

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR AUGUST 2, 2006

- A. OPENING BUSINESS
- B. PUBLIC HEARING - 2006 SITE-SPECIFIC COMPREHENSIVE PLAN AMENDMENT PROPOSALS
- C. PRESENTATION ON CITY-COUNTY HOUSING NEEDS ASSESSMENT
- D. WORKSHOP ON PROPOSED CRITICAL AREAS ORDINANCE, MLA06-242
- E. ADJOURNMENT

**A. OPENING BUSINESS**

The regular meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chair Jim Hagen. Planning Commission members present were Dennis Schultz, Edel Sokol, Bud Schindler, Mike Whittaker, Bill Miller, JD Gallant, and Henry Werch. Peter Downey arrived at 6:33 p.m.

DCD staff present were Al Scalf, Josh Peters, Rachel McHugh, Brent Butler, and Cheryl Halvorson, secretary. Consultant Tom Beckwith was present for the Housing Needs Assessment presentation.

There were about sixty (60) members of the public present. Those who signed the guest list were Kathy Dickson, John Richmond, Marilyn Lewis, James Fritz, Herb Beck, Ian McFall, Diane Johnson, Jill Silver, Julie Jaman, James Tracy, Eugene Brown, Ken Lechner, Richard Hild, Cammy Brown, George R. Hansberry, Arthur D. Bell, Robert A. Huelsdonk, Norman MacLeod, Nancy Stelow, George B. Yount, Jo Yount, Leon Koch, Joanne Koch, Judi Stewart, Hans Daubenberger, Jim Storey, Amy Hiatt, David Pratt, Teren MacLeod, Doug Peters from CTED, Paul Heinzinger, Karen Best, Gary Peterson, Anna Matsche, Robert Crittenden, Oscar and Wilma Peterson, Glynda Peterson-Schaed, Chris Jones, Ron Mellvin, Clark R. Crandall, Bill Wheeler, Mike Belenski, Mike Dawson, Sam Gibboney, Roger Short, Al Latham of the Conservation District, and John Boulton.

The minutes for July 19, 2006, were approved as submitted.

**B. PUBLIC HEARING - 2006 SITE-SPECIFIC COMPREHENSIVE PLAN AMENDMENT PROPOSALS**

Jim Hagen stated that the fifth Comp Plan amendment proposal - the Black Point Master Planned Resort - would be dealt with separately at a later date. This public hearing was only for the other four proposals. He opened the public hearing by reading the hearing procedure and asking the commissioners the questions concerning bias and conflict of interest. All commissioners indicated they were unbiased and had no conflict of interest. He then invited a staff presentation for each amendment application individually and opened the hearing to public testimony.

**MLA06-01, Arthur Bell:**

Rachel McHugh provided a summary of the proposal. It was for a rezone from RR 1:10 to RR 1:5 for a 12.5-acre parcel located on Discovery Road. Staff recommended approval.

No public testimony was received.

**MLA06-74, Cleo Austin:**

Rachel McHugh provided a summary of the proposal. It was for a rezone from RR 1:20 to RR 1:5 for a 30-acre parcel located on South Jacob Miller Road. Staff recommended approval.

There was no public testimony received.

**MLA06-77, Eugene Brown and DCD:**

Rachel McHugh provided a summary of the proposal. It was for a rezone from RR 1:5 to Convenience Crossroad for a 0.70-acre parcel on Irondale Road.

Staff recommended approval since the parcel met the criteria for a rural LAMIRD [Limited Area of More Intense Rural Development]. She noted that County Public Works had provided a comment suggesting conditions relating to traffic safety issues for the subject intersection. She stated that DCD staff recommended that those conditions be applied and that the application be approved. To clarify the LAMIRD criteria, Ms. McHugh stated that there was a pre-existing business use on the property prior to June 1, 1990, and that there was an established business on the property prior to that date.

Cammy Brown, owner of the property, asked if they should have been provided a copy of the Public Works comment. Josh Peters explained that staff had only received the comment on July 31. He stated that the comment period to the Planning Commission would close at the end of this public hearing and anyone would be privy to any written comments received.

Eugene Brown stated that he did not see any problem with the Public Works proposed conditions. They were willing to accept them.

There was no further testimony received on this proposal.

**MLA06-85, Port of Port Townsend:**

Rachel McHugh summarized the proposed amendment. It was for a rezone from Airport Essential Public Facility to a Rural Residential density of a 2.5-acre parcel at the southwest corner of SR 19 and Woodland Drive. Staff recommended approval of the proposal with the designation of RR 1:5.

Henry Werch asked about the description of the property, stating that the "southwest corner" did not seem right. He thought "southwest" would put it on the other side of Highway 19. He wondered whether it should be the "southeast corner" instead. Rachel McHugh responded that the parcel in question was actually on both sides of SR 19 and the portion adjacent to Woodland Drive was the portion under consideration. Mr. Werch stated that the portion next to Woodland Drive would be on the southeast corner. He did not think we should consider designating Rural Residential on the west side of SR 19. Josh Peters stated that there appeared to be a parcel with the same parcel number for a separated polygon on the other side of SR 19. He believed Mr. Werch was correct that we were only talking about the portion of that parcel number that was on the east side of SR 19. He stated that staff would clarify the question before the Planning Commission began deliberations.

There was no public testimony received.

Jim Hagen noted that submission of written comments to the Planning Commission would close at the close of this public hearing. He provided a short time for people to submit their written comments. None were received. He then closed the public hearing and moved the agenda forward.

**C. PRESENTATION ON CITY-COUNTY HOUSING NEEDS ASSESSMENT**

Brent Butler provided a brief outline of the purpose of the Housing Needs Assessment process. He noted that two Planning Commissioners were on the Housing Needs Assessment Committee. He stated that the committee had been looking at specific concerns to the community for providing affordable housing. He stated that Beckwith Consulting had been selected to undertake a study of the concerns, the constraints, and the opportunities in the county.

He stated that the commissioners had received a copy of the draft action plan, which had not yet been endorsed by the committee. He provided copies of some excerpts from that report which would be discussed during the consultant's presentation. He introduced Tom Beckwith who would provide a presentation on the Housing Needs Assessment report.

Tom Beckwith stated that the intent was to assess housing conditions in the city and county, but it included more than that. It developed an action plan for what they saw as potentially some market imbalances and what they forecast for it to be in the future.

Tom Beckwith stated that the Planning Commission had been provided with the draft action plan, adding that it was now being reviewed by the committee. He stated that there would be changes to it before final adoption. He stated that there was a lot of public participation in this process. He described the public participation they had done.

Tom Beckwith stated that population growth was going on, with population projections handed down from the state. His issue with that was that he thought the state projections were lower than the county was actually experiencing. That was a problem across much of the state.

Tom Beckwith described the statistical graphs contained in the handout. A key issue was that the median housing cost, either for purchase or for rent, was below the state average in the year 2000. That was no longer the case. He discussed the graphs depicting the income capabilities and what that did for the housing buying capabilities or the housing rent capabilities. A key issue was that the median household incomes were lower in this county than in other areas. Part of that was due to rural resource oriented industries which paid lower. Another part was due to a good sized retirement community that did not draw a salary.

Tom Beckwith described the six indicator occupations they used - police officer, firefighter, teacher, retail clerk or retail cashier, and restaurant waiter. He stated that those kinds of occupations were vital for economic development. The issue to be considered was whether those people could buy or rent in our market. If they were doing okay, then your economy would do okay. If they could not, then your economy would have problems.

Tom Beckwith stated that they then looked at the "most need" in 2000. One of the problems when looking at housing need was the number of different factors that might cause a person to be in need. If you did not have the income to buy a house or to rent a standard or quality-type apartment, it was one indicator of need and it could be measured with income. In the year 2000, the percent of households that were low (30% of the median) was less than the state or the region. That looked pretty good on that indicator. However, when they compared what they called "poverty" (a measurement that adjusted for what it cost to live in the county), this county did not compare so well. It did not compare so well when they did it as a general population number, or for families, or for households, and especially for female households. He stated that the statistics showed an out-migration of some of the urban populations, and female-headed households were one of the largest groups out-migrating from the urban areas because they could not find housing. So those indicators caused concern.

Tom Beckwith stated that another way of looking at it was the percentage of income for housing costs. It used to be that the government used as an

average standard that a household should not pay more than 30% of its gross income for all housing costs (mortgage, insurance, utilities, repairs, etc.). Now they were finding that households were paying 30% to 35% just for the mortgage alone. In this county, that percentage was increasing compared to other areas. They found that one reason for the higher rents was because we had a rental housing shortage.

Tom Beckwith stated that when you put all those statistics together, they found that over 10% to 15% of all households (2,000 to 2,500 households) in the county were in a situation where they could not afford, or find, what they needed to be adequately housed. The trends indicated that the housing concerns were getting worse into the future. It meant that a lot of the things we had done in the past, not only in this county but state-wide and nation-wide, would have to be more aggressive than what we had done in the past if we were going to do anything about it.

Tom Beckwith reviewed some current trends. He stated that in the year 1995, the average value of a house in this county was less than the state average. That was no longer true. In 2004, the average median house was almost \$20,000 higher in value than what was experienced in the state. Even though this county was considered a rural county, the urban housing market pressures were happening even faster in what might be considered the rural areas. Another indicator was what was happening with the ability to buy a home. A chart depicted the major shift in the amount of income one would need in order to buy a median priced house in this county, adding that the trend was not abating. For the selected six occupations, the statistics showed that they could not afford to buy anything in this county, especially an existing house. He stated that affected our ability to recruit those occupations, which directly affected our economic outlook. The picture was a little better when looking at rental affordability. All of those occupations could afford to rent. However, that meant that we would only be able to entice people to come live in this county as renters, not as owners. That said a lot when you were trying to recruit people for new positions.

Tom Beckwith stated that, following that, the study provided an index of what existed in the county and who the major players were in meeting housing needs. In essence, the county had put together an impressive inventory, especially for special populations or special needs categories. However, when added up, they did not begin to meet the critical requirements, either now or into the future, if the same trends continued.

Tom Beckwith described the critical actions that needed to be undertaken in the near future if the county was going to make any major dents in those trends. One of the major issues was a lack of infrastructure, particularly sewer and particularly in areas where we needed to house people outside of Port Townsend. One solution was to use a package sewer system, which would allow more dense housing, thus more suitably priced housing. He described some financial incentives that were common in the market. He described the idea of rehabilitation of existing housing and creating a mixed income community. He described the list of various entities that should be involved. He stated that another financial aspect was that public money must be involved in some form, either through a bond or levy.

Tom Beckwith summarized the results of a survey they conducted of registered voters in the county. The committee was looking for the overall priorities, whether there was a very clear plurality of residents agreeing to something as opposed to things that might be very controversial or that may be in a

gray area. The major conclusions were: (1) most of the people who answered the survey were older and were relatively representative of the voter registration base; (2) the comments represented very definite opinions; (3) being older, they were mostly okay with their own housing situation but thought the general housing condition in the county was adversely affecting most groups; and (4) their very definite opinion was that something needed to be done. The only issue that they had any equivocation with was anything involving money. Having said that, this same group was relatively generous on how much they were willing to support. More than 80% were willing to spend something, which was a significant statistic.

Tom Beckwith described four illustrations of housing concepts to address mixed income communities and mixed income product. One was a cluster development in a Rural Village Center [RVC] using a packaged septic system to allow that density. Another was a new urbanism concept within a UGA mixing townhouses, duplexes and carriage houses to create even more variety of housing. Another concept was to infill in neighborhoods that had relatively large lots. The last example was to infill in downtown Port Townsend with commercial uses on the ground floor and mixed types of units on the upper floors. He stated that all four of the options were approved in the results of the survey. In essence, he thought the committee was fairly comfortable that these concepts were at least on the mark for acceptance in the county and could be marketable.

Bill Miller asked a couple of clarifying questions on the charts which Mr. Beckwith answered.

Jim Hagen stated that he noticed that the highest growth projected in the county was in Port Ludlow, which also had the highest age. He thought Port Ludlow had the least opportunity for buildout in potential development capacity. He stated that compared to the lowest age, which was projected in the Port Hadlock area, which would have the most opportunity to expand if a sewer was to come to fruition. Tom Beckwith responded that the population projections were based on the county's current Comprehensive Plan based on what those areas had done in the past. That did not necessarily represent what they could do in the future.

Bud Schindler stated that there were restrictions on the RVCs, particularly zoning regulations that would not allow a subdivision below 5-acre lots. That made it expensive for people to come into a RVC. He asked if there were any suggestions to the county that would allow smaller lots in the RVCs. Tom Beckwith stated that the committee recommended allowing clustering where clustering was environmentally possible. Another recommendation was to allow package septic systems that would accommodate a cluster development. A third recommendation was to use transfer of development rights [TDRs] where there would be a public benefit. Josh Peters stated that the county allowed clustering in Rural lands. He stated that you would not find a RR 1:5 density within a RVC. In fact, the RVCs were where you could do other types of housing, such as duplexes.

Brent Butler stated that the final draft should be ready within sixty (60) days. After that, the Planning Commission should have an opportunity to review the list of action items and prioritize them.

Peter Downey suggested taking the 3-D out of the graphs because it made them harder to read.

Bob Huelsdonk asked if the data included Western Jefferson County. Tom Beckwith replied that it did not; it was strictly Eastern Jefferson County.

Julie Jaman stated that she had attended some of the meetings. She believed that the Action Plan should include the needs of people who worked for an hourly wage of less than \$12.00 per hour. That was a lot of people and they had been marginalized for one reason or another. She stated that housing was a worry for them every day. Such workers needed to live close to the work places and close to the schools. She stated that the concept of "affordable" was supposedly woven into this report, but she thought that definition had shifted a little. The concept seemed to be relative to who was sitting at the table. People making a good wage with good benefits were able to make mortgage payments and they were identified as the people needing affordable housing. However, the people who made less than \$12.00 per hour were not able to make mortgage payments; they were just not bankable. They were the ones who really needed help. She stated that the products being addressed in the report were often not available to those people. She stated that we depended upon such workers for hard labor and services. They could not afford to pay mortgage payments nor did they have any guarantee of stable employment. She stated that how to finance that was the issue. She stated that the products that had been suggested were ways of subsidizing in the private sector. Sometimes, they included the non-profit organizations or volunteers to help. However, the public needed to play a bigger role. She suggested that there possibly was publicly-owned land that should be made available. She cited City owned land at the golf course or the Mountain View School land as examples of land that could be utilized for public housing or recreation facilities. She stated that the sewer infrastructure in the Tri Area would likely displace many households because they could not afford it. That would lead to urban renewal and housing for those who would move here after retiring. While that may be considered affordable for the middle class, it would not be affordable for low wage workers or people in need. She stated that affordable housing must not be shifted into the private sector only with its insatiable need for profit. She stated that the public had a responsibility and a role in making housing affordable.

Katherine Baril stated that there were a few who were on the committee present. She stated that the committee and Mr. Beckwith had done yeomen's work on the project. She thought the definition of affordability was, unfortunately, being limited to housing. She stated that what they saw was that affordability also dealt with the costs for transportation, child care, salaries, etc. She stated that there was a way of addressing affordability by decreasing the cost of housing, but there was also a way of addressing it by increasing the ability of the people to pay. She did not want to see this report set on the shelf and only act as a land use planning document. She thought it had to have a multi-disciplinary community coalition that brought together transportation, child care, economic development, salaries, etc. Otherwise, the county could not do it. She stated that the issue for her was that we now had to plan for what would happen ten to fifteen years from now.

Jim Hagen thanked everyone who had participated on the Housing Needs Assessment study.

#### **D. WORKSHOP ON PROPOSED CRITICAL AREAS ORDINANCE, MLA06-242**

Jim Hagen stated that there was an extended timeline. The Planning Commission thought this would be a good opportunity to provide some background information, to provide some educational information, and to

receive some public input so that we could move forward towards achieving a critical areas ordinance that met the legal requirements and reflected the currently widely held values of the citizens of the county. He stated that the commission intended to form a committee combining some Planning Commissioners and some citizen stakeholders. Mr. Hagen stated that what the commission hoped to take from this workshop, with the public's questions, comments and suggestions, was some direction for the committee. He stated that the emphasis should be that we were moving forward now. The commission appreciated the public's cooperation in participating in a discussion that focused on the issues and was respectful to everyone. He stated that the Planning Commission wanted to hold off on public comments until after the presentations.

Jim Hagen provided some background information with an explanation of the GMA requirements for reviewing comprehensive plans on a periodic basis and revising the plans and/or development regulations if necessary. That occurred in this county in 2004. Part of that review included an examination of critical areas. The main issue was that best available science [BAS] must be included and that special consideration must be given to preserving salmon runs. He stated that BAS was a very complex and controversial subject, and even some state agencies did not necessarily agree on it. He stated that we sometimes received mixed messages about the county's ability to accommodate local circumstances (not a one size fits all) versus state supplied BAS that was designed for all. One thing that was consistent was that the responsibility for including BAS rested with the legislative authority of the jurisdiction.

Jim Hagen stated that the criteria for determining BAS were basically laid out in a section of the Washington Administrative Code. It provided for resource reference material from CTED to assist counties in determining BAS. But a county may compile its own scientific information, although it must be supported by BAS and the mandates of the state code that it follow a balanced scientific process. He stated that, therefore, the DOE Guidelines that we had been hearing about were not mandatory. He offered the opinion that there could be at once and simultaneously ten different versions of BAS that could all be legitimate if they met the scientific requirements. He stated that, oftentimes, counties like Jefferson that did not have a lot of resources were encouraged to rely on DOE science strictly because they did not have the resources to pursue their own. Mr. Hagen stated that a possible task of the committee was to explore some alternatives to what the county could do to meet the BAS requirements. He stated that, while this county did not have a lot of wealth in terms of staff and financial resources, we did have a wealth of community resources that were willing to volunteer and contribute.

Jim Hagen stated that another topic that had come up was the Settlement Agreement with WEC. He stated that the agreement basically went back to 2000 when the county adopted the UDC. The county entered into settlement on a WEC appeal at that time and adopted some revisions to the UDC for critical areas. Then in 2004, when the county updated its Comp Plan and UDC, the county did not adopt changes to its critical areas regulations because the county was waiting for the BAS guidance from DOE. Since the county did not want to commit to adopting something that was not ready yet, because the DOE Guidance was still in draft form, and because the county wanted to be able to evaluate it first, the county re-adopted its existing code instead. WEC filed another appeal in response challenging the county's failure to implement BAS in its critical areas regulations and also including a couple of issues from the initial Settlement Agreement that had not been met. The county entered into

settlement with WEC again and negotiated the Second Settlement Agreement. As a result, we had a draft ordinance that incorporated a lot of the terms of that agreement. While there had been some controversy about that process, he did not want to address that now. He just wanted to provide some background on how we got to the present situation and to address where we could go from here.

Dennis Schultz provided a presentation comparing the draft ordinance and the existing ordinance. He stated that the items listed in the presentation were his own. They had not been reviewed by either staff or other Planning Commissioners. They were issues and questions he saw as most controversial. Using a flipchart, he provided his summary of issues. A copy of the flipchart material was provided to the audience to share and one copy for the record.

Dennis Schultz posed several questions relating to Environmentally Sensitive Areas, Geologically Hazardous Areas, Fish and Wildlife Habitat Conservation Areas, Wetlands, and Miscellaneous (refer to the copy of the flipchart material). They were questions that would need to be considered during the review process. He stated that the goal was to write a Critical Areas Ordinance that everyone could live with, not necessarily something that everyone would like. He stated that these were issues and questions the Planning Commission committee would take on.

Dennis Schultz invited staff comments or clarifications on his presentation. Josh Peters provided some clarifications. One related to the grandfathering issue. Another had to do with Channel Migration Zones [CMZs], stating that the county was proposing adding CMZ regulations to the code. They were not based on the 100-year floodplain. He stated that the CMZs had been mapped for the South Jefferson County rivers. That map would be adopted as part of the code. Mr. Peters stated that the county was originally supposed to bring the marine shorelines and the stream shorelines together in the regulations. Because the issue was still unsettled at the state level and because there was current litigation on the issue, we were not proposing to change any marine shoreline buffers with this proposal. He noted that the county was currently undertaking an update of its Shoreline Master Program, which would likely come before the public in 2007. Mr. Peters stated that the concept of "species of local importance" was in the current ordinance; we were just proposing to change the order in which it appeared. He explained that the first Settlement Agreement with WEC called for the county to develop a process for listing and de-listing habitats and species of local importance. He explained the process of consulting with the Department of Fish and Wildlife on priority habitats and species for development permits, stating that the process had been working since adoption of the UDC. He stated that habitat management plans and geotechnical reports had always been part of the development permit review process since adoption of the UDC. He agreed that the policy question of who should pay for such reports should be discussed, stating that the burden was currently on the applicant. In terms of new stream buffers, Mr. Peters explained that we were proposing to shift from the current stream typing system to one that was based on fish presence that the Department of Natural Resources promulgated in the WAC. He stated that there was no increase at all in the maximum stream buffer. What could change was what was previously known as Type 3 might increase by fifty feet because such a stream might be called a Type F stream if there was a fish presence. Mr. Peters stated that there was nothing in the draft that limited the amount that buffers could be reduced administratively. For CMZs, there would be a definitive process by which buffers could be reduced more than the 25%

restriction based upon geology and other factors. Mr. Peters stated that for wetlands, the May 17 draft suggested Alternative 3 of the DOE Guidance. While it was complicated, it was very site specific, which would address the comments against "one size fits all". He admitted that the maximum buffer for a Category 1 wetland with a high land use intensity and that had the highest habitat value would double from 150 feet to 300 feet. He agreed that the DOE land use table deserved inspection and possible adjustment for Jefferson County. He explained the new rating system as compared to the old, pointing out that the county wetlands specialist had found that many of our East Jefferson County wetlands ratings would go down. Based on our typical wetlands, the buffers would be less rather than more. He agreed that the 1.5 times waiver issue could be reviewed and possibly adjusted. Mr. Schultz commented that the Planning Commission had not heard that wetland analysis information before. Mr. Peters stated that a DOE representative had provided a whole wetlands presentation to the Planning Commission in 2005.

Jim Hagen provided a summary of the proposed timeline for the extended review of the critical areas issue. The Critical Areas Committee would begin work on August 10 and prepare a revised proposal for the full Planning Commission by October 2. Then the full Planning Commission would take up the proposal in mid-November, beginning with an open house. Following that, the Planning Commission would hold a formal public hearing, deliberate, and formulate its recommendation to the BOCC before the end of December. The BOCC would take up the issue in early January, 2007, and adopt an amended ordinance by January 18, 2007.

Jim Hagen addressed the Planning Commission Critical Areas Committee and the proposal to include stakeholder representatives. He described specific interest sectors from the community the commission wanted to include as stakeholders, stating that the list was based upon some RCW guidelines. The list of stakeholders included the Farm Bureau, building industry, realtors, property owners, the environmental community, the West End, forestry, legal, and scientific. He stated that the challenge was to limit the number of representatives so the committee did not get overly large and become ineffective while still being inclusive. He noted that all of the committee meetings would be open to the public. He stated that anyone who wanted to be involved who was not on the committee would have ample opportunity to participate. He stated that it was important to note that the committee's report and recommendation to the full Planning Commission was advisory only.

Jim Hagen opened the meeting to the public offering their names for participation on the committee. Bud Schindler wrote the names and their interest sector on a flipchart. A few names were submitted via e-mail or telephone call prior to the meeting. The individuals suggested were: Kathy Dickson or John Richmond, alternates for the West End; Bill Wheeler, forestry; Roger Short, Farm Bureau; Dianne Bonnivier-Holman, real estate; Diane Johnson, small farmer, research, psychologist; Jill Silver, environment; Norman MacLeod, Olympic Water Users Association; Jim Tracy, legal and resource lands; Robert Crittenden, science; Amy Hiatt, architect; George Yount, Audubon Society; Sandy Hershelman, Homebuilders Association; Dr. Kenneth Brooks, science; and Fredrick Tusso, Brinnon citizen. The commissioners briefly discussed how to appoint committee members from the list. Mike Belenski stated that whatever the Planning Commission did to decide the selection of the citizen committee members, it should be done in an open public meeting.

Jim Hagen moved to include all the names submitted along with the four already appointed Planning Commissioners to compose the Critical Areas Committee. Peter Downey seconded the motion.

JD Gallant stated that the Planning Commission by-laws said that we must adhere to Robert's Rules of Order. He stated that Robert's Rules were quite clear that there were certain procedures we must follow, and this was not following those procedures. Henry Werch asked if there was a way to include these nominees through nomenclature without violating Robert's Rules of Order so the commission could proceed without wasting a lot of time. Mr. Gallant responded that he believed the commission could include them as an "advisory group" with a two thirds majority vote. The question under Robert's Rules was having more non-members on the committee than you had from the assembly [the Planning Commission]. For example, with four Planning Commissioners on the committee, you could have up to three non-Planning Commissioners on the committee with the rest being an advisory group, if the assembly approved.

Jim Hagen modified his motion to include the list of citizen nominees to be designated as an advisory group to sit regularly with the appointed Planning Commissioners on the Critical Areas Committee. Bud Schindler seconded the modified motion.

JD Gallant stated that it would be appropriate to include three members of the public on the committee, particularly since the committee would be making a recommendation to the full Planning Commission. Peter Downey suggested that it may be better to just have them all on an advisory group rather than trying to select three to officially sit on the committee.

The modified motion carried unanimously (9-0-0).

Jim Hagen stated the belief that the agenda item for identifying the major issues had already been satisfied. He opened the meeting to suggestions, comments, or questions.

Dennis Schultz asked how many of the public would likely attend the committee meetings. About ten people raised their hand. The issue was whether the meeting room would be large enough.

Jim Hagen opened the meeting to comments from the West End residents first.

Kathy Dickson, Hoh River Valley, stated that her land was homesteaded by her grandfather one hundred years ago. She stated that this whole issue got more confusing as time went on. She thought she would have to communicate more with staff because she had not seen anything so far that answered her questions. She stated that she looked forward to working on the committee.

John Richmond stated that the West End residents had a lot of concerns about what was happening to them. It was not only the Critical Areas Ordinance. It was the WRIA 20 plan and it was the Park General Management Plan. So the West End folks were dealing with a lot of different issues at this time and some of them were truly stressed out. They wanted to be sure that they were adequately represented on this critical areas issue. That was his reason for offering to serve on the committee.

Marilyn Lewis, Hoh River Valley, stated that it seemed like everything was regulated. She stated that there was no 100-year floodplain on the Hoh River. She stated that she had 8-foot trees all over her ranch. She stated

that she raised Angus cattle on her farm. She referred to RCW 77.04.012 addressing wildlife, fish and shellfish being the property of the state. She read information on the Department of Game from the RCW. It said that nothing in that RCW title "shall be construed to infringe on the right of a private property owner to control the owner's private property". She asked where that left the buffer strips. She thought that was control; it was stealing. She described the decline of population in the West End, particularly of school children from the Upper Hoh. She stated that she had twenty cows and 100 head of elk on her farm. She stated that the Game Department would do nothing about the elk. She submitted two pictures of elk using the river as their toilet, stating that she had never seen a cow do so.

Anna Matsche, West End, stated that she grew up on the Upper Hoh and was a business owner on the Upper Hoh. She stated that her main concerns had been addressed already. She stated that there would be only three children riding the school bus from the Upper Hoh. She stated that when we talked about growth management, she did not see it as an issue for the West End while it was an issue for the Port Townsend side of the county. She thought the county should be fair and consider the impacts to both sides of the county. If there were not people out on the West End, she questioned why we needed the same regulations as those on the East side. She did not think it was fair to tell people that we needed to basically freeze everything in time and not allow expansion of those few businesses that were viable in the West End. She stated that she would like to be able to offer the public better restrooms at her small café. She stated that her concerns were the environmentally sensitive areas and wetlands. She stated that they lived in the Rain Forest and got over 120 inches of rain a year. If you used the wetland description about typical plants, everything in the West End was a wetland. She stated that was not fair.

Bob Huelsdonk, West End, stated that he had been involved with the GMA from the early days. Early on, County Commissioner Wojt had a biologist come survey the West End because everyone was saying there must be wetlands everywhere. The finding was that, all in all, the West End had a lot of water but there were very few wetlands. He thought there should be some kind of report to that effect in the records. He stated that he would provide written comments.

Marilyn Lewis stated that she would also submit written comments.

James Fritz stated that he was an organic farmer, belonging to the North Olympic Fruit Growers Club. He stated that he had been involved in agriculture all his life. He stated that it upset him to go to Sequim and see all the housing being built on the prime agricultural land. He was afraid things like that would eventually happen in this county. He stated that the only way we could protect farmland in Jefferson County was to use it for farming. If we instituted 450-foot buffers, we might be able to continue for awhile. But he thought there could be a political change and we would let development in and we would end up with \$5 million mansions and horse pastures, as had happened in California. He stated that the only way to protect farmland in this county was to have young couples with a long-term commitment to farming use the farmland for farm purposes. He believed agriculture could be compatible with ecology. He cited the example of Salt Springs Island in British Columbia and described the area. He thought that was a model we should emulate.

Herb Beck, Quilcene, stated that his family had been in Quilcene since the early 1870s. He stated that there were maps available of the rivers from when the land was patented. Some of those streams had moved very little since those patents. He stated that they were still using a farm plan from 1947. He referred to Mr. Downey's comments in the July 19 Planning Commission minutes that the WAC required an economic impact analysis of regulations. He stated that the county should do an economic evaluation of the effects of the buffers. He stated that he had been on the group that developed the original Shoreline Master Program. They looked at 176 miles of shorelines in this county. There were some areas that were very critical ground, citing the bluff area next to the Hood Canal Bridge as a slide prone area. However, there were other areas that were classified as critical that were as solid as could be. He stated that we were supposed to give up so many things for the salmon. He stated that a problem he had with that was he thought there should be quotas for the number of salmon to return to the streams. Then, after the return quota was reached, the excess could be harvested. He pointed out that Alaska did that. He stated that the last three years they had a substantial return on their streams, but there had been very little publicity on the increased numbers. He thought these regulations would mean economic disaster for a lot of folks. He thought the new regulations would create new jobs for people to administer them.

Jill Silver stated that she appreciated seeing the West End folks here. She stated that she had been reviewing the draft ordinance and thinking about how it affected local food production in this county. She had also been looking at how the critical areas maps were laid out. She stated that she was a wetlands scientist and had been on a state advisory group since 1998. She stated that she had reviewed the DOE process on BAS. She stated that it had been out for public review and there was a volume of comments on it. She stated that we needed wetlands protection because we needed water and water storage. Putting buffers around wetlands helped the water quality and helped remove the solar input that caused evaporation. She stated that we were looking at supporting farming in this community by the agricultural exemptions. She thought that was exemplary. She thought we needed to see if we could change that 2003 cutoff date because we had new young farmers in the East County who should have those agricultural exemptions as well. She thought we should consider using the hydric soils maps instead of the comprehensive wetland map, stating the belief that it would be closer to what was actually on the ground. She recommended that, in order to support local farming, the wetland delineations be supported through the county by county staff or community support funding to provide those delineations to the people who needed them. She stated that it could be expensive and if we, as a community, wanted to protect our water and wanted water into the future, we needed to provide that service. She provided an example of a Reed Canary Grass impacted wetland and the property owner chose to restore that wetland to native plants to support native wildlife, and it was not in an agriculture designation. She asked what would happen to the buffers in that application. She thought we should support restoration and reduction of invasive plants, but the question was what happened to the buffers if someone did that. She wanted to clarify what happened with a new structure being built on an exempt agriculture farm. Her understanding was that the appropriate wetland buffer would only apply to that new structure. She wanted to clarify that because she thought it had implications to farmers who would like to expand their footprint or who would like to put in new structures. She stated that she supported flexibility concerning wetlands and farming and other development. But if we knew we had an area where folks were doing their agricultural BMPs, there needed to be some flexibility in how we approached their buffer

delineations in the future. Concerning CMZs, she stated that the public paid when the county, state, federal, or private landowners put infrastructure in a CMZ. She stated that some excellent CMZ studies had been done, including for the West End. She stated that it was most important to figure out where the hazard zones were. Those studies were available to the county. She stated that the reason for the CMZ studies was to help people know where it was safe to put your roads, your homes, and your barns. She stated that it was intended to protect people and to protect public money in doing riprap, and she urged people to think of it in that way instead of thinking of it as a taking. Concerning wildlife corridors, she believed the development of the wildlife corridors in the East County was done through a public process. She wanted that to be clarified to folks. She wanted the information to be available so that folks would know where the wildlife corridors were supposed to be sited and whether or not they had any chance of being included in a wildlife corridor. She thought it was important that everyone knew what was going on. She reiterated that she supported flexibility.

Norman MacLeod stated that, on the Reed Canary Grass issue, he thought we could ask the federal government for assistance since they were the ones that brought it to this county as a BMP. He addressed the affordable housing issue as it related to these critical areas regulations. He cited an example of a young couple who were trying to develop their land. After paying for special reports, they could end up with a single wide mobile home instead of the stick built house they started out wanting. If they were starting out with a single wide, they would end up with something that L&I would not license for human habitation. He thought we were all good people in this county. He thought people would respond very well to a system that ran more to education rather than the heavy hand of regulation. He stated the opinion that we already had plenty of regulations to address those who were doing something wrong. He did not understand the need for ever more increasing restrictions in a regulatory framework. If people were exhibiting good stewardship of their land, he questioned why we needed a regulation that seemed to be built on a foundation that people could not be trusted. He stated that, although he knew a lot of work had gone into this whole process, he also understood that the draft ordinance was written in just a few days. When the public became aware of what was happening with this draft, in the space of a couple of weeks, we obtained an extension of 180 days. His question to the county was, when it became evident that the county was in a crunch, why the county did not go for an extension and prevent all of this.

Julie Jaman stated that she had lived here for 35 years. She displayed a photo of fifty local farmers who sold to the local Food Co-op. She stated that they purchased from them because they used sustainable, organic practices. Their practices were compatible with stewarding the critical areas. She stated that the farmers depended on the wetlands to assure the water necessary for their crops. She stated that the wetlands played a key role in aquifer recharge and without them we would experience a serious decline in the quality and availability of local food and water. She supported the protection of our priceless, clean and abundant drinking water and a strong and viable farming and food growing community and the conservation of our wild habitat.

Robert Crittenden stated that he would like to see organic farmers exempted from buffers because their practices did not pollute.

Roger Short stated that he was a long-time farmer in Chimacum Valley and a member of the board for the Conservation District. He described the

Conservation Districts water quality monitoring program. He stated that the Conservation District had discussed holding an educational program for our elected officials, the Planning Commission, planning staff, Health Department staff, and other interested people about what the Conservation District had done in water quality monitoring and the benefits they had seen. He stated that some little things had been identified that might have caused a spike in fecal coliform levels, for example. He stated that it was amazing the amount of benefit they had seen by just fencing the cattle out of the streams without having a large buffer. He thought about 95% of the potential benefit of a stream buffer by just keeping the animals out of the stream. He stated that the farmers had done that on a voluntary basis in the county. He thought the Conservation District would hold a public meeting in September concerning water quality and small buffers.

George Hansberry, Quilcene, stated that he had owned his land since 1980. He stated that he raised cattle and horses, which watered from the creek in some places. Over time, he did not have the money to keep the creek clean and flowing, so the wetland area gradually grew. He stated that the proposed wetland buffer would be clear up to his house. He wondered if the buffer area would grow as a wetland naturally grew. He stated that Donovan Creek flowed through his property and into Quilcene Bay and Tommy Creek fed into that. Concerning wildlife corridors, he stated that he saw them using the roads. He did not understand why we needed corridors, stating that they would make their own. He pointed out that there were cougars and coyotes and deer in Los Angeles and San Francisco. He thought we needed more common sense applied. Referring to BAS, he stated that the people doing the studies did not get paid unless they found a problem. He suggested that we review different kinds of scientific studies from other people instead of just using DOE's.

Al Latham, Conservation District, stated that he was involved with the committee of landowners who developed the Chimacum Agriculture Fish and Wildlife Protection Plan. He stated that he would make himself available as a resource. He suggested that the Critical Areas Committee, and maybe the full Planning Commission, do at least one field trip because that was where the reality was. He described an example of an agricultural exempt property in Beaver Valley where just any new buildings would be subject to the buffers. Under the existing regulations, the buffer would be 100 feet. Under the proposed regulations, the buffer would be 50 or 75 feet. While it was a complex problem to work through, he thought that if you saw it on the ground, the Planning Commission would see that it would result in smaller buffers.

Ian McFall stated that, in light of I-933, he suggested that the commission consider the impact before submitting a recommendation to the BOCC.

Nancy Stelow stated that she had been a realtor for ten years. She stated that she had heard people say that we could assume that today's code was acceptable. She did not think we should make that assumption. She stated that she had heard things about organic farming and that we were doing a lot of things right, but she did not hear us getting credit for doing it right. She thought that was an aspect that needed to be brought in. She stated that we were being squeezed. We had shorelines, critical areas, WRIA 17, WRIA 20 in the West End, and other issues. She stated that when you started squeezing like that, something had to give. She stated that we had to get a balance going here. She stated that the ironic thing was that the Planning Commission had just heard about the housing study. Yet, at the same time, we

were talking about bigger buffers. She stated that something had to start penciling out together. She stated that the regulations should be specific to the local area. She stated that the realtors association continued to have conversations with Representatives Kessler and Buck and Senator Hargrove about the effects of regulations.

Denver Shoop described the process his son had gone through for a wetland delineation on his Beaver Valley property. He questioned why he had to hire a specialist when the county specialist changed it. It was a waste of money. He stated that he had asked if the county could show him, environmentally, how putting a house on that property would cause damage, he would take care of it. If it was not hurting anything, the county should not be putting regulations on the property. He wanted the county to prove that something would cause damage instead of making him prove that it would not.

Sandy Gibboney, Port Townsend, thanked the Planning Commission and public for taking the time to discuss these important issues. She stated that for all the people who were in the room, there were probably a lot more who were not able to attend. While she applauded the commission's effort to have a series of meetings, public process did not just consist of having public meetings. She urged the commission to consider other modalities for communicating with the public on these issues.

**E. ADJOURNMENT**

The meeting was adjourned at 9:32 p.m.

**F. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of August, 2006.

\_\_\_\_\_  
Jim Hagen, Chair

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Cheryl Halvorson, Secretary