



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

(360) 379-4450

Minutes of the Critical Areas Committee Meeting
August 31, 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, Diane Johnson, Sandy Hershelman, Kenn Brooks, Amy Hiatt, Dianne Bonnivier-Holman, Jill Silver, George Yount, Roger Short and Robert Crittenden
Staff: Rachel McHugh and Tami Pokorny

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, Diane Johnson, Sandy Hershelman, Ken Brooks, Amy Hiatt, Dianne Bonnivier-Holman, Julie Jaman, George Yount, Roger Short and Robert Crittenden.

J. Hagen explained the meeting was originally going to be a presentation by ecology's wetlands specialist; it was decided that presentation should be put off until the committee meetings were in a bigger space; it was decided it might be a good idea to get going on Fish and Wildlife Habitat Conservation Areas; so let's do it; start with the beginning of the section; Tomasi and ordinance. D. Schultz felt there was no clear cut definition of where they are; he wanted to know if any of the wildlife corridor information was subject to public review; he said there is a vague list that he has never been able to find; he wanted to know what the definition of species of local significance; he asked what the wildlife corridors are for. R. Crittenden stated that the County needs to identify what species have a list and have a public process that requires the Board to put something on the list or remove it; the County needs to specify what function they serve otherwise there's no way of ascertaining whether the laws are reasonable or not. H. Werch stated legal considerations aside the committee can't measure the effectiveness of anything if there is no measuring tool. B. Wheeler expressed that if the County adopted the state and federal species lists it would solve most of the problem, if the objective is to protect the County from challenge against those two documents. H. Werch believed the committee seemed to have a consensus of a directive that these things be delineated in the proposed ordinance. B. Wheeler suggested the lists could be copied to the ordinance or referred to in the ordinance. K. Brooks stated it is always inappropriate to refer in an ordinance to lists; the reason for that is the lists are fluid and constantly changing, so the ordinance has to change every time the lists are changed; he agrees that wildlife corridors should be based on identified needs of specific species; if the County wants to add to something to the list there should be some pretty specifics reasons for adding it to the list; he didn't know why this study (Tomasi) didn't start with known priority habitats. Several committee members expressed concern over not having a species list or lists in the ordinance. Others believed they belonged separately as they would change; the ordinance should refer to current corridor designations. A. Hiatt stated the ordinance should include a list and start with species on the list; she posed the question wouldn't corridors with species constantly be changing. K. Brooks stated that management would change. D.

Schultz stated that the ordinance doesn't have what the corridors are for; he stated in last year's presentation the presenters wouldn't tell the Planning Commission what the circles on the maps were for. B. Wheeler stated that was because they didn't want people to know. P. Downey stated the regulators should be able to know. B. Wheeler stated that once the list gets beyond executive session the public will know. H. Werch stated he didn't think it was necessary to identify each mark on a map for a particular species; he thought the sense of the group is to know in general what species are being protected and why and maybe what the threat is; there should be a list that cannot be changed except through an input process with Board of County Commissioners. G. Yount asked so what are you saying here; are you saying on page 7 (of the ordinance) when it says sources used for identification and lists ten items her that those sources aren't relevant; here we have listed in this document some ten items that refer to sources used for identification; he asked if those were relevant or not relevant. B. Wheeler said relevant, but the one that bothers him is we generate a database of our own to justify our own input; he doesn't know where the Jefferson County database came from. J. Tracy suggested the committee be careful and read 18.15.295 regarding maps as informational only and not regulatory. G. Yount asked why the committee was spinning its wheels on this. J. Tracy reiterated he doesn't know why we're regulating fish and wildlife habitat conservation areas; he didn't see them as defined. R. Crittenden stated the County is required to protect; there needs to be public process for species of local significance. J. Tracy indicated he was still confused on what was required or optional. N. MacLeod questioned the reliability of the map. K. Brooks stated he was confused about the comments on secrecy; the maps are readily available; people can go through areas and see species; the information is not secret; with wildlife corridors the County could have gone to the natural heritage database. T. Pokorny suggested the committee talk in terms of habitats as well as species; her understanding from the Tomasi study was that Tomasi had primarily looked at polygons and maps of habitat areas; and drew from fish and wildlife and heritage programs to begin to map what was most vital to wildlife populations specifically wintering and breeding wildlife populations; also vulnerable populations. B. Wheeler stated in his experience the public will not know locations; they will see a very large area (on maps) that is overly broad or too narrow; he thought one part that makes sense is legislation that talks about water typing; there is no water typing map that has been accepted; the ones that are out there are inaccurate. J. Jaman said she didn't want to tread on already covered ground, but she understands the maps to be drafts; the North Quimper Peninsula was left out of the map presented; the residents and County already agreed and work is being done, it is ongoing and shouldn't be forgotten.

K. Brooks stated that the process of listing a species takes years; he is very reluctant to see the County adding superficially. P. Downey suggested the thing the committee needs to look at with species of local significance is not to get something that's separate from the threatened or endangered species list. K. Brooks added avoid an open ended process; even related species have different habitat needs; it should be effective and not overly burdensome. R. Crittenden would be opposed to state agencies listing species. D. Peters clarified for the purpose of identifying which species the state fish and wildlife advise starting with what they call the priority habitats and species lists. There was more discussion of what species, where and what circles on the maps represent. B. Wheeler stated most corridors are stream or wetland buffers; you could be safe to say use those; as written now the County kind of says corridors without saying streams and wetlands. There was discussion of priority species and habitats. J. Tracy stated Fish and Wildlife Habitat Area regulates every activity whether a permit is required; one option he sees is to trim it down to just riparian corridors. H. Werch pointed out that the Quimper Wildlife Corridor doesn't follow a stream, it essentially follows a flyway; to define corridors as only following a water way or riparian area is too narrow. There was discussion of restrictions; adding 'new' species and what corridors had been previously identified. J. Jaman pointed out that much of the information already existed when the comp plan was done; they are longstanding and haven't been reframed. A. Hiatt asserted the problem with the corridors is wording; she sees the word corridor as used for many different things. Different types of corridors were discussed as well as the maps. The base science and the need to 'ground truth' were discussed. Imposition on land owners and responsibilities between state and county were discussed. Discussion continued as to information available on the corridors and species. Several committee members expressed a need for balance within the ordinance. There was discussion of what protection the corridors give as well as more discussion of 'what and why'. R. Short pointed out that there is a real world that happens; he described how he and his family have adapted to changes to become more environmentally friendly; he explained to the committee how he believes these regulations effect property value; he gave an example of a sale of 40-acres he feels fell through because of inaccurate maps from the County. There was discussion of the draft ordinance and the possibility of an extension for the committee. There was discussion of the possibility of defects the committee might want to see remedied as well as how much detail the committee should get into. There was discussion of making general recommendations for staff to incorporate into ordinance revisions. Lack of line-in/line-out from staff was discussed as a test of 'sending that away' and things sent at the 'eleventh hour'. What the

committee felt it did have was discussed. How far along the committee was in terms of what to recommend was discussed. J. Hagen mentioned a final report and notes. K. Brooks' information request for ecology documents was discussed. A request for Josh Peters was discussed. K. Brooks suggested formal motions during, or at the end, of each meeting to adopt specific recommendations. Discussion of having staff answer individual questions brought forth by Jim Tracy for the committee was discussed. J. Tracy stated the ordinance was so complex answering individual questions would not be a candid effective process. The committee's future work plan and timing was discussed. H. Werch moved to have the Chair communicate with the Board of County Commissioners to request an extension of time, or an explanation of why that extension of time is inappropriate. J. Hagen asked for clarification; whether he would be requesting an extension for the Washington Environmental Council. P. Downey added the specific reasons for the extension should be included. J. Tracy added it should include qualifying best available science and perhaps doing literature searches. The motion went forward as originally stated. H. Werch pointed out that formerly the committee is supposed to come forward with recommendations to the planning commission; he expressed that it would be a waste of resources; he suggested staff respond with work product as the committee goes along. P. Downey suggested not alienating staff; the problem with staff right now should be dealt with directly with staff. H. Werch moved to have the Chairmen communicate with Al Scalf to encourage him to make better use of the committee's work by having staff there taking notes and use that information to work on refining the proposed ordinance. K. Brooks suggested demanding all staff who would be involved in writing the ordinance be present at every meeting. J. Hagen agreed the senior planner should always be present. J. Tracy amended the motion that a senior planner be present. The motion was passed. J. Tracy moved for the establishment of a science sub-committee. K. Brooks explained the purpose of the sub-committee and local knowledge of Jefferson County. The motion was passed with one opposed.

Public comment was opened.

There was discussion of information and copy rights. There was discussion of the issues for the next meeting. There was more discussion of minutes and staffing.

Meeting closed 9:25pm.

Conclusion:

A motion was passed to have J. Hagen request an extension of time, or an explanation of why that extension of time is inappropriate.

A motion was passed to have the Chairmen communicate with Al Scalf to encourage him to make better use of the committee's work by having a senior planner staff there taking notes and use that information to work on refining the proposed ordinance; amended to state a senior planner should be present.

A motion for the establishment of a science sub-committee was passed with one opposed.