensive Plan; and
- 9) In granting of the variance, the county may prescribe necessary conditions, safeguards or mitigation measures necessary.

A variance approval shall be good for five years from the date of approval.

#### **SECTION 12.04 REASONABLE USE EXCEPTION**

If the application of this section would deny all reasonable economic and beneficial 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:
  - a) the application of this chapter would deny all reasonable economic and beneficial use of the property;
  - b) 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.

#### **SECTION 13.00 ADMINISTRATION AND ENFORCEMENT**

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 13.01 APPEALS**

- 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 13.02 VIOLATION AND PENALTY**

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

### **SECTION 13. 03 CIVIL REMEDY**

This ordinance may be enforced by civil action for injunctive, declaratory or other such relief as necessary to insure compliance. The court may impose a civil penalty of up to \$5,000.

### **SECTION 13.04 CRIMINAL PENALTY**

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

### **SECTION 14.00 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 15.00 BIBLIOGRAPHY**

The following documents are referred to in this ordinance and are included by reference for use or guidance. Changes to these documents by the author or authoring agency require review by Ferry County for effect on this ordinance and possible need for other adjustments to the ordinance before being approved for inclusion in the ordinance by act of the Board of County Commissioners:

### **Section 1.00: Authority:**

- RCW 36.70, Planning Enabling Act, 1963;
- RCW 36.70A, Growth Management Act, 1990, and as amended through 2007;

### **Section 2.00: Purpose:**

- Ferry County Comprehensive Plan, September 18, 1995;
- RCW 36.70A, Growth Management Act, 1990 and as amended through 2007;

### **Section 4.00: Definitions:**

- Federal Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 1983 (48 FR 447 16);
- RCW 36.70A.070(5), Comprehensive Plans—Mandatory Elements, October 2007;
- RCW 36.70A.070(5)(d)(iv)&(v)-Limited Areas of More Intensive Rural Development, 1995;
- RCW 36.70A.110(4), Comprehensive Plans—Urban Growth Areas, October 2007;
- RCW 36.70A.170 Natural Resource Lands and Critical Areas—Designations, October 2007;
- RCW 36.70A.360, Master Planned Resorts, 1998;
- RCW 84.33.140, Forest Land Valuation, Assessor to list forest land at grade and class values—Computation of Assessed Value—Adjustment of Values—Certification—Use—Notice of Continuance—Appeals—Removal of Classification—Compensating Tax, 2000;
- RCW 84.33.130, Forest Land Valuation, Application by Owner that Land be Designated and Valued as Forest Land—Hearing—Rules—Approval, Denial of Application—Appeal, 2003;
- RCW 84.34, Open Space, Agricultural, Timber Lands—Current Use, 1992;
- RCW 90.48, Water Pollution Control, 1996;
- US Code Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915, 16 U.S.C. Sec. 470, National Historic Preservation Act, 1966;

### **Section 6.03: Designation:**

- RCW 27.44.20 Examination permitted—Removal to archaeological repository, October 2007;
- RCW 27.53.060, Disturbing, etc., Archaeological Resource or Site Without Written Permit or Permission Unlawful—Conditions Allowed—Exceptions, October 2007;
- WAC 25-48, Archaeological Excavation and Removal Permit, 1995;

Section 7.00: Resource Lands:

- RCW 36.70A.170, Natural Resource Lands and Critical Areas—Designations, October 2007;

Section 8.00: Forest Land:

- Ferry County Assessor, Orthophoto Maps;
- RCW 76.09, Forest Practices, 1999;
- Washington Department of Revenue, Forest Land Grades; WAC 458-40-530, Property Tax, Forest Land-Land Grades-Operability Classes
- Colville National Forest Maps, 1992;

Section 8.02: Policies:

- RCW 84.33, Timber Lands, 1990;
- RCW 84.34, Open Space, Agriculture, Timber Lands—Current Use, 1992;

Section 8.03: Classification:

- Washington Department of Revenue, Forest Land Grades; WAC 458-40-530, Property Tax, Forest Land-Land Grades-Operability Classes

Section 9.02: Classification:

- USDA, Natural Resources Conservation Service's Land-Capability Classification System, Agricultural Handbook No. 210, Land Classifications, 1973;

Section 9.03: Natural Resources Conservation Service Land Capability Classes (Classes I-VIII):

- USDA, Natural Resources Conservation Service's Land-Capability Classification System, Agricultural Handbook No. 210, Land Classifications, 1973;

Section 9.04: Designation:

- USDA, Natural Resources Conservation Service's Land-Capability Classification System, Agricultural Handbook No. 210, Land Classifications, 1973;

Section 9.05: Uses Allowed on Designated Agricultural Lands:

- RCW 16.24, Stock Restricted Areas, 1989;
- RCW 16.60, Fences, 1985;
- RCW 36.70A.177, Agricultural Lands—Innovative Zoning Techniques—Accessory Uses;

Section 10.03: Designation:

- Ferry County Mining Ordinance #90-02, June 25, 1990
- USGS Quadrangle Geological Survey Bulletins;
- Washington Department of Natural Resources Geological Maps;

Section 11.02: Rural Area Development—Guidelines:

- Ferry County Comprehensive Plan, September 18, 1995;

- Ferry County Comprehensive Plan Rural Service Areas Maps
- RCW 36.70A.360, Master Planned Resorts;
- RCW 36.70A.365, Major Industrial Developments:

Section 11.05: Amendments to the Rural Element:

- Ferry County Public Participation Plan, Resolution 2009-18, April 6, 2009;
- Ferry County Comprehensive Plan, September 18, 1995;

Section 12.04: Variances:

Ferry County Comprehensive Plan, September 18, 1995;

## APPENDIX A

### CRITERIA FOR DESIGNATING AGRICULTURAL LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE IN FERRY COUNTY, WASHINGTON

#### Ferry County Agriculture – Overview

Ferry County is known for its natural beauty and rural character. Agricultural activity contributes greatly to this rural flavor and is encouraged throughout the county. Agriculture in Ferry County is, essentially, a default land use. Those who practice agriculture do so because the land is available relatively inexpensively and is not suited or not planted for timber production. For most it is a lifestyle choice rather than a means to secure a living wage.

There is little to no demand for land for industrial or commercial development, and little demand for residential development. There is utterly no pressure to “pave over the farmlands”, as in many counties of Washington State. The only trend discernible from census data which could impact future viability of farming is that Ferry County is noted to be a net-in migration destination for retirees from other areas of the State or other states.

Almost 80 percent of the agricultural crop of Ferry County is in raising and marketing beef cattle. This involves hundreds of thousands of acres of “pastured woodlands” or grazing allotments, on National Forest and Bureau of Land Management forest tracts.

There are limited stretches of land where soils and conditions are adequate to permit raising a hay crop, which is almost entirely employed for winter feeding of the cattle. The “farm” or “home place” is thus only tangentially related to the land needed for the County’s agricultural crop.

There are exceptions of course. The latest Census of Agriculture (2007) showed some farms raising sheep or goats or horses; a few raising barley or other grains besides hay. There are now two aquaculture or “fish farms”, providing marketable products, and a few farms raising produce marketed directly to local consumers. Most of these enterprises would be classified more as “hobby farms” than as “agricultural lands of long-term commercial significance.”

#### History of Ferry County’s Response to the Growth Management Act regarding Agriculture

When the Growth Management Act (GMA) was adopted in 1990 and 1991, emphasis was on protecting “the right to farm”, and Ferry County agreed enthusiastically. Ferry County markedly exceeded the GMA’s requirements for posting notices on property deeds as to nearby agricultural activities which might be considered incompatible with residential uses. Whereas the GMA required such notices on property deeds within 300 feet – subsequently 500 feet – of designated agricultural lands, Ferry County required

the notices on any plats, short plats or building permits issued anywhere in the unincorporated county.

The Comprehensive Plan made it clear that agriculture was a welcomed and encouraged activity, anywhere in the County. The Comprehensive Plan suggested that any lands enrolled in the open space / farm and agriculture tax programs should be considered to be farmlands. There were no mappings, and the Comprehensive Plan language was not clear as to designation and use limitations on these “farmlands”.

By the late 1990's, the focus of the implementation of GMA shifted, from protecting “the right to farm” to mandating “the duty to farm”. Ferry County's Development Regulations were appealed based on failure to designate Agricultural Lands of Long-Term Commercial Significance.

Recognizing that the GMA constitutes Washington State law, and requires Ferry County to meet specific requirements as to designating Agricultural Lands of Long-Term Commercial Significance, the Planning Commission, with agricultural advisors, embarked on an intense program to map and designate these lands. Mapping began with designation of “prime soils” by the Natural Resources Conservation Service (NRCS). Ferry County then reviewed statistical models provided by Community, Trade and Economic Development (CTED), including the model used successfully for Lewis County. The model was adapted for use in Ferry County.

This Record of Decision documents the Planning Commission's actions and findings in respect to designating Agricultural Lands of Long-Term Commercial Significance.

### **Ferry County “Prime Soils”**

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. While parcels of prime farmland located on fee lands on the reservation were small and isolated, they were still included in the analysis of Agricultural Land of Long-Term Commercial Significance.

During public meetings and, in particular, during focus groups with agricultural advisors, the Planning Commission repeatedly heard the same story:

#### **Ferry County Was Told By Agricultural Advisors\*:**

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” where the lingering late spring and early fall frosts prevent the growing of some of the more attractive hay crops such as alfalfa. The soils tend to be either excessively drained, losing all water, even if irrigated, or they tend to be excessively wet causing rot of the roots of attempted plantings. Thus the finer and more commercially desirable and valuable crops are not able to be produced.

The prime soils of Ferry County are, in fact, thin and poor, and occur only in narrow strips mainly along river bottoms and the beds of several major creeks. Usually the prime soils do not extend far into the surrounding landscape. Often the prime soils comprise less than half of the topography of a parcel used for "agriculture". This was found to be reflected in the prime soil maps provided by the Natural Resources Conservation Service and their own descriptions of such soils.

Interestingly, the situation as described by the land owners and other agricultural advisors, is similar to the situation as described in the Natural Resources Conservation Service publication on which Ferry County's agricultural policies have been based since 1993.

The Interim Critical Areas Ordinance (ICAO) adopted in 1993 includes the statement: "Ferry County will employ the United States Soil Conservation Services Capability Class Classification System Agricultural Handbook No. 210 as a tool to classify agricultural lands of long-term commercial significance, as well as past growing history."

The above was the citation in the ICAO and it has been cited in each relevant Ferry County ordinance since 1993 including the 2006 Resource Lands and Critical Areas Ordinance and the current Development Regulations.

The following statements are all taken from the Natural Resources Conservation Service (NRCS) Agricultural Handbook No. 210, not quoted in their entirety.

Class I as described by the NRCS, is clearly the preferred soil type for agriculture: "Class I soils have **few limitations** that restrict their use; are suited to a wide range of plants and may be used safely. They are nearly level, and erosion hazards are low. They are deep, generally well drained, and easily worked. They hold water well and are either fairly well supplied with plant nutrients, or are highly responsive to an input of fertilizer. They are productive and suited to intensive cropping. Local climate must be favorable to growing any of the common field crops."

The above does not describe any mapped prime soils in Ferry County. There are no Class I soils found in Ferry County.

Class II soils are described by the NRCS: The soils have **some limitations** that reduce the choice of crops – require careful soil management, including conservation practices. Limitations may include gentle slopes, moderate susceptibility to wind or water erosion, less than ideal soil depth, somewhat unfavorable soil structure and workability, slight to moderate salinity or sodium, occasional damaging overflow – wetness, correctible by drainage, but existing permanently as a moderate limitation; slight climatic limitations.

Class II soils comprise about 4,400 acres, or about 21 percent of the prime soils mapped for North Ferry County by the NRCS:



Class III soils are described by the NRCS: The soils have **severe limitations** that reduce the choice of plants or require special conservation practices. Limitations reduce the amount of clearing, cultivation, timing of planting, tillage, and harvesting; reduce choice of crops. These limitations are caused by high susceptibility to erosion; frequent overflow; wetness or water-logging; shallow depths to bedrock; low moisture holding capacity; low fertility, not easily corrected; moderate salinity; moderate climatic limitations.

Class III soils comprise about 4,300 acres or about 20 percent of the mapped prime soils for North Ferry County.

Class IV soils, and some Class III, are considered to be prime **only if irrigated**, or in some cases prime only if drained.

Class IV soils are described by the NRCS: Class IV soils have **very severe limitations** and are considered to be prime only if irrigated.

In Ferry County, Class III soils, identified as prime only if irrigated, comprise about 10,160 acres or about 47 percent of North Ferry County's mapped prime soils. Class IV soils comprise about 2,500 acres or about 12 percent of the mapped prime soils.

Soils Recap by class:

Class	NRCS Description	Percent of mapped soils (Not Including Reservation)
1	No limitations	Zero
2	Some limitations	21 %
3	Severe limitations (non-irrigated)	20 %
3	Severe limitations (prime, only if irrigated)	47%
4	Very severe limitations (prime, only if irrigated)	12%

**According to the Natural Resource Conservation Service, it is clear that almost 80 % of the mapped prime soils in Ferry County are subject to severe limitations.**

While the prime soils of Ferry County are subject to severe limitations as pertains to agriculture, these same soils are quite suitable for timber production and much of the mapped prime soils have already been designated for this resource.

### **Commercial Significance**

The Washington Supreme Court, in a case brought for Lewis County, made the observation that *it is not the intent of the GMA to trap anyone in economic failure, which is why counties are asked to designate only those agricultural lands with long-term commercial significance.* The term could have been better defined.

In the 2002 Census of Agriculture, Ferry was one of three counties, out of the State's 39, which had an overall operating loss for agriculture – and by far the greatest loser in the State. The average farm lost about \$3,700 per year after taking all farm sales, farm related sales, and government subsidies and subtracting operating costs including land payments and property taxes. The other two counties, Island and San Juan Counties, lost money, but due primarily to high land costs and property taxes.

In 2007, six counties had an average profit per farm of over \$100,000 (Adams, Benton, Franklin, Grant, Walla Walla, Yakima). The average farm, statewide, showed a profit of about \$45,000. Ferry County was joined by Pend Oreille County and several Western Washington counties in the overall loss column. Ferry County loss per farm had nearly doubled, to a loss of about \$7,000 per farm.

Although cattle is Ferry County's major industrial product, the County ranks 25<sup>th</sup> out of 39 counties in number of cows/calves sold. Numbers were withheld by the Census of Agriculture for Clark, Stevens, Walla Walla, and Whitman Counties to avoid disclosing data for individual farms, however they were included with the other 39 counties. If those numbers had been included, Ferry County probably would have ranked 29th. Grant County sells 251,191 and Yakima County 147,635 compared to Ferry County's 2,461.

### **Land in Farms**

The Census of Agriculture is consistent in showing that Ferry County agriculture exhibits a trait that is unique to the State – that is, the “average” Ferry County farm consists of almost nine times as many acres as does the statewide average farm. (State = 381 acres per farm; Ferry County = 3,230 acres).

The Census of Agriculture reports 749,452 acres in farms. There are only 258,500 total acres of land privately held in the county, which includes the City of Republic, the Limited Areas of More Intense Rural Developments (LAMIRD), residential and recreational land, timber and mineral lands. There are only three possibilities which account for this discrepancy:

- A large portion of the reservation was included;
- A large portion of the Colville National Forest was included; or
- A combination of both.

Ferry County does not know which of the possibilities goes into the reported total acreage. Census confidentiality rules prevent us from having that visibility.

A few counties have average farm sizes from 1,000 to 1,400 acres, but all are notable for their large expanses of wheat fields.

The agricultural advisory group has assured the Planning Commission that this anomaly of average farm size is due to the fact that the Ferry County beef cattle industry is entirely dependent on grazing allotments and/or leases on the public lands. Although public property, these grazing allotments/leases are considered farm acres in the Census of Agriculture.

According to the Forest Service there are 470,151 acres in Forest Service leasing allotments within Ferry County.

For the past decade there has been a growing pressure to reduce or discontinue the grazing allotments. Such a move would signal the end of an agricultural industry in Ferry County. The current threat to these pastured woodlands is to increase the acres of Colville National Forest which are designated as "wilderness". Although a wilderness designation supposedly does not preclude grazing, Ferry County has been told by practicing cattlemen that the non-motorized restrictions within wilderness would put a "de-facto" end to the grazing allotments.

#### **Distance to Market**

Another major factor in Ferry County's inability to sustain commercial significance is the distance to market. Being so remote from any major market, whether it be beef or grain, actually restricts the ability of Ferry County agricultural producers to be competitive. This point was made time and again by the agricultural advisors to the Planning Commission. One advisor stated that even if he could produce a salable hay crop, by the time he trucked it to the nearest market, he could never make a profit.

#### **Methodology for Designation of Agricultural Lands of Long-term Commercial Significance**

Guidance for identification and designation of Agricultural Lands of Long-Term Commercial Significance is found in WAC 190-365-050. Based on the methodology contained in the guidelines established by the State, the following process for identification and designation of Agricultural Lands of Long-Term Commercial Significance within Ferry County is established.

An analytical process shall be used to score lands potentially suitable for agricultural uses. The process consists of an analytical scoring methodology. It is based on the combined score and uses a geographic information system (GIS) overlay to graphically display data. All soils potentially suitable for agricultural uses are mapped and assessed for the level of suitability for designation as Agricultural Lands of Long-Term Commercial Significance based upon this process. 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 II through IV mapped by the Natural Resource Conservation Service to determine the Agricultural Lands of Long-Term Commercial Significance located within Ferry County.

### **1. Land Potentially Suitable for Agricultural Uses**

The initial step in qualifying land under consideration as Agricultural Lands of Long-Term Commercial Significance is to identify parcels that may be considered consistent with the requirements of the GMA. The phrase "long-term commercial significance" includes consideration of the growing capacity, productivity and the soil composition of the land for long-term commercial production, in consideration of the land's proximity to population areas, and the possibility of more intense uses of the land.

Productivity and soil composition are intrinsically linked and can be utilized as a prime indicator of lands that may be considered suitable for designation as Agricultural Lands of Long-Term Commercial Significance. The growing capacity of various soils is also an indicator of their suitability. The U.S. Department of Agriculture Soil Survey has graded soils using soil composition, productivity and growing capacity in addition to other factors including precipitation and slopes.

#### **A. Soil Types:**

Using the U.S. Department of Agriculture system of classification, Class I through IV types were determined to possess the appropriate characteristics that could make them suitable for Agricultural Lands of Long-Term Commercial Significance designation in Ferry County. These soil types are assigned a numeric value from 0 (least suitable) to 6 (suitable), depending on their relative suitability as productive agricultural soil. It should be noted that many of the "prime soil" areas have already been designated as Forest Lands.

Soil Type and Relative Value		Mapping Color
Class II soils	6 points	Green
Class III soils	4 points	Yellow
Class III & IV if irrigated	2 points	Aqua

Each parcel acquired points proportionally equivalent to the area of each soil class.

#### **B. Growing Capacity:**

As growing capacity was one of the factors taken into consideration in the Soil Survey classification no additional numeric value was assigned.

#### **C. Floodplain Coincidence:**

In other parts of Washington State the depositional soils found within flat, broad floodplains comprise some of the best agricultural soils. However, Ferry County being comprised of glacial till among a mountainous terrain experiences mostly gravel deposits in floodplain areas. Other limiting factors involving floodplains are frosts and excessive moisture. Floodplain areas tend to experience frosts before other ground and stay wetter

longer, both factors that considerably limit their agricultural production value. Thus, no additional numeric value was assigned to lands within floodplains.

**D. Additional Capacity and Production Factors:**

Given Ferry County's limited ability for sustainable agriculture, there were found to be no other additional capacity or production factors to consider assigning a numerical value.

**E. Soil Mapping Challenge:**

During the process of designating Agricultural Land of Long-Term Commercial Significance the Ferry County Planning Commission was notified of shortcomings in the Natural Resources Conservation Service (NRCS) maps. In one instance, a gravel pit was mapped as Class II soil. While the Natural Resources Conservation Service will not amend their soil maps, any landowner, at their own expense, may have a soil analysis performed by a qualified professional. If this analysis proves the maps to be in error, the landowner may petition Ferry County for de-designation.

**2. Potential for More Intense Use of the Land**

After determining parcels of land that are potentially suitable for Agricultural Land of Long-Term Commercial Significance designation by the soil maps, the remaining factors contained within WAC 365-190-050 were used to consider the potential for more intense use of the land. Positive or negative values were assigned depending whether the factor is considered positive or negative in the overall effect on commercial agricultural production.

**A. Proximity to an Urban Growth Area:**

The distance from an urban growth area or UGA is included as one of the 10 factors listed in the WAC to be considered in identifying agricultural land of long-term commercial significance in view of the possibility of more intense use of the land. The reasoning supporting this factor as a criterion is two-fold. The first is that land in close proximity to an urban growth area is subject to population expansion and is influenced by the spatial advances of that growth of an urban nature, including more intense uses and higher urban densities – residential, commercial and industrial.

The second reason that proximity to a UGA is a significant factor relates to the suitability of lands for agricultural use and the recognition that there are potential adverse affects caused by the spraying of insecticides and herbicides in current farming practices and the odorous effects in fertilizing planted crops and raising of animals. Although Right-to-Farm laws provide statutory, legal defenses in lawsuits brought by other landowners claiming injury from farm practices, they do not shield against trespass claims involving farm practices, nor do they shield against claims challenging farm practices as 'best management practices'.

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.

#### Distance from Urban Growth Area Values

Less than 1 mile	-2 points
1 to 5 miles	-1 point
More than 5 miles	0 points

#### B. Parcel Size:

While agricultural activities may take place on smaller parcels of land, larger parcels are more suitable to the typical agricultural activities historically represented in Ferry County, such as grazing and hay production.

Economies of scale, appropriate separation from incompatible uses and other factors were considered in determining the size of a particular parcel as it relates to the probability of more intense uses of the land. Smaller parcels, because of the limited usefulness and productivity for agricultural uses, unlikelihood commercial significance could be sustained and better suitability and utility for residential and other non-resource uses, are assessed fewer points than larger lots. It was also determined to remove from consideration all platted lots less than 20 acres in size, as plat approval carries with it the consent of the County to develop. In order to maintain objectivity, parcel sizes were categorized using the U.S. Dept. of Agriculture Census breakdown, with a 180 acre farm being the smallest suited to sustain long-term commercial significance.

#### Parcel Size Values

1-9 acres	-3 points
10-19 acres	-2 points
20-49 acres	-1 point
50-179 acres	0 points
180-499 acres	1 point
500-999 acres	2 points
1000 or more acres	3 points
All contiguous ownership was treated as one parcel.	

#### C. Enrollment in Agriculture Current-Use Program:

Taxpayer voluntary enrollment in an agriculture tax reduction program may be useful in determining commercial intent by the owner in utilizing land for long-term commercial agricultural production and is another indicator under WAC 365-190-050 that may be considered in determining the possibility of more intense use of the land. 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 significant commercial venture.

Agriculture Current-Use Tax Enrollment Values	
Enrolled in Ag. Tax Program	0 points
Not enrolled	-1 point

**D. Assessed Valuation:**

Land suitable for commercial agricultural production must be affordable to the farmer in order for a return adequate to provide a reasonable profit after the costs of doing business are taken into account. There is a reasonable land-cost threshold beyond which farmers have great difficulty in securing financing. However, there is currently no bank within Ferry County that will consider a loan for agricultural purposes, so no additional numeric value was assigned.

**E. Proximity to Public Facilities and Services:**

Close proximity to certain types of public services and facilities can add pressure for more intense use of the land resulting in the conversion of agricultural land to other uses. Land closer to schools and medical facilities usually face greater development pressure than areas elsewhere. 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.

Proximity to LAMIRDs	
1/4 mile or less	-1 point

**F. Proximity to Markets:**

Getting agricultural products from Ferry County to market can be difficult. The County's distance from major markets results in high transportation costs, mountainous terrain and harsh winters also contribute to the difficulty. Access to and from Ferry County entails travel over at least one of two mountain passes (Sherman or Wauconda) or the use of a ferry (Keller or Gifford) to cross the Columbia River. The Census of Agriculture identifies beef cattle as 79% of Ferry County's agricultural product. Proximity to market also affects the farmer's/rancher's ability to have ready, easy access to the necessary support services needed to operate. These support services are scarce in Ferry County but are available around the market areas.

Proximity to Market Values	
More than 50 road miles	-1 point
Less than or equal to 50 road miles	0 points

**3. Other Factors Considered**

**A. Frost Free Days:**

The mountainous climate of Ferry County has a dramatic impact on all agriculture activities, whether raising crops or animals. Thus it was determined that a higher value

needed to be assigned to areas with a longer period of frost free days as these would be areas more able to sustain agricultural activities. The time period breakdowns were determined by crop cycles (number of days needed to produce a crop or successive crops). The neutral point of "0" was assigned to the average growing season as defined by our agricultural advisor\*.

#### Frost Free Days Values

90 days or fewer	-2 points
91 -120 days	-1 point
121 – 150 days	0 point
151 or more days	1 point

#### B. Gross Sales:

Upon review of the Department of Community, Trade and Economic Development Designation of Agricultural Lands in Chelan, King, Lewis and Yakima Counties it was noted that farms with gross sales below \$25,000.00 per year were considered hobby farms and not commercially significant. While no numerical value could be assigned, it was determined that this would be a factor in the de-designation process.

#### C. Irrigation/Water Rights:

Obtaining adequate water for agricultural production is a challenge in Ferry County. There was some consideration of looking at irrigation and water rights for prime if irrigated soils, for the purpose of assigning a numerical value. However, as precipitation was a factor in the soil classification, it was decided not to include this factor.

#### D. Range Land Lease:

Upon review of the U.S. Department of Agriculture Census it was determined that the majority of Ferry County agricultural production was directly linked to the use of leased range land. After much discussion it was determined that loss of such leased range land would be a factor in de-designation as a change in circumstances beyond the control of the landowner and no numerical value was added.

#### E. Economics:

The phrase "long-term commercial significance" implies the existence of sustainable economic vigor. As the 2002 Agricultural Census showed the average Ferry County farm incurring a loss of \$3700.00 and the 2007 Census a loss of \$7065.00 much discussion centered upon determining an economic indicator. It was finally resolved that the hobby farm status of \$25,000.00 or less annual gross sales, as noted in the Community, Trade and Economic Development Designation of Agricultural Lands in Chelan, King, Lewis and Yakima Counties, December, 2004, would be a factor for de-designation.

#### F. Availability of Public Services:

Although this is a factor listed for consideration in WAC 365-190-050, the whole of Ferry County is covered by fire and police protection, so no additional numerical value was assigned.



G. Land Use Settlement Patterns/Intensity of Nearby Land Uses:

No additional numerical values were assigned as there is no one specific area in Ferry County that is more in demand or has a greater intensity of land use than any other area.

H. History of Land Development Permits:

Most of the formal platting was done in the 1970's. Since that time one long plat was proposed in 1994 but never completed. It was determined that no additional numeric value was needed for this factor.

I. Land Values Under Alternative Uses:

Market value will eventually fall into assessed value as sales determine the assessed value. The value of land designated as Agricultural Land of Long-Term Commercial Significance is expected to be less than recreational or development land.

**4. Assignment of a Threshold Score**

In order to objectively and reasonably include or exclude lands from Agricultural Lands of Long-Term Commercial Significance a valid and rational threshold score needed to be established. After review of the Community, Trade and Economic Development guidance documents and policy from other counties it was determined that a median or mean score would be appropriate. After tabulating the possible points the median score would be 1.5. It was decided to use a threshold of 2 in order to most accurately select those lands that were truly "long-term commercially significant".

**5. Blocking**

After determining a threshold score to designate Agricultural Lands of Long-Term Commercial Significance and identifying these properties, it became apparent that an aggregate block size of contiguous designated lands needed to be established.

The purpose of the agricultural block is to establish an area that would offer the most support for commercially significant agricultural activities by minimizing exterior boundaries, thus reducing the incompatibilities between neighboring uses and best conserving tracts of farmland from development pressures. It was also realized that designating relatively isolated tracts of farmland could create an inherent problem for the long-term conservation of agricultural land possibly providing a rationale for changing the designation on that basis alone. An additional benefit to be derived from an agricultural block was the potential for establishing agricultural communities that may be more economically viable because of combined support and infrastructure that better supports agricultural activities.

After much consideration and reviewing the block sizes of neighboring counties it was determined that a block size of 1000 contiguous acres would be established. There was no required block size found in any legislation concerning Agricultural Lands of Long-Term Commercial Significance. Ferry County noted that the designation model from Lewis County, provided by the Department of Commerce for Ferry County's use, required a contiguous block of 1280 acres in order for an area to be considered for designation.

#### A. Block Requirements

In evaluating a block of farm land for potential designation as Agricultural Land of Long-Term Commercial Significance, the following shall be considered:

- 1) The minimum block size shall consist only of contiguous lots or parcels, as defined in WAC 365-195-210. The requirement for contiguity will assure that the farmlands within the block have access to neighboring lands for transport of machinery, animals, and/or harvested crops.
- 2) Long, narrow blocks shall not be included, defined as any block of 1000 acres or more which has any dimension of less than three-quarters of a mile. The inclusion of a long, narrow block would unduly expose the encompassed agriculture land to an extended peripheral boundary which may present heightened conflict with non-agricultural neighbors.

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".

The concept for "perimeter index number" derives from the Lewis County experience with their farmland designation model, as reviewed by their Technical Advisory Committee and Planning Commission. The term and the formula for calculating "perimeter index" were developed by Ferry County. The perimeter index is a number of feet, resulting from dividing total acres into total boundary or perimeter feet.

Lewis County's Technical Advisory Committee had initially proposed to accept any block equal to or greater than 640 acres -- essentially one section. Concern was expressed that such a block (a mile square) subjected the internal acres (640) to "*too much exterior border*" (finding by Lewis County Planning Commission). This excessive number of feet of perimeter could be calculated as an index, as follows:

Perimeter = 5,280 feet times 4 = 21,120 linear feet

Internal acres = 640

Perimeter feet divided by acres = 33 = perimeter index (too high to be practical)

Alternatively, a block ½ mile by 2 miles = 640 acres = 41 perimeter index

Lewis County adopted a blocking threshold of 1280 acres, essentially two square miles.

Perimeter = 5,280 feet times 2, plus 10,560 feet times 2 = 31,680 linear feet

Internal acres = 1280

Perimeter feet divided by acres = 25 = perimeter index (considered to be practical)

Ferry County determined the maximum perimeter index of 29 -- (based on Lewis County finding of 25 (adequate) and 33 (too much perimeter)).

( Considering blocks of 1000 acres or more, the following can be shown:

A block with one dimension of half a mile becomes so long and narrow that its perimeter index is 37 or 38 (from 1000 acres to 1280 acres) – an unacceptable perimeter.

A block with one dimension of three-fourths of a mile would have a perimeter index of 29.9 if exactly 1000 acres in size – marginally adequate, or inadequate, as defensible perimeter. If other dimensions in the block were greater than  $\frac{3}{4}$  mile – and there was no occurrence of smaller dimension, then the index may be at an acceptable level.

As the acreage within the block increases above 1000, the perimeter index drops. A block with a dimension of three-fourths of a mile and an internal acreage of 1280 acres would have a perimeter index of 28 (adequate).

Blocks with a dimension greater than three-fourths mile, would qualify, based on perimeter index) for 1000 acres or above.

Blocks with a width dimension of three fourths of a mile should be considered for designation. Blocks with a dimension of one mile wide, or more, with 1000 acres or more, are preferable for designation.

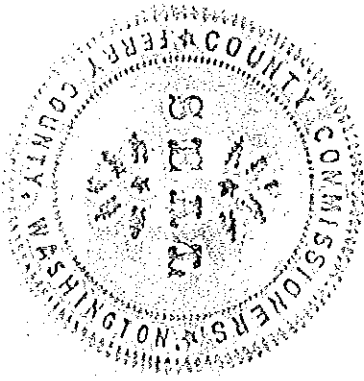
The perimeter index is useful in evaluating long narrow strips that have varying widths.

( \* Footnote: Daniel Fagerlie, Director of Washington State University Ferry County and Colville Reservation Extension Agriculture and Natural Resources Faculty; Lloyd Odell, District Manager of Ferry Conservation District; Chandra Neils, Natural Resources Conservation Service Area Resource Soil Scientist; Patrice Beckwith, Natural Resources Conservation Service District Conservationist; Ferry County Cattleman's Association; Ferry County generational agricultural producers; Eagle Cliff Grange; Kettle River Grange; Malo Grange; appraisers and assessors.

**EFFECTIVE DATE:**

This ordinance shall come into full force and effect, the 24<sup>th</sup> day of August, 2009.

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



Brad L. Miller  
Brad L. Miller, Chairman

Ronald J. Bond  
Ronald J. Bond, Vice-Chairman

Robert L. Heath  
Robert L. "Bob" Heath, Member

**ATTEST:**

Debbie Bechtol  
for Debbie Bechtol, Clerk of the Board

**APPROVED AS TO FORM:**

Michael Sandona  
Michael Sandona, Prosecuting Attorney