



## JEFFERSON COUNTY

### PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

(360) 379-4450

#### Notes for the Critical Areas Committee Meeting

March 15, 2007

WSU Learning Center

Shold Business Park, Spruce Room

Port Hadlock, WA

Planning Commission members: Jim Hagen, Peter Downey, Henry Werch and Dennis Schultz (Bud Schindler, alternate)

Advisory Group members: Al Latham, Amy Hiatt, Bill Wheeler, Cathie Baker, Diane Johnson, Dianne Bonnavier-Holman (alternate), Dr. Kenneth Brooks, Dr. Robert Crittenden, George Yount, Jill Silver, Jim Tracy, John Richmond, John Boulton (alternate), Julie Jaman (alternate), Kathy Dickson (alternate), L. Katherine Baril, Nancy Stelow, Norman MacLeod, Roger Short, Ron Sikes, and Sandy Hershelman.

Staff: Brent Butler and Cheryl Halvorson

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The Planning Commission Critical Areas Committee meeting was called to order at the WSU Learning Center, Spruce Room, at 7:00 pm by Chair Jim Hagen. Planning Commission members present were Dennis Schultz, Jim Hagen, and Henry Werch. Advisory Group members present were Al Latham, Amy Hiatt (for a portion of the meeting), Diane Johnson, Dr. Kenneth Brooks, George Yount (for a portion of the meeting), Jim Tracy, Nancy Stelow, Norman MacLeod, Roger Short, Kathy Dickson, and Bill Wheeler.

DCD staff present were Brent Butler and Cheryl Halvorson.

There were about 12 members of the public present. Those who signed the guest list were: George R. Hansberry, Jim Storey, Jim Fritz, Irene Sharp, Nadine Hild, Richard Hild, Dianne Bonnavier, and Clark Crandall.

Brent Butler reported on receipt of the DOE feedback document for the Brooks report, which was handed out at this meeting. He listed the other handouts provided at this meeting.

#### Public Comment:

James Fritz reported that there was a Water Law Conference going on now at the Grange Hall. There will also be another meeting on Friday, March 16, at 7:00 pm. He asked that people notify WSU if they were interested in attending.

Rob Cappelle, West End, asked if there was anything that prevented this group from declaring these no touch areas a taking and require the county or state to pay for it. He knew it was a new idea that had not been done anywhere else in the state. He said that this was a taking. He referred to Initiative 933. While these no touch areas may be necessary in someplace like King County, this was a rural county and it was different.

Jim Tracy reported that since about 1994, there was a whole group of cases out of state and federal courts on the issues of due process and takings on the adoption of new regulations. To date, they had been almost routinely unsuccessful. The issues around the newest generation of regulations had been

raised already and would be heard this summer in the courts. Rob Cappelle said that was because there was no law that declared that it was a taking. There were laws that said the government had the right to regulate, but it did not say "restrict". Mr. Tracy responded that when a regulation was in process, it was premature to start talking about what constitutes a taking until you had a final action of the local government. He said that the local government had to make a finding as part of their final adoption that the regulation complied with the goals and policies of the state law (the GMA), one of which was Goal #6 which was a restatement of the Fifth Amendment of the US Constitution and Article 1 of the State Constitution on protecting private property.

Kathy Dickson said that she had recently shown a copy of the proposal to a member of the younger generation in the West End. The comment she got concerned what more the government would do to them. She said that the younger generation were the ones who would have to live with these regulations.

#### Review and Possible Approval of Committee Wetland Code:

The committee used PowerPoint slides in its presentation for the benefit of the public.

Kenn Brooks responded to comments received last week. One had to do with who was responsible for determining if there was a wetland on a piece of property. It is unequivocal that the responsibility is the property owner's. If there is a wetland on your property and you are found to violate local, state or federal law regarding that wetland, you will be held responsible, even if you have all of the local permits for your development. He said that the committee proposed in this draft ordinance to adopt performance standards based upon Washington State Sediment and Water Quality Standards, WAC 173-201-204. He said that several people had objected to the idea that a property owner who got an authorization for an alteration to a wetland would be held responsible in perpetuity for the performance of that. The fact was that it was unavoidable. It had nothing to do with whether or not the county recognizes that fact in its critical area ordinance. If you did something that caused the exceedance of state or federal water sediment quality criteria, you or a successor property owner are responsible. His point was that you could not avoid that responsibility.

Diane Johnson asked if Dr. Brooks had seen the DOE response. Kenn Brooks replied that he had and he would be responding. He said that he was surprised that they agreed with as much as they did. He offered the opinion that DOE had turf to defend; they had a position that they would defend. He acknowledged that they took a very similar position to our minority. Henry Werch said that we should be encouraged that they seemed to be very supportive of the approach towards agriculture. He suggested looking at the positive side.

The committee continued its review of the wetlands draft using the new copy that was handed out which was attached to the Brooks email dated March 13 that included responses to comments received.

The committee began with Paragraph A.5., Wetland Delineations. It was adopted by acclamation with twelve in favor and two abstentions (12-0-2).

Paragraph A.6., Wetlands Rating: The committee discussed the "existing conditions" issue and the habitat scores for Category II wetlands. They discussed how to replace "existing conditions" with another terminology, possibly relating to the conditions existing at the time of the first rating. Kenn Brooks said that the intent of writing it this way was to clearly state that we were not talking about pre-existing conditions that might have been present 20, 50 or 75 years ago. He said that the Hearings Board has said that we are dealing with existing, current conditions. He said that the code writer would likely change all of this anyway to be consistent with other sections of the code. He thought the purpose was to state the principles in a code format so that it will be easy for the code writer to incorporate the committee's opinions into a draft code. He suggested leaving it the way it was with the understanding that the committee wants some flexibility in the code to allow a decrease in the rating should conditions warrant that in the future and that we do not want the rating increased because of some voluntary enhancement effort.

Paragraph A.6., Wetland rating: a), b), c), and d) were accepted with eleven in favor and three abstentions (11-0-3).

Paragraph A.6.e), Unregulated wetlands: Kenn Brooks said that there was a multitude of small, isolated wetlands all over the Peninsula. They had to be isolated. They had been traditionally excluded from regulation throughout the state. The Central Hearings Board has ruled that you could not exclude those

small wetlands. He said that the Central HB represented the highly urbanized counties (King, Snohomish, Pierce and Kitsap). The Western HB heard cases associated with the rural counties in Western Washington (Jefferson, Clallam, Mason, Island, Skagit, and Whatcom). There were very different decisions coming out of those Boards. He displayed a slide on the wetland exemptions for the other counties under the Western HB jurisdiction. His point was that our proposal was consistent with all of the other rural counties in Western Washington and several of those counties regulations had passed the Western HB or had not been appealed. So we were not proposing anything that was significantly different from what other rural counties were doing. He stood by the proposal despite DOE's criticism about what was happening in Kitsap County, which was a Central HB urban county.

Jim Tracy commented on the Hearings Boards. The Central HB had no jurisdiction over Jefferson County. While their case studies were interesting, he thought they were irrelevant to the most current critical areas decisions in Jefferson County. Likewise, previous decisions of the Western HB cannot be used to overturn more recent decisions of that Board. In fact, the most recent order from the Western HB on critical areas ordinances was WEAN v. Island County in 2006. The interaction between the Boards was complex and difficult to describe. It was very important that we know that the Legislature intended that the three Boards be different, that they be identified with the regional areas and concerns they were located within. They can say different things about similar cases. We must be concerned about the Western HB. Our safe harbor that we could be sure would stand review by the Western HB and DOE was circumscribed by the compliance order in the WEAN case of 2006. Where we have to be concerned is if we want to go beyond the Island County ordinance. That would be where we would need to be sure it was supported by best available science [BAS] and had the kind of characteristics the HB specifically identified in the Island County case.

Jim Tracy said that his recollection was that wetland exemptions of the sizes indicated had been in place since about 1996. This did not represent a departure from historic exemptions.

Paragraph A.6.e), Unregulated wetlands, was accepted with eleven in favor and three abstentions (11-0-3).

Paragraph A.6.f), Created wetlands: Kenn Brooks said that the list was not all inclusive. He said that if a created wetland was required as a mitigation, it would not be exempt from the regulations. The proposal was accepted with twelve in favor and two abstentions (12-0-2).

Paragraph A.6.g), Multiple ratings: Kenn Brooks said that this was an area where we were in disagreement with DOE. DOE's 1993 rating system allowed for multiple ratings of a wetland. He explained how that could occur. You might have a low value wetland over a larger area with a small area of high value wetland. Under this proposal you would delineate and rate the high value area and apply a high value buffer to that, delineate and rate the low value area and apply a low value buffer to that, and then whichever buffer extends furthest from the wetlands would be the buffer you would use. If you don't do that, you would have one of two options. You either rate the whole wetland as a low value wetland, say a Class IV, and lose the protection that the high value portion deserves, or you rate the whole wetland as a high value wetland, say a Class I or II, and put unnecessarily large buffers over the low value area. He did not understand why DOE backed away from that, saying that their BAS did not support in a scientifically defensible way what they now proposed. He thought DOE would object to this proposal, but from his point of view as a person concerned with good protection of the environment, he thought it made sense. Jim Hagen asked if the objection would be that it was inconsistent with the 2004 rating system. Dr. Brooks agreed that was correct.

Amy Hiatt asked about buffer averaging. Dr. Brooks explained his objections to buffer averaging, mostly relating to additional hoops a person had to jump through and the additional time it took. This proposal was a better way to accomplish a similar outcome. Nancy Stelow provided concerns from a realtors point of view with buffer averaging. Diane Johnson pointed out that there was a section on buffer averaging as well. Dr. Brooks responded that this issue was separate from buffer averaging, however.

The proposal for A.6.g), Multiple ratings was accepted with eleven in favor, one opposed, and two abstentions (11-1-2).

Paragraph A.7.a) on activities not specifically allowed: Jim Tracy suggested adding language that the Administrator be allowed to make a determination that a use was similar to a listed use and allow it. The paragraph, as amended, was accepted with eleven in favor and three abstentions (11-0-3).

Diane Johnson pointed out that the uses in Table 1 on Page 4 were the same as those listed in A.3., Permitted Uses on Page 1 of the draft. The committee agreed by consensus to just make reference to Table 1 in the section on Page 1 at A.3., Permitted Uses.

Paragraph A.7.b) about not altering buffers: Kenn Brooks said that the purpose was to give property owners the opportunity to enhance their buffers. It included a buffer management plan. The section was accepted with twelve in favor and two abstentions (12-0-2).

Paragraph A.7.c) including Table 1, Table 2 and Table 3 on measuring wetland and riparian buffer widths: Kenn Brooks said that his idea in proposing this was that it moved towards the approach to managing wetlands in a site specific, hazard specific way. The only reason we did not do that now was because of the cost. The further you get away from site specificity that takes into account the real conditions on the site, the larger the buffers have to be. This proposal took us down the path towards site specific management plans. He acknowledged that it would be more complicated (you had to multiply three numbers together) than just looking at a chart with standard buffers. He thought it was a good tradeoff. He described the hazard ratings. He pointed out that the hazard ratings on Table 2 differed quite a bit from DOE's ratings, particularly with respect to residential uses. He said that you had to remember, however, that DOE's system was developed for all of Western Washington. That included King County where you had very high density and enormous amounts of impervious surfaces. Jefferson County, with its low density and gravel driveways, was not like King County. That was why we need our own ordinance. Table 2 reflected his perceptions of what the hazards were for hydrologic, water quality, and habitat functions in this county. He thought the values were negotiable to achieve a solution that many people could support.

Jim Hagen referred to the October workshop with DOE. A question had been asked of DOE about whether the values on their impact table could be changed and they said "Yes". He said he would be interested to see what the effect on DOE's table would be when considering the supplemental BAS provided by Dr. Brooks on the Rural Residential areas, particularly if RR would be a low hazard, and what the effects on the corresponding buffers might be. He thought the two might be closer than their response indicated. He thought it would be reasonable that a low density RR, particularly 5, 10, or 20 acre parcels, would be a low hazard.

Kenn Brooks related a discussion he had with the director of the DOE Southwest Region. He told him that the committee was very interested in having an interactive meeting and discussion with DOE staff and discuss the practical effects of changing some of the numbers on the ratings. The director had agreed that it might be productive but they needed a letter from the county specifically requesting it. He thought it would be a great benefit to the committee to have such a discussion. Jim Hagen thought it was a good idea since the DOE representatives had indicated that to the committee at the workshop.

Jim Tracy said that he was not competent to know whether the hazard multipliers in Table 2 were adequate or not, but he would support it because the message the committee wanted to send to the Planning Commission was that we wanted a more discrete, site specifically tailored impact analysis system than that which DOE has put forward. He liked that the Table 2 uses were organized by intensity instead of by type. He thought that was the way the chart ought to be organized. He thought the values were debatable, but that was a job for the technicians.

Brent Butler said that the DOE criticism was that the Brooks' proposal was an agricultural centric view of critical areas; that it had not looked at impacts outside of agriculture extensively enough to be something they would support. He said that Al Scalf was creating a matrix of the county code listing the specific sections that the critical areas touch upon so that, when we visit the code, we would know where changes would need to be incorporated. He thought it was fairly substantive. Jim Tracy said that was because they regulate critical areas wherever they occur regardless of the land use designation, zoning, or shoreline designation, or anything else. He said that critical areas regulations are specific to critical areas wherever they occur. He thought you might as well throw the whole UDC in. He thought it was a wasted exercise. Mr. Butler thought the guidance the matrix might provide is to make sure that changes being implemented did not have any holes. Kenn Brooks suggested leaving that to a different discussion.

Kenn Brooks reviewed the wetland buffers in the rural Western HB counties. He said that our proposed buffers were not that much different. He noted that the Table 3 voluntary enhancements for wildlife would

add to the buffers. He supported voluntary stewardship. What was different from other counties was that we had a broader range, particularly on the low end. We have very low habitat values, which drive most of the bigger buffers. Where we have very low habitat values, we have very low buffers. Those buffers were designed primarily to protect wetland water quality and hydrologic functions. The charts displayed depicted all four wetland categories. Brent Butler asked if no other county had a buffer as low as the 7.5 feet proposal. Dr. Brooks responded that no other county had a buffer that low, but this county would also be the highest in some categories. Dr. Brooks displayed a slide depicting a chart comparing the Skagit County optional buffers and the Jefferson County committee proposal. It showed that they were very consistent, except that ours was more site specific, and was not much different than those used in other counties.

Kenn Brooks advocated for a voluntary program. Roger Short said that, when someone did something good on the land and other people saw what they were doing, they tended to follow along and do the same thing. That was a real benefit because we would get something that was lasting and that people were proud of, instead of a "have to do it type thing". It was that that turned the property owners off. Voluntary compliance was how the Conservation District did it. He said that if you gave the landowner the opportunity and a direction to go, they would likely follow along.

Brent Butler offered the understanding that the buffers under discussion were for the non-agricultural lands (rural residential, commercial and industrial) because the current ag exemptions would still apply. Kenn Brooks agreed that was correct. He said that it was also important to point out that it applies to non-forested areas that were not covered by the Forest Practices Act.

Paragraph A.7.c) through Table 3 was accepted with eleven in favor, one opposed, and two abstentions (11-1-2).

Paragraph A.8 on Page 6: The committee agreed unanimously to strike the paragraph (12-0-0).

Paragraph A.9.a) on buffer averaging: Kenn Brooks explained how buffer averaging would work.

Nancy Stelow suggested that the word "Administrator" be used throughout instead of "Director". The suggestion was accepted unanimously (12-0-0).

Paragraph A.9.b) on management plans: The committee discussed the phrase "and the plan is approved by the Director". The issue was the word "approved" because the Director did not approve a plan submitted by a professional. They agreed to substitute the word "filed". The suggestion was accepted unanimously (12-0-0).

Paragraph A.9.c) on buffer reductions: The committee discussed the difference between the clause and a reasonable economic use exception. It was accepted unanimously (12-0-0).

Paragraph A.10.a) and b) on increased buffer widths: The group agreed that a) should be cross referenced in other sections as well, such as fish and wildlife. They also agreed that the word "adjacent" should be changed to "contiguous" in b), agreed that it related to geologically hazardous areas. They also agreed that a c) should be added as an all-purpose catch-all that the Administrator could use for other types of issues such as flood storage areas. The group accepted the paragraph as amended unanimously (12-0-0).

Paragraph A.11 on wetland buffer markers: Kenn Brooks explained that the 200 feet would be in addition to the buffer, so if you had a 300-foot buffer, it would be 500 feet. The group accepted the paragraph with eleven in favor and one abstention (11-0-1).

Paragraph A.12 on functionally isolated buffers was accepted unanimously (12-0-0).

Paragraph A.13 on wetland review process for a single family residence: Kenn Brooks described each of the sub-paragraphs. The group agreed to change "project area" wherever it is found to "proposed disturbance". The paragraph was accepted with ten in favor and two opposed (10-2-0).

Jim Tracy said that the point was that the committee wanted the Planning Commission to know that the committee hoped they would consider an expedited process, however specified, to accommodate the biggest user of this element, which was single family residences.

Paragraph A.14 on general provisions (entire section): They agreed to change “building” to “structure”. The paragraph was accepted unanimously (12-0-0).

The committee moved on to Section B, Wetland Mitigation.

Paragraph B, Wetland Mitigation, and B.1, Mitigation sequencing: The paragraph was accepted with eleven in favor and one abstention (11-0-1).

Paragraph B.2 on mitigation requirements (entire section): Kenn Brooks explained that the mitigation ratios were very different from what DOE required; it was a totally different approach. There may be a case where you may create an unavoidable disturbance in a wetland or buffer. But if your biologist said that there would be a disturbance but it would not affect the watershed’s functions and values, the Administrator did not have to require mitigation. This approach reflected a Western HB decision that we must maintain the functions and values of the watershed. Also, the Planning Department would have to tell you in very specific terms what you were mitigating for. It required a lot of experience on the mitigation planners part. It was suggested and agreed that Paragraph B.2.b) be amended to say “Mitigation may be accomplished off-site but in the same watershed when on-site mitigation ...” He said that the DOE mitigation ratios were very large, such as 12:1 for a Class I wetland. This approach was more performance based.

Jim Tracy said that this issue (the large DOE ratios) would definitely be the subject of litigation. It was totally arbitrary and violated the principle that mitigation of environmental impacts should be directly related to the nature of the impact, not six times or twelve times. The other thing is that the property owner could go in before their project and do the mitigation and show that they don’t need five times the area to successfully mitigate the impact. While Dr. Brooks advocated a different approach, he did not think it was as weak as the one currently in existence.

Norm MacLeod asked if we should include a separate provision for someone who did their mitigation ahead of their project and demonstrates that they had adequately met the requirement. Kenn Brooks responded that you could do that within this code and allow the property owner to demonstrate that he could successfully mitigate the impact.

Paragraph B.2 was accepted with eleven in favor and one abstention (11-0-1).

New Section 18.xx.xxx on Special Reports including A. Purpose, B. When required, and C. Permit application requirements: Jim Tracy said that other counties required pre-application conferences for everything except building permits so that applicants would receive a letter stating all of the things they would need to do. Brent Butler said that a pre-application conference was currently an option for an applicant and it would incur a fee. Kenn Brooks suggested that the committee leave C. in the draft and let the county wrestle with the intent and how to implement it. Henry Werch said that the committee wanted to close what was perceived by the public as a loophole. That was the apparent different interpretations one could get from different planners if you did not go through a formal process. While he liked the idea of there not being a fee, he also liked the idea of applicants not being subject to another interpretation later on if they had not gone through a formal process. Dr. Brooks said that the 10 days requirement following C.4.b) was negotiable. He discussed the idea of the county providing a checklist identifying the options and additional permit requirements at the time of application.

The entire first sections of New Section 18.xx.xxx including A., B. and C. were accepted with eleven in favor and one opposed (11-1-0).

New Section 18, Paragraph D on responsibility for production of special reports was accepted with eleven in favor and one abstention (11-0-1). Brent Butler commented that he saw an intractable problem with doing the review of the special reports for free, because without fee-for-service, there would be no staff. Kenn Brooks responded that the idea was a shared onus with the applicant being responsible for preparing the report and the county being responsible for reviewing it.

New Section 18, Paragraph E on qualifications of professionals: In sub-paragraph 1.d), the group agreed by consensus to change “applicant” to “candidate”. Kenn Brooks said that the section was very similar to what other counties did. The section was accepted with eleven in favor and one abstention (11-0-1).

New Section 18, Paragraph F on time limitations: Kenn Brooks said that this was different from most critical areas ordinances. The section was accepted unanimously (12-0-0).

New Section 18, Paragraph G on appeal of rejected reports: It was proposed that the committee strike Paragraph G. The suggestion was accepted by consensus.

Public Comment:

Richard Hild applauded the committee for moving forward.

Katherine Baril said that, in reference to the Water Law Conference, they would be doing one-on-one consultations on water rights by individual appointments on March 16. There would be no public meeting.

Mike Belenski thanked the committee for their hard work. It was informative for the public to see how the process worked and how much work was involved.

The committee and staff discussed the next agenda. Brent Butler asked for Dr. Brooks' response to the DOE feedback. Kenn Brooks said that he did not think he could have something ready by the next meeting. Jim Tracy said that the committee wanted to know from DOE if there were any fatal flaws in the Brooks report so the committee could fix them. We understood that there would be a difference of opinion. DOE had a right to express their opinion through the process. Mr. Butler said that, while he had not done an in-depth review of the DOE response, he was concerned about their points and that we would not win before the HB. Mr. Tracy countered that the DOE response was the expression of three person's review of Dr. Brooks' report; it was not even an agency position. DOE was one of the participants in the process and they had a right to comment and have input and it should be considered. Mr. Tracy said that DOE would not determine the outcome of what we adopted or any court actions. He said that while the DOE response should be taken seriously, he did not think staff should have too much angst about it at this point as the committee was developing a recommendation. Dr. Brooks said that it was important to note that DOE has taken a position and they will defend their position. Norm MacLeod said that our first obligations should be our eco-systems and our people, using best available science, and the other things like the HB should be secondary. Henry Werch thought it was easy to get hung up with the DOE response and the differences in BAS. He thought we should pay close attention to all the doors they had opened or had left open because that provided room for individual creativity on the part of the county. Second, it was important to understand that one of the biggest concerns the public had expressed was whether or not there would be adequate protection for agriculture and functional ag exemptions. Mr. Tracy thought it was important during the process to request the proof that supports their (DOE's) assertions during the Planning Commission process. He thought it was a worthwhile exercise. Mr. Werch said that, right or wrong, DOE had a vote and not a veto.

Jim Hagen said that he had cataloged all of the public responses on the CAO issue. The number one concern was that of landowners and the ever-moving goal posts and the impacts on their property. While agriculture is a big issue, so were peoples' concerns.

Norm MacLeod said that ESHB 2212 (the agriculture exemption) passed the House and had gone to the Senate.

Diane Johnson thought there should be a preamble statement about the uniqueness of Jefferson County. She said that a lot of what we were talking about was covered by either ag or forest. It was interesting that a lot of our wetlands were in either ag or forest. This county was unique in that way. Kenn Brooks said that Norm MacLeod was going to write a preamble. Jim Hagen said that there would be findings as well.

The committee agreed that the agenda for the next meeting will be a review and possible approval of the committee wildlife code. Roger Short suggested the committee hold another meeting in Quilcene. Jim Tracy asked if Eric Toews would be available for the next meeting. Staff indicated that they did not know since Mr. Toews would just be returning from vacation.

Review and Possible Approval of Committee Wetland Code (Continued):

The committee returned to the wetland review in an effort to finish it tonight.

New Section 18.xxx.xxx on Wetland Delineation Report: Kenn Brooks said that the section was pretty standard. The entire section was accepted unanimously (12-0-0).

New Section 18.xxx.xxx on Wetland Mitigation and Habitat Management Plans: Kenn Brooks said this section focused heavily on performance standards. We required monitoring for three years; the Corps requires monitoring for five years. Other than that, it was pretty standard. It was suggested that Paragraph D. be amended to say "If offsite mitigation within the watershed is proposed, ownership ...". The section was accepted with eleven in favor and one abstention (11-0-1).

New Section 18.xxx.xxx on Stewardship Incentives: Jim Tracy said that the committee had passed a principle that it would not do this. It was suggested that it could go in a preamble or in the expanded foundational principles. The consensus was to delete the section, except that Paragraph F, Static buffer widths for voluntarily enhanced critical areas should be moved to the Delineations section. The suggestion was accepted unanimously (12-0-0).

New Section 18.xx.xxx on Watershed monitoring: Kenn Brooks said that this section proposed the bare minimum for monitoring. It was a significant undertaking. He said that the section was to point out a perceived need by the committee but not a specific monitoring program. The section would lay out how the county would determine when there is harm, how the stewardship program was working, and whether the minimum buffers were actually working. Without this, the HB would not accept the committee's proposal. He said that it required the county to develop and implement a county-wide monitoring program. Brent Butler said that the problem was funding. Jim Tracy said that the point was to have the issue discussed. Henry Werch thought there could be money available in grants that could provide funding. Norm MacLeod said that the Puget Sound Partnership process, which was to address water quality, may be a source of funding. He thought monitoring would be required of the county one way or another. The section was accepted unanimously (12-0-0).

New Section 18.xx.xxx on Residential Best Management Practices: Kenn Brooks thought the section was a starting point. Dr. Brooks and Henry Werch discussed the chlorinated water issue (Paragraph A.5). It was suggested and accepted that the wording be changed to "Avoid the use of chlorinated water for landscaping where possible." The section was accepted with eleven in favor and one opposed (11-1-0).

Kenn Brooks said that there is a lot of emphasis on getting this proposal past the HB. He said he had read their decisions and was not very concerned that we could not get it past the HB. We had to get it past the BOCC first before we should worry about the HB. It would take enormous public support for this concept that's based on a partnership between local government and its citizens. It would be difficult to convince the BOCC to depart from the DOE BAS. His message was that the citizens of the county needed to stand up and demand that the county develop an ordinance that respects their property rights and protects our natural resources. He thought this proposal would fully protect our natural resources. He thought the stewardship approach would result in far better management of our natural resources than will a prescriptive, onerous regulation. If the public did not stand up, all of this work would be for nothing.

#### Adjournment:

The agenda for the next meeting will be the review and possible approval of the Fish and Wildlife code and possible meeting with the code writing consultant.

The meeting was adjourned at 10:20 p.m.