1201 3rd Avenue, Suite 2600 Seattle, Washington 98101 206.287.9130



# Memorandum

May 19, 2020

- To: Greg Snow, Pend Oreille County Community Development
- From: Adam Hill, Anchor QEA and Ben Floyd, White Bluffs Consulting
- cc: Pend Oreille Planning Commission; Cesar Stoddard, Pend Oreille County GIS

#### Re: FINAL DRAFT - Resource Lands Review – Pend Oreille County

#### Introduction

Pend Oreille County is amending their Comprehensive Plan through a comprehensive 2020 plan update. As part of these amendments, it was determined that a county-wide review of resource lands be completed, as the designated lands had not been reviewed and updated for several years, and to include a more complete set of designation factors as part of the updated analysis and designation process. This memorandum describes work completed as part of this review and analysis process, including the elements necessary to consider for resource land classification, findings from the review, and recommended changes to Natural Resource (NR) land use designations in Pend Oreille County.

#### **Resource Land Considerations**

Pend Oreille County is required to implement a comprehensive plan under RCW 36.70A.040. As part of this requirement, "the county...shall designate...agricultural lands, forestlands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forestlands, and mineral resource lands" (RCW 36.70A.040(3)(b). Table 1 shows the current Natural Resource-designated lands for Pend Oreille County. Federal, state, local government and tribal lands are not currently designated as County NR lands. However, many of these lands support natural resources uses and industries, and function as lands of long-term commercial significance.

# Table 1Existing Natural Resource Designated Lands

Natural Resource Lands	Acreage
Designated Timber	216,880
Designated Agricultural	31,651
Mineral Lands (Overlay)	1,353

Source: Pend Oreille County GIS, 2020.

Pend Oreille County is re-revaluating all Natural Resource lands in the County, including publicly owned and Public Land (PL) designated parcels. The County has an existing PL designation that is

expected to be going away as part of the 2020 Comprehensive Plan update process, with these lands being re-designated as other land use types. The PL designated lands currently include a variety of uses; these lands are being designated as other uses more appropriate to the parcel, including NR. Federal and state land with forestry production and livestock grazing uses are also going to be designated as NR to more accurately characterize the total area of NR lands in the County. Additionally, the Tribal Land designation has been reviewed and updated, and some lands are being re-designated as NR, as applicable.

A majority of the land in Pend Oreille County (over 60 percent) is publicly owned; Figure 1<sup>1</sup> in Attachment 1 shows the publicly owned lands in Pend Oreille County. For additional background information, Figure 2 shows annual average precipitation across the County; however, precipitation was determined not to be an applicable factor for considering whether land use should or should not be changed to NR in this evaluation.

A primary consideration for all resource lands is that the designated land must have long-term commercial significance. Long-term commercial significance is defined in RCW 36.70A.030 and WAC 365-190-030: "Long-term commercial significance includes the growing capacity, productivity, and soil composition of the land for long-term commercial production for forest and agricultural products, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land" (RCW 36.70A.030(13); WAC 365-190-030(11)). WAC 365-190-030 continues its definition: "Long-term commercial significance means the land is capable of producing the specified natural resources at commercially sustainable levels for at least the twenty-year planning period, if adequately conserved" (WAC 365-190-030(11)).

Each resource land type has minimum guidelines provided in WAC 365-190 to assist counties in classifying and designating resource lands. The following sections go through the minimum guidelines in WAC 365-190 and the approach used to follow the guidelines.

#### **Agricultural Land Use**

Minimum guidelines for classifying and designating agricultural lands are established in WAC 365-190-050. The following sections go through the minimum guidelines in WAC 365-190-050 and the approach being used to follow the guidelines.

#### Classification/Designation Approach

WAC 365-190-050(1) states that "counties must approach the effort as a county-wide or area-wide process. Counties...should not review resource lands designations solely on a parcel-by-parcel process. Counties...must have a program for the transfer or purchase of development rights prior to designating agricultural resource lands in urban growth areas. Cities are encouraged to coordinate

<sup>&</sup>lt;sup>1</sup> All figures were prepared by Pend Oreille County GIS and are included as an attachment to this memorandum.

their agricultural resource lands designations with their county and any adjacent jurisdictions" (WAC 365-190-050(1)).

The first part of this guideline (county-wide/area-wide process) is met because analyses and approaches developed in the following sections of this memorandum are applied county-wide as part of the review process to determine if agricultural land designations need revisions. Individual parcels are not evaluated in this process.

No lands are being designated as agricultural resource lands in urban growth areas, so a program to transfer or purchase development rights is not required by Pend Oreille County.

#### **Development Regulations**

WAC 365-190-050(2) states that counties "must adopt development regulations that assure the conservation of agricultural resource lands" (WAC 365-190-050(2)). Pend Oreille County has adopted regulations to meet this guideline; these regulations are coded in Pend Oreille County Development Regulations Titles XX.26.050 (B)(1)(b) and 070(A)(3), XX.44.030(A)(7) and XX.64.060(B)(%). These regulations discuss notifications, allowable and unallowable uses, uses requiring permits, and limitations on residential uses adjacent to resource lands.

#### **Designation Factors**

WAC 365-190-050(3) states that "lands should be considered for designation as agricultural resource lands based on three factors:" 1) specifically is not characterized by urban growth, 2) is used or is capable of being used for agricultural production, and 3) has long-term commercial significance for agriculture. Each of these factors are described in more detail and analyzed below.

#### **Urban Growth**

WAC 365-190-050(3)(a) states that lands should be considered for agricultural resource designation if "the land is not already characterized by urban growth" (WAC 365-190-050(3)(a)). Urban growth areas are characterized in WAC 365-196-310. Figures 3A, 3B and 3C show the areas in Pend Oreille County characterized by urban growth.

These urban growth areas mapped in Figures 3A – 3C are not under consideration as agricultural resource lands for this analysis.

#### **Production Capability**

WAC 365-190-050(3)(b) states that lands should be considered for agricultural resource designation if "the land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics" (WAC 365-190-050(3)(b)). Production capability is further detailed that lands currently used or capable to be used for agricultural production "must be evaluated for designation" (WAC

365-190-050(3)(b)(i)), and that counties "shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides" (WAC 365-190-050(3)(b)(ii)).

The NRCS land-capability classification divides soil types into 8 classes. Classes 1 through 4 are generally suitable for cultivation, while Classes 5 to 8 are generally not suitable for cultivation. However, with certain types of land management, Classes 5 to 7 could be used for agriculture. Classes are different for the same soil type for irrigated and non-irrigated lands. Nearly all (greater than 99 percent) agricultural landcover is non-irrigated (White Bluffs Consulting 2018), so the non-irrigated land capability class was used for all areas. Figure 4 maps the NRCS land-capability classification for Pend Oreille County, splitting the classes into suitable, suitable with management, and non-suitable land for cultivation.

Figure 4 shows that nearly all of the agricultural lands either with identified crops or enrolled in the tax program as agriculture are located in areas that are suitable (soil classes 1 through 4) or can be suitable for agricultural use with certain types of land management (soil classes 5 through 7).

This mapping procedure is done as an initial step to check the potential for areas to be well-suited for addition or removal from agricultural resource land designation, as one consideration in the evaluation process. It is determined that there is much more area of suitable or suitable with management land than is currently in agricultural production and/or the tax classification, making this information not as helpful as a determination factor. Much of the land that is suitable or suitable with management is also in timber designated NR land supporting forestry production, and it is also used for summer grazing.

#### Long-term Commercial Significance

WAC 365-190-050(3)(c) states that lands should be considered for agricultural resource designation if "the land has long-term commercial significance for agriculture" (WAC 365-190-050(3)(c)). As part of determining this, counties should consider classification of prime and unique farmland soils, availability of public facilities including roads used in transporting agricultural products, tax status, public service availability, proximity to urban growth areas, predominant parcel size, land use settlement patterns, intensity of nearby land uses, history of nearby land development permits, land values under alternative uses, and proximity to markets (WAC 365-190-050(3)(c)). The considerations employed in this analysis are described in the following order:

- Parcel Size
- Tax Status
- Public Facilities and Proximity to Markets
- Nearby Urban Growth Areas, Settlement Patterns, Land Use, Land Values, and Development Permits

#### • Prime Farmlands

#### Parcel Size

Agricultural lands must be large enough in area to have long-term commercial significance. An analysis was completed that compares parcel size to land use designation with a threshold of 10 acres assumed to be needed to be long-term commercially significant, acknowledging that smaller acreages could be adequate for certain high value crops, but these crops are typically not grown in the County. According to USDA, the primary crops in the County are hay, seed crops and pasture for grazing (2012). The County has less than 1000 acres of irrigated agricultural lands (White Bluffs Consulting 2018). County land use designations for smaller parcels or for rural development allow for development of these higher value crops, if desired by a landowner.

#### Tax Status

Parcels in agricultural resource land tax status were compared with areas that are currently growing agricultural crops as of the last Washington State Department of Agriculture survey.

Generally, the tax status covers a little bit more than the current agriculture crop locations in Pend Oreille County, but this is likely explained by area that is also used for grazing without a designated crop type. Tax status was considered an appropriate indicator for areas that should be considered for agricultural resource land designation.

#### Public Facilities and Proximity to Markets

Most areas in Pend Oreille County have sufficient facilities available for transportation of agricultural goods, except for some seasonal closures, such that they are not limiting to long-term commercial significance. Some areas were considered for reclassification from NR to other designations if they front highways or major roads, consistent with existing County zoning criteria in its development regulations (XX.26.030). Other lands that were not classified as NR were recommended as such using the same criteria.

In terms of proximity to markets, most areas are relatively close to markets such that this element does not limit an area's long-term commercial significance.

#### Prime Farmlands

Some farmlands are designated as prime farmland, farmland of statewide importance or farmland of unique importance. These areas are mapped in Figure 5. Prime, statewide important and unique important farmland are reviewed with previous elements listed to determine if any areas should be designated as agricultural resource land.

Some prime farmland areas are already designated as Natural Resource lands but not necessarily identified as agricultural land; some areas are identified as timber NR land. Statewide important and unique important farmland are mostly designated as NR, in either agricultural or timber use.

#### Food Security

WAC 365-190-050(4) states that "counties may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods (WAC 365-190-050(4)).

Pend Oreille County does not explicitly consider food security issues as Pend Oreille County is a net importer of agriculture food products other than perhaps beef. This element was reviewed to ensure food security is not a concern for the area.

#### Sufficiency

WAC 365-190-050(5) states that "the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities" (WAC 365-190-050(5)).

The sufficiency of agricultural resource lands is met as the agricultural resource areas proposed for designation will increase over currently designated lands.

#### Local Importance

WAC 365-190-050(5) states that "counties...may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service agency" (WAC 365-190-050(5)).

No additional areas of local importance have been identified.

#### **Forestland Use**

Minimum guidelines for classifying and designating forest resource lands are established in WAC 365-190-060. The following sections go through the minimum guidelines in WAC 365-190-060 and the approach being used to follow the guidelines.

#### Classification/Designation Approach

WAC 365-190-060(1) states that "counties must approach the effort as a county-wide or regional process. Counties...should not review resource lands designations solely on a parcel-by-parcel basis. (WAC 365-190-060(1)).

This guideline is met because analyses and approaches developed in this memorandum are applied county-wide as part of the review process to determine if forestland designations need revisions. Individual parcels are not evaluated in this process.

#### **Designation Factors**

WAC 365-190-060(2) states that "lands should be designated as forest resource lands of long-term commercial significance based on three factors:" 1) the land is not characterized by urban growth, 2) the land is used or capable of being used for forestry production, and 3) the land has long-term commercial significance (WAC 365-190-060(2)). Each of the factors are discussed below.

#### **Urban Growth**

WAC 365-190-060(2)(a) states that lands should be considered for forest resource designation if "the land is not already characterized by urban growth" (WAC 365-190-060(2)(a)). Urban growth areas are characterized in WAC 365-196-310. Figures 3A – 3C shows the areas in Pend Oreille County already characterized by urban growth. These urban growth areas mapped in these figures were not under consideration as forest resource lands for this analysis.

#### Land Capability

WAC 365-190-060(2)(b) states that lands should be considered for forest resource designation if "the land is capable of being used for forestry production" (WAC 365-190-060(2)(a)). These capabilities are primary based on physical and geographic characteristics.

In general, the land in Pend Oreille County currently designated for forest land has the physical and geographic characteristics to be used for forestry production, with much of it under forestry production.

#### Long-term Commercial Significance

WAC 365-190-060(2)(c) states that the lands should have "long-term commercial significance." Lands with long-term commercial significance for forestry production considers local physical, biological, economic, and land use (WAC 365-190-060(2)(c)).

As described in the section discussing land capability, land in Pend Oreille County currently designated for forest land has the characteristics suitable for long-term commercial significance.

#### Other Considerations

WAC 365-190-060 provides other elements to consider for forest resource land designation, including retaining benefits, public facility availability, proximity to urban, suburban, and rural areas, parcel size, tax status, and compatibility and history of nearby land use patterns.

An analysis was completed that compares parcel size to land use designation with a threshold of 10 acres assumed to be needed to be long-term commercially significant, acknowledging that smaller acreages may be adequate for certain forested areas.

Tax status was also compared against physical and geographic characteristics appropriate for forestry production. In general, parcels with a timber tax status that are 10 acres or larger in size were

found to be land appropriate for forestry production and should be included as forest lands in the Natural Resource land use designation. Parcels smaller than 10 acres may contribute periodically also to the forest economy in the County but the uncertainty associated with whether they regularly would be harvested kept these lands from being included as lands of long-term commercial significance.

#### **Mineral Land Use**

Minimum guidelines for classifying and designating mineral resource lands are established in WAC 365-190-070. The following sections go through the minimum guidelines in WAC 365-190-070 and the approach being used to follow the guidelines.

#### Classification/Designation Approach

WAC 365-190-070(1) states that "counties must approach the effort as a county-wide or regional process. Counties...should not review mineral resource lands designations solely on a parcel-by-parcel basis" (WAC 365-190-070(1)).

This guideline is met because analyses and approaches developed in this memorandum are applied county-wide as part of the review process to determine if mineral designations need revisions.

#### Classification Criteria

WAC 365-190-070(2) states that mineral resource lands should be classified "from which the extraction of minerals occurs or can be anticipated" (WAC 365-190-070(2)). Classification criteria are described in WAC 365-190-070(3) and are "based on geologic, environmental, and economic factors, existing land uses, and land ownership" (WAC 365-190-070(3)(a)). Lands with sand, gravel, and valuable metallic substances should be classified if they have potential long-term commercial significance for extracting (WAC 365-190-070(3)(b)). Figure 6maps the minerals with resource lands in Pend Oreille County.

#### Recommendations

Using the information presented in previous sections, several hundred parcels outside of City and Town limits and UGAs in Pend Oreille County should be considered for reclassification, with some proposed for re-designation as NR and others proposed for removal as NR lands, as depicted in Figure 7 and summarized in this section. The changes in designations were primarily made based on the following criteria:

 Parcel size – parcels less than 10 acres were removed from NR unless NR was the surrounding dominant designation; parcels 10 acres or larger were included in NR if they had an existing ag or timber tax classification and were not surrounded by a predominant other designation, i.e., rural residential

- Existing tax classification
- Existing agricultural or forestry production uses documented
- Consistency with adjacent surrounding uses

Based on this review the following updates are recommended for both private and public lands in Pend Oreille County, increasing the NR-designated lands from 248,531 acres to 806,591 acres.

#### Private Lands

There are currently 248,531 acres of parcels zoned either NR20 or NR40. This draft future land use updated NR designation map identifies 250,141 acres of private land that would be designated NR designated parcels, which would be an increase of 1,610 acres over current NR-zoned private lands.

#### Public and Tribal Lands

There are 556,450 acres under public (federal, state and local) and tribal ownership that are proposed to be designated as NR, noting all these will become one NR designation in the final version of this map.

Additionally, Public Land is currently a separate zone, but this zoning and land use designation is being recommended to go away as part of the 2020 update, with the vast majority being designated as NR. A small percentage of Public Land will be designated as other draft future land use designations (such as Parks and Recreation, Rural, Rural Residential or other).

#### References

Revised Code of Washington (RCW) 36.70A. Available online at

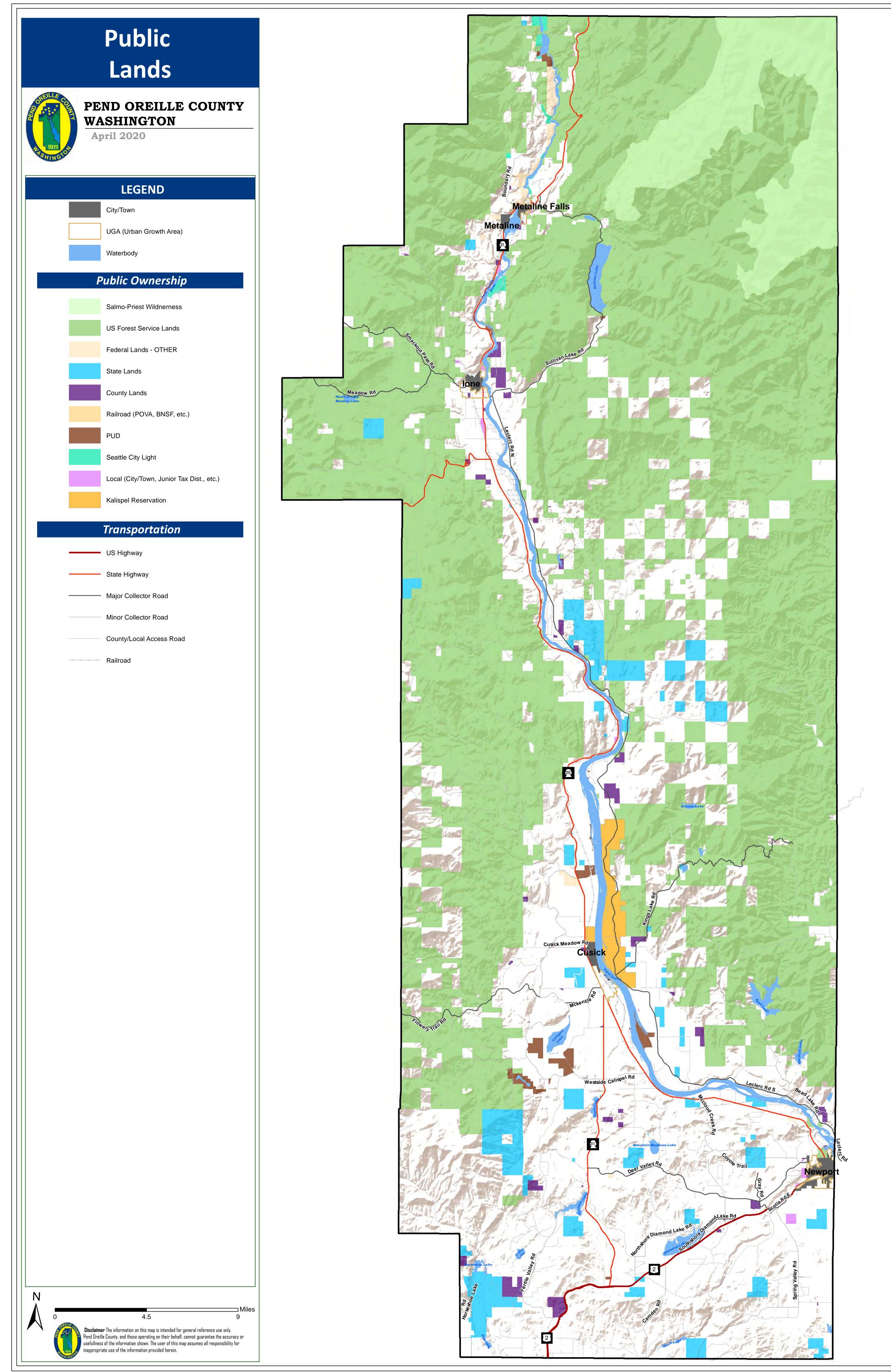
http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A. Accessed September 18, 2019.

- United States Department of Agriculture, 2012. Census of Agriculture: County Profile Pend Oreille County, Washington.
- Washington Administrative Code (WAC) 365-190. Available online at <u>http://app.leg.wa.gov/WAC/default.aspx?cite=365-190</u>. Accessed September 18, 2019.
- White Bluffs Consulting 2018. Pend Oreille County Voluntary Stewardship Program (VSP) Work Plan.
   Prepared with assistance from Anchor QEA. Prepared for Pend Oreille County VSP Work
   Group, Pend Oreille County Community Development, and Pend Oreille Conservation
   District. October 2018.

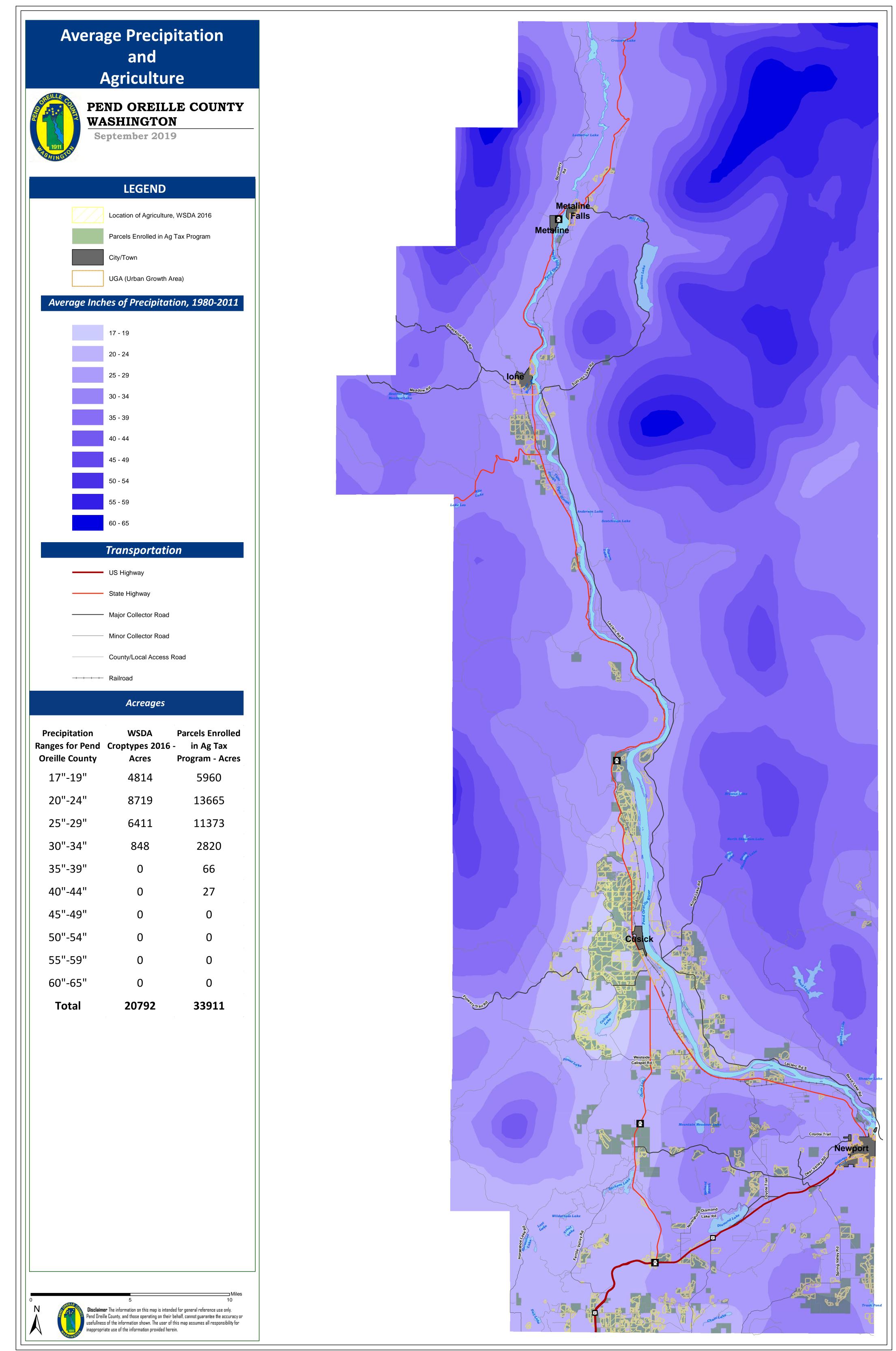


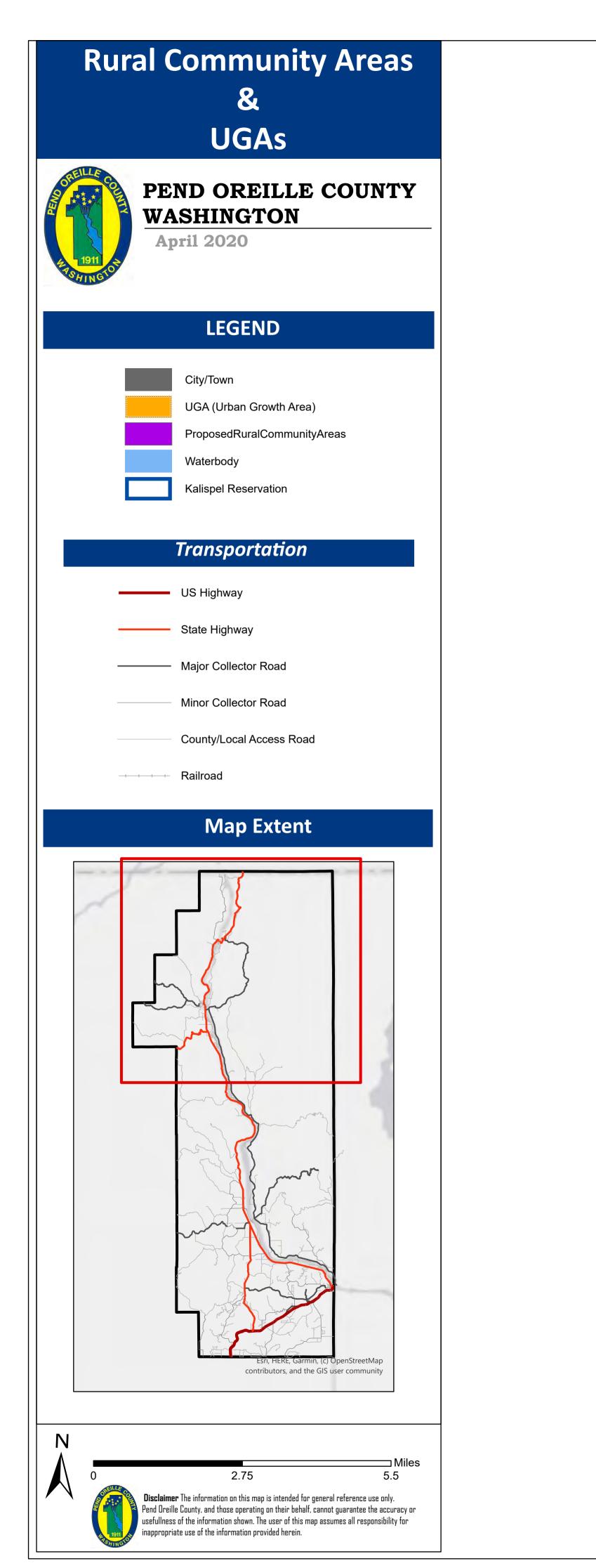
#### Attachment 1 – Map Folio prepared by Pend Oreille County

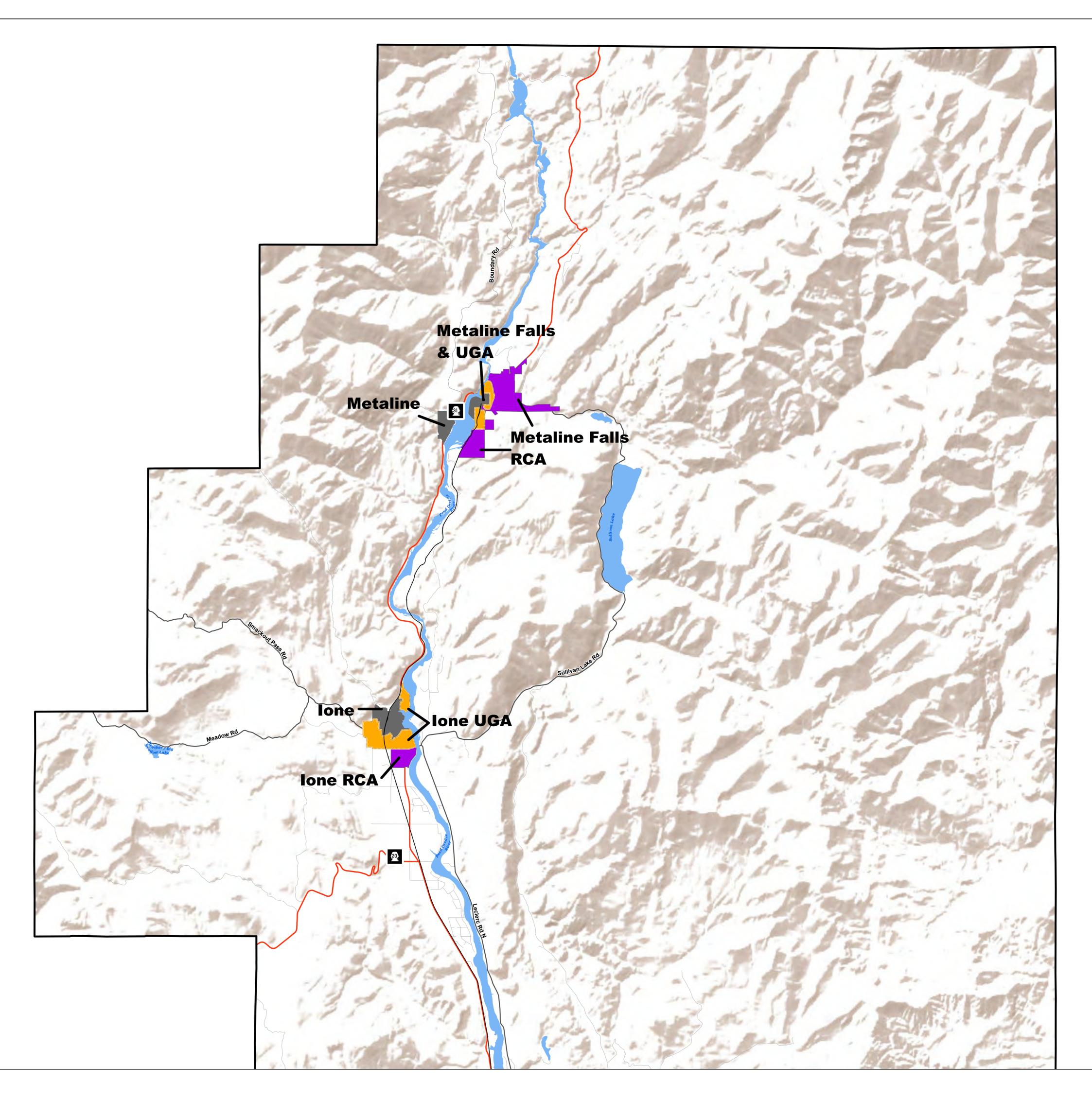
- Figure 1 Public Lands
- Figure 2 Annual Average Precipitation
- Figures 3A 3C: Urban Growth Areas and RCAs
- Figure 4 NRCS Land Capability Classification
- Figure 5 Prime Farmlands
- Figure 6 Mineral Lands Overlay
- Figure 7 Recommended Natural Resource Land Designation Modifications



PATH: C:\Users\cstoddard\Desktop\Offlien Pend Oreille County\MXDs\PendOreilleCo Public Ownership and Transportation 24x36.mxd DATE: 4/7/2020







Sources: Esri, USGS, NOAA

# **Rural Community Areas** & UGAs PEND OREILLE COUNTY WASHINGTON April 2020

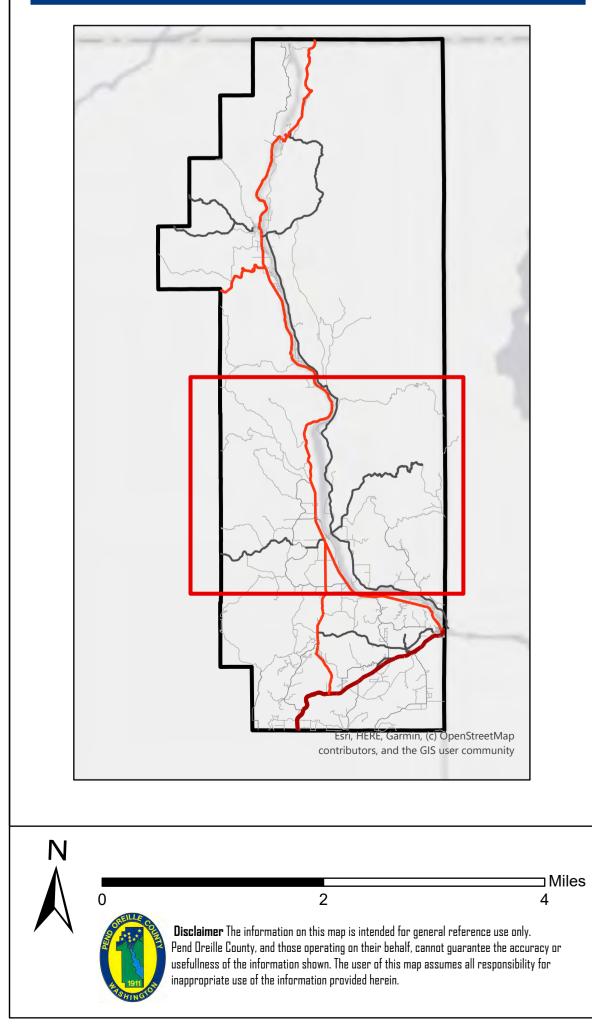
# LEGEND

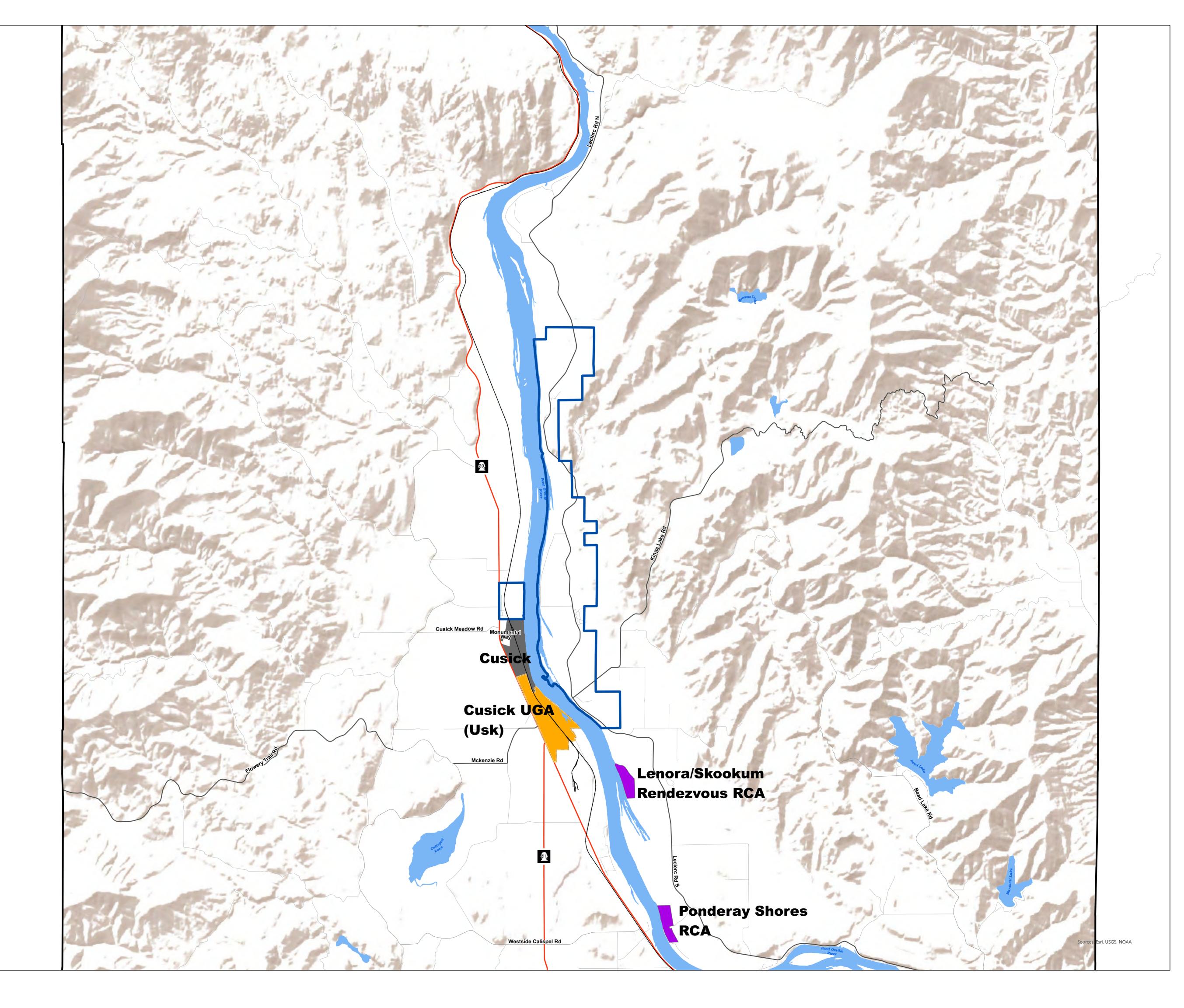
City/Town
UGA (Urban Growth Area)
ProposedRuralCommunityAreas
Waterbody
Kalispel Reservation

# Transportation US Highway

0
 State Highway
 Major Collector Road
 Minor Collector Road
 County/Local Access Road
 Railroad

# Map Extent





# **Rural Community Areas** &

UGAs



# PEND OREILLE COUNTY WASHINGTON

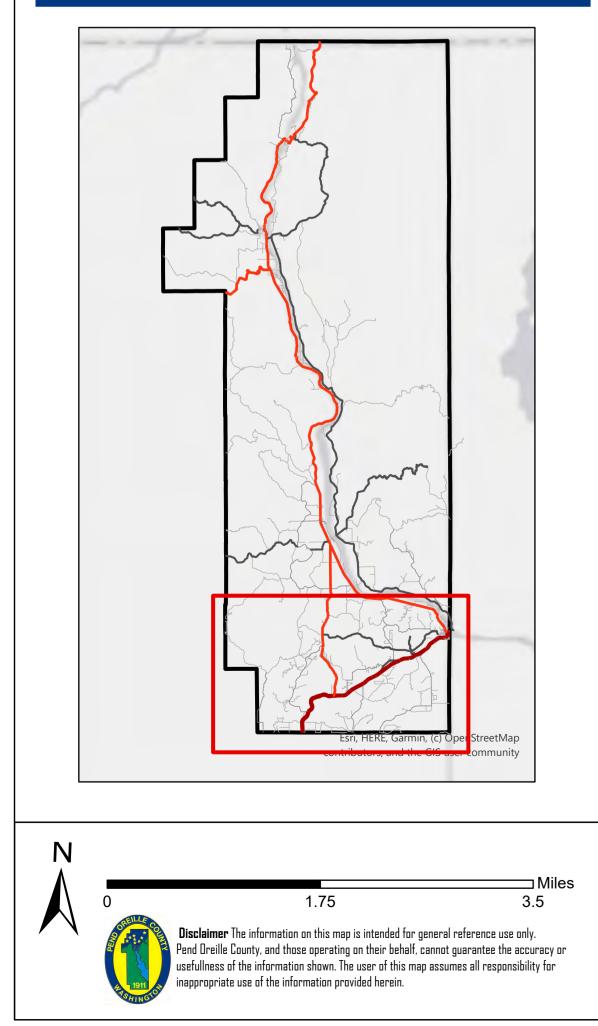
**April 2020** 

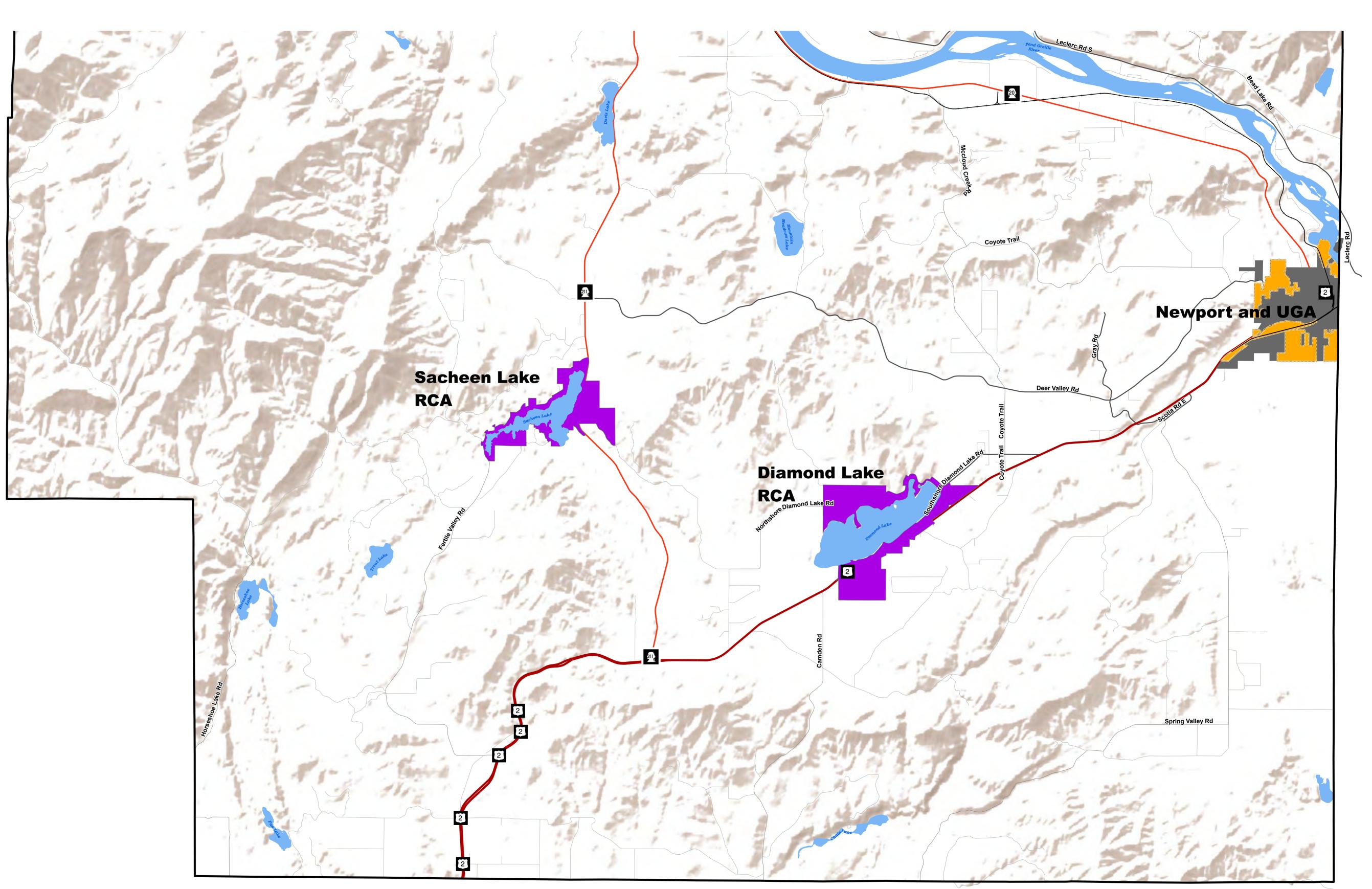
# LEGEND

City/Town
UGA (Urban Growth Area)
ProposedRuralCommunityAreas
Waterbody
Waterbody
Kalispel Reservation

Transportation			
	US Highway		
	State Highway		
	Major Collector Road		
	Minor Collector Road		
	County/Local Access Road		
	Railroad		

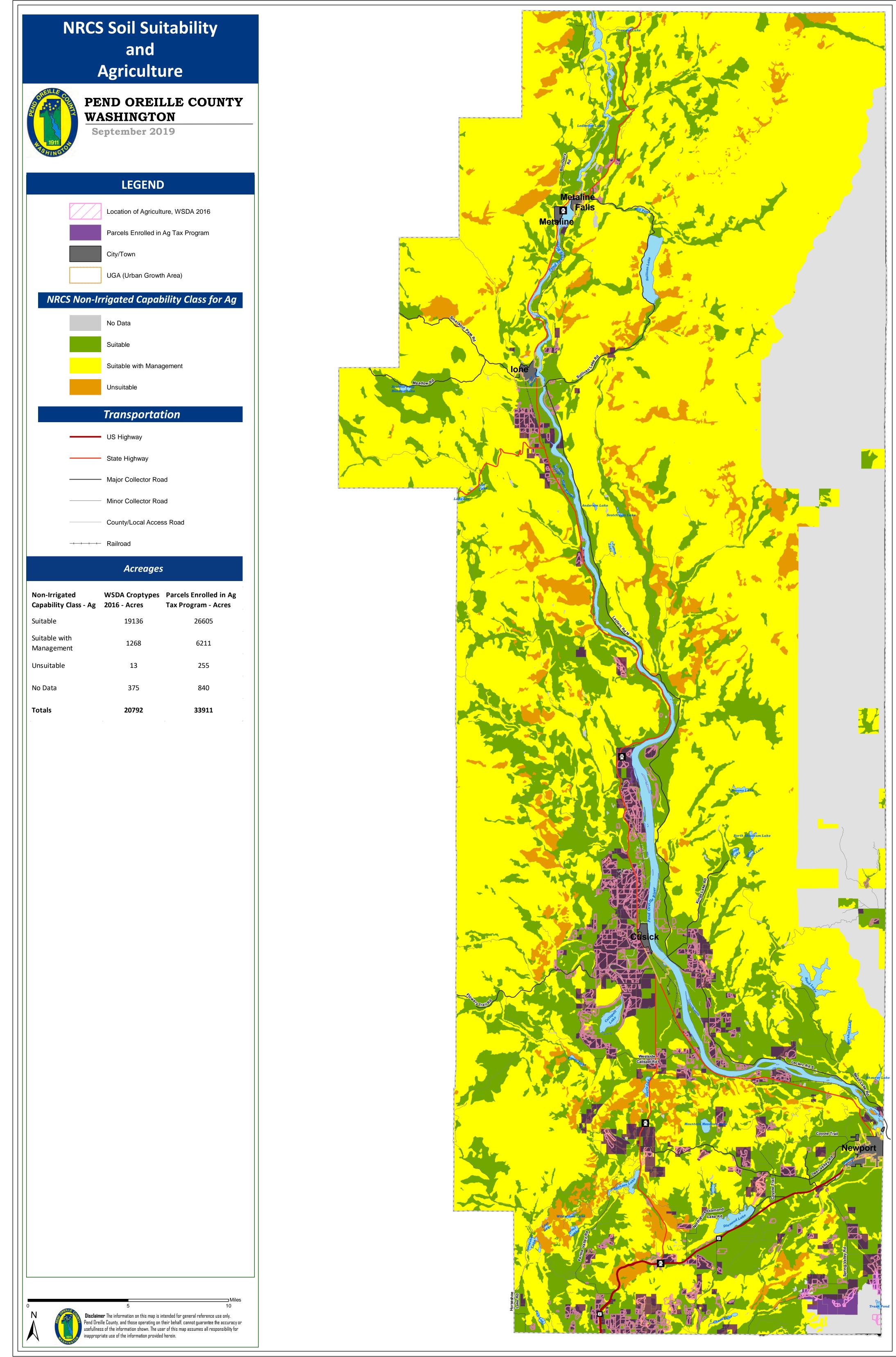
# Map Extent

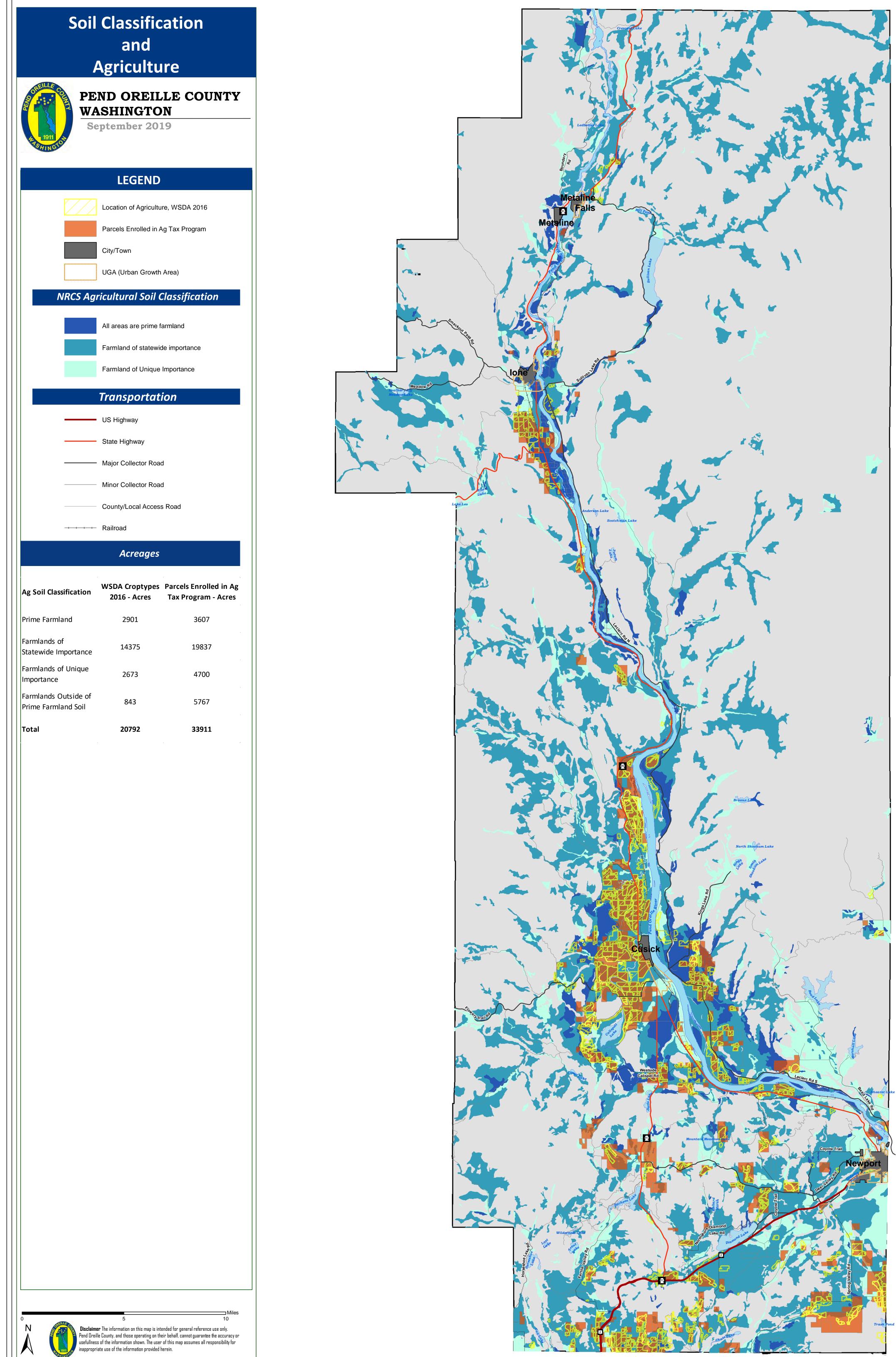




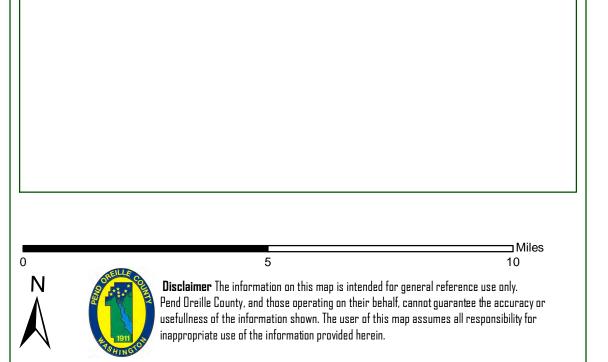


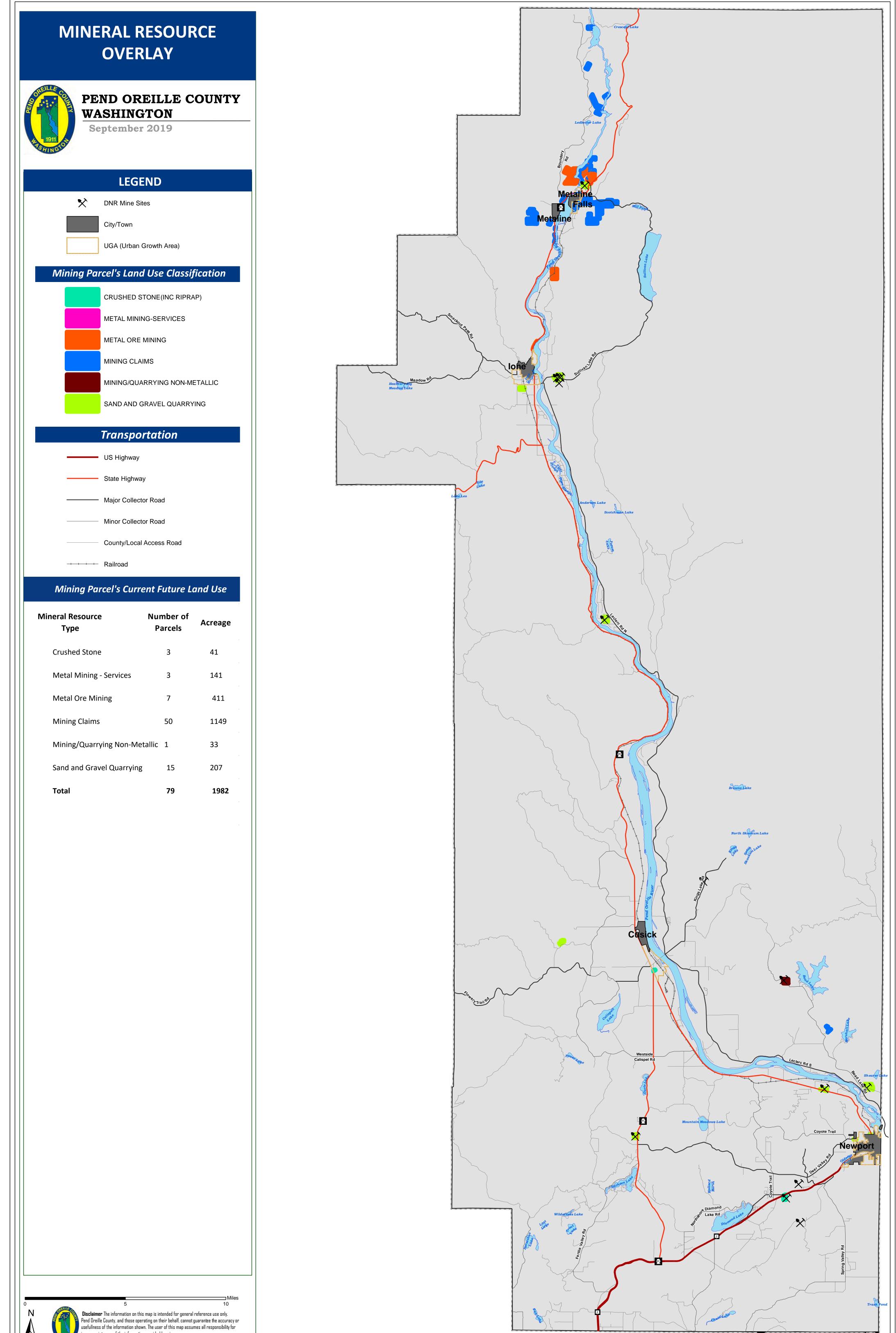
Sources: Esri, USGS, NOAA



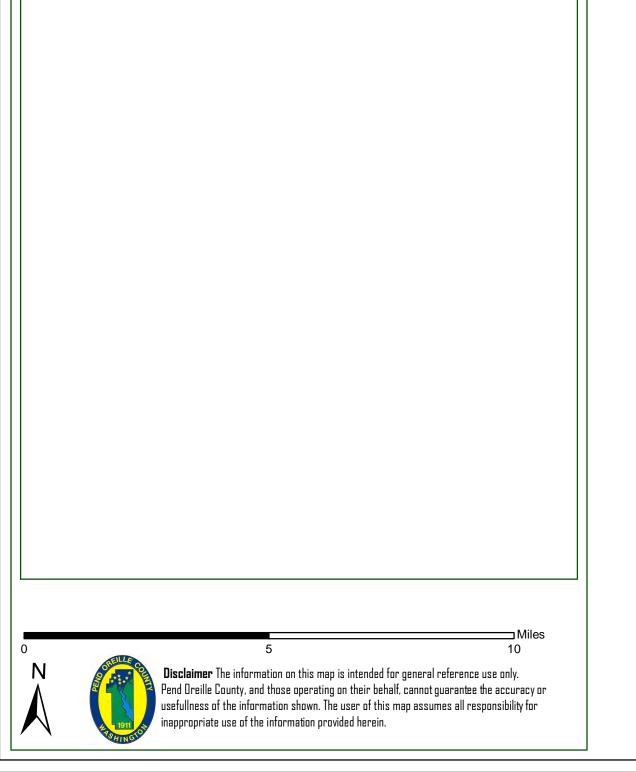


-+ + + +	Railroad				
	Acreages				
Ag Soil Classification		Parcels Enrolled in Tax Program - Acre			
Prime Farmland	2901	3607			
Farmlands of Statewide Importance	14375	19837			
Farmlands of Unique Importance	2673	4700			
Farmlands Outside of Prime Farmland Soil	843	5767			
Total	20792	33911			





Mineral Resource Type	Number of Parcels	Acreage
Crushed Stone	3	41
Metal Mining - Services	3	141
Metal Ore Mining	7	411
Mining Claims	50	1149
Mining/Quarrying Non-Meta	Illic 1	33
Sand and Gravel Quarrying	15	207
Total	79	1982



# Draft Natural Resource Future Land Use Designations



# PEND OREILLE COUNTY WASHINGTON

May 2020

# Draft Natural Resource Designations' Criteria

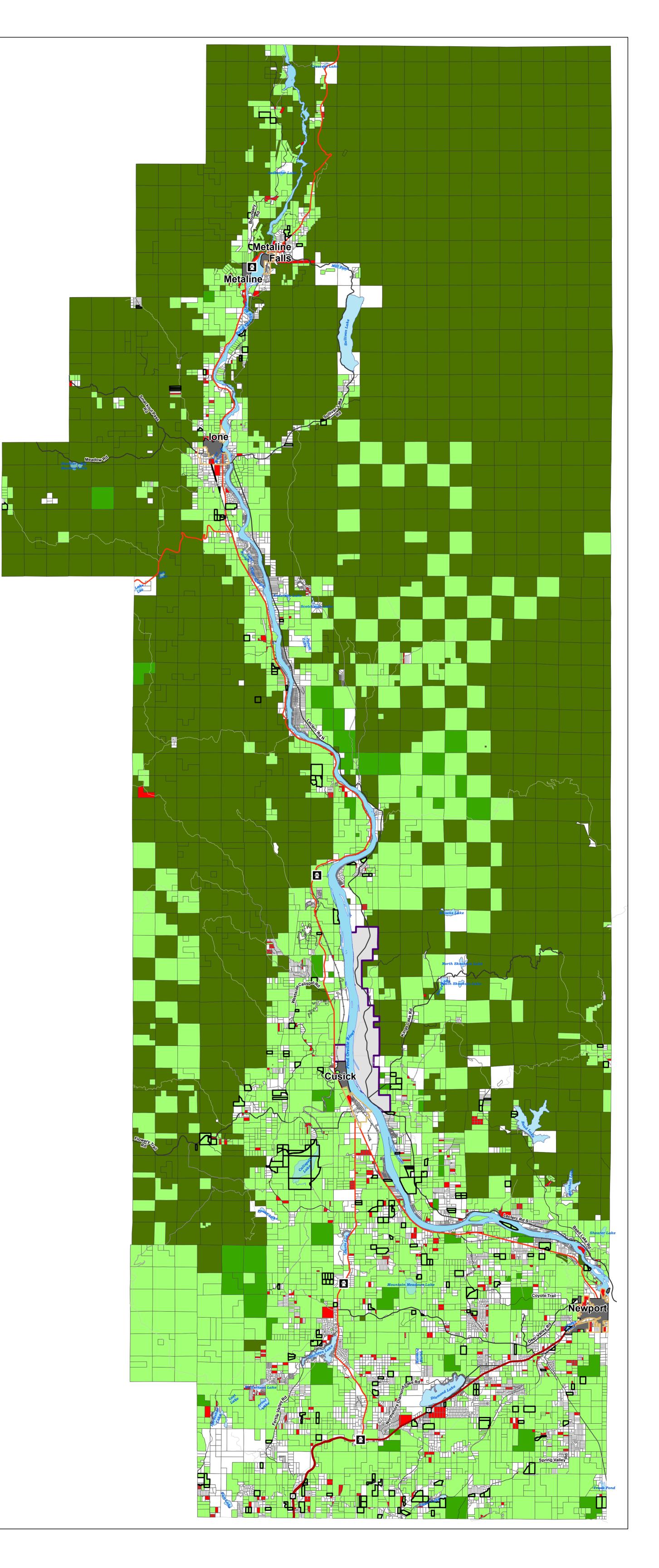
Natural Resource - Federal: Parcels owned by a federal agency and not managed for another purpose (such as Parks and Recreation). Can be any size.

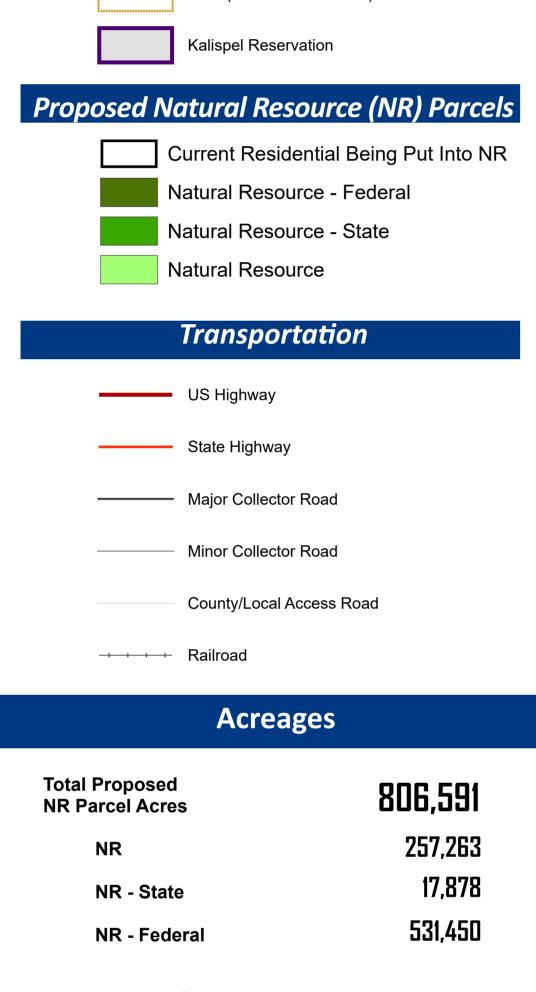
Natural Resource - State: Parcels owned by a state agency and not managed for another purpose (such as Parks and Recreation). Can be any size.

Natural Resource: Parcels enrolled in the timber and/or agricultural tax program that are larger than 10 acres, or listed by the Washington Department of Agriculture has having more than 10 acres of ag activity.

Or parcels of any size owned by local agencies (County, PUD, Seattle City Light) that do not fit into any other future land use designation. Each parcel owned by a local public agency was checked to see its most appropriate designation.

# LEGEND Current NR Parcels Being Taken Out Parcel Boundaries City/Town UGA (Urban Growth Area)





#### PRIVATE LANDS:

There are currently 248,531 acres of parcels zoned either NR20 or NR40. This draft updated Natural Resources (NR) designation map identifies 250,141 acres of private land that would be designated NR, which would be an increase of 1,610 acres over current NR-zoned private lands.

#### PUBLIC LANDS:

The remaining 556,450 acres are lands under public

and tribal ownership that are currently characterized as NR, NR-State, and NR-Federal, noting all these will become one NR designation in the final version of this map.

Additionally, Public Land is currently a separate zone, but this zoning and land use designation is going away as part of the 2020 update. Public land is being reclassified, with the vast majority being designated as NR. A small percentage of Public Land will be designated as other draft future land use designations. (such as Parks and Recreation, Rural Residential, etc.)

