

Pend Oreille County 2020 Comprehensive Plan Update – Comment Response Matrix (January 2023 Version) *(in addition to comments provided at Planning Commission meetings)*

Comment No.	Commenter	Section No.	Comment	Response
1	Will Simpson, Dept. of Commerce		We greatly appreciate the County’s ongoing coordination over the last few months. You addressed our initial concerns and observations, and strengthened your county-wide planning policies, comprehensive plan, and development regulations based on our recommendations. The Dept. of Commerce gave additional supportive comments in a letter to the County dated January 20, 2021	Thank you for the positive feedback.
2	Phyllis Kardos	General	*Public Involvement - how are you viewing Public Involvement/Participation? The truth is we view it as being actively involved in writing the updates. In other words, we want a seat at the table - a voice. The original document was written by a team of 30+ community citizens. It would appear the updated version is being written by your consulting firm, with input from Greg Snow.	As mentioned in the Public Involvement Plan you reference below, we are providing several opportunities for public input – The visioning meetings, at the County Planning Commission (PC) meetings, and at future public meeting, along with our interested parties email communications and responding to public input. We value public input.
3		General	Are there any citizens or citizen groups, outside of the Visioning meetings, providing input and comment as the updates move forward?	See response above – Yes, the primary meetings for providing input for the next several months are at the PC meetings. We will have another round of public meetings early in 2020 once the draft plan has been updated, prior to the PC hearing and taking action on making recommendation to the Board of County Commissioners (BOCC).
4		General	How can our 2020 Comp Plan group become more involved?	Attend the PC meetings, provide written comment, and share your perspectives.
5		General	*Visioning Comments - It does not appear that the raw data comments from the Visioning workshops are available on-line or elsewhere as was stipulated in the Public Participation Plan of May 2019.	They were emailed out shortly after this comment was provided and are available on the County’s website also.
6		General	The County Commissioners were told on Monday that the Public Comments focused on Economic Development, Housing and ? There was no mention of maintaining our rural character and protecting our environment, which from our vantage points were the key focuses.	The notes capture the full range of input received at visioning meetings
7		General	It seems that the raw data needs to be disseminated to the public soon. When will this data be made available to the public? Where will it be made available?	It was sent out shortly after the meeting.
8		General	*Maps - there are several maps that were going to be placed on the County's website soon after the Visioning workshops. They are still not available to the public. When will these maps be made available? Where will they be made available?	Maps are available on the County’s website.

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9		General	<p>*Scope of Work - it appears there is considerable updates to the original Comp Plan.</p> <p>The original Comp Plan is a good document, and we understand the need to update certain parts of it, but why is it being so intensely updated?</p>	Parts of it are outdated and that is what we are focusing our update on. We will review and update/bring back information that was unnecessarily deleted.
10		General	<p>What is the goal of the County in this intense update?</p> <p>Please note that these comments and questions are not negative reflections of White Bluffs Consulting, but they are comments and questions from concerned area citizens who have a vested interest in the community. You and Ben extended yourselves out to be contact with any questions and comments. We are taking you up on it with this email. We also want to be prepared for the next Planning Commission meeting. Thank you and would appreciate a timely reply,</p>	<p>To make the plan current with the latest public input and state requirements and to have this work completed by June 2020.</p> <p>As mentioned above, we value your input.</p>
11		General	<p>As a following up to our document, I am strongly encouraging that wording on climate change/global warming be included in the Comp Plan update. Depending on the DOE to address it on a statewide level is not the same as addressing it on the local level. The way it was worded would not require any regulations, but just suggestions on how to address it on a local level.</p> <p>There are a number of WA counties that have included climate change/global warming in their Comp Plans. It is the issue of the 21st century and can't be avoided due to omission. Pend Oreille County is part of the global world and has responsibilities.</p> <p>I believe it is also imperative that we have wording in the 2020 update prohibiting coal and fossil fuels - Pend Oreille County is a coal-free county and it should be kept that way and the same goes for the potential of fracking and extraction of fossil fuels. The update should reflect the possibilities over the next 2020 years. Coal is on its way out and we should be sure it doesn't find its way into Pend Oreille County.</p>	<p>Suggest a statement be added about climate change and the potential effects it could have on Pend Oreille County</p> <p>Discuss with PC comment on prohibiting coal and fossil fuels</p>
12	John Endres	General	<p>From the 3 introductory visioning sessions, Public Comments (sticky notes):</p> <p>Comment/Question #1 We were told that all of our comments (sticky notes) would be available; but we only received a summary of the comments, and not all comment topics are included in the summary. Can you please send out all of the comments from the sticky notes of the 3 visioning sessions?</p> <p>From the Public Participation Plan, May 2019</p> <p>2. Public Participation Goals and Objectives "The goal of the PPP is to make all citizens of Pend Oreille County aware of the progress of the planning process and to offer them opportunities to comment or make suggestions." "The following activities will ensure public input is incorporated into the decision-making process:" 3 of the 5 Bullet-point Objectives: "Ensuring available comprehensive planning information is current and accessible to the public"</p>	<p>1. We tried to capture all comments at the visioning meetings and included them in a comprehensive summary, but please let us know if we missed something. If there was replication in answers they were sometimes combined with other answers.</p>

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			<p>"Clearly identifying procedures and strategies for public comment and participation, and providing adequate time for review of comprehensive planning materials and amendments prior to decision-making."</p> <p>"Encouraging and maintaining open lines of communication between the County, the public, and stakeholders through meetings, open houses, and workshops."</p> <p>Comment/Question #2: Please provide details as to how citizens can comment and make suggestions. What is the preferred way to comment and make suggestions? email (WhiteBluffs), meetings, etc?</p> <p>Comment/Question #3: Is there a time limit for comments/suggestions? Can we comment on material covered from earlier meetings?</p> <p>Comment/Question #4: How do we deal with comments/suggestions that are not acknowledged or addressed?</p> <p>3. Public Meetings, Workshops, and Open Houses Develop and maintain an interested parties list (bullet #7): Identify interest groups such as Ag users, VSP works group, Washington State Farm Bureau, Kalispel Tribe, Cooperative Extension, Rotary and Lions Clubs, Environmental groups, Lands Council, Pend Oreille Patriots, FANS group, Selkirk Alliance and Futurewise and share information with these groups and others who request to be on the list."</p> <p>Comment/Question #5: Two important citizen groups are not included in the "interested parties list" above: Responsible Growth NE Washington (RG*NEW) and Citizens Against the Newport Silicon Smelter (CANSS). RG*NEW and CANNS are opposed to the smelter, but the pro-smelter citizen group "FANS" is included in the list. Why is FANS included, but RG*NEW and CANSS not included? Please explain. Please correct this omission by including RG*NEW and CANSS and re-send the corrected document to all parties.</p> <p>4.6 Planning Document Dissemination Documents such as reports, plans, or environmental reviews that contain or describe proposed plans, policies, maps, or regulations will be made available for public review. Such documents will be made available well in advance of opportunities for public discussion or testimony. Such documents will be made available typically at least 5 days prior to any public meeting or hearing scheduled for their discussion or a decision.</p> <p>Comment/Question #6: Documents have not always been sent well in advance (5 days prior to public meetings). Can documents be sent out a week in advance? Will hard copies be placed in libraries?</p> <p>Comment/Question #7: Map-type documents received with October 8 meeting materials. Too small, and may have some inaccuracies. Not everyone may have the capability to "zoom in" on the maps—please provide tips and/or directions.</p>	<p>2. You can email us and the County with your comments as you did or make them at the meetings.</p> <p>3. Yes, you can make comments any time and they will be accepted up until the Plan gets adopted.</p> <p>4. Please let us know if there was a comment that was not addressed. We are trying to address them all.</p> <p>5. Yes, it looks like we did not include RGNew and CANSS on the interested parties list in the public participation plan but the latest version just includes a general statement about all interested parties and doesn't list them separately.</p> <p>6. We sent out documents one week in advance of the last PC mtg and we do our best to get the info. out as far in advance as possible depending on when the documents are ready. Regarding the Plan being available at the library. It is digitally but a hard copy is available at the County in the Planning Dept.</p> <p>7. The maps presented at the last PC mtg. can be opened in adobe PDF and zoomed in on. They are working drafts and several updates have been made on them over time. Your suggestions are noted.</p>

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			Overall Comment: There are numerous changes being made and it is difficult for citizens to find the time to read through and comment on all of the changes. Please try to provide more time for citizens to view documents and to comment.	We will try to make the documents available as soon as they are ready for sharing. In addition to providing the specific updated elements, a complete draft will also be available for a public review process in Spring 2020.
13	Bob Eugene	General	Make the Public Participation Plan readily available for review.	It is available on the County website.
14	Mike Hanson	General	An amendment to remove, from the County Comp Plan, rural minimum lot size requirements placed on parcels within existing municipal service district boundaries is proposed as follows: Parcels located within LID municipalities i.e. water and sewer districts, formed to service defined geographic areas, shall be allowed to subdivide into parcels of a land area (square footage) not less than 75% of the average land area (square footage) of the existing legal subdivided lots of the same current municipality.	Comments were shared and discussed with the PC and the County.
15	Sacheen Lake Water and Sewer District, Joni Stillian	General	What exactly is your intended timeline and process for the formal legal adoption/codification of your proposed changes? What exactly are the mechanisms by which you plan to elicit public input or commentary on these proposed changes going forward – and what has been done to date? Have there been or will there be scheduled meetings and forums? If so, when and where? How will these be publicized? To what degree have or will considerations such as environmental and shoreline impact, lake water quality, water table/well impact, traffic volume relevant to existing structure and so forth been considered? How and by what means? Most importantly, we need clarification based on the data and legend on your “Draft Natural Resource Future Land Use Designations: Sacheen Lake Water/Sewer Dist.” map as follows: The legend outlines ten “Draft Future Land Use Designations” which amounts to zoning proposals, of course. Could you please be so kind as to forward us the descriptive/elaborative language describing exactly what is meant and intended for each of the ten zoning categories as intended for legal codification?	June was originally the planned target for adoption, the actual date now, in light of current events, is unknown. The process is to hold public meetings (there have already been 10 of them that have been well attended and have received some very thoughtful and valuable public input), a Public Hearing with the Planning Commission, a public review and comment period through the SEPA process, and adoption by the Board of County Commissioners. Schedules and documents presented to date can be found on our website under Community Development, 2020 Comprehensive Plan Update. Regarding your questions about water table, shorelines, transportation, etc. The Comprehensive Plan update is a non-project action, any site-specific project action will be required to have an environmental review commensurate with the scale of the proposal. Our goal is not to allow or create unfettered development, it is to allow development opportunities where essential services are available, and

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			What is the intent or plan for the white areas on the map – the “vacant parcels?” Do you intend to open those for development? Will there be legal means to do so? If so, how and what? As with all of the other questions, we would like specifics, please.	<p>to remedy the situation of legal non-conforming and/or non-conforming parcels where we are able to do so.</p> <p>It is important to keep in mind that all of the materials you reference are DRAFT documents and are all still open to discussion. The final criteria and zoning designations are still being discussed by the Planning Commission. The specific page you are referencing however, was meant only to cover parcels within your district boundary and is actually part of a 13-page set of maps. The white areas on the map you reference can be located on the other maps that are a part of that package, remembering that this is a County-wide update. With regard to opening parcels for development, those parcels you mention are open for development now through the proper permitting channels, should the owner choose to do so.</p> <p>The net effect of updating the Comprehensive Plan to what is physically on the ground now will likely be zero. In other words, there will not be new development undertaken the day after the Comprehensive Plan gets approval, there are new Development Regulations that will also need to be written and go through the same public process which will set regulations necessary for any new zoning designation. These have not been brought into the public forum as of yet. The Community Development staff, and I continue work on draft proposals of these Development Regulations to present to the Planning Commission and public for comment and review before Planning Commission recommendation and ultimately Board of County Commissioners adoption</p>
	Gretchen Koenig	General	Oral comments for all meetings, gathered from the public, have not been catalogued in the matrix and therefore have not been addressed.	We have tried our best to capture the comments.
16	Gretchen Koenig	General	Respectfully require a climate strategy within the Comprehensive Plan for protecting arable and forested lands, including retaining contiguous canopy cover and connectivity for the numerous protected species in the county plus wording or mapping protecting wildlife recovery zones.	Section 2.8.4.3 is a new section added into the plan on climate change. The updated draft sensitive areas code is designed to protect species and habitats and works in concert with the County Shoreline Master Program and other regulations and programs.
17	Tracy Morgan, RG*New	5	Important article about Wild Urban land Interface (WUI) and development...	A policy #13 was added in Section 2.4.2 related to FireWise principles

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			<p>https://www.msn.com/en-us/money/realestate/analysis-california-is-becoming-unlivable/ar-AAJBbJF?ocid=spartandhp</p> <p>"If building in the WUI is so dangerous, why do it? In part because building new housing is so very difficult in many urban regions in California, due to opposition from existing homeowners and strict building codes. The number of people living on the streets in San Francisco and Los Angeles is related to the extreme cost of rent in those cities is related to the statewide housing shortage is related to the pressure to sprawl into the periphery.</p> <p>So housing sprawls into the periphery. And each time major fires happen—in the WUI, as well as in unpopulated regions and urban areas—the state’s housing crisis gets a little worse. Rental prices surge. Families struggle with displacement and homelessness. Vacancy rates fall to near zero. The cost of homebuilding goes up. And resources for families without stable housing get stretched even thinner."</p> <p>I would hope we could avoid this pattern for the county - not sure how but let's try!</p>	
18	Phyllis Kardos	Preamble and 1	The Statement of Values are the foundation of the Comp Plan and they should reflect the views of the citizens who live here; we feel these updates do not accurately reflect us at all. Who wrote it and why was it changed? Can we revert back to the original statement of values?	Statement of values and other contextual information added back in.
19		1	Were the Visioning Sticky notes taken into consideration with the updated version?	The Visioning notes were considered in the updates to specific plan elements
20	Bob Eugene	Section 2.1 Table 2.1	<p><i>Delete the word "Tax" before the word status in the "Factors" column of Table 2.1 and delete the "Public Lands" column.</i></p> <p>Reason/Impact: Removing this single word, would allow current "PL" designated land to include "NR 20" and "NR 40" rezone designations rather than just "R 5", "R 10", "R 20" and "R 40" on publically owned land. It would also properly conform to the adopted definition: "Resource Lands" or "Natural Resource Lands" (which) means designated agricultural, mineral and forest land of long-term commercial significance. Ownership is not a land use and this recommendation segregates ownership from land use. Only privately owned property have tax status designation (classification). The exemption for taxing public lands is not locally recognized as a tax status designation.</p>	We will consider these comments as part of the comprehensive update being made to the Land Use designations map for the County.

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21	Tim Trohimovich, FutureWise	Section 2	<p>Regarding major and minor collectors: You should coordinate these with the Pend Oreille County Intersection Report (https://pendoreilleco.org/wp-content/uploads/2019/04/Intersection-Report-Spring-2019.pdf). This report is updated two times each year.</p> <p>As an example, Flowery Trail Rd does not intersect with HWY 20. Flowery Trail Road begins at Westside Calispel Rd at milepost 12.585. To get to Flowery Trail Rd, one needs to start by turning on to McKenzie Rd at Hwy 20 milepost 421.070; continue on McKenzie Rd (milepost 0.000) to Westside Calispel Rd at milepost 11.037.</p> <p>Kings Lake Rd does not intersect with HWY 20. Kings Lake Rd begins at the intersection of 5th St (Usk) (mp 0.926) and Leclerc Rd S (mp 15.539) and Leclerc Rd N.</p> <p>Minor Collectors:</p> <p>Boundary Dam Road; <i>Road name corrected</i></p> <p>Cusick Meadow Road; <i>This road is a "rural local access"</i></p> <p>Westside Calispel Road; <i>This road is minor collector from mp 0.000 to mp 5.7; local rural access from mp 507 to mp 11.037; rural major collector from mp 11.034 to mp 12.585; minor collector from mp 12.595 to mp 15.210, and local rural access from mp 15.210 to mp 20.268</i></p> <p>Bead Lake Road; <i>This is a minor collector from mp 0.000 to mp 6.934</i></p> <p>McCloud Creek Road;</p> <p>Coyote Trail Road;</p> <p>Spring Valley Road;</p> <p>North Shore Diamond Lake Road;</p> <p>South Shore Diamond Lake Road;</p> <p>Fertile Valley Road;</p> <p>Camden Road;</p> <p>Scotia Road; <i>This road is rural local access from mp 0.000 to mp 9.770</i></p> <p>Tweedie Road; and <i>This road is rural local access from mp 0.000 to mp 1.689</i></p> <p>Allen Road. <i>This road is local rural access from mp 0.000 to mp 6.455</i></p>	The list of major and minor collectors was updated with the County Public Works department.
22		2.4.2	<p>Proposed Rural Land Use Policy#2 provides that new industrial uses will be allowed as conditional uses or as otherwise allowed by "Zoning Classifications" in all rural areas of the County. This provision violates the Growth Management Act (GMA). Urban industrial and manufacturing uses cannot be located in a rural area, in rural zones, or on natural resource lands.¹ Proposed Rural Land Use Policy#2 allows industrial uses outside of urban growth areas regardless of whether they are urban, rural, and natural resource based industrial uses. Only rural and natural resource based industrial uses may be allowed outside urban growth areas. Proposed Rural Land Use Policy#2 does not include the measures to protect rural character RCW 36.70A.070(5)(c) requires. The industrial uses also need standards to protect other uses from the adverse impacts of rural industrial uses. Please note that rural areas do not include natural resource lands.²</p> <p>¹ RCW 36.70A.070(5)(b); RCW 36.70A.060(1)</p> <p>² RCW 36.70A.070(5).</p>	<p>Add new policy #2 –</p> <p>Encourage rural land use activities and development intensities that:</p> <ul style="list-style-type: none"> A. Are consistent with and build upon the existing character of the rural areas, and do not result in rural sprawl B. Avoid interference with resource land uses C. Provide appropriate protections for critical areas D. Strengthen the long-term viability of small communities and rural economic activities E. Are contained and limited within appropriate areas F. Do not require or lead to extension of urban services or facilities, except as may be permitted by the Comprehensive Plan <p>Change RL Policy #3 to read - The Pend Oreille County Development Code will permit residential</p>

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				development, forestry, agricultural, mining, and rural and natural resource-related industrial activities in rural and natural resource-designated areas of the County in accordance with the provisions of this Comprehensive Plan (including maintaining rural character) and consistent with Zoning Classifications.
23			Proposed Rural Land Use Policy#6 provides that Pend Oreille County should prepare revisions to County regulations to create special overlay districts or other techniques to guide infill and redevelopment of the densely populated lakeshores.” Since these areas are in the rural area, they must comply with the requirements in RCW 36.70A.070(5)(b) and RCW 36.70A.070(5)(d). This policy should be modified to incorporate these standards or refer to these sections of the GMA. Enclosed with this letter is the report Planning for Sustainable Rural Areas which describes these requirements.	Update policy to reference the requirements in RCW 36.70A.070(5)(b) and RCW 36.70A.070(5)(d).
24			<p>Proposed Rural Land Use Policy #8 provides that Pend Oreille County should permit small-scale commercial uses including, but not limited to; neighborhood stores, cafes, taverns, and resorts in rural areas on non-designated Natural Resource Lands subject to certain standards. Natural Resource Lands are not rural lands and these uses are not allowed on Natural Resource Lands.³ In the rural areas, these uses must comply with the requirements in RCW 36.70A.070(5)(b) and RCW 36.70A.070(5)(d). This policy should be modified to incorporate these standards or refer to these sections of the Growth Management Act (GMA). Enclosed with this letter is the report Planning for Sustainable Rural Areas which describes these requirements.</p> <p>³ RCW 36.70A.070(5); Lewis Cty. v. W. Washington Growth Mgmt. Hearings Bd., 157 Wn.2d 488, 509, 139 P.3d 1096, 1106 (2006).</p>	<p>Modify this policy to provide for commercial uses on commercially-designated lands, and not necessarily on Natural Resource lands. Remove from the policy the specific references to types of commercial uses. Clarify that uses on Natural Resource lands, including natural-resource related commercial uses and small-scale resort, should be consistent with RCW 36.70A.070(5)(b) and RCW 36.70A.070(5)(d).</p> <p>Resorts, camping and other tourism-related uses could still be allowed on rural and other lands through a conditional use process as provided in the development regulations consistent with RCW rural lands requirements.</p>
25			The uses contemplated by Rural Land Use Policy #9 are more properly included in urban growth areas. So by [extension] Rural Land Use Policy #9 should be deleted.	See comment response #24 above. The county has existing areas of commercial development in several locations throughout the County. The update includes adding a commercial designation for these existing commercial lands. Many of these areas are supported by existing water and sewer services that have been in place for decades to support this type of development.
26			Proposed Rural Land Use Policy #10 seems to contemplate the designation of limited areas of more intense rural development (LAMIRDs) through the subarea planning process. We have two concerns with this policy. First, LAMIRDs are typically designated on the comprehensive plan’s Future Land Use Map, not just in a subarea plan. So Proposed Rural Land Use Policy #10 should require these areas to be designated on the	Modify this policy to: 1) add in the reference to RCW 36.70A.070(5)(d) and associated requirements, and 2) remove the list of specific areas that could be subject to future subarea planning.

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27	Bob Eugene		comprehensive plan's Future Land Use Map. Second, these areas must comply with the LAMIRD requirements in RCW 36.70A.070(5)(d). This policy should be modified to incorporate these requirements or refer to these sections of the GMA. Enclosed with this letter is the report Planning for Sustainable Rural Areas which describes these requirements.	
		2.4.3	The GMA requires Pend Oreille County "to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products."4 Natural Resource Policy #5 violates this requirement because it provides that Pend Oreille County "should support and encourage the maintenance of agricultural lands in open space." But assure goes well beyond should. In additional adjacent uses are to not interfere with the continued use of agricultural land for the production of food or agricultural products, not as open space. So Natural Resource Policy #5 violates the GMA. We recommend that this policy be rewritten as follows: Natural Resource Policy #5: Pend Oreille County will assure the conservation of agricultural lands and assure that the use of adjacent lands does not interfere with the continued use of agricultural lands for the production of food or agricultural products. should support and encourage the maintenance of agricultural lands in open space.	Update as suggested
28		2.4.3	In Section 2.4.3 Natural Resource Policy #5, delete the words " and current use property tax classifications ". Reason/Impact: 84.34 RCW tax policy (tax shift) should not be intertwined with land use under 36.70A RCW. Both provisions encourage preservation, but utilize separate tools. Only privately owned property have tax classifications (designations). The exemption for taxing public lands is not locally recognized as a tax classification (designation). These six words eliminate all publicly owned lands (more than 500,000 acres) to be recognized as "Natural Resource Land" zoning classifications.	Updated as suggested. Agree tax classification not always the best designation factor. It was considered still in the resource lands designation as a factor but along with several other factors, with the primary being that the lands are of long-term commercial significance.
29		2.4.4	In Section 2.4. Critical Area Policy, delete Critical Area Policy #5, and renumber the balance of the Section. Reason/Impact: 84.34 RCW tax policy (tax shift) should not be intertwined with land use under 36.70A RCW. Both provisions encourage preservation, but utilize separate tools.	This policy was deleted in the Feb 2020 draft section. (also Critical Area Policy changed to Environmentally Sensitive Area Policy)
30		2.4.4	We appreciate that Environmentally Sensitive Area Policy #5 requires "Project Sponsors" to document water availability, and to insure that the proposed method of sewage disposal will not pollute ground or surface water. This policy should also require documentation of that water is physically available, the water meets drinking water standards, and the water is legally availability. This documentation will protect existing water rights holders and project occupants.	Update as suggested.
31		2.4.4	Regarding the strikethrough of Critical Area Policy #19, I would recommend that as a general provision, that outdoor lighting should be shielded, sharp cutoff, and minimum required for safety in order to preserve the dark skies.	Dark sky is not a critical area function; this policy may be appropriate in another plan section but not under critical areas.
32		2.6.1	Regarding Section 2.6.1, "Public Lands:" should be deleted. Ownership is not a land use. Pend Oreille County created a serious flaw in the Comprehensive Plan in 1985 when they created a "land use zone" of Public Land (PL). The majority of the currently zoned "PL" should be designated in one of the natural resource categories. This resulted in a requirement of an update to the Future Land Use Map (FLUM) prior to submitting an application for a conditional use permit. This is a hardship on the purchaser of "PL" parcels,	We will consider these comments as part of the comprehensive update being made to the Land Use designations map for the County.

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			because these cannot be built upon for more than a year. There should be no reference, direct or indirect that segregates parcels based on ownership. "Tax status" should be removed from Table 2.1 and be replaced by just the word "status". The owner, public or private, can identify the intended status use.	
33	Tim Trohimovich, Futurewise	2.6.1	<p>Table 2-8 Rural Lands Zoning Density Criteria Matrix on page 31 One of the three criteria for the designation of natural resource lands is the tax status of the land. The State of Washington Court of Appeals upheld the use of natural resource lands property tax classification as a designation criteria because it was limited to tax status on the effective date of the interim resource lands designations so that property owners could not opt out of the designation by changing their tax status. ⁵ Following this decision, the tax status criteria should be modified to read as follows: Tax Status either currently or on the effective date of the County's first designation of natural resource lands</p> <p>⁵ Manke Lumber Co., Inc. v. Diehl, 91 Wn. App. 793, 808, 959 P.2d 1173, 1181 (1998).</p>	Update as suggested.
34	Norm Smith		<p>Re: Comment 22 (Section 2.6.1), and Comment 24 (Section 2).</p> <p>There should be NO reference, direct or indirect, to any specific parcels OR to any specific landowners. PC staff - and would be political candidates - are cautioned to review RCW 42.36.010, and RCW 42.36.060. Inclusion of specific parcels and specific landowners may be grounds for action under the Appearance of Fairness Doctrine.</p>	Comment noted
35		2.6.1?	<p>Make the proposed Current Land Use Map (Appendix XX) readily available for review.</p> <p>I do not have any GIS software, so I cannot identify the shape files that may be utilized for creating the draft map. About 2/3 of the shape files in the current GIS map do not correspond with parcel numbers. I recommend that, when you publish your first map in Appendix XX, that you utilize the use designations identified in the Table 2.1 criteria column. <i>This table is significantly different than the table (map) that was associated with the CPU-18-POC because this table allows for currently "PL" land to be categorized as Natural Resource uses rather than only Rural uses.</i></p> <p>The table below identifies my interpretation of the most flexible appropriate use categories identified is Table 2.1 and proposed Section 2.6.1 with the exclusion of Public Lands, Tribal Lands, and Rural 2.5. This was developed by looking for "PL" parcels utilizing the Pend Oreille County GIS map of ownerships, where there was a unique parcel number, or entire or partial sections coded by range, township, and section". I prefaced the numerical values with the alpha character "S" so that I could sort each record in my table. I took into consideration the road segment that may have an impact on the recommended classification in accordance with Table 2.1 criteria. My personal preferences would be to place more parcels into natural resource designations rather than rural designations.</p> <p>The "Designation" column was developed from public resources such as the Colville National Forest Plan and plans from DNR and WDFW.</p> <p>I may have unintentionally omitted a few parcels (see table)</p>	<p>Thank you for these detailed comments on the LU map and we will work with you to make sure you are able to the updated map electronically.</p> <p>We will consider these comments as part of the comprehensive update being made to the Land Use designations map for the County.</p>
36	Bob Eugene	2	<p>As a follow-up to the discussion at the Plan Commission Meeting on January 14, 2020, I urge you to take under further consideration of the currently zoned PL parcels that were purchased in 2017 from the PUD #1. The Proposed Future Land Use Map (November 2019) indicates a "rural" designation. I would urge reconsideration for a "natural resource" designation based on the following facts:</p> <ol style="list-style-type: none"> 1. The 4 applicable parcels are not serviced by any public roads. 	In applying the criteria for designating Natural Resource lands, the referenced property was designated in the draft land use map as Rural. The property is not enrolled in a tax classification designating it as timber (or agriculture) lands, which is one of the criteria. While the property has

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			<p>2. Parcel ID 19193, 54.47 acres was designated "timber" in 1971. The parcel was acquired by PUD#1 in 1995.</p> <p>3. Parcel ID 19183, 39.00 acres was acquired in 1992 by DAW Forest Products from Harold Colburn, Jr. Subsequently, Crown Pacific in 1993 acquired the parcel from DAW Forest Products. The parcel then was acquired by PUD #1 from Crown Pacific.</p> <p>4. Parcel ID 17036, 80.00 acres was acquired by PUD #1 from Crown Pacific.</p> <p>5. Parcel ID 19182, 13.83 acres, was alleged to be acquired in approximately 1934 by Pend Oreille County because of delinquency of the owner to pay property taxes. PUD #1 acquired the parcel from Pend Oreille County in 2017 for \$27,660.00.</p> <p>6. HiTest Sand Inc., a Canadian Corporation acquired all four parcels from PUD #1 for a total of \$300,000.00.</p> <p>7. Commissioner Steve Kiss has indicated that he logged the parcels for both PUD#1 and Pend Oreille County (prior to his election to the BOCC). A nearby resident has alleged that saplings have been planted for future commercial use.</p> <p>8. Based on the Soil Classification and Agriculture Map (September 2019) the soil classification is a blend of Farmland of Statewide Significance and Farmland of Unique Importance.</p> <p>9. Multiple adjacent parcels are designated "natural resource".</p> <p>10. HiTest Sand Inc., a Canadian Corporation has not submitted any application for a Future Land Use Map amendment. HiTest Sand Inc., a Canadian Company has indicated that its plans for the parcels referenced above are "on hold" for an indeterminate time frame.</p> <p>Additional Comment I would ask that further consideration of Rural Land Use Policy #2 and be revised to limit industrial activities to "light" industrial activities. "Heavy" industrial activities should be limited to "Industrial Zones".</p>	<p>been logged as noted in the past, and also replanted, we have no information that would indicate that this property is expected to remain as a timber harvesting property for the long-term, and therefore not a land of long-term commercial significance, which is another NR-designation criteria not met. Other designations considered for this property included industrial, but our conclusion was that rural seemed most appropriate. Rural also provides for timber harvest along with other related uses and land management activities, so not being designated as Natural Resource does not preclude future logging, if desired by the landowner.</p>
37	RG*NEW		<p>Citizens strongly voiced their disapproval of the County Commissioners Public Lands Amendment CPU-18-001, which would have redesignated all public lands; and, after diligent consideration and discussion, the County Planning Commission in April 2019, made the recommendation to the County Commissioners to reject CPU-18-001. The County Commissioner accepted the recommendations of the Planning Commission and rejected its own amendment. However, with the draft Comprehensive Plan 2020 update, we are once again facing a total redesignation of the County's Public Land without a SEPA to determine the potential environmental impacts of the proposed PacWest silicon metal smelter. Once again RG * NEW and CANNS are expressing strong disapproval; it is not acceptable to us.</p> <p>Futurewise on May 22, 2019, sent a letter to the Pend Oreille County Planning Commission via the Community Development Department. We assume you received it. The concerns that Futurewise expressed about the blanket redesignation of CPU-18-001 are consistent with the concerns of RG * NEW and CANNS, which are now being included in the draft Comprehensive Plan 2020 update.</p>	<p>A SEPA review document has been prepared for the updated Land Use Plan with opportunity to provide comments on the effects anticipated. Reference to PacWest proposal, should this become active in the future would go through its own separate SEPA review process on a proposed project.</p> <p>A redesignation of many county lands is being considered to provide for updated designations where there are warranted, as part of the comprehensive plan update, and not as a blanket redesignation as referred to in the comment. This is being conducted on a county-wide basis using criteria and other inputs, with some lands being redesignated as Natural Resource, Parks and Recreation (new designation) and others as Rural.</p>

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			<ul style="list-style-type: none"> On the draft Natural Resource map we see a net loss of 14,000 acres. Why do we have this net loss? Where did those acres go? Who were the experts and professionals that helped make the decisions concerning the draft land use maps? What are their experiences, education and qualifications? How is the Conservation District program being impacted by the land use changes? Were they contacted? Was their expertise used? Is all agricultural land and forestland in the county being rezoned? How will this change their land use status? Were private property owners in the Agricultural and Forestland programs contacted about the proposed changes? How will they be notified or will they be notified? What department performed the road analysis for the Rural designation? When was it done? Where is the data? How much Agricultural and Forest Land is being lost in the draft land use map? We need more Agricultural and Forest Land, not less. Why were the agricultural and forest resource lands designated to greater than 10 acres? Have you mapped the Wildland Urban Interface when making the land use category. What provisions have been made for the WIRA 55 restrictions and water exempt wells? What were the sources used? Where is the data? How is the Volunteer Stewardship Program being impacted? Protection Plan? Are those individuals who are in the program being kept informed? How are Trust lands and Conservancy lands being identified on the land use maps.? Why has the Comp Plan 2020 update failed to include a section on global warming and climate change? Responsible Growth * NE Washington provided an excellent section in its amendments on responding to global warming and climate change. We would encourage you to consider it for inclusion. 	<ul style="list-style-type: none"> This reflects a net change of acreage, with some NR land going to Rural and some Rural land going to NR. These values are being updated and refined as updated versions of the land use and NR maps are prepared. The experts are the County staff, the consultant team and other professionals such as those working for the Tribe. Washington Department of Commerce staff will also review the information. The Conservation District has had staff attend several Planning Commission Meetings Only certain properties are seeing a land use/zoning change. Outreach options are being considered. The County GIS performed the road analysis consistent with current County requirements and have this information. The NR land acreages are approximately the same as currently designated with some lands removed and others added. Because smaller parcels are not planned for providing these resources for planning for long-term commercial significance Wildland Urban interface was not mapped. The water resources provisions to be included in the plan will address the WRIA 55 requirements. The Voluntary Stewardship Program will not be impacted; it is incorporated by reference into the plan. The CD is attending PC meetings. Trust lands and conservancy lands are protected through property covenants, and laws and regulations. See response to comment above on climate change
38	Phyllis Kardos		<p>Affordable housing has a very clear definition and formula as you are probably aware. It is a common term. I had pulled it up last night but didn't get a chance to address it as Norris wanted to move on. It should be included as part of the Comp Plan. It is a key component when talking about housing issues. Thank you, Phyllis</p> <p>https://affordablehousingonline.com/what-is-affordable-housing</p>	Include in definitions

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39	Phyllis Kardos		<p>Will the Comp Plan update 2020 include any movement on the present UGA boundaries? Will the boundaries be addressed or extended anywhere in POC?</p> <p>Specifically, too, I am concerned about the UGA around Newport and extending over and including the PacWest properties. Can UGA only be changed during Comp Plan updates or during open dockets?</p> <p>Has the City of Newport requested extending the UGA to the County?</p>	We are not expecting many, if any, UGA changes. We have been coordinating with the City of Newport and others regarding their intentions regarding their UGA boundary changes.
40	Phyllis Kardos		<p>http://pocedc.org/wp-content/uploads/2018/07/Pend-Oreille-County-Survey-Executive-Report-7.18.18-Presentation-and-Website.pdf</p> <p>While I am thinking about it I wanted to send you the EDC survey. There was a large protest over this survey and how it was done, critical pieces that were left out, duplication in phone calls and etc. The Tribe contributed \$5,000 to the cost of the survey and it was left out of the employer status. In the Executive Summary there is even this disclaimer:</p> <p>"On occasion, surveys of this nature reveal a strong mandate or "silver bullet," a clear-cut set of marching orders for the economic direction of the county. This survey did not reveal either of the above. There were numerous places in this survey where it would appear that some industry or focus of direction on would be supported by at least a significant plurality of voters only to be negated by the responses to other questions."</p>	Comment noted – we plan to at a minimum qualify the survey reference and could possibly entirely remove the discussion about it.
41	Norm Smith		<p>Delete any reference to the EDC Survey. The Survey attempted to predict the economic consequences of the loss of two major employers. One employer - Teck Mine - has closed; the other - PNC - is in doubt. Whether the Survey is accurate or flawed is irrelevant. It won't change what will happen.</p> <p>Some wish, for their own purposes, to make this a political football.</p> <p>Let's play "Lucy" to their "Charley Brown" and pull the survey off the field.</p>	The text has been updated to remove any reference to the survey.
42	Phyllis Kardos –	section 2.0?	How many acres of forestland and wetlands will be affected by the new designation, which will increase the density around Diamond and Sacheen Lakes. I am assuming these will be secondary and tertiary undeveloped properties, which extend out into the forestlands and wetlands?	<p>Forest lands area have not been calculated. Designated Forestlands already have a method of conversion to non-forestry use available, and that would not change.</p> <p>Designated Wetlands and other critical areas will not be affected as they have associated buffers that will remain in place and be enforced.</p>
43			How and why was this proposed land use designation made?	This was made due to the fact that essential services such as water and sewer are existing with capacity to serve additional growth, as well as higher densities already being present. The parcels are situated within existing service area boundaries with capacity to serve them.

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44			What was the criteria used and why were other lakes in Pend Oreille County not included?	The included lakes have the services (water and/or sewer) to support a higher density where other lakes do not.
45			Was input sought from the lake property owners? Or the Lake Associations or the Water/sewer Districts at the lakes?	Water/Sewer Districts were with respect to their service capacity. The others, like RG*NEW and CANSS, have the ability to participate in the public process. The only real affect to those parcel owners will be that their currently non-conforming parcels will become conforming, and thus give them more flexibility with regard to adjusting neighboring boundaries etc. Additional opportunities for input will be provided this spring when the draft plan is made available for official public comment.
46			Does this have anything to do with the Opportunity Zone?	Not specifically, some of these areas were noted in the 2015 Comprehensive Plan as areas for higher densities and mixed uses and the others have the services to support the same, much as the GMA suggests; focus density where services exist to support it.
47	John Endres	3.1 overview	<p>The Economic Development element includes a range of economic goals, policies, and implementation strategies, that when implemented will promote the economic vitality wellbeing of Pend Oreille County. Economic vitality wellbeing can be described as job retention, creation, and training; public and private capital investment; and business and community capacity-building. The region's economic vitality wellbeing is an important determinant affecting the overall condition and quality of life in our community. This element also summarizes basic economic and demographic data from a variety of sources, most notably the work accomplished by the Economic Development Citizens Advisory Committee (ECDAC), that helped to define the priority policy issues and to refine the goals and policies contained within this plan.</p> <p>Economic development is accomplished with the cooperation and collaboration of the public and the private sectors in the County, <i>and with the involvement of county citizens and citizen groups. (jme)</i> This partnership is essential to ensure that commitment of County and other resources will implement the vision for the County, which will benefit current and future residents of Pend Oreille County. The County has established an Economic Development Council (EDC) to help guide economic development efforts in the County. The EDC is comprised of private sector and local government representatives, and is supported by an EDC director. Question: Why aren't members of Citizen Groups or Nonprofit organizations invited to be part of the EDC? (jme)</p>	<p>Several suggested edits were incorporated into the plan.</p> <p>Regarding question about who is involved in the EDC, that is something you would need to ask the organization.</p>

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48	John Endres	3.2.1	In the regional context, this element is to be coordinated, cooperative, and consistent with the plans and efforts of the Pend Oreille County Economic Development Council (EDC) and the Tricounty Economic Development District (TEDD). This element presents economic development in the framework of the County’s other comprehensive planning goals as contained in the Comprehensive Plan. In April 2002, the Economic Development Council signed a contract with Tri-county Economic Development District to join in economic development efforts in the County. <i>Question: Is the contract between the EDC and the Tri-county Economic Development District still current? If not, please include current status of the contract.</i>	We believe it is still intact, and plan to include additional information on TEDD and the Comprehensive Economic Development Strategy for the Stevens, Ferry and Pend Oreille County area.
49		3.3	Economic Development Goal #5: Designate and prepare industrial sites with infrastructure, updated <i>current (jme)</i> development regulations, and documentation of existing environmental conditions and future environmental impacts of each industry development opportunity. (jme) “shovel-ready” development opportunities.	Suggested edits were incorporated in the updated element.
50		3.4	<p>Economic Development Policy #1: Pend Oreille County shall <u>should</u> <u>update land use designations and</u> develop land use regulations that support and encourage economic development. <u>that is consistent with the overall values described in the Preface Statement of Values.</u></p> <p>Economic Development Policy #2: The Pend Oreille County Capital Facilities Plan should include appropriate infrastructure to serve commercial and industrial lands.</p> <p>Economic Development Policy #3: The Pend Oreille County <u>Economic Development Council EDC</u> should maintain a current list of industrial sites, and do all they can to support making these sites “shovel-ready.” for development. <u>“and support these sites for development that is within the best interests of the community as a whole.”</u></p> <p>Economic Development Policy #4: Pend Oreille County should encourage and participate in coordinated efforts to promote tourism on a countywide basis. <i>Define “coordinated”. Are citizen groups and citizens involved? Add: “Coordinated efforts involve government officials, businesses, citizens, citizen groups and nonprofit organizations.”</i></p> <p>Economic Development Policy #5: Pend Oreille County should promote and encourage <u>support</u> basic and continuing education, on the job training, and vocational training programs that will prepare residents to fill existing and future jobs.</p> <p>Economic Development Policy #6: Pend Oreille County should support efforts to conduct a feasibility study of establishing a marina with a fueling facility on the Pend Oreille River.</p>	Suggested edits were incorporated in the updated element.

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			<p><u><i>Economic Development Policy #6: Define and characterize the various types of industries and industrial sites. (jme)</i></u></p> <p><u><i>Heavy Industries are industries that require substantial machinery, equipment, and physical and structural footprints (i.e., capital-intensive); require significant transportation of raw materials and products; and have significant impacts on the environment, infrastructure, and employment. Heavy industries often sell their products to other industries rather than to end users and consumers. In other words, they usually make products that are used to make other products. Accordingly, when a down economy begins to recover, heavy industry is often first to show signs of improvement. This makes the sector a leading economic indicator. Oil, mining, shipbuilding, steel, chemicals, machinery manufacturing and similar industries are examples of heavy industry. They are very capital-intensive, meaning that they require a lot of machinery and equipment to produce. Often, they are recognized for their adverse environmental impacts.</i></u></p> <p><u><i>Heavy industry often requires a special designation in local zoning laws. This allows industries with heavy impacts (on environment, infrastructure, and employment) to be sited with forethought. (jme)</i></u></p> <p><u><i>Light industries are typically less capital-income intensive than heavy industry and are more raw material-oriented than business-oriented, as they typically produce smaller consumer goods. Most light industry products are produced for end users rather than as intermediates for use by other industries. Light industry facilities typically have less environmental impact than those associated with heavy industry. For that reason zoning laws are more likely to permit light industry near residential areas (jme)</i></u></p> <p><u><i>Note: definitions of heavy and light industry are from various sources, including Wikipedia. (jme)</i></u></p> <p>https://en.wikipedia.org/wiki/Heavy_industry https://en.wikipedia.org/wiki/Light_industry</p> <p><i>Also, copied from: Cusick/Usk Urban Growth Area Plan Revised Working Draft August 31, 2017</i></p> <p>A. Definitions. In addition to the definitions contained in the County Development Regulations, Chapter XX.10 Definitions, the following definitions shall be used to implement the development regulations applicable to the Cusick/Usk Urban Growth Area:</p> <p>1. Industry-Heavy means facilities used for the purpose of manufacturing, processing, assembly, fabrication, bulk handling, storage, warehousing, distribution, shipping, heavy trucking activity, and other related uses that typically generate or cause nuisance, odors, noise, vibration, contamination, chemical exposure/release, and or explosions. Heavy industries include, but is not limited to:</p> <p>a. The mechanical or chemical conversion of raw materials;</p>	<p>Thank you for providing these definitions for our consideration.</p>

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			<div><div><div>b. The blending or production of materials such as lubricating oils, plastics, resins, or solvents;</div><div>c. Battery manufacture and reprocessing or the processing of toxic materials;</div><div>d. Refinery or storage of crude petroleum, coal, or minerals;</div><div>e. Stockyards, hog farms, and slaughterhouses; and</div><div>d. Manufacture and storage of explosives.</div></div><div><div>2. Industry-Light means facilities used for the purpose of manufacturing, processing, assembly, fabrication, bulk handling, storage, warehousing, distribution, shipping, and other related uses that typically occur indoors and/or do not typically impact neighboring uses. Light industries include, but is not limited to:</div><div><div>a. Data centers and other high technology uses;</div><div>b. Research facilities;</div><div>c. Production and assembly facilities;</div><div>d. Maintenance and repair facilities; and</div><div>e. Warehouses and storage facilities.</div></div><div><div><i>Comment: Please consider incorporating the above Heavy and Light Industry definitions from the Cusik/Usk Urban Growth Area Plan Revised Working Draft into the Pend Oreille County 2020 Comprehensive Plan. These clear definitions will provide consistency across our county. (jme)</i></div><div><i>And also please consider the Heavy Industry discussion copied from the Sheridan County, Wyoming Comprehensive Plan (Dec. 2008) below: (jme)</i></div><div><div>LOCATIONAL CRITERIA FOR FUTURE HEAVY INDUSTRIAL USES</div><div>The following criteria address where additional heavy industry locations can occur and how such future industry should be sited. It should be:</div><div><div>a) Away from developed communities and residential areas, such that noise, vibrations, and visual impacts will not disturb existing or future uses.</div><div>b) With access to major transportation facilities and utilities—railroad or interstate roads and necessary water. Industry will pay costs associated with improving county roads.</div></div></div></div></div></div>	

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			<p>c) Must consider topography, groundwater vulnerability, and other environmental factors (i.e., Class 5 Groundwater Vulnerable Areas and riparian corridors).</p> <p>PERFORMANCE STANDARDS FOR HEAVY INDUSTRY</p> <p>New industry will mitigate its impacts on adjacent lands. Performance standards will address noise, odors, water and air quality, light, vibration, and outdoor storage.</p> <p><i>Link to the Sheridan county Comprehensive Plan (jme):</i> http://www.sheridancounty.com/wp-content/uploads/2014/08/sheridan_cty_nomaps_plan_ch1-3_jan09.pdf</p> <p><i>Note: Sheridan County: population 30,233 (US Census Bureau, 2018). Area: 2,527 Sq. Mi. approximately 12 people/square mile</i></p> <p><i>Pend Oreille County: population 13,602 (US Census Bureau, 2018). Area: 1,425 Sq. Mi. Approximately 9-10 people/square mile. (jme)</i></p> <p><i>There is some similarity between Sheridan and Pend Oreille Counties. Reading through the Sheridan County Comp Plan may give some good insight. (jme)</i></p> <p><i>Comment: Please don't use the phrase "shovel ready" Please be consistent with "shall" or "should"—use either term, but not both.</i></p>	<p>The term "shovel ready" has been removed from the draft plan</p>
51		3.5	<p>Historically, Pend Oreille County has had a cyclical economy dependent on the extraction of the abundant natural resources of the area, such as timber and minerals. The County unemployment rate is consistently among the highest in the State, and per capita income levels <u>are</u> well below the state average. An important part of the background for this plan is the rapid economic change that is affecting attractive rural areas throughout the West. Traditional extractive industries are no longer the principal source of income in places like Pend Oreille County. <u>A recent profile of the County economy is provided in Appendix ZZ. where is Appendix ZZ? (jme)</u> Agriculture, forestry, and mining sectors of the local economy accounted for no more than 2% of total wages paid in the County and no more than 1.2% of total employees in 2000 (Washington State Databook). However, in the manufacturing sector at least 280 full-time jobs are dependent upon raw wood supplies, either in the form of logs or wood chips. <u>The mine (</u> <u>A lead and zinc mine is expected to) will close by the end of 2019, eliminating more than 200 jobs in the County</u> <i>Note: approximately 75% of the mine employees are from outside of Washington state. (jme) the year (Sept or Oct with 210 jobs eliminated) and the paper mill, Ponderay Newsprint Co., may be at risk of closing in the next few years</i> <u>lose also.</u> <i>Comment: Please provide proof of this statement (jme)</i> <u>Replacing these jobs is a key focus of the economic development strategies outlined in this plan element.</u></p>	<p>These comments were considered in the updated Economic element of the plan</p>

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			<p>Commented [BF1]: Provide most recent ESD profile of county:</p> <p>https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/labor-market-info/Libraries/Regionalreports/County-Profiles/Pend%20Oreille%20County%20profile.pdf</p>	
52		3.5.1	<p>The County has acknowledged the significance of economic development through its membership in the Tri-County Economic Development District (TEDD) and through its part in funding the work of the Pend Oreille County Economic Development Council EDC <i><u>Pend Oreille County Economic Development Council (EDC)</u></i> <i>(Comment: Both the TEDD and EDC were mentioned with full names in section 3.2.1; since they were both fully described, they should both have the full name disclosed. These acronyms can cause confusion; best to fully describe the organizations with the acronym in parentheses at least twice so the reader can be accustomed to them).</i> (jme) Recent economic plans include <i><u>*See "Recent economic plans include:" below.</u></i> (jme)</p> <ul style="list-style-type: none">• (EDC UPDATE) those generated by the Pend Oreille County EDC-the Pend Oreille County Economic Development Plan 2000 and TEDD-Overall Economic Development Program: June 1999;• Several significant projects included in the revision of the Pend Oreille County EDP completed in 1999 have been accomplished;• The County website is in operation and has had extensive revision;• The commissioners of the Port District, the PUD, and the County jointly conduct a regular series of meetings to help resolve countywide issues of concern;• Hospital District 1 has implemented enhanced diagnostic capacity at its medical center in Newport;• The assisted living center in Newport, River Mountain Village, with 42 residential units, began operation in June 2001;• A new bridge over the Pend Oreille River at Usk has funding committed to replace the present structure;• The Public Utility District completed an operational fiber optic network in February 2001;• The Newport Shuttle has been in operation between Newport and Spokane since 2002; and• The PUD has made its video conferencing facilities available for use by other agencies. <p>Other positive economic development projects not specifically addressed in the revised EDP have occurred: The lone Community Center began operating in 2001 and is the home for the lone branch of the Newport Community College, as well as the local branch of the library district. The EDC became a full partner with Tri-county Economic Development District in 2002.</p>	Names were updated and defined for the reader.

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			<p><i>Comment: I disagree with the above crossed-out 3.5.1 sections. This history of accomplishments should be captured (somewhere). It is important to have a record of historical successes, accomplishments, failures, and difficulties in order to learn and to guide us with future challenges and endeavors. (jme)</i></p> <p><u><i>*Recent economic plans include:</i></u> <u><i>August 2017. The HiTest/PacWest Newport silicon smelter; a project of “state-wide significance”. This controversial project has received significant citizen opposition due to health and environmental concerns; and government transparency issues. A legal challenge to land sales between the County, the PUD, and HiTest/PacWest was initiated by citizen groups Responsible Growth NE Washington and Citizens Against the Newport Silicon Smelter.</i></u></p> <p><i>Comment: Since this is a project of “statewide significance”, and can be considered either a significant opportunity or a significant threat to the county; you would be remiss not to include it in the Comprehensive Plan. Precedent setting initiatives like this need to be acknowledged and recorded so as to provide guiding examples of how the handling of risks and/or opportunities impact the county’s overall welfare.</i></p>	<p>These are dated studies and the history is maintained in prior versions of the plan.</p> <p>These comments were considered in the updated Economic element of the plan</p>
53		3.5.2	<p>Selected Indicators of the Economy The indicators that are included in this section of the Economic Development Element assist the informational and analytical considerations of local economy. (See the Pend Oreille County Economic Development Plan for more a more detailed inventory of the indicators.) These indicators help to form a more complete picture of the economic situation in the county:</p> <ul style="list-style-type: none">• Population;• Income;• Economic sectors;• Employment trendssectors;• Unemployment trendsseasonal factors;• Workforce profile;• Economic trends;• Land availability and suitability; and• Infrastructure. <p><i>Comment: the crossed-out sections above seem to be important “Indicators of the Economy”; why are they not included? (jme)</i></p>	<p>These factors are fairly well covered in the Comprehensive Economic Development Strategy for Stevens, Pend Oreille and Ferry Counties. We will provide a reference and brief discussion of this plan in this element, that will refer readers to the more detailed document.</p>

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			<p>Economic Sectors</p> <p>The non-agricultural employment sectors are: manufacturing; construction and mining; transportation and utilities; wholesale and retail trade; fire, insurance and real estate; <i>the Kalispell Tribe (jme)</i>; services <i>Define “services”*: health services (hospital and clinic), etc. (jme)</i>; and government. The workforce is allocated to these various sectors as a means of identifying the contributions of the different components of the economy. Basic industries are those, which bring outside money into the County. Forest and agricultural products, minerals, and manufacturing are the foundation of the local economy. However, most of the forest, agricultural, and mineral resources are extracted or harvested here and processed elsewhere. The Ponderay Newsprint Company and Ponderay Valley Fiber are the largest resource-based employers in the County. The Pend Oreille Mine is once again in operation with an estimated peak employment of 160 workers through itas noted above is scheduled to closure later in 20122019. Non-basic industries are those generated through the spending of income that is earned by local basic industries.</p> <p><i>*Define “services”: Home maintenance and repair, Auto maintenance and repair, other health services</i></p> <p>Table 3.5, highlights the largest employers in the County. These employers account for 1,370 or approximately 32% of a reported civilian work force of 4,320 in the County in 2001:</p> <p>Table 3.5 Pend Oreille County Employers</p> <p>Largest Employers in the County Number of Full-time/Permanent Employees</p> <p>Newport Community Hospital 283</p> <p>Ponderay Newsprint 190</p> <p>Newport School District #56 173</p> <p>Pend Oreille County Government 145</p> <p>Tech Cominco Mines 144</p> <p>Kalispel Tribe of Indians 139</p> <p>Ponderay Valley Fiber 80</p> <p>Public Utility District #1 73</p> <p>Selkirk School District 68</p> <p>Largest Employers in the County Number of Full-time/Permanent Employees</p> <p>Aerocell 50</p> <p>Cusick School District #59 50</p> <p>Safeway Store 35</p> <p>TOTAL 1,430</p> <p>Source: Pend Oreille County EDC; Pend Oreille County Planning Department. February 2005.</p>	<p>These comments were addressed in the updated Economic element of the plan.</p>

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			<p><i>Comment: A list of Largest Employers is essential—why is the list crossed-out? Do we have a current list of major employers? It is important to maintain a list of past and current employers to identify employment trends. (jme)</i></p> <p>Retirement is another non-traditional industry. Retirees receive transfer payments from their retirement funds. These transfer payments—including retirement, income maintenance, and unemployment—are spent in the county, in effect creating a retirement industry. In Pend Oreille County transfer payments comprised 26% of the non-farm personal income in 1999, an increase of 4.9% from 1998. The Washington State figure was 11.7%, an increase of 4.1% from 1998. (Bureau of Economic Analysis)</p> <p><i>Comment: Retirement is an important industry and economic indicator; why is it crossed-out? (jme)</i></p> <p>Economic Trends</p> <p>Other factors in the performance of the local and regional economy are: transportation, capital facilities and other infrastructure, distance to markets, and labor skills, training, and education of the workforce.</p> <p>The information available to the EDC <u>indicates</u> AC stated that employment in the County is driven by the trade, services, and government sectors. The County imports the professional, sales, processing, clerical, and packaging and material handling sectors of the economy. The County is higher than the state average in transfer payments received. Over one-third of county residents who are wage earners, commute out of county for work. <i>Where is the data that supports the highlighted section above? (jme)</i></p> <p>Land availability and suitability</p> <p>Industrial site availability is affected by the high rate of public land ownership in Pend Oreille County. Approximately 60% of the land in the county is located within the Colville and Panhandle National Forests, and approximately 5% of the land is owned by the State or County Government. An additional 28% of the land is privately owned Agricultural Open Space, or Designated/Classified Timber. The remainder of the land is comprised mostly of incorporated areas, and private rural parcels and residences. (See Land Use Element for more information.) Several possible commercial or light industrial sites have been identified in Pend Oreille County, generally located in the Newport area, near Lone, on Kalispel Tribal land directly north of Cusick, and at the Lafarge site at Metaline Falls. Other sites are potentially available for such development, but require a significant amount of preparation before the sites can be available as</p>	

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			<p>commercial or light industrial locations. The Pend Oreille EDC list and the Washington Department of Community, Trade and Economic Development have inventories of commercial and light industrial sites. The non-availability<u>The lack</u> of basic infrastructure services to these sites <u>may be</u>is the most significant factor holding back their development.</p> <p><i>Comment: Please include references and discussion of Climate Change, and also include a reference to the importance of Forested Lands. These are immediate concerns to our county and region, and are also an opportunity to contribute to the overall Quality of Life both within and beyond our county borders. (jme)</i></p> <p><i>Some useful links (jme):</i> <i>Smart Carbon Policy for Washington (Washington DNR)</i> https://www.dnr.wa.gov/climate-change</p> <p><i>Assessment of Climate change related Risks (Washington DNR)</i> https://www.dnr.wa.gov/publications/em_climate_assessment010418.pdf?3069l3h</p> <p><i>Climate Change Resilience Principles (Washington DNR)</i> https://www.dnr.wa.gov/publications/em_resilience_principles.pdf?k0sf2zi</p> <p><i>20-Year Forest Health Strategic Plan: Eastern Washington Summary (2017)</i> https://www.dnr.wa.gov/publications/rp_forest_health_summary.pdf?p10hd</p> <p><i>20-Year Forest Health Strategic Plan, Eastern Washington: Proposed Planning Areas (2018)</i> https://www.dnr.wa.gov/publications/rp_fh_advisory_planarea5546brief.pdf</p>	<p>Climate change is a topic that is addressed in the natural resources element of the plan, including the addition of a new section on the topic.</p>
54		3.5.3	<p><u>3.5.3 Recent Studies Prepared for the EDC</u> <u>In 2018, the EDC commissioned a study and a survey in 2018. The study focused on the economic impacts from two important industries. The survey identified over opinion regarding the economic future of the County.</u><i>Comment: what does this sentence mean??</i></p> <ul style="list-style-type: none"><u>Economic Importance of Ponderay Newsprint and Teck Zinc/Lead Mine - The EDC, commissioned Jeffrey Bell Consulting and Robinson Research to examine all * See comment below available data regarding Ponderay Newsprint Company (PNC) and Teck Zinc/Lead Mine (Teck) and perform an Economic Impact Analysis on the contribution one or both entities make to the economy of Pend Oreille County. The results</u>	<p>Comment noted – this was addressed in the updated draft element.</p>

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			<p>are provided in the study report, and give an idea of the <u>magnitude of impacts on key factors, such as jobs, income and tax revenue(2018).</u></p> <ul style="list-style-type: none"> <u>Robinson Research was commissioned by the EDC to conduct a telephone survey with voters in the County (2018). The overall purpose of this study was to measure voters' opinions regarding the economic future of the County. This survey is intended to be one of the tools EDC can use in its strategic planning process. NOTE: This survey is controversial and yielded inconclusive results. The dominant source of information listed by survey respondents was the Newport Miner; The Newport Miner declared its support of the smelter (October 4, 2017)) and can be considered as a somewhat biased reference.</u> <u>Comment: A "Mixed-Mode" survey should be considered by using existing information: (1) the number of the Smelter Environmental Impact Statement scoping questions submitted to the Department of Ecology regarding the smelter, (2) The Newport Miner Smelter Poll showing that 70% out of 553 respondents oppose the smelter(October 25, 2017) and (3) the overwhelming number of citizens opposed to the smelter at Public hearings. (jme)</u> <u>Include here a summary of the studies and findings recently prepared for the EDC (and then we can incorporate them by reference and include as an appendix)– Include the Key Findings through the Conclusion (pages 2 – 4) of the Pend Oreille County Economic Development Study, Executive Summary Report. Also include the number of the Smelter Environmental Impact Statement scoping questions submitted to the Department of Ecology regarding the smelter.</u> <p>*Please substantiate that "all" available data was used. (jme)</p>	<p>We do not plan to duplicate the study by including detail about it in the plan. We provide the web reference where a reader can go to the study and obtain additional details.</p>
55	John Endres	3.5.2	<p>3.5.2 Quality of Life</p> <p>Though not a specific Economic Development Committee (EDC) issue, <u>Quality of life is a very important component of economic development. Quality of life involves various aspects parts of life, such as: earning a living wage, having adequate housing and dependable transportation, a vibrant downtown, a healthy environment (clean air and water), accessing to cultural activities, whether the community sees itself in a positive light, a positive community self-image, and employing community standards to ensure that unsightly land uses are not visible from scenic highways or county roads where community standards are equitable and upheld to the benefit of all residents and visitors.</u></p> <p><u>Quality of life is term, like rural lifestyle, for which there can be different meanings in different contexts. in the local context there is no single meaning. Part of that local context includes the fact that the County has been an economically distressed county, based on a consistently high unemployment rate compared to the state average unemployment figures.</u></p>	<p>These comments were addressed in the updated Economic element of the plan.</p>

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			<p>Commented [BF2]: http://pocedc.org/wpcontent/uploads/2018/05/PendOreilleCountyEDCEconomicImpactStudy-20180516.pdf</p> <p>Commented [BF3]: http://pocedc.org/wpcontent/uploads/2018/07/Pend-Oreille-County-Survey-Executive-Report-7.18.18-Presentation-and-Website.</p>	
56		3.5.3	<p>3.5.3 EDC Strategies The EDC is focused on Pend Oreille County EDC provides a variety of programs and services to support local communities, businesses and other organizations in Pend Oreille County.</p> <ul style="list-style-type: none"> Rural Opportunities Loan Fund program provides term debt financing for start-up and existing businesses in the three counties. Associated Development Organization – Pend Oreille County designated the EDC as the agency responsible for implementing the Associated Development program through the Washington Department of Commerce. Primary responsibilities include business recruitment, expansion and retention, and assisting startup-up businesses. Comprehensive Economic Development Strategy is an ongoing effort in the region <i>that</i> brings the public and private sectors, <i>and citizens and citizen groups</i> together to create an economic roadmap to diversify and strengthen regional economies. <p>Additionally, the EDC is working on an industrial lands inventory, infrastructure needs and opportunities, and marketing materials for supporting additional development of these industrial lands in the County portfolio. The plan is make these lands are properly zoned and “shovel-ready” for future development opportunities. <i>Comment: please do not use the term “shovel-ready”. (jme)</i> <i>Please define “Public Sector” and “Private Sector”; for example:</i> <i>The Private Sector is composed of organizations that are privately owned and not part of the government. These usually include corporations (both profit and non-profit) and partnerships.</i> <i>The Public Sector is composed of organizations that are owned and operated by the government. This includes federal, state, county, or municipal governments. (jme)</i></p>	These comments were addressed in the updated Economic element of the plan.
57	Pend Oreille Valley Authority (POVA) Railroad	4.3 – Transportation goals – page 46	No goal of keeping railroad yet (on page 47, policy 6) - shared railroad crossing use. Suggest adding a goal or change working on Goal 2 - “Preserve....facilities” (add) including County roads, railroad, work with WSDOT on state highways.	Update as suggested
58	POVA	Page 48-49 Existing Conditions	Rail is under Non-Motrized Transportation (Rail is underlined). Maybe make a separate bullet point for rail. Rail not noted on page 53, under 4.5.2 as non-motorized, rail is listed separately under 4.5.3 on page 54.	Update as suggested
59	POVA	Table 4-1, page 50	SR 20 - Cattle [UnderPass] at MP 419.62 (Twigg, now Williams?) I believe this was removed and a culvert installed? SR 20 - Jared/Bible Camp - Pedestrian underpass. Not listed.	Update with information

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			Westside Calispell Road (roughly MP 11, near southeast entrance to Ambush Grove Loop) is a cattle underpass (County owned so not listed on this Table?)	
60	POVA	4.5.3, page 54	Correction to 4th line...tracks north of railroad MP 22.9 (Tacoma Creek) are closed to rail traffic (rather than Usk).	Update with correct information
61	John Endres	5 Housing	<p>5.1 Overview</p> <p>The Pend Oreille County Housing Committee was formed in the spring of 1994 to assist in writing the Pend Oreille Housing Needs Assessment. The Housing Committee was staffed by the County planning office and included representatives from each of the five cities, the Spokane Housing Authority, Rural Resources, Pend Oreille County Public Utilities District #1, Habitat for Humanity, the Pend Oreille Economic Development Council, the Washington Department of Health and Social Services, the Family Crisis Network, Northeast Washington Regional Support Network (NEWRESN), the Pend Oreille Bank, Pend Oreille Brokers, Pend Oreille North Realty, and local residents. The needs assessment was completed in January 1995 and is available at the County Public Works Department. The committee then devoted its time to writing draft policy statements. The draft Housing Element has been further revised in the process of revising the Comprehensive Plan. The Housing element is integrated with the other elements of the Comprehensive Plan. A full understanding of the County's housing policy and plans should include a study of these elements. The Housing element includes goals and policies for preservation, improvement, and development of housing, an inventory and analysis of existing housing, and projected housing needs within the County.</p> <p><i>Comment: The Lined-Out section contains valuable history of the county's planning process. Can this history be placed somewhere (in an appendix, etc.)? (jme)</i></p>	These are dated activities and the history is maintained in prior versions of the plan.
62		5	<p>5.4 Housing Policies</p> <p>In support of the Housing Goal, Pend Oreille County will implement the following Housing Policies:</p> <p>Housing Policy #1112: Keep plan provisions for the location of rural residential development consistent with preserving agricultural lands, <i>forested lands, and wetlands</i> and <i>while</i> maintaining the rural lifestyles of the County <i>while also</i> and minimizing conflicts with <i>adverse impacts</i> (jme) of commercial agricultural activities.</p>	These comments were addressed in the updated plan

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63		5	<p>5.5.2 Housing Units</p> <p>This section describes the type, age, and occupancy of housing in the County.</p> <p><i>Housing Stock</i></p> <p><i>Housing Tenure and Vacancy Rates</i></p> <p>According to the 2000 Census2017 ACS data, over three-quarters of the occupied housing stock is owner occupied (See Table 5.43). The cities within the County typically have a lower ownership rate, reflecting a slightly higher ownership rate in the rural areas of the County, and a greater percentage of rental units in incorporated areas. Renter occupied units comprise roughly 223% of total occupied units in the County.</p> <p>Almost 30% of housing units are considered vacant in the county, however a majority of those are seasonal housing units (70% of the vacant units are classified as seasonal). <i>Comment: The percentage of seasonal-use housing units (considered vacant) is important—why isn't a current % of seasonal-use housing included? (jme)</i> Vacancy rates in the County vary according to owner versus renter occupied housing units. Vacancy rates for owner-occupied housing units is approximately 2.4%, whereas renter-occupied vacancy rates are significantly higher at, almost 14 7.9%. These vacancy rates are higher than the average in Washington State. According to the U.S. Census Bureau, average vacancy rates in Washington were 7.93.8% for rental units and 21.4% for homeowner units in 2017 (U.S. Census Bureau Housing Vacancy Survey, 2002). <u>These vacancy rates trend higher from 2010 to 2017.</u></p> <p><i>Age of Housing</i></p> <p><u>Understanding the age of housing helps determine the trend and viability of the current inventory. This will also help to identify future needs. Figure 5.1 displays by decade the amount of housing units built in the County.</u> The majority of the housing stock, approximately 6031%, <i>How can “31% be a majority? (jme)</i> was built between 1980 to 1999since 1970. Roughly one-fifth of the housing stock was built since 1990 (Table 5.4)About half of the total housing stock was built between 1960 and 1999. <u>Only 17% of the housing stock is newer built in 2000 or later.</u> Generally, housing is older within the cities of the County, especially in Metaline Falls where 60% of the housing stock was built prior to 1939. A breakdown of the County's housing stock age is shown in Table 5.4.</p>	<p>We were unable to find an updated figure for seasonal housing.</p> <p>Text was updated per comment.</p>

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64	Anita King	7.5.3	Page 87 section 7.5.1.3 Water Systems, you have identified Sacheen Lake as having its own water system. We do not have a community water system. I believe you have been told on a number occasions that we don't. House/cabins are EACH served by their own private well. A very small neighborhood on the southeast part of the lake has their own sewer and water, Sacheen/Granite, which is owned/managed by the Pend Oreille Utility District.	Text was updated per comment
65	Will Simpson, Dept. of Commerce	Development Regulations	We encourage the County to add an additional provision to Chapter XX.60 to clarify the intent and allowances for Master Planned Resorts per RCW 36.70A.360 and WAC 365-196-460. Master Planned Resorts are allowed with specific criteria and under certain provisions. The County should consider emphasizing the following statutory requirement: "A master planned resort is a self-contained, fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities, consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. Residential uses are permitted only if they are integrated into and support the on-site recreational nature of the resort." ² As a friendly reminder, please ensure that your adopting ordinance clearly states that Pend Oreille County has successfully completed the periodic update required by RCW 36.70.130(5)(d). We extend our continued support to Pend Oreille County in achieving the goals of the GMA and the vision of your community	Additional provisions were added
66	Tim Trohimovich, FutureWise	Development Regs	While the proposed zoning and subdivision regulations are not clearly identified, we were unable to find development regulations sufficient to "to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products" as the GMA requires. ⁶ Those regulations need to be included. The enclosed continuing legal education paper GMA Goals 8 & 9: Natural Resource Lands and Recreation and Open Space: State of the Law, How We Are Doing, and Helpful Improvements will hopefully help the County address these requirements. ⁶ King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields), 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.	Greg to address response
67			The Rural Overlay Zone in xx.26.060 can only be applied to areas that meet the requirements for Limited Areas of More Intense Rural Development in RCW 36.70A.070(5)(d). The Rural Overlay Zone must be revised to reflect these requirements. Enclosed with this letter is the report Planning for Sustainable Rural Areas which describes these requirements.	Greg to verify – suggest update as suggested, by referencing the RCW requirements
68			On the afternoon of May 10, 2021, the County posted a new version of the development regulations on its website. Unfortunately, we do not have time to review this 241-page document before the Planning Commission's May 11, 2021, public hearing. We respectfully request that the public be given a reasonable time to review and comment on this new version of the development regulations before the Planning Commission makes its recommendation.	Additional time has been provided as requested. The hearing was continued and opportunity for additional comment is available until the hearing is closed, which is being held in early 2023.

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69			<p>Urban industrial and manufacturing uses cannot be located in a rural area, in rural zones, or on natural resource lands.⁷ The Draft Pend Oreille County, Washington Table of Permitted Zoning Uses allows Light Industrial uses as a permitted use in the Industrial zone, which we support, and conditional uses in the Rural Residential, Rural, Natural Resource, and Commercial zones. But the Table of Permitted Zoning Uses does not distinguish between urban, rural, and natural resource based industrial uses as it must. Nor does the Table of Permitted Uses or other zoning provisions we have seen include the measures to protect rural character RCW 36.70A.070(5)(c) requires. The uses also need standards to protect other uses from the adverse impacts of rural industrial uses.</p> <p>⁷ RCW 36.70A.070(5)(b); RCW 36.70A.060(1).</p>	<p>Greg to address response – suggest development regulations be updated to exclude light industrial not related to agriculture, forestry or other natural resource uses be excluded from Rural and Natural Resource lands.</p>
70			<p>There are other limits on industrial uses on Natural Resource lands. In the Soccer Fields decision the Washington Supreme Court held that “[i]n order to constitute an innovative zoning technique [authorized by RCW 36.70A.177] consistent with the overall meaning of the Act, a development regulation must satisfy the Act’s mandate to conserve agricultural lands for the maintenance and enhancement of the agricultural industry.”⁸ In the Lewis County decision, the State Supreme Court built on the Soccer Fields decision and again upheld a Board decision that the “County’s ordinance allowing residential subdivisions and other non-farm uses within designated agricultural lands undermined the GMA conservation requirement.”⁹ In addition to residential subdivisions, the illegal uses were public facilities; public and semipublic buildings, structures, and uses; and schools, shops, and airports.¹⁰ In the Kittitas County decision, the state Supreme Court again upheld a Board decision finding that a variety of conditional uses allowed on agricultural lands of long-term significance violated the GMA. The conditional uses violated the GMA because “the County has no protections in place to protect agricultural land from harmful conditional uses.”¹¹</p> <p>Like Kittitas County, Pend Oreille County does not include any measures to protect natural resource lands from harmful conditional uses. This violates the GMA.</p> <p>⁸ King Cty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd. (Soccer Fields), 142 Wn.2d 543, 560, 14 P.3d 133, 142 (2000). ⁹ Lewis Cty. v. W. Washington Growth Mgmt. Hearings Bd., 157 Wn.2d 488, 509, 139 P.3d 1096, 1106 (2006). ¹⁰ Lewis Cty., 157 Wn.2d at 507, 526 – 27; 139 P.3d at 1105, 1114 – 15. ¹¹ Kittitas Cty. v. E. Washington Growth Mgmt. Hearings Bd., 172 Wn.2d 144, 172, 256 P.3d 1193, 1206 (2011)</p>	<p>Greg to address</p>
71				
72	Department of Commerce	Critical Areas Code	<p>We have the following suggestions that you should consider prior to adoption, or at a future time:</p> <ul style="list-style-type: none"> • Hold for discussion on Rural Community Areas and LAMIRD requirements. • Our agency received proposed changes to the County’s Critical Areas Ordinance (CAO), but did not receive changes to other portions of the development regulations. Commerce tracks completion of the periodic update in three milestones: the comprehensive plan, development regulations, and the CAO. The County should review our periodic update checklist and ensure 	<p>The County has incorporated the latest state model floodplain ordinance as part of the updated Sensitive Areas code.</p>

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			that the development regulations are in compliance with the GMA. If no additional changes to the development regulations are necessary, the adopting ordinance should specify that in a recital.	
73	Ed Styskel	Critical Areas Code	<p>I wish to comment this evening on the County’s draft development requirements in Chapter XX.36 – Environmentally Sensitive Areas. The entire draft appears to have been authored by technically-qualified professionals, so I gratefully applaud the County for proposing these standards to identify and protect environmentally sensitive areas (a.k.a. critical areas).</p> <p>My college training and 40+ years experience as a Certified Wildlife Biologist with the U.S. Forest Service and private consulting qualifies me to comment with professional expertise on the Chapter sections about Wetlands (xx.36.040) and Fish and Wildlife Habitat Conservation Areas (xx.36.060). I have conducted jurisdictional wetland delineations and surveyed for plant communities as well as animals -- some of which were protected by the Endangered Species Act. Those two Chapter sections are technically defensible already, but I have some additional recommendations to make them even better.</p> <p>xx.36.060 Fish and Wildlife Habitat Conservation Areas</p> <p>C. Applicability (page 2). The County should coordinate the development of a digital local guidebook for lay-persons that describes how to recognize local environmentally sensitive areas. The guidebook should be authored by local technical experts and posted on the County website. This guidebook will greatly improve the capability of all applicants to recognize environmentally sensitive areas before filing a SEPA Checklist.</p> <p>A.3. (page 37). If the County designates less than the full list of Washington Department of Fish and Wildlife priority habitats and species for local importance and protection, local biologists from that agency should be included in the selection process. For example, one habitat worthy of County designation is quaking aspen stands that are declining in vigor and survival due to conifer encroachment, disease, and other factors. The influence of climate warming should be considered in those selections.</p> <p>E.2. Fish and Wildlife Habitat Conservation Areas Report (page 49). The report should provide details about field assessments for the presence/absence of designated critical fish, wildlife, or habitats. Those details should include the: (1) survey methods used, (2) technical qualifications of the field surveyors, (3) dates and start/end times for each survey, and (4) survey routes. Without those details, the scientific credibility of any survey effort cannot be judged.</p>	<p>Thanks!</p> <p>The County will consider this suggestion; Wording updated to provide other resources as available.</p> <p>Priority habitats and species are incorporated in A.2, including Aspen stands.</p> <p>Updated to F.2 and revised generally as suggested using more general wording.</p>
74	Tim Trohimovich, Futurewise	Sensitive Areas Code	Futurewise is concerned about the proposed buffer reductions for streams. Please see page 44 of the Environmentally Sensitive Areas Update. Currently, the Type F (Fish Bearing) buffer is 200 feet, it is proposed to be reduced to 150 feet. The Type NP (Non-fish bearing-perennial) buffer is currently 150 feet and it is proposed to be reduced to 100 feet. The Type NS (Non-fish bearing-seasonal) is currently 150 feet and it is proposed to be reduced to 65 feet. The GMA “requires that the regulations for critical areas must protect the ‘functions and values’ of those designated [critical] areas. This means all functions and values.” ¹² Furthermore, critical areas are to be protected by at least “maintaining existing conditions.” ¹³ In addition: The GMA requires local governments to use “best available science” when designating and protecting critical areas. RCW	Buffers in the draft Pend Oreille County code have been designed to protect existing ecological functions and values. The County has considered and applied Best Available Science (BAS) to the various functions provided by riparian areas. An attached memorandum (Jan. 10, 2023) provides additional detail on what specific provisions were considered in applying BAS to

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			<p>36.70A.172(1). “No precise definition of ‘best available science’ is found in the statutes or in case law, but the phrase is generally interpreted to require local governments to analyze valid scientific information in a reasoned process.” Kitsap All. of Prop. Owners v. Cent. Puget Sound Growth Mgmt. Hr’gs Bd., 160 Wn. App. 250, 267, 255 P.3d 696 (2011). The record must show that the County considered the best available science substantively in its designation and protection of a critical area. Id. “By RCW 36.70A.172(1), ‘the Legislature left the cities and counties with the authority and obligation to take scientific evidence and to balance that evidence among the many goals and factors to fashion locally appropriate regulations based on the evidence not on speculation and surmise.’ ” Ferry County v. Growth Mgmt. Hr’gs Bd., 184 Wn. App. 685, 734, 339 P.3d 478 (2014) (quoting Honesty in Envtl. Analysis & Legislation (HEAL) v. Cent. Puget Sound Growth Mgmt. Hr’gs Bd., 96 Wn. App. 522, 531, 979 P.2d 864 (1999)). “Mere inclusion of scientific sources in a critical areas ordinance is not sufficient. To demonstrate that [best available science] has been included, counties and cities should address the [best available science] on the record.” Id. at 735-36, 339 P.3d 478 (citation omitted [by the court]). The GMA “does not require the county to follow [best available science]; rather, it is required to include [best available science] in its record. Thus, a county may depart from [best available science] if it provides a reasoned justification for such a departure.” Id. at 740, 339 P.3d 478. However, that “departure from [best available science] in a critical areas ordinance should be rare.” Id. The relevant regulations expressly establish that the Department’s [of Fish and Wildlife’s priority habitat and species information includes the best available science. WAC 365-190-130(4)(b); Ferry County, 184 Wn. App. at 734, 339 P.3d 478; see also Olympic Stewardship Found. v. W. Wash. Growth Mgmt. Hr’gs Bd., 166 Wn. App. 172, 193, 274 P.3d 1040 (2012) (“[The GMA’s] regulations are the proper starting point for determining whether a county has complied with RCW 36.70A.172(1)’s ‘best available science’ requirement.”).¹⁴ Unfortunately, the F, NP, and NS buffers fail to comply with these legal requirements. According to the Department of Fish and Wildlife’s priority habitat and species information there are five key ecological functions of riparian areas in the forested ecosystems, including forested areas of Eastern Washington, and the unforested areas of the Columbia Plateau: “streambank integrity affected by plant roots, litter fall that provides detrital nutrients, shading to limit stream temperatures, large wood recruitment, and pollution removal.”¹⁵ In addition, “a sixth key function occurs in dryland riparian areas—alluvial water storage. Alluvial water storage occurs in riparian areas of all ecoregions, but it may be especially important in dryland ecoregions.”¹⁶ Buffer widths necessary to remove 99 percent of sediment, remember the standard is maintaining existing conditions including water quality, must be 153 feet wide. ¹⁷ Buffer widths necessary to remove 99 percent of the surface nitrogen must be 200 feet wide.¹⁸ Buffer widths necessary to remove 99 percent of the subsurface nitrogen must be 322 feet wide.¹⁹ These buffers should be measured from the outer edge of the floodplain or the channel migration zone if the water body has a channel migration zone.²⁰ These recommendations should be applied to all streams whether they are fish bearing or not.²¹ None of the riparian buffers the County is proposing are wide enough to perform these functions and so the buffers violate the GMA.</p> <p>¹² Whidbey Env’t Action Network v. Island Cty. (WEAN), 122 Wn. App. 156, 174 – 75, 93 P.3d 885, 894 (2004). ¹³ Swinomish Indian Tribal Cmty. v. W. Washington Growth Mgmt. Hearings Bd., 161 Wn.2d 415, 430, 166 P.3d 1198, 1206 (2007), as corrected (Nov. 28, 2007), as corrected (Apr. 3, 2008). ¹⁴ Whidbey Env’t Action Network v. Growth Mgmt. Hearings Bd., 14 Wn. App. 2d 514, 524 – 25, 471 P.3d 960, 967 (2020). ¹⁵ Timothy Quinn, George F. Wilhere, and Kirk L. Krueger, technical editors, Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications p. 214 p. 224 (A Priority Habitat and Species Document of the Washington Department of Fish</p>	<p>updated buffers, including reasoned application of BAS for County conditions.</p> <p>Additionally, the County is updating buffer recommendation to be 100 feet for streams with slopes 10 percent or greater, regardless of stream type and land use designation.</p> <p>The County is relying on the Voluntary Stewardship Program for agricultural land conservation practices to protect both critical areas and upland habitats</p> <p>Additionally, riparian wetlands are regulated by the wetland provisions of the code, and wetland buffers would apply in these sections. Other priority habitats and species potentially impacted by a development proposal would also require additional protection requirements, on top of riparian and wetland protections, such as nesting areas for sensitive bird species.</p>

Comment No.	Commenter	Section No.	Comment	Response
			<p>and Wildlife, Olympia, WA: Updated July 2020) last accessed on May 7, 2021 at: https://wdfw.wa.gov/publications/01987/ and at this Dropbox link https://www.dropbox.com/sh/nwdpz8razelvt7k/AABRHcmXSJcABX8QftBciwQza?dl=0 with the filename: "wdfw01987.pdf." This report was peer-reviewed. Id. pp. 11 – 12.</p> <p>¹⁶ Id. at p. 214. See also p. 224.</p> <p>¹⁷ Id. p. 150, p. 225.</p> <p>¹⁸ Id.</p> <p>¹⁹ Id.</p> <p>²⁰ Amy Windrope, Terra Rentz, Keith Folkerts, and Jeff Azerrad, Riparian Ecosystems, Volume 2: Management Recommendations A Priority Habitats and Species Document of The Washington Department of Fish and Wildlife p. 6 (Dec. 2020) last accessed on May 7, 2021 at: https://wdfw.wa.gov/publications/01988 and at this Dropbox link https://www.dropbox.com/sh/nwdpz8razelvt7k/AABRHcmXSJcABX8QftBciwQza?dl=0 with the filename: wdfw01988.</p> <p>²¹ Id.</p>	
75		Sensitive Areas Code	<p>Futurewise supports the significant improvements to proposed xx.36.080 Critical Aquifer Recharge Areas. Water is limited. Because much of the water in Washington State is already allocated to various uses, every contaminated aquifer creates a crisis for the homes, farms, ranches, and businesses that rely on that water. Many of the companies that cause the contamination end up going out of business due to the high of the cleanup. By focusing on protecting ground water, the critical aquifer recharge areas regulations will protect the residents and businesses that rely on the water and businesses that locate in critical aquifer recharge areas.</p>	Thank you for the comment and support of this change.
76	Gretchen Koenig	Critical Areas	<p>Where is the CAO. I did not see this as a separate document.</p> <p>I respectfully request which wetlands map layer was used for analysis and have that sent to me.</p> <p>Respectfully request (RFI) the flood areas layer used in the GIS to determine CAO (in part)</p> <p>Request the slope layer used for excluding residential options for zoning.</p> <p>Request cumulative effects ‘cap’ on quantity of lands given exemptions for VSP and shoreline development. Otherwise, the GMA goals can potentially be violated via Voluntary Stewardship Plan.</p> <p>This includes cumulative impacts on wetlands. And the total cumulative buffer area needed to maintain the integrity of the counties sensitive areas.</p> <p>Where is the zoning map? How do we evaluate the plan without know the outcome?</p>	<p>It is titled Sensitive Areas Code and is available from the County on its website</p> <p>Requested layers from the County can be obtained from the GIS department.</p> <p>Do not understand this comment. Cumulative impacts were analyzed and are currently tracked through the County’s Shoreline Master Program. For VSP, the Conservation District prepares 2 and 5 year reports on program effectiveness in meeting goals and benchmarks, including wetlands and other habitats.</p> <p>Zoning map available in the Comprehensive plan map folio.</p>
77	Gretchen Koenig	Environmental Review	<p>I have requested the algorithm for conversion of how the County intends to do the translation of Public Land designation to other and a GIS data file of the resulting conversion with attribute tables attached to the spatial dataset (not a separate table) showing the categories used for each step of the conversation including neighboring properties that are Natural Resources or Agriculture. Never received that.</p>	Please follow up with County GIS on this request.

Comment No.	Commenter	Section No.	Comment	Response
78	Gretchen Koenig	Environmental Review	Demand an Environmental Impact Study for these county wide proposed sweeping changes impacting our current county designated and GMA defined protected class of land.	A draft SEPA checklist has been prepared to analyze effects for draft Comprehensive plan updates including land use designations, updated Sensitive Areas Code and updates to various development regulations.
79	Bob Eugene	Miscellaneous	<p>See future land use map changes tables submitted by Bob Eugene in November and the following: I would also encourage parcels currently being used for non-residential purposes, such as the Washington State or Public Works road departments, solid waste facilities, and similar services be also considered for Possible Commercial designation.</p> <p>Regarding "Conservation", I would encourage that you contact John S. Wilson. He has purchased a significant acreage of forest land, wet lands and similar parcels. I believe he may have "protected" much of the land he has acquired over the years with easements or similar programs with USDA-Natural Resources Conservation Service. His intention has been to conserve habitat for the wildlife to thrive in Pend Oreille County.</p>	<p>These suggestions are being considered. In cases where a single parcel has been suggested for a change that is not consistent with the surrounding properties, and where the use is already approved and allowed within the designation, then these lands would remain as designated.</p> <p>Additionally, the County is designating Rural Activity Centers in areas where water and/or sewer connections are available within utility service areas, and this is where commercial lands will likely predominantly be located.</p>
80	Phyllis Kardos	Miscellaneous	<p>Why the change in shrinking the sizes of the riparian areas? What brought this about? I am not understanding it. Please help.</p> <p>Do you have a copy of the completed SEPA for the Comp Plan? May we have a copy or is it available on the county's webpage?</p> <p>I understand that the Department of Commerce made some comments on certain sections of the draft Comp Plan. May we have a copy of those comments or are they available on the county's webpage</p> <p>The Department of Ecology referred the County to the FEMA regulations. Is that correspondence available to share or is it on the county's webpage?</p> <p>Will there be a final public hearing on the draft Comp Plan? When will that be? Is a final hearing mandated? Greg told Gretchen there was a "new approved" public participation plan. The old one was not used as it was not approved. May be have a copy or is it on the county's webpage?</p> <p>Could we get a copy of the draft Comp Plan Development Regulations or is it on the county's webpage?</p> <p>Do you have a final outline of the rest of the Comp Plan dates - I know the next meeting in January 21st. What after that? When do you expect to have the tentative final approval of the Comp Plan?</p> <p>What is the protocol for public comments during the meeting? Can we still make comments now?</p> <p>Can I get a copy of the most current Land Use map? Is it on the county's website?</p>	<p>Many times buffers are applied based on a general state guidance document without consideration for on the ground conditions and associated Critical Areas functions and values. These buffer adjustments we are proposing are based on our understanding of riparian area extents and associated tree cover, presence of fish or not, shade and water quality protection functions that streams in the County provide. Having said this, you may see a few adjustments to the draft as we go forward. Stay tuned for updated info. UPDATE: Please also see response to comment 74, and attached BAS document prepared by the County.</p> <p>The SEPA review info. is currently being drafted. We can provide a copy of it once it has been published -it will probably be available sometime in February.</p> <p>We are working on getting the formal comments from Commerce and can provide them when received.</p>

Comment No.	Commenter	Section No.	Comment	Response
				<p>This is one you will need to follow up with Greg on. Also, all questions regarding documents on website should also be addressed to the County.</p> <p>Yes, there will be a PC hearing held and the date is still being determined.</p> <p>This should have been approved by the County and available from Greg.</p> <p>Greg can help with this request other than the draft Critical Areas Code, which I believe you already have.</p> <p>We are working on this schedule and can share it once we have completed it.</p> <p>Yes, you can still provide comments by email. Regarding meetings, you will need to ask Greg how that works. The County has an updated protocol per virtual meetings.</p> <p>The latest draft map is the same map that was shared with the PC at their Dec. meeting.</p>
81		Miscellaneous	<p>I personally would like to thank the Planning Commission members, POC Community Development Office, and White Bluffs Consulting for their diligent work on the Comp Plan. I know from my own experiences working on major projects this revision has not been an easy task. Thank you for listening to us and allowing the original preface to stay in tact, plus adding verbiage on global warming and climate change.</p> <p>But is that enough? I believe there are areas of the Comp Plan that lend themselves to overdevelopment and heavy industrial use, which reflect the county's agenda. There can never be enough protection for our critical areas, forestlands and open spaces. There is a great push to increase density in smaller lot sizes and around our already overcrowded and over used lakes and wetlands.</p> <p>There are three significant legislative bills that could have profound impacts on the planning requirements for GMA counties. Two of the bills propose adding a new climate change and resiliency goal to the GMA. The first bill, HB 2427, adds climate change and resiliency as a goal for all GMA planning counties. The second bill is HB 2609/SB 6335. This bill is more complex and specific than HB 2427, going farther by requiring that a percentage of the state's greenhouse gas emissions reduction goals be assigned to each county. The final bill, HB 2549, suggests Salmon Recovery and Restoration as a new goal for the GMA.</p>	<p>Thank you for this feedback.</p> <p>The plan, Sensitive Areas code, and development regulations work together to protect critical areas functions and values.</p>

Comment No.	Commenter	Section No.	Comment	Response
82		Maps	In the GMA there are three types of LAMIRDS. Which LAMIRD are you using to define the Sacheen and Diamond Lake maps? I see that LAMIRDS were authorized by the 1997 amendments to the GMA.	In the latest draft of the plan, no LAMIRDs are proposed.
83	Gretchen Koenig	Maps	<p>We need acknowledgement and representation in the maps of the Class I airshed for the Kalispel Tribe of Indians to provide transparency to land managers and owners that this airshed by law must be maintained at a higher level of purity than surrounding regions.</p> <p>We need the maps reflect the protected status of the WRIA 55 Little Spokane Watershed as source drinking water for the Spokane Municipality. We request all maps reflect the scarcity of water in the WRIA 55 Basin and as climate change further threatens, acknowledge restrictions for development for that Watershed where it intersects the county borders.</p>	<p>This has been described in the plan.</p> <p>The plan references the WRIA 55 watershed plan. The County will consider the mapping suggestions.</p>

Attachment 1 - Pend Oreille County Draft Memorandum

January 10, 2023

Best Available Science applied with Policy Considerations for Pend Oreille County Sensitive Areas Code Update

Best Available Science applied with Policy Considerations for Pend Oreille County Sensitive Areas Code Update

Pend Oreille County, as part of its 2020 Comprehensive Plan and Development regulations update process, has reviewed provisions and identified updates to its sensitive areas code. This memorandum focuses specifically on riparian habitats and buffers addressed in the Fish and Wildlife Habitat Conservation Areas section of the code, applying the findings from Best Available Science sources, along with comments received as part of the sensitive areas code update process.

- **Setting and Context**

Pend Oreille County has several different types of habitats that exist within riparian areas, including wetlands, forest and rangeland in the southern portions and lower elevation areas of the County. Multiple state and local protections exist for Pend Oreille County riparian areas, including the County’s existing Shoreline Master Program (SMP) (currently being updated), the Washington State Forest Practices Act and the County’s Voluntary Stewardship Program (VSP) (2018), along with the County’s Sensitive Areas Code. Collectively these regulations and programs work together to protect the functions and values of Pend Oreille County Sensitive Areas, along with federal protections on the extensive federal lands in the County.

The SMP applies a varied riparian buffer system based on existing ecological functions and land use. Areas with higher ecological function, such as Natural or Conservancy have a larger riparian buffer focused on protecting more intact habitat, while areas with less function and more development impacts such as Rural, have a narrower buffer, largely focused on protecting water quality and remaining habitat.

Sensitive areas on Agriculture-designated lands and other areas where agricultural activities are occurring are addressed through the County’s VSP program, a conservation practices approach for protecting riparian areas and other sensitive areas.

Riparian areas in forest areas are protected on federal lands through federal laws and regulations and on state and private lands through the State Forest Practices Act, as administered by the Washington State Department of Natural Resources. Roughly 65% of the County is publicly owned.

Additionally, riparian areas with one or more of the following characteristics, including steep slope or less stable soils, wetlands, or mapped floodplains, are proposed to receive additional protections through other regulatory provisions within the sensitive areas code. For example, riparian wetlands are protected by buffers that range from 25 to 250 feet based on wetland type and associated land use intensity. There are many riparian wetlands that exist throughout Pend Oreille County. The County also has provisions in the draft code for buffer averaging, increasing buffers to provide additional protection when determined necessary through an on-site evaluation of critical areas, and other flexibilities in applying standards to protect critical area functions and values.

Beyond these protections, land use designations and zoning regulations further limit the potential for impacts to riparian areas through density requirements. The minimum density allowed in the County for new parcels outside of established Urban Growth Areas (UGAs) is one dwelling unit per 5 acres. Densities are even lower in other zones, with one dwelling unit allowed for 10, 20 or 40-acre minimums.

Population Projections, Land Use and Existing Conditions

Projected growth for the County is an increase of 895 persons between 2019-2039 or roughly 45 persons or 19 households per year for the next 20 years. Much of the historical growth has occurred and continues to occur in unincorporated areas around the cities, and in the southern part of the County. The rest of the growth will be dispersed in other rural areas within the County.

The areas with the more dispersed, lower density development are the primary areas where the proposed riparian buffer regulations in the County’s draft updated Sensitive Areas Code would apply. Land use in these areas is primarily Rural, Rural Residential or Natural Resource. Streams in these areas are generally smaller (less than 20 cfs mean annual flow) and have various levels of flow ranging from a few days per year to perennial streams; others are DNR-mapped topographic lows without even defined bed and bank. Some have fish presence while most do not. Many of these streams have been modified through land uses over the years from agriculture, mining and other natural resource-based industries, along with roads and other types of rural development.

- **Basis for Proposed Buffers applied to Pend Oreille County**

Table 1 summarizes the recommended buffer distances based on the conclusions drawn from Best Available Science information sources reviewed in an Anchor QEA 2021 Best Available Science Memorandum prepared for Stevens County, a directly adjacent County to the west with similar conditions to Pend Oreille County.

Table 1
Summary of Riparian Width to Provide Key Functions

Function	Minimum Distance Recommended by BAS (feet)	Type F Proposed Buffer in CAC	Type Np/Ns Proposed Buffer in CAC	Efficacy with Source from Above
Peak Flow Conveyance and Channel Migration	33	85	65	A buffer of 33 feet would be sufficient to maintain existing peak flow conveyance and channel migration function in most streams, as vegetation becomes less effective at stabilizing the bank as distance from the bank increases.
Wood	50	85	65	A buffer of 66 feet would be sufficient to provide over 90 of potential wood recruitment by volume from riparian areas.
Stream Temperature	75	85	65	A buffer of 75 feet would be sufficient to maintain existing stream temperature function in undisturbed riparian areas. It should be noted that a buffer of 75 feet would be overprotective for shade functions in rural areas or developed areas, as shade function is severely limited or gone in these impacted areas.
Pollutant Removal	65/100 (> 10% slope)	85/100 (> 10% slope)	65	A buffer of 65 feet would be sufficient to maintain existing pollutant removal function in riparian areas. 100 feet for areas with slope greater than 10 percent and significant ground disturbances directly upland.
Nutrient Dynamics	65	85	65	A buffer of 65 feet is sufficient to maintain existing litter fall function in riparian areas in Pend Oreille County.

Additional Water Quality/Pollutant Removal Considerations

As noted in Section 5 of the WDFW Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications report (2020), the riparian buffer width influences pollutant removal. The 2020 report summarizes reviews of scientific studies on this topic; widely accepted recommendations in terms of minimum buffer widths required to protect water quality had not been established as the removal efficacy varies in different studies and in different pollutants. Pollutants summarized in the 2020 report include sediment, surface nitrogen, subsurface nitrogen, phosphorus, and pesticides. In a summary table, the 2020 report provides buffer widths for varying pollutant removal efficacies.

Some studies had significantly higher buffer widths than others. For example, the Sweeney and Newbold (2014) analysis had buffer widths significantly higher than other studies, which can skew the analysis to widths higher than other studies. A brief review of that analysis had most locations studied in Europe and in the southeastern United States, which have different conditions (notably even higher average precipitation conditions) than in Pend Oreille County.

It was also noted that in most analyses summarized by the WDFW 2020 report, additional removal efficacy gains flatten as buffer widths increase. The width where flattening occurs varies but appears to range from 15 to 75 feet. Estimates of removal efficacy for pollutants in the 2020 report are provided for buffer widths of 65 feet, 85 feet, and 100 feet in Table 2.

Table 2
Estimated pollutant removal efficacy by buffer width (Interpolated from WDFW 2020)

Pollutant	Average Estimated Removal Efficacy (%)		
	Buffer width = 65 feet	Buffer width = 85 feet	Buffer width = 100 feet
Sediment	90	93	95
Surface nitrogen	72	78	82
Subsurface nitrogen	61	69	75
Phosphorus	87	94	99
Pesticides	98	99	99

Table 1 shows that with a buffer width of 100 feet, the estimated sediment removal efficacy is 95%, surface nitrogen 82%, subsurface nitrogen 75%, phosphorus 99%, and pesticides 99%. If the buffer width is 85 feet, the sediment removal efficacy is 2% less, surface nitrogen 4% less, subsurface nitrogen 6% less, phosphorus 5% less, and pesticides less than 1% less than a buffer width of 100 feet. If the buffer width is 65 feet, the estimated sediment removal efficacy is 90%, surface nitrogen 72%, subsurface nitrogen 61%, phosphorus 87%, and pesticides 98%. As noted earlier, actual pollutant efficacy may vary due to differing conditions in Pend Oreille County compared to conditions found in studies used in the 2020 report.

Site Potential Tree Height vs. Protecting Existing Conditions

Trees in the riparian areas where the Sensitive Areas Code were analyzed and characterized by the County using GIS analysis in Stevens County of existing tree canopy height in two representative drainages, including a shared with Pend Oreille County forested mountain range in the Colville National Forest, on the western border of Pend Oreille County. The other Stevens County area was of similar elevation to much of the developed areas in Pend Oreille County (2500 to 3000 feet above MSL).

The average height in these representative riparian areas of under GMA jurisdiction (and outside of SMA jurisdiction) is 64 feet (Cares 2020), and only 10% of the canopy height exceeds 102 feet. Therefore, the County has applied this finding that a buffer would need to be 100 feet or less for large woody debris riparian recruitment to protect existing functions and values. Additionally, as described in the Anchor QEA BAS review, a study of managed forests with an average tree height across six stands of 97 feet, Burton et al. (2016) showed that the 82% to 85% of wood for which an original source could be determined came from within 50 feet of the stream, so a buffer between 50 and 100 feet should provide adequate large wood recruitment.

The decision to use buffers that are less than SPTH is based on several studies conducted since the FEMAT analysis. It is also based on a standard of functional protection, not on the standard of providing a level of potential historic function. Ultimately the establishment of regulatory buffers is a local policy decision. In keeping with RCW 36.70A.172 special consideration has been applied to fish bearing streams in order to provide

conservation or protection measures necessary to preserve or enhance anadromous fisheries. Other factors that contributed to this policy decision were,

- The majority of stream miles in the County are protected under Federal forest management policies and the state’s forest practices act not the county’s sensitive areas ordinance.
- Growth pressure and potential impacts to riparian areas in the county are relatively low compared to the total miles of stream length. Trees on private, non-timber land can reasonably be expected to continue to mature, increasing stream protection over time. We acknowledge that periodic review of the buffer standards (which occurs every 8 years by statute) should be conducted, and that such review may indicate a need to periodically adjust buffer widths.
- The policy decisions that led to the establishment of the proposed buffers are supported by recent, peer reviewed studies for conditions applicable to Pend Oreille County.

- **Buffer Recommendations**

Recommended buffers are identified in Table 2, and are designed to protect riparian functions throughout the County, and within all land use and zoning designations.

Table 2
Recommended Buffers

Stream Type	Recommended Rural Zoned Lands Buffer Width
Type S	See Shoreline Master Program
Type F	85 feet/100 feet (>10% slope)
Type Np and Ns	65 feet/100 feet (>10% slope)

The buffers would provide a level of protection of all of the functions described in Table 1. Additionally, the County has determined that the water quality protections/pollutant removal associated with the various streams and settings in the County, in unincorporated areas are adequate from a policy perspective at the 65, 85 and 100 feet buffer widths in light of the other protections also layered on, as discussed above, and when site specific conditions are considered, including a wider buffer in development areas where adjacent slopes are greater than 10%.