



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

(360) 379-4450

Minutes of the Critical Areas Committee Meeting
August 17, 2006, 7pm
Department of Environmental Health
Pacific Room
621 Sheridan Street
Port Townsend

Planning Commission: Jim Hagen, Peter Downey, Henry Werch and Dennis Schultz
Advisors: Norm MacLeod, Jim Tracy, Bill Wheeler, John Richmond, Kathy Dickson, Dr. Kenn Brooks, Amy Hiatt, Dr. Diane Johnson, Sandy Hershelman, Dianne Bonnavier-Holman, Jill Silver, George Yount, Roger Short and Dr. Robert Crittenden
Staff: Rachel McHugh

Summary:

The Planning Commission Critical areas subcommittee meeting was called to order in the Pacific Room at the Department of Environmental Health at 7pm by Chair Jim Hagen. Planning Commission members present were Peter Downey, Jim Hagen, Dennis Schultz and Henry Werch. Advisory members present were Norm MacLeod, Jim Tracy, Bill Wheeler, John Richmond, Kathy Dickson, Kenn Brooks, Amy Hiatt, Diane Johnson, Sandy Hershelman, Dianne-Bonnavier-Holman, George Yount, Roger Short and Robert Crittenden.

Called to order

J. Hagen briefly reviewed the first meeting. He gave those who were not there an opportunity to express their interests. D. Johnson stated she was from a family of loggers. She is also a small farmer who has taken the WSU Entrepreneurship course twice. S. Hershelman introduced herself and described her representation of the Jefferson County Homebuilders Association.

A. Latham explained he was going to discuss ag exceptions related to critical areas. He would give a brief presentation, but felt it was most useful to answer questions. He described the conservation districts history as a subdivision of state government with appointed supervisors. The conservation district provides technical and educational assistance on natural resource issues; to help farmers make improvements to their impact on water resources; the conservation district has no regulatory authority; they try to help. GMA wanted all things protected and recognizes impacts on all things. Jefferson County did a plan exempting ag from critical area (regulations). WEC took us to the hearings board and we entered into the settlement agreement rather than take a hearing mandate. A. Latham expressed he believed County concern that the Ag exemptions wouldn't hold up was true. The conservation district's getting things done voluntarily. The County contracted with the conservation district to do this. The conservation district invited ag in the community to find out about the plan and volunteer. A lot of work was put in and the plan has a lot of background; development for the valley in Chemicum took place between March and December 2004. The Chemicum Plan is one component of the settlement agreement. The Conservation District held an open house to hear problems and suggestions. A. Latham observed that the people affected didn't seem to have a problem with it. The next step is for the County, the BoCC, is to adopt the plan. A. Latham stated that supposedly plans for the rest of the County will be done by January. He stated it is based on voluntary compliance; improvements are the icing on the cake. There is a lot of interest among land owners. There was discussion of eligibility for the ag exemptions and what protection ag exemptions bring. D. Schultz explained that a land owner can have the open space tax exemption and not be zoned ag. A. Latham described the Jefferson County Conservation

District Water Quality Monitoring Program. He pointed out how important monitoring is for detecting problems. The conservation district will arrange methods that identify problems to land owners, land owners address the problems and share ideas of what has worked. It was clarified that the plan was not an ordinance, but a resolution. There was discussion of whether WEC can come back at any time and what protections the ag exemptions might have; no guarantees the County won't be sued again. There was also discussion of the 1st and 2nd settlement agreements and how they relate to ag and the Chemicum Plan. A. Latham stated that as far as he knows ag is still exempt. Ag Lands of Local Importance was discussed. D. Schultz explained the exemptions are in another part of the UDC. There was discussion of how clearly the exemptions should be included in the critical areas ordinance. Definitions for ag were mentioned including GMA and the comprehensive plan. The possibility of advocating amendments to 18.20.030 regarding existing and on-going ag was considered. The concern over losing ag exemptions before the hearings board was mentioned again. A. Scalf and J. Tracy mentioned the possibility of increased vulnerability for ag exemptions before the hearings board if changes were connected to the critical areas ordinance. A. Scalf pointed out that ag changes put into the CAO would likely automatically go to the hearings board for review. He suggested bringing recommendations forth separately. J. Tracy commented that the existing and on-going ag code was very unclear. There was discussion of when 18.20.030 could be changed. Discussion expanded into the concern of losing ag exemptions before the hearings board. J. Hagen mentioned that some other counties ag exemptions were found by the hearings board to be overly broad. Concern over ag exemptions was one basis for the settlement. J. Tracy expressed that the committee needs to understand the appeal is pursuant to current regulations. K. Brooks stated that talks tend to be one dimensional regarding natural resources. Regulations should be truly ecological and as un-prescriptive as possible. There was discussion of farming in Jefferson County and types of farming; small properties, lifestyle and people trying to get into small farming. A. Latham mentioned it was possible to adjust or modify types of ag that are exempt, but there is a process for that. The definition could be tweaked and tied to what is in the UDC. A. Scalf added the ag language in the comprehensive plan is what AI (Latham) was getting at. There was discussion of small farms and organic farming. R. Crittenden would like to see small organic farming separated from large traditional farming; if they are tied together ag exemptions might be lost. A. Latham suggested consideration if it is reasonable to let people opt into the exemptions; it could depend on who could opt in. D. Schultz asked what would happen if people went to the conservation district and asked what they would have to do to get the exemptions. J. Tracy mentioned accessory uses could take away from ag and puts the classification in jeopardy; there could be legal vulnerability. H. Werch pointed out that the committee can't think of all future uses, so the committee has to do its best. There was discussion of expanding the exemptions for existing and on-going ag as well as GMA requirements. K. Brooks stated the County needs to do what it feels is right and defend it. H. Werch added as in anything to not do something has cost as well. D. Johnson suggested the main thing is what the committee is trying to recommend; the committee should re-focus within the task; what the committee is accountable for. There was more discussion of agriculture and critical areas. J. Tracy reminded the committee that ag is not a CA; its like apples and cherries. A. Scalf mentioned what this committee can do is recommend hobby farm be a low use not high use. D. Schultz quipped he was glad the committee picked a simple topic for its first meeting. J. Hagen suggested the committee get into the specifics incorporated in the draft ordinance. D. Bonnavier-Holman clarified that the committee could depart from ecology and best available science, but it would have to be justified. A. Scalf stated according to CTED there is a range (of BAS); local circumstances are a factor; findings of fact are necessary. H. Werch added find areas of agreement, make a statement and staff can draft; he felt he had heard a tremendous amount of agreement. D. Johnson asked if there was anything else the committee should hear from AI (Latham). A. Latham described hydrologic soil maps; they are closer and more accurate; as he understands the draft it does not affect ag lands; he clarified distinction for ag lands. BAS was discussed. K. Brooks stated whatever the committee does they need to be able to defend it scientifically if it differs from Ecology; DNS stream typing was done like the County core wildlife with aerial; its inaccurate; agencies will assure any possible piece of land has critical areas; the committee should encourage the County to talk quality and improve maps. H. Werch suggested the committee focus on the subject at hand; he stressed the importance of making recommendations; impose discipline or the committee will have nine weeks of discussion. D. Schultz asked if the committee had enough information to define ag; can the committee go in and write what it needs to create that exemption. There was discussion of whether or not the committee agrees on sustainable ag and separating organic and traditional ag. D. Schultz stated that what AI (Latham) was doing is best available science and successful. A. Latham suggested another approach; draw lines (for exemptions), if the committee can figure that out. N. MacLeod clarified that what Henry wants is to get something on the table that says what the committee wants to expand. H. Werch added that the committee owes the community a deliverable. D. Johnson asked if the County had data like the BAS in the (Chemicum) plan for farms

beyond the valley. A. Latham answered that there is, but the data is more extensive for Chemicum Valley. J. Hagen asked how this was all going to be incorporated in a recommendation; a lot of what the committee wants would be a separate amendment process; all that is in another section of the code. J. Tracy asserted that if the County goes before the hearings board and says voluntary the County loses; alternative regulations, not exemptions; that is the type of demonstration the County has to do. H. Werch suggested some of the things the committee can produce tonight are questions; there is no agreement on BAS; AI (Latham) produced wonderful results; the committee could come out in favor of expansion of ag exemptions as many of the committee members have discussed tonight; set some direction. J. Hagen asked what the possibilities were of expanding this (process); normally it would be a year long thing with a long deliberation process leading toward a solution. N. MacLeod stated the committee had tossed around a lot of ideas; would it be possible for staff to inform the committee what would need to be done. There was discussion of what the committee was proposing as well as stewardship plans and what would be needed to 'trump' Ecology. A. Latham explained that Ecology had given the go ahead because the conservation district is so far ahead. H. Werch stated the committee needed to be careful not to create loopholes for something it doesn't want.

Public Comment was opened at 9:07. Statements were made that ag needs to be encouraged as much as possible. Also that ecology is not science, but religion; natural and unnatural. Closed 9:15

J. Hagen moved on to discussion of the next meeting. A. Scalf volunteered staff to create line-in/line-out language to provide example changes to 18.20.030. D. Bonnivier-Holman stated that the term of art (hobby farm) doesn't sit well; preferred sustainable ag. J. Hagen asked if it could be part of a coinciding code amendment process. A. Scalf answered as long as the committee forms what it is doing. K. Brooks strongly suggested the committee avoid the term sustainable. N. MacLeod stated the committee should document for the hearings board. A. Scalf suggested the committee members go home and produce a finding of fact. D. Johnson asked for an explanation. A. Scalf stated it is the members own thinking. J. Tracy gave the example the citizens on the committee find that subsistence ag should be encouraged in Jefferson County; that's a finding. A. Latham said the ball had been set in motion for the Board to approve the Chemicum Plan; there will be a public hearing. B. Wheeler stated that forest practices are categorically exempt; these (forest practices) are a balanced set of regulations. J. Tracy suggested it was an example of state agencies not hearing what others are doing. H. Werch restated the need for deliverables; findings of fact; what the committee needs to do to hold up at hearings board.

Meeting closed 9:30pm.

Conclusion:

Staff research on ag definitions; sustainable ag etc... Staff will provide line-in/line-out examples. The Ecology wetlands specialist will present when available. Committee members will produce and submit findings of fact.