

FERRY COUNTY PLANNING COMMISSION
SPECIAL MEETING
March 9, 2023

Planning Commission Vice Chairperson Carol Anderson called the meeting to order at 2:02 PM.

Planning Commissioners Carol Anderson, Scott (Pete) Simmons, Johnna Exner, Dave Christman, Lorna Johnson, Nancy Churchill, Phil Bach and Margo Locke were present along with Planning Director Bill Folks and Planning Commission Secretary JJ Bourgeois. Commissioner Terry Thiele was excused.

No changes and additions were made.

Carol Anderson presented the following:

Open Public Meeting Act (OPMA); White Bluff & Commerce e-mail sent to Bill Folks. The email that was sent to Bill Folks is reviewed and Carol Anderson explained that the public and the Planning Commission were supposed to be involved per the Open Public Meeting Act Law when the Memorandum was created. Discussion ensued.

Johnna Exner motioned to send the comment to the BOCC after changing “Dear Bill” to “Dear Commissioners”. Dave Christman seconded. Motion passed unanimously.

Lorna Johnson presented the following:

Findings of Fact for the Changes made to the Ferry County Development Regulations Ordinance #2020-04 with the previously discussed changes made. The document is reviewed and discussion about sending it with Carol Anderson’s document began. Bill Folks stated that the document from Carol Anderson and this document should be sent to the BOCC separately as this document provides the BOCC with the basics.

Discussion on fee land, acreage of the North half of Ferry County and the South Half as well as acres being considered but not necessarily designated ensued.

Scott (Pete) Simmons motioned to send the Findings of Fact document to the BOCC. Phil Bach seconded. Motion passed unanimously.

Carol Anderson presented the following:

Critical Mass References. Carol Anderson wanted to make sure everyone was on the same page and that changing the wording was already done. Bill Folks stated it was.

MOU legal references the County has Regulatory Jurisdiction over the Tribe. Carol Anderson explained the agreement between the Tribe and the County does not apply to GMA.

Brendel vs Yakima Nation court case is reviewed as a reference about fee lands and Tribal Lands. Discussion ensued about the wording of “fee land exclusion” being removed from the Development Regulations. Carol Anderson and Bill Folks explained it was already done.

Margo Locke presented the following:

Agricultural Resource Lands tax-parcel inclusion per the WAC & RCW. Margo Locke explained that the information she has previously presented is to refute the tables in the Memorandum and there also is not as much acreage in Ag Tax status.

Carol Anderson presented the following:

Lawsuit with timeline of court cases. Carol Anderson stated she provided this document to have a better idea of where each court case has been and then the document is reviewed. Johnna Exner stated that on the second page 6 there is more supporting information on agricultural resource lands.

Dave Christman backtracked and asked about critical mass. Carol Anderson explained that the land has to have a certain ability to sustain itself so it won't decline which includes what is around it. There was more discussion about court cases and designating enough lands.

Carol Anderson and Johnna Exner presented the following:

Hearings Board Decisions. Carol Anderson stated that she sent the information she had to Bill Folks via e-mail about both the 2010 and 2020 decisions. There are references for the 2010 but she could not find any for the 2020 that Johnna Exner had found. Bill Folks explained he has 2 copies of the Hearings Board Decisions from 2020 but nothing from Superior Court.

Discussion on it just being a brief and not an actual court case began. Scott (Pete) Simmons stated we have won every case brought to the Hearings Board and explained the timeline of events.

Dave Christman asked about the Remanded Issue vs the Memorandum. Lorna Johnson explained. Scott (Pete) Simmons gives advice on what to do next.

Discussion about capability of lands and production capacity of the actual designations. Bill Folks stated that the land just has to have potential, it doesn't matter how much is actually produced. Irrigated lands are discussed.

Margo Locke reads the requirements for the different size acreages from the Current Use Farm and Agriculture Application she received from the Assessor's Office. Discussion ensued.

Planning Commission Vice Chairperson Carol Anderson adjourned the meeting at 3:37 PM.

The next Planning Commission meeting will be held on Thursday, March 15, 2023 at 2 PM at the Planning Department, 147 N Clark Avenue #7, Republic, and WA.

Submitted by:

JJ Bourgeois

JJ Bourgeois, Planning Commission Secretary