

June 17, 2016

Mr. Mike Lithgow, Director of Community Development
Pend Oreille County
Community Development Department
P.O. Box 5066
Newport, Washington 99156

Dear Director Lithgow:

Subject: Comments on the Proposed Amendment to the Future Land Use Map and Rezone (Wasatch Assoc. proposing to change the designation of 167 acres from NR-20 to R-5).

Sent via U.S. Mail and email to: MLithgow@pendoreille.org

Thank you for the opportunity to comment on the proposed Comprehensive Plan amendment, amending the Future Land Use Map and rezoning 167 acres from NR-20 to R-5. As will be documented below, the property proposed by Wasatch Associates to be de-designated from NR-20 to R-5 continues to qualify for an NR 20 comprehensive plan designation and NR 20 zone. So we recommend that Pend Oreille County deny this application.

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. We have members across Washington State including Pend Oreille County.

The Wasatch Associates property continues to meet the Pend Oreille County criteria for the NR 20 comprehensive plan designation and zone

The NR 20 comprehensive plan designation is a natural resource lands of long-term commercial significance designation.¹ The *Pend Oreille County Comprehensive Plan* sets out three criteria for the Natural Resource Lands 20 (NR 20) comprehensive plan designation and zone.² Here are the Natural Resource Lands 20 criteria quoted from the *Pend Oreille County Comprehensive Plan*:

¹ *Pend Oreille County Comprehensive Plan* pp. 36 – 37 (2014 Update, Adopted 6-09-2015) accessed on June 16, 2016 at: <http://pendoreilleco.org/wp-content/uploads/2015/08/Comp-Plan-Update-Adopted-06-09-2015.pdf> and on the data CD enclosed with the paper original of this letter in the “Other Info” directory with the filename: “Comp-Plan-Update-Adopted-06-09-2015.pdf.”

² *Pend Oreille County Comprehensive Plan* p. 17 (2014 Update, Adopted 6-09-2015).

Factors	Natural Resource Lands 20
Density	1 dwelling unit/20 acres[.]
Relation to road system	Must have approved road access.
Tax Status	Designated as Timber, or Agricultural Lands, or currently in use as a mine.

The Wasatch Associates property, Parcel Number 433708500005, is 426.78 acres and has three dwellings on it.³ This is a density of one dwelling unit per 142 acres. Parcel Number 433708500005 has access onto Le Clerc Road North.⁴ The property was formerly in the Agriculture (Open Space) tax status and in a Designated Forest Land tax status.⁵ So Parcel Number 433708500005 meets the county’s criteria for the NR 20 comprehensive plan designation and zone.

Some may argue by taking Parcel Number 433708500005 out of the Designated Forest Land and the current use agricultural taxation programs the land no longer meets the county’s criteria for the NR 20 comprehensive plan designation and zone. But comprehensive plan’s tax status criterion is “[d]esignated as Timber, or Agricultural Lands, or currently in use as a mine.”⁶ The comprehensive plan uses the past tense, “designated” for tax status.⁷ And as was documented above, these properties were Designated Forest Land and in the agriculture current use taxation program. The comprehensive plan also provides that for mineral resource lands it has to be “currently in use as a mine.”⁸ So the comprehensive plan purposefully distinguishes between the past and present tenses in the designation criteria.

Use of the past tense for the tax status criterion is required by the Growth Management Act. In *Manke Lumber Co., Inc. v. Diehl* the court of appeals upheld using tax status as a criterion for

³ Pend Oreille County Assessor & Treasurer - Property Details - 6 WASATCH ASSOCIATES III\IV for Year 2016 – 2017 pp. *3 – 5 on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Pend Oreille County Assessor & Treasurer - Property Details - WASATCH ASSOC.pdf.” The map showing Parcel Number 433708500005 is on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Map.pdf.”

⁴ Pend Oreille County Community Development Map showing an aerial image of the vicinity on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “Aerial Ddesign Area.pdf.”

⁵ *Id.* at pp. *5 – 6; Pend Oreille County Assessor & Treasurer Property Search Results > 6574 Wasatch Associates III\IV for Year 2013 – 2014 pp. 1 – 3 of 3 on the data CD enclosed with the paper original of this letter in the “2014 Real Property Data” directory with the filename: “433709200001 Pend Oreille County Assessor & Treasurer Property Info.pdf;” Pend Oreille County Assessor & Treasurer Property Search Results > 6516 Wasatch Associates III\IV for Year 2013 – 2014 p. 3 of 3 on the data CD enclosed with the paper original of this letter in the “2014 Real Property Data” directory with the filename: “433708500005 Pend Oreille Co Assessor & Treasurer Property Info.pdf.” Aerial images of the properties are on the data CD enclosed with the paper original of this letter in the “2014 Real Property Data” directory with the filename: “Aerial Image 433709200001 Aerial 2-28-2014 11-41-21 AM.pdf” and the filename: “433708500005 & Vicinity 2-28-2014 11-55-52 AM.pdf.”

⁶ *Pend Oreille County Comprehensive Plan* p. 17 (2014 Update, Adopted 6-09-2015).

⁷ *Id.*

⁸ *Id.*

designating forest land of long-term commercial significance because the criterion “relates back to tax classifications made as of January 31, 1992, thus precluding land owners’ circumvention of [forest land of long-term commercial significance] designations by changing their tax classifications after the October 1, 1993, effective date of the county’s [Interim Resource Ordinance, with which Mason County designated forest lands of long-term commercial significance].”⁹ If the Pend Oreille County Comprehensive Plan allowed potential developers to de-designate agricultural and forest land of long-term commercial significance by changed the land’s tax status, the comprehensive plan would be inconsistent with the court of appeals’ reasoning in the *Manke Lumber Co., Inc. v. Diehl* decision and, therefore, violate the Growth Management Act.

Further, the Pend Oreille County Assessor designated 184.78 acres of Parcel Number 433708500005 as “8100 Agriculture (Not Current Use).”¹⁰ So this land continues to have an “agricultural lands” tax status designation.¹¹

So we see that Parcel Number 433708500005 continues to meet the Pend Oreille County criteria for the NR 20 comprehensive plan designation and zone. Since comprehensive plan amendments must be consistent with the other provisions of the comprehensive plan, the county should deny the proposed comprehensive plan amendment.¹² Rezones must also be consistent with the comprehensive plan so again the county should deny the rezone.¹³

The Wasatch Associates property proposed to be de-designated continues to meet the Growth Management Act criteria for agricultural land of long-term commercial significance

The Growth Management Act has a three-part test for designating agricultural lands. As the Washington State Supreme Court wrote:

¶ 17 In sum, based on the plain language of the GMA and its interpretation in *Benaroya I*, we hold that agricultural land is land: (a) not already characterized by urban growth (b) that is primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics, *and* (c) that has long-term commercial significance for agricultural production, as indicated by soil,

⁹ *Manke Lumber Co., Inc. v. Diehl*, 91 Wn. App. 793, 808, 959 P.2d 1173, 1181 (1998) *review denied Manke Lumber Co., Inc. v. Diehl*, 137 Wn.2d 1018, 984 P.2d 1033 (1999).

¹⁰ Pend Oreille County Assessor & Treasurer - Property Details - 6 WASATCH ASSOCIATES III\IV for Year 2016 – 2017 p. *5.

¹¹ *Pend Oreille County Comprehensive Plan* p. 17 (2014 Update, Adopted 6-09-2015).

¹² RCW 36.70A.070.

¹³ RCW 36.70A.130(1)(d).

growing capacity, productivity, and whether it is near population areas or vulnerable to more intense uses.¹⁴

We will now analyze each of these factors for the Wasatch Associates property proposed to be de-designated.

The land is not already characterized by urban growth

The Wasatch Associates property, Parcel Number 433708500005, is 426.78 acres and has three dwellings on it.¹⁵ This is a density of one dwelling unit per 142 acres and is not an urban density. The *Pend Oreille County Comprehensive Plan* includes four rural comprehensive plan designations with a range of densities from one dwelling unit per 40 acres to one dwelling unit per five acres.¹⁶ The density on Parcel Number 433708500005 is much lower than these rural densities and so houses at this density are not urban growth or urban development.¹⁷ This parcel also does not have other forms of urban development on it.¹⁸ So this parcel is not characterized by urban growth.

Primarily devoted commercial production of agricultural products

The Supreme Court has stated this criterion:

We hold land is “devoted to” agricultural use under RCW 36.70A.030 if it is in an area where the land is actually used or capable of being used for agricultural production. Indeed, support for this definition of “devoted to” is found in dictionary treatment of the term. One of the primary meanings of “devote” is to “set apart or dedicate by a solemn or formal act.” Random House Unabridged Dictionary 544 (2d ed. 1993). The land in this case was set apart for agricultural use by longstanding zoning. While the land use on the particular parcel and the owner's intended use for the land may be considered along with other factors in the determination of whether a parcel is in an area primarily devoted to commercial agricultural production, neither current use

¹⁴ *Lewis County v. Western Washington Growth Management Hearings Bd.*, 157 Wn.2d 488, 502, 139 P.3d 1096, 1103 (2006) emphasis in the original.

¹⁵ Pend Oreille County Assessor & Treasurer - Property Details - 6 WASATCH ASSOCIATES III\IV for Year 2016 – 2017 pp. *3 – 5 on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Pend Oreille County Assessor & Treasurer - Property Details - WASATCH ASSOC.pdf;” the map showing parcel 433708500005 on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Map.pdf;” and the Pend Oreille County Community Development Map showing an aerial image of the vicinity on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “Aerial Dedeign Area.pdf.”

¹⁶ *Pend Oreille County Comprehensive Plan* p. 17 (2014 Update, Adopted 6-09-2015).

¹⁷ Pend Oreille County Assessor & Treasurer - Property Details - 6 WASATCH ASSOCIATES III\IV for Year 2016 – 2017 pp. *1 – 6.

¹⁸ Pend Oreille County Assessor & Treasurer Property Search Results > 6516 Wasatch Associates III\IV for Year 2013 – 2014 pp. 1 – 3 of 3; Pend Oreille County aerial photograph for Parcel Number 433708-50-0005.

nor land owner intent of a particular parcel is conclusive for purposes of this element of the statutory definition.¹⁹

In *Benaroya I*, the land met the GMA definition of agricultural lands of long-term commercial significance because it was “both currently zoned agricultural and suitable by soil type for agricultural uses.”²⁰ The Wasatch Associates property, Parcel Number 433708500005, is currently zoned in an agricultural zone, the NR 20 zone.²¹

The Wasatch Associates property proposed to be de-designated also has soils suitable for agricultural uses. All of the soils on the land proposed to be de-designated are prime farmland or farmland of statewide significance soils.²² “Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water).”²³ Farmland of statewide importance “is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops.”²⁴ “Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable.”²⁵

Another measure of the land’s suitability for agriculture is the land capability rating system. As the soil map and soil descriptions enclosed on the data CD with this letter documents, all of

¹⁹ *City of Redmond v. Cent. Puget Sound Growth Mgmt. Hearings Bd. (Benaroya I)*, 136 Wn. 2d 38, 53, 959 P.2d 1091, 1097 – 98 (1998) (footnote omitted).

²⁰ *Benaroya I*, 136 Wn.2d at 58, 959 P.2d at 1100.

²¹ Zoning Map Parcel Number 433708500005, in the on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Map.pdf.”

²² USDA Natural Resources Conservation Service, Soil Map—Pend Oreille County Area, Washington (Wasatch Dedications 2016) p. 3 of 3; USDA Natural Resources Conservation Service, Map Unit Description: Angelen silt loam, 0 to 7 percent slopes – Pend Oreille County Area, Washington; USDA Natural Resources Conservation Service, Map Unit Description: Angelen silt loam, 7 to 15 percent slopes – Pend Oreille County Area, Washington; USDA Natural Resources Conservation Service, Map Unit Description. All included on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “20160616_22012310816_14_Soil_Map Wasatch 2016 Dedications.pdf.”

²³ 7 CFR § 657.5(a)(1). 7 CFR § 657.5(a), goes into detail on the criteria for prime farmland. 7 CFR § 657.5 was accessed on June 16, 2016 at: <https://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol6/pdf/CFR-2013-title7-vol6-sec657-5.pdf> and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “CFR-2013-title7-vol6-sec657-5.pdf.”

²⁴ 7 CFR § 657.5(c).

²⁵ U.S. Department of Agriculture, Natural Resources Conservation Service, *National soil survey handbook, title 430-VI* p. 622-16 (2013) accessed on June 16, 2016 at:

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/ref/?cid=nrcs142p2_054241 and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “nrcs142p2_052852.doc.”

the land proposed to be de-designated has Land Capability 3 and 4 soils.²⁶ These are agriculturally productive soils.²⁷

The aerial images and the current “agriculture” tax status show that this land is used for agriculture.²⁸ The Washington State Department of Agriculture’s (WSDA) Agricultural Land Use inventory showed that this land was farmed in 2015, the most recent data available.²⁹ So the land proposed for being de-designated is primarily devoted to agricultural use.

Long-term commercial significance

This term is defined by the Growth Management Act (GMA) in RCW 36.70A.030(10): “Long-term commercial significance’ includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.” All of the soils on the land proposed to be de-designated are prime farmland or farmland of statewide significance soils.³⁰ All of the land proposed to be de-designated has Land Capability

²⁶ USDA Natural Resources Conservation Service, Soil Map—Pend Oreille County Area, Washington (Wasatch Dedesignation 2016) p. 3 of 3; USDA Natural Resources Conservation Service, Map Unit Description: Angelen silt loam, 0 to 7 percent slopes – Pend Oreille County Area, Washington; USDA Natural Resources Conservation Service, Map Unit Description: Angelen silt loam, 7 to 15 percent slopes – Pend Oreille County Area, Washington; USDA Natural Resources Conservation Service, Map Unit Description. All included on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “20160616_22012310816_14_Soil_Map Wasatch 2016 Dedesignation.pdf.”

²⁷ USDA Natural Resources Conservation Service Minnesota, *Land Capability Classes* webpage p. 1 accessed on June 17, 2016 at: http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/technical/dma/nri/?cid=nrcs142p2_023556 and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “Land Capability Classes.pdf.”

²⁸ Pend Oreille County Assessor & Treasurer - Property Details - 6 WASATCH ASSOCIATES III\IV for Year 2016 – 2017 p. *5 on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Pend Oreille County Assessor & Treasurer - Property Details - WASATCH ASSOC.pdf;” the map showing parcel 433708500005 is on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Map.pdf;” and the Pend Oreille County Community Development Map showing an aerial image of the vicinity is on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “Aerial Dedesign Area.pdf.”

²⁹ Accessed most recently on June 16, 2016 at <https://nras.maps.arcgis.com/apps/webappviewer/index.html?id=3d61db30686d467ea6f5e0197be32b25> and enclosed on the data CD included with the paper original in the “Ag Data” directory with the filename: “2015 WSDA Agricultural Land Use.” The WSDA “Agricultural Land Use” webpage summarizes how this data is obtained and was last accessed on June 16, 2016 at: <http://agr.wa.gov/pestfert/natresources/aglanduse.aspx> and is enclosed on the data CD included with the paper original in the “Ag Data” directory with the filename: “aglanduse.pdf.”

³⁰ USDA Natural Resources Conservation Service, Soil Map—Pend Oreille County Area, Washington (Wasatch Dedesignation 2016) p. 3 of 3; USDA Natural Resources Conservation Service, Map Unit Description: Angelen silt loam, 0 to 7 percent slopes – Pend Oreille County Area, Washington; USDA Natural Resources Conservation Service, Map Unit Description: Angelen silt loam, 7 to 15 percent slopes – Pend Oreille County Area, Washington; USDA Natural Resources Conservation Service, Map Unit Description. All included on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “20160616_22012310816_14_Soil_Map Wasatch 2016 Dedesignation.pdf.”

3 and 4 soils.³¹ So this land meets the growing capacity, productivity, and soil composition criterion.

Parcel Number 433708500005 is 426.78 acres.³² Farms of this size are fairly common in Pend Oreille County.³³ Pend Oreille farmers have good access to markets, shipping 60 percent of their hay to foreign countries.³⁴ Pend Oreille farmers and ranchers have easy access to the livestock markets in the Spokane area.³⁵ The 2012 Census of Agriculture shows the market value of agricultural products sold in Pend Oreille County increased 40 percent between 2007 and 2012, going from \$2,818,000 in 2007 to \$3,954,000 in 2012.³⁶

This area is 1.27 miles away from and across the river from the Town of Ione.³⁷ Due to a lack of water and other factors the more intense use of the land may not be possible.³⁸

³¹ *Id.*

³² Pend Oreille County Assessor & Treasurer - Property Details - 6 WASATCH ASSOCIATES III\IV for Year 2016 – 2017 p. *5 on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Pend Oreille County Assessor & Treasurer - Property Details - WASATCH ASSOC.pdf;” the map showing parcel 433708500005 is on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “433708500005 Map.pdf;” and the Pend Oreille County Community Development Map showing an aerial image of the vicinity is on the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory with the filename: “Aerial Dedeign Area.pdf.”

³³ United States Department of Agriculture, National Agricultural Statistics Service, *2012 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-12-A-47 Chapter 2 County Data Table 8: Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2012 and 2007 p. 274 (May 2014)*. Accessed on June 17, 2016 at:

http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_2_County_Level/Washington/ and the *2012 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-12-A-47* is on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “wav1.pdf.”

³⁴ Stephanie Meenach, Eric L. Jessup, & Kenneth L. Casavant, *Transportation Characteristics and Needs of the Washington Hay Industry: Producers and Processors* p. 10 (Washington State University, School of Economic Sciences, SFTA Research Report #11: November 2004). Accessed on June 17, 2016 at:

http://www.sfta.wsu.edu/research/reports/research_paper.htm and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “Rpt_11_Hay_Study.pdf.”

³⁵ Stephanie Meenach, Eric L. Jessup, & Kenneth L. Casavant, *Transportation and Marketing Needs for the Washington State Livestock Industry* p. 5 (Washington State University, School of Economic Sciences, Strategic Freight Transportation Analysis (SFTA) Research Report #12: November 2004). Accessed on June 17, 2016 at:

http://www.sfta.wsu.edu/research/reports/research_paper.htm and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “Rpt_12_Livestock.pdf.”

³⁶ *2012 Census of Agriculture County Profile Pend Oreille County, Washington* p. *1 accessed on June 17, 2016 at:

http://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/Washington/cp53051.pdf and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the filename: “cp53051.pdf.”

³⁷ Google Earth 7/14/2013 image showing driving distance from the Ione, Washington on the data CD enclosed with the paper original of this letter in the “Other Info” directory with the filename: “Google Earth Image w Distance from Town of Ione 3-5-2014 10-39-31 AM.pdf.”

³⁸ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Pend Oreille Watershed, WRIA 62* p. 1, p. 2, & p. 5 (Publication Number: 11-11-066 (08/11; rev. 08/12) accessed on June 17, 2016 at: <https://fortress.wa.gov/ecy/publications/documents/1111066.pdf> and on the data CD enclosed with the paper original of this letter in the “Other Info” directory with the filename: “1111066.pdf.”

The Tri-County Economic Development District's *Comprehensive Economic Development Strategy 2013 – 2017* includes a cluster analysis that identifies agribusiness, food processing, and technology as one of the industries that Ferry, Pend Oreille, and Stevens Counties have “a reasonable likelihood of attracting and nurturing” to generate wealth for the regional economy.³⁹ So long-term economic trends are favorable for agricultural production in the region. Taking all of these factors into account, this land has long-term commercial significance for the production of agricultural products.

Some may argue that maintaining agricultural land in this area is not needed to protect Washington's agricultural industry. However, the Washington State Department of Agriculture's *Washington Agriculture Strategic Plan 2020 and Beyond* documents the need to conserve agricultural lands to maintain the agricultural industry and the jobs and incomes the industry provides.⁴⁰ As the strategic plan concludes “[t]he future of farming in Washington is heavily dependent on agriculture's ability to maintain the land resource that is currently available to it.”⁴¹ That would include this farmland.

The Wasatch Associates de-designation violates the Growth Management Act because the Natural Resource 20 comprehensive plan de-designation does not take an area-wide approach

In *Futurewise v. Benton County*, the Growth Management Hearings Board (Board) reversed a county de-designation of agricultural lands of long-term commercial significance to put the land in an urban growth area.⁴² The Board wrote:

The Board considers Benton County's de-designation of agricultural lands for this small section of land, in isolation from a much larger County or area-wide study to be inappropriate and, by de-designating lands that qualify as agricultural lands of long term commercial significance, the County violated WAC 365-190-050 and corresponding GMA sections RCW 36.70A.030, RCW 36.70A.050, and RCW 36.70A.170.⁴³

³⁹ Tri-County Economic Development District, *Comprehensive Economic Development Strategy 2013 – 2017* pp. 69 – 70 (Ferry County WA, Pend Oreille County WA, Stevens County WA: June 26, 2013, 2016 update) accessed on http://tricountyedd.com/wp-content/uploads/2013/03/CEDS-2013-2017_2016-Update_Final.pdf and on the data CD enclosed with the paper original of this letter in the “Other Info” directory with the filename: “CEDS-2013-2017_2016-Update_Final.pdf.”

⁴⁰ Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* pp. 50 – 52 (2009) accessed on June 17, 2016 at: <http://agr.wa.gov/fof/> and on the data CD enclosed with the paper original of this letter in the “Ag Data” directory with the with the filename: “FutureofFarmingReport-PrinterFriendly.pdf.”

⁴¹ *Id.* at p. 50.

⁴² *Futurewise v. Benton County*, GMHB Case No. 14-1-0003, Final Decision and Order (Oct. 15, 2014), at 37 of 38 accessed on June 17, 2016 at: <http://www.gmhb.wa.gov/LoadDocument.aspx?did=3658>

⁴³ *Id.* at 35 of 38.

Like 1,263 acres de-designated in *Futurewise v. Benton County*, the 167 acres that is proposed to be de-designated and rezoned from NR-20 to R-5 is part of a larger area. The data CD enclosed with the paper original of this letter in the “2016 Real Property Data” includes a series of maps identifying the zoning of the adjoin properties. As can be seen from those maps, the most of the adjoining land to the north, all of the adjoining land to the east, and some of the adjoin land to the south is currently zoned NR 20.⁴⁴ So just considering the de-designation of the 167 acres violates WAC 365-190-050 and corresponding Growth Management Act requirements just as the land de-designated in *Futurewise v. Benton County* did. So again, the county must reject the proposed Future Land Use Map amendment and rezone.

Thank you for considering our comments. If you require additional information please contact me at telephone 206-343-0681 Ext. 118 or email tim@futurewise.org

Very Truly Yours,

A handwritten signature in blue ink, consisting of two large, stylized, overlapping loops that resemble the letters 'S' and 'T'.

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

⁴⁴ On the data CD enclosed with the paper original of this letter in the “2016 Real Property Data” directory see these maps for the adjoining properties zoned NR 20 with the following file names: “433709300001 Map.pdf,” “433709000002 Map.pdf,” “433709000001 Map.pdf,” “433708400001 Map.pdf,” “433705448001 Map.pdf,” “433705400002 Map.pdf,” “433705099004 Map.pdf,” and “433704340001 Map.pdf.” In addition, also to the north is Pend Oreille County’s Ione gravel pit which is also a natural resource use. See the files “433705440002 Map.pdf,” “433704330001 Map.pdf,” and “Aerial Vicinity.pdf.” The real property records for all of these properties are also enclosed in the “2016 Real Property Data” directory. Please see the file with the same parcel number.