

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR MAY 17, 2006

- A. OPENING BUSINESS
- B. DISCUSSION ON DEVELOPING PLANNING COMMISSION RECOMMENDATION TO THE BOCC CONCERNING GENERAL CRITERIA AND PROCESS FOR ESTABLISHING NO SHOOTING AREAS IN JEFFERSON COUNTY
- C. PRESENTATION OF STAFF CODE AMENDMENT PROPOSAL FOR PROTECTION OF "CRITICAL AREAS"
- D. 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 Bud Schindler, JD Gallant, Edel Sokol, Bill Miller, Mike Whittaker, and Dennis Schultz. Peter Downey was absent and Henry Werch was excused.

DCD staff present were Josh Peters, Rachel McHugh, and Cheryl Halvorson, secretary. Brent Butler was also present for a portion of the meeting.

There were two members of the public present. Neither signed the guest list.

The minutes for May 3, 2006, were approved as amended. It was noted that Mike Whittaker had volunteered to serve on the MPR Committee with Bud Schindler, JD Gallant, and Henry Werch.

Jim Hagen stated that there would now be four Planning Commission members on the MPR Committee. He stated that he would like to attend those committee meetings but wondered about the issue of a quorum of the full Planning Commission. He asked if staff had looked into the issue with the Deputy Prosecutor. Josh Peters stated that the Deputy Prosecutor was on vacation and he would not be able to talk to him about the question until he returned, but he would do so at the earliest opportunity.

The Chair invited staff updates.

Josh Peters reported that there would be a Short Course on Local Planning on July 27 at the Port Ludlow Bay Club. He encouraged the new commissioners in particular to attend. He stated that the sub-theme of that meeting would be MPRs. Mr. Peters also reported that there would be a Peninsula section of the APA conference on June 16 in Bremerton. There would be a Short Course as part of that meeting as well. The general topic of that conference would be Urban and Rural planning in the state.

Josh Peters reported that there would be three specific Port Ludlow topics before the BOCC on May 22: (1) a proposal for changing the Port Ludlow code, Title 17 of the JCC; (2) the drainage district issue which may have an effect on the Stormwater Management section of the county code; and (3) a proposed amendment to the Port Ludlow Development Agreement. He stated that the BOCC would decide how to proceed with those issues.

In addition, the BOCC would hold a public hearing on the Comp Plan amendment docket on May 22. Also staff would provide a briefing to the BOCC on the Shoreline Master Program update. Also, staff would bring forward the Omnibus package. Staff was asking the BOCC to set a public hearing for June 15.

The Chair invited committee reports. It was agreed to report on the No Shooting Zone Committee meeting during that agenda topic. It was further agreed to report on the MPR Committee and EIS scoping meeting after Brent Butler arrived.

The Chair invited public comments. There were none received.

B. DISCUSSION ON DEVELOPING PLANNING COMMISSION RECOMMENDATION TO THE BOCC CONCERNING GENERAL CRITERIA AND PROCESS FOR ESTABLISHING NO SHOOTING ZONES IN JEFFERSON COUNTY

Dennis Schultz reported on the No Shooting Zone Committee's meeting and recommendation to the Planning Commission. He summarized the committee's recommendation. The full recommendation was submitted to the Planning Commission in a memo. The gist of the recommendation was to form a committee consisting of a person from the Sheriff's department, a person from the Planning department, a person from a stakeholders group such as hunters or a shooting club, and three citizens at large. That committee would make recommendations to the BOCC concerning no shooting areas. The No Shooting Zone Committee also recommended certain exemptions.

Dennis Schultz noted a couple of omissions from the draft recommendation. One was a right to bare arms issue and the other related to private shooting ranges on parcels of ten acres or more. The commissioners and staff discussed wording from other county and/or state codes.

Bud Schindler suggested some clarifying wording for how the designated committee would consider the petition areas. It was also agreed that the terminology should be "No Shooting Areas" instead of "No Shooting Zones" and should be consistent throughout.

Mike Whittaker stated that the concerns with shooting areas were safety and noise. However, he wondered whether ten acres was enough. He stated that many people considered "rural character" to include peace and serenity, but a shooting area even on ten acres may be too close for a neighborhood. Edel Sokol stated that there was bird hunting in much of the rural area of the county, so she thought ten acres was adequate.

Rachel McHugh stated that one question she had was enforceability. She stated that the committee had suggested that staff send the recommendation to the Sheriff for review. One thing he suggested was automatic consideration for an area based upon population and density. Dennis Schultz stated that he thought the proposed section that allowed the Sheriff to request a no shooting area would address that issue.

Josh Peters stated that shooting ranges were allowed under a permit. He was concerned that the criteria would have an effect on someone applying for a shooting range permit. He thought the Planning Commission should consider the issue. Jim Hagen stated that the question was whether the establishment of a No Shooting Area precluded applying for a permit. Mr. Hagen stated that, while he did not want the scope to get too big, we really had a no shooting ordinance with no criteria. He thought a county-wide ordinance should have some basic footing. He thought that proper criteria could give the county the ability to enforce the code.

Edel Sokol advocated that the Planning Commission should have some people present who hunted or did shooting to give input to the commission. She stated that the local farmers allowed duck hunting and there was deer hunting in the county. She thought that segment of the population should be represented and the commission should hear from them.

The commissioners discussed property sizes in relation to shooting. Dennis Schultz stated that the outlaw shooters would shoot anyway and they would do it anywhere; you could not control them. He stated that the people who shot

seriously as a hobby did so carefully. Edel Sokol reiterated that the people who would be affected by this ordinance should have a voice. Bill Miller stated that safety was related to the caliber and size of weapon being used. He stated that the recommended committee would be looking at the rationale for a certain no shooting area. If it did not have good rationale, it would not "fly". So the criteria should have good rationale. Jim Hagen stated that the density would just be one component of the rationale. He stated that unlawful shooting was a problem but that was an enforcement issue.

The commissioners discussed the fact that the Paradise Bay Water District was the entity that proposed the no shooting area around Paradise Bay, and got the petition together, because of damage to their water tanks. It was pointed out that there were already laws against such vandalism; the problem was enforcement. Bill Miller stated that if you had a large area and the water tanks were shot from a distance, you could question whether or not a particular person did it, if a deputy came out there. But if you had a fairly large no shooting area, the deputy could enforce it. It would give broader powers of enforcement.

JD Gallant stated that there had been a stray bullet come onto his property from a careless shooter. He did not advocate a no shooting area in his vicinity, however. He thought we should establish basic criteria. But, he wondered whether we should also establish specific criteria. He stated that an area like where he lived should not be a no shooting area, but downtown Quilcene should be.

Jim Hagen stated that the Kitsap County ordinance was where the committee got the idea about a review committee. He stated that the intent was that the review committee would be set up after the ordinance was set. Another possibility was that the review committee be set up to work on the actual ordinance recommendation. While he thought the No Shooting Zone Committee had done a good job, in response to Ms. Sokol's comments about stakeholders, he suggested that a review committee could expand on the work already done by the Planning Commission committee. Rachel McHugh stated that the BOCC had asked the Planning Commission for a recommendation within two months. Mr. Hagen responded that that could be the Planning Commission's recommendation, although the commission was just in discussion at this time.

Jim Hagen stated that he noticed an interesting dynamic with the Paradise Bay petitions. The petition for a no shooting area had 10 signatures from each voting district but the petition against had 32 signatures. However, the Kitsap County ordinance required fifty percent plus one (50% plus 1). Bill Miller stated that it came back to good rationale that could be weighed, both for or against, to determine how large an area should be or whether it should be a no shooting area at all.

Edel Sokol suggested that there should be a density criterion, stating that where we had an established boundary such as the UGA or a Rural Village Center, it should be a no shooting area.

Dennis Schultz suggested that the Planning Commission forward this recommendation to the BOCC with the recommendation that the BOCC form a review committee on the issue similar to the Conservation Futures Fund Committee. He stated that the first thing the Conservation Futures Committee did was to write its own ground rules on how it would operate and its

criteria and submitted them to the BOCC for approval. He thought a No Shooting Area Committee might fit that same category.

Bud Schindler stated that one element that should be considered was the noise issue. As a Vietnam veteran, he had been very sensitive to gun noise for a long time. He thought the noise of a high powered rifle should be one of the considerations. Dennis Schultz stated that he lived near the gun range and the shooting noise was not nearly as loud as the noise from a weedeater or a chain saw. Mr. Schindler stated that they did not emit a projectile that could travel a great distance, however. Mr. Schultz agreed that it could be a very emotional issue.

JD Gallant asked how a No Shooting Area Committee would operate, whether its main duty would be to set the boundaries. Dennis Schultz responded that they would make a recommendation to the BOCC on what the boundary should be. Jim Hagen suggested that the committee would also initially work on the ordinance language, starting with and expanding upon the Planning Commission's draft ordinance language.

Dennis Schultz described the Conservation Futures Committee's activities. He stated that one thing they found to be very beneficial was the mix of people on the committee. A No Shooting Area Committee could be made up of similarly interested people. They could do both the initial ordinance language and then follow up with the actual review of the no shooting area boundaries.

Bud Schindler expressed concern about maintaining the synergy of the review committee over time. Dennis Schultz thought a committee would be busy for awhile with the Paradise Bay issue and perhaps some other more populated areas. Then there may be a time period where the committee would not have much to do. It may be necessary to re-establish the committee later if a new petition was brought forward.

The commissioners discussed how the issue came up and was sent to the Planning Commission. Rachel McHugh stated that it started with a letter from the County Sheriff to the County Administrator.

Bud Schindler asked if staff had reviewed any other counties ordinances besides Kitsap and Clallam and whether any had an automatic criterion for density. Rachel McHugh stated that she had sent information from several other counties to the committee. None of them had density as a criterion.

Josh Peters provided some alternatives that the Planning Commission could take based upon the conservation: (1) The Planning Commission could send the BOCC a recommendation that the BOCC establish another committee that would be dedicated to this issue both for purposes of revising our ordinance and for continuing on to review proposed no shooting areas; or (2) The Planning Commission could send the current recommendation to the BOCC as basic ordinance language so that the Sheriff or the BOCC could initiate a petition themselves; or (3) The Planning Commission could continue to work on the draft language and finalize it at the next meeting and then send it to the BOCC with a recommendation about the function of the review committee.

Jim Hagen stated that there was an ordinance in place. There was nothing in the existing ordinance to prevent a no shooting area in the Tri Area. It would take a citizen's petition, but someone could sponsor that.

Edel Sokol asked when the Planning Commission would start work on the Comp Plan amendments. Josh Peters replied that they were scheduled for the first meeting in July. Ms. Sokol stated the opinion that the Planning Commission should pass the recommendation to date on to the BOCC, given the fact that the Planning Commission would soon be taking up the Comp Plan amendments. Mr. Peters stated that, even if the Planning Commission ended up passing on this recommendation, even though it was not a full list of criteria, the commission had done the research and provided a service through the staff and committee work. Other counties ordinances had been researched and we did not find anything exact, which meant we would have to create it ourselves, which would involve a longer process.

The commissioners discussed the time it could take to come up with a final ordinance recommendation. Edel Sokol strongly supported having stakeholders on a committee to draft recommended ordinance language. She supported passing on the work done to date because the Planning Commission did not have the time to do it this year. Bud Schindler stated there had been some effort put into this issue and he would want to see it portrayed as the Planning Commission's best recommendation so far, but that it should be carried forward by the suggested review committee.

Dennis Schultz moved that the Planning Commission pass on the work the commission had done to date, with the modifications suggested at this meeting, and with a recommendation that the BOCC form a review committee as described in the draft ordinance language to continue with setting a final ordinance recommendation. Mike Whittaker seconded the motion.

Dennis Schultz stated that he was willing to make a presentation to the BOCC. Jim Hagen stated that he wanted to avoid a "quick fix" that became the permanent solution. As a planner, he wanted to see the best possible route to the best possible solution reached. He supported either Alternative #1 or Alternative #3 as outlined by Mr. Peters, and basically supported Alternative #1 at this time due to time issues. Edel Sokol stated that the Comp Plan amendment applicants had paid money for the review of their proposals, and the Planning Commission owed them its full attention. Mr. Schultz stated that the commission had the critical areas ordinance to review as well. Mr. Hagen thought the committee's work was very valuable and a good starting point. Rachel McHugh stated that the memo to the BOCC could be clear that this initial work was not intended to be a final product.

While it was an unusual step, the Chair invited public comments while the commission was still in discussion of the motion.

Richard Broders stated that he did not have a comment at the beginning of the meeting because he did not know what the Planning Commission's discussion would be. He expressed appreciation for the opportunity to speak. He thought the no shooting issue started because of some people trespassing on some property near his development behind the Sheriff's Office who were shooting. He thought the residents in his development started the issue about the Tri Area. Also, the Paradise Bay issue came up about the same time. He stated that it was not the PUD who started the Paradise Bay petition; it was the local water company. From his point of view, there were areas where it was appropriate to shoot and there were areas where it was not appropriate. He stated that there were state laws addressing the issue. One was the Firearms Pre-emption Law which only gave the counties and cities certain options. They could pass no shooting zone ordinances. They could make no shooting zones in areas where there was a reasonable likelihood that

people, domestic animals, and property were in danger. The state law said nothing about noise. He stated that the state law said if whatever the county passed went beyond the state law standards, it was repealed. So whatever the county passed, it had to be consistent with the state law.

Edel Sokol commented that the BOCC had access to a lawyer.

Joe D'Amico, Security Services Northwest, thanked the Planning Commission. He thought the discussion had been balanced and he appreciated that. He stated that Mr. Broders was correct about the state law. He stated that there were current laws to address reckless shooting. He suggested that the Planning Commission consider circles instead of the boundaries the commission had discussed. He suggested that there be an exemption for security officers the same as for law enforcement officers. He stated that there was three times the number of security officers in the country as there were police officers.

Dennis Schultz amended his motion to add an exemption for licensed security officers in the performance of their duties. Mike Whittaker seconded the motion amendment.

Jim Hagen pointed out that the Clallam County ordinance said fifty percent plus one of property owners (50% plus 1) and the Kitsap County ordinance said sixty percent of property owners (60%). He wondered whether the commission should recommend a different number for a citizen petition. Bill Miller stated that he had no problem with people bringing a petition, even if it had a small number of signers. He thought that if a proposed area did not have a good rationale, it would not succeed. Dennis Schultz stated that the rationale would be the purpose of the review committee.

Jim Hagen stated that it should be clear that this body of work was not a complete, formal recommendation. The commission's recommendation was to form a review committee. The commission was just making that recommendation with a head start for the new committee.

Rachel McHugh asked for clarification about whether to add the 10-acre exemption. It was agreed not to add it at this time but to make it clear that the review committee could look at other criteria and/or exemptions, including densities.

The motion as amended carried unanimously (7-0-0).

Dennis Schultz volunteered to present the commission's recommendation to the BOCC.

**C. PRESENTATION OF STAFF CODE AMENDMENT PROPOSAL FOR PROTECTION OF
"CRITICAL AREAS"**

Josh Peters stated that GIS staff had produced a map showing the channel migration zones [CMZ] for the Duckabush River. He encouraged the commissioners to review it during the break. He stated that similar maps would be produced for the other South County rivers.

Josh Peters reviewed the handouts on the Critical Areas Ordinance [CAO] issue. He stated that some of the material was new, but some of it was from the 2004 CAO process. He stated that a public comment period started on this date and ended on June 14. Mr. Peters stated that the schedule proposed that

the Planning Commission would formulate its recommendation to the BOCC by its June 21 meeting with the Planning Commission public hearing on June 7. The purpose of the timeline was for the BOCC to be able to act by July 18, which was the end of the six month period the county needed to meet under the Second Settlement Agreement with Washington Environmental Council.

Josh Peters reviewed the county web page information on critical areas which included: (1) a history on the issue and previous ordinances, (2) best available science [BAS], (3) the review in 2004 and its result of re-adopting what was already on the books in the development regulations and resulted in a petition for review to the Hearings Board from WEC, (4) the series of critical areas workshops in 2005, (5) the CMZ studies and wildlife habitat and corridor studies, and (6) a workshop with an attorney on legal complications with best available science. Mr. Peters stated that there were web links to the CMZ and wildlife maps and reports from the 2005 studies. He stated that all of the CMZ maps would be available by the June 7 public hearing.

Josh Peters stated that selected parts of the DOE Guidance for Wetlands were included in the handouts. It represented DOE's current BAS for wetlands. Appendix 8c, included in the handouts, dealt with management recommendations, including buffers. He stated that staff proposed adopting Alternative #3. He stated that the wetlands section of the code proposal essentially corresponded with Alternative #3 under Appendix 8c of Volume II of DOE's Guidance for Wetlands. He stated that the DOE link included information on the Wetlands Rating System for 2004, which was an update of the 1993 wetlands rating tool. The second DOE link was to their CMZ delineation and management information.

Jim Hagen stated that right after the critical areas RCW reference was a reference to guidance from "the Manual". He asked if that was Volume II or if it was the Wetlands Rating System. Josh Peters responded that the RCW referred to the 1997 Delineation Manual. He stated that was referred to in our wetlands section at Page 12 of the proposed language. He stated that the ordinance language said "Wetland delineations shall be determined by using the Washington State Wetland Identification and Delineation Manual, March, 1997, or as amended hereafter" at 18.15.325. He stated that was about identifying and delineating a wetland. It would identify the boundary of a wetland and then identify the type of wetland. Then you would rate the wetland, which involved looking at the wetland type. Mr. Peters stated that the process was more complicated than it used to be, but he thought there was more relief for property owners. The rating established the wetland category which in turn established the buffer. Then a third variable was the intensity of the land use, which was something new.

Jim Hagen asked if the wetland rating was based on the point system, based on the three factors of habitat function, water quality, and hydrology. Josh Peters replied that it was. He stated that it was the 2004 rating system, but that was different than delineation and identification, which was still based on the 1997 manual which had not changed. So, you needed the two manuals, if you were a wetlands professional, to make a wetlands delineation report. Mr. Hagen stated that the 1997 manual would be the official best available science. He pointed out that Volume II said that it was advisory only; that it did not necessarily qualify as BAS. He stated that was in the appendix where the alternatives came from. Mr. Peters offered the opinion that the 1997 manual was not part of the BAS; it was simply the standard by which wetlands were delineated. It was only about identifying and

delineating wetlands. It was not about management recommendations due to scientific information about impacts to wetlands. He thought that was where you got into BAS - how wetlands were impacted by land uses, how you could mitigate that, what size the buffer should be, etc. Mr. Peters stated that Volume I was a compilation of science. Volume II incorporated the management recommendations. He stated that DOE did this multi-year project and came out with this guidance. He stated that Mr. Hagen was right that it was guidance. Mr. Peters stated that, from a local government perspective and from staff's perspective, staff suggested that the county incorporate the guidance. Otherwise, the county would be in the position of having to come up with other recommendations and then back those up. Mr. Hagen stated that the concern for him was that the law said to use best available science, but the document they were relying on as BAS said itself that it was not. Mr. Peters acknowledged that it was a good point.

Jim Hagen stated that part of the reason the BOCC did not adopt anything new in 2004 was because the manual was not adopted by DOE yet. Josh Peters agreed, stating that the manual was still in draft form in December, 2004. It was not finalized until April, 2005. Mr. Hagen stated that the BOCC did not feel it was their responsibility to comply with something that was still in draft form.

Josh Peters stated that there was nothing in the law that said the county had to use this guidance (Volume II). The other option was to use other information or other guidance, collect other science, and use that. He stated that, from a staff perspective, staff was recommending that we do incorporate this guidance as opposed to doing that other exercise.

Jim Hagen asked about how the Second Settlement Agreement addressed the wetlands manuals. Josh Peters referred to the particular section of the settlement agreement addressing wetlands. The county agreed to adopt the 2004 rating system to replace the 1993 rating system. The county also agreed to establish management provisions that were consistent with Volume II.

Jim Hagen stated that included within Alternative #3 were some variations or alternates to the alternative. One of them was where you could reduce or expand buffers depending upon site specific circumstances. There was also a Rural Stewardship Plan. He asked if the staff recommendation was strictly for Alternative #3 or whether there were provisions for some of the modifications, like #3a. Josh Peters stated that staff selected Alternative #3 instead of #3a. He stated that wetlands were the most complicated set of amendments staff was proposing. That was because there was a lot of information in the guidance. He stated that most of the code amendments were on wetlands. He stated that the county now had a wetlands scientist on staff who worked part time. Her recommendation was that the county use Alternative #3 as opposed to #3a. Mr. Peters thought some of the things Mr. Hagen was talking about in terms of site specific circumstances were included in Alternative #3. He stated that he could ask why she specifically recommended #3 versus #3a. He thought it was because Alternative #3 was a lot more complicated than what we currently had and #3a was even more complicated than that.

Dennis Schultz asked if the agricultural exemptions were changed or if they stayed the same as they were before. Josh Peters replied that they were not changed.

Josh Peters described a few examples of how one might get a waiver of a wetland delineation. It involved the property owner, on a large parcel, being willing to give 1.5 times the standard buffer width. If the person wanted to get closer to the wetland, there were a couple of options. One was to do a wetland delineation and then apply the standard buffer. The expense would be the wetland delineation report. If the person wanted to get closer because he had to because the parcel was small and there were no other options, you could do a habitat management plan. He stated that the habitat management plan was the equivalent of a Rural Stewardship Plan. He stated that all of this information was already in our code. Mr. Peters stated that a new variable was being introduced that added more complication but that provided a more site specific basis. He referred to the table on Page 15 of the draft code amendments. It depicted types of land uses and the levels of impact (low, medium, and high). He stated that the table on Page 16 showed how the three variables worked.

Dennis Schultz commented that there were huge increases in the buffer sizes depicted on the tables. He thought that when people realized that, there would be a big outcry. Josh Peters disagreed that in every case the buffer size was increased. He cited an example of a Category I wetland with high level of function for water quality improvement and low for habitat with a low intensity land use, the buffer would only be 50 feet, which was significantly less than the standard Category I buffer we had now. It was true that for the highest functioning, most valuable wetland according to their functions and values and the most sensitive type of wetland (e.g., a bog), the buffers were bigger. He described how the buffer was calculated.

Jim Hagen asked about the cost to the landowner. Dennis Schultz stated that his cost for a small wetland was \$4,000. Josh Peters replied that the applicant paid for the studies, which was the way it was now.

Jim Hagen stated that Volume II said that Category I wetlands were relatively rare. He asked if there was already information in the county on the types of wetlands and their categories and the most common type. Josh Peters responded that he would ask the wetland specialist. Bud Schindler asked, of the applications received, what the most common wetland type was that was influenced by public development. Mr. Peters stated that he would ask that question as well.

JD Gallant asked if there was anyplace on the web that would show different types of wetlands so that people could see the differences. Josh Peters thought that the DOE link should provide that type of information. Mr. Gallant stated that he had been asked "What is a wetland?" Mr. Peters responded that a wetland was defined by soils, plants, and hydrology. He stated that a different question was "What kind of wetland is it?"

Josh Peters stated that if you had a small wetland feature and there was plenty of building room, according to that waiver table, as long as your building would be 450 feet away, then you would not even have to do an assessment, because you would already be assuming it was the best wetland in the world. If the owner was willing to assume that, then they did not have to pay to prove that it was not. However, when your development would be getting closer and closer to the wetland feature, you would need to do the reports. The reason was because, according to the science, as you brought the impacts of the land use closer to the feature, you jeopardized the functions and values of that feature more and more.

Edel Sokol asked who said that. Josh Peters replied that the scientific information that DOE compiled over the multi-year effort said it. Ms. Sokol stated that she knew someone who lived right next to a beautiful wetland. Mr. Peters stated that it might be a different situation, stating that a constructed wetland was an entirely different situation from a naturally occurring wetland for its functions and values, not only for habitat but for water quality, hydrology, stormwater, etc. Ms. Sokol stated that she really had a problem with someone somewhere telling other people what they could do. She thought that most people who built something near a wetland were good stewards. Mr. Peters responded that, historically and statistically, we were down to the last ten percent of the wetlands that were here pre-Euro settlement. That had implications with regard to the hydrology of the landscape and water quality and habitat. That fact had been established through science. He stated that we were now down to saving the last wetland features because they were the most valuable ecological feature on the landscape, according to some statements. That was why there was this attention to it. He stated that the "No Net Loss" policy had not worked, stating that constructed wetlands did not work in terms of real wetland functions and values. However, there were some innovative projects going on in this state. One was a wetland bank. He described the concept. He stated that the county was waiting for the state and federal agencies to figure out how the process would work.

Jim Hagen stated that the conclusion of Volume II was that site specific efforts to save wetlands had failed. They were advocating a more landscape based approach, which analyzed the wetland in terms of how it related to an entire watershed. He asked if there was anything in this draft ordinance addressing that. Josh Peters responded that there were two ways this ordinance addressed that and there were other things afoot that might address that issue as well. The two ways were that, in the Wetland Rating System as updated in 2004, there was much more attention paid to the position of that feature in the context of the landscape. So in doing the analysis itself, it was part of the point values. The other way was another section that talked about core habitat area and corridor mapping. That was not just isolated to wetland features; there were also lots of other riparian areas, forest habitat, etc. But wetland habitat was one of the key habitats that were examined. Therefore, we now had a higher view of the key habitats in Eastern Jefferson County and a lot of those were wetlands. This ordinance addressed that, at least with regard to subdivisions and forest practices. In terms of other things afoot, our Shoreline Master Program update was going on. A lot of wetlands were associated with shorelines. We had a landscape analysis approach we were employing with respect to the entirety of the landscape. It would definitely look at wetlands. Hydrology was a huge component of that review.

Jim Hagen asked if the county wetland specialist would be the one who determined the category of wetland and how it related to the watershed as a whole. Josh Peters responded that her job for the county was to review reports that came in. He stated that he had borrowed her from the DRD division for this CAO job and felt lucky to do so. He hoped to borrow her again if LRP got involved in other activities that would benefit from her expertise. He thought the determinations would be made by the preparer of the wetland delineation reports and that preparer would be given a lot of information. Hopefully, that would make it less expensive because they would not have to go and do a lot of research; the county would be proactive in providing as much information as possible. He stated that the county was hoping to get more information in a digital format so that we could update

our data over time. Mr. Hagen asked if the landowner's delineation report would have to make that assessment. Mr. Peters replied that it would, which was part of the 2004 Rating System.

Bud Schindler wondered about the complexity of the delineation reports. He thought that increasing the complexity of a report like that would also likely increase the variability. He wondered whether the expertise required to generate the more complex delineation report would require a scientist. He also wondered about variability in report results depending upon different report writers. Josh Peters responded that you did have to be a wetland scientist to do a report. In answer to the question of whether there would be a variation in reports, he thought it was probable, although hopefully not over time. He stated that the county having its own reviewer helped cut down on the variation. He admitted that there would be a factor of variability, as there was with any specialist reports.

Edel Sokol asked how a delineation report helped the property owner. Josh Peters stated that the reason a property owner would pay for a report would be so that they could build closer than was normally possible to that wetland feature. Sometimes, with a habitat management plan, they could even build within the buffer.

Dennis Schultz asked why the buffer for a waiver was so much larger than the maximum buffer you would have with delineation. Most of them were 1.5 times or more than the worst case buffer with a delineation. He wondered why you would not just use the maximum for a delineated wetland. Josh Peters replied that it was another question for the wetland specialist. He stated that it was something that was in our code already. It was not something that not many other jurisdictions did. Mr. Peters stated that we put it in the code specifically to go near the wetland. He stated that our wetlands specialist had said that this county's current code had the most lax wetlands provisions she had encountered. He stated that the point was that, if you were not going to have the wetland boundary professionally delineated in order to find out where the edge of that wetland was and in order to start to do the standard buffer, as long as you used the standard buffer plus another half, you could basically pick out the approximate boundary and you would not have to use a professional. The county would consider it good enough because you were that extra half buffer distance away.

Edel Sokol suggested that the table should be included in the legal notice for the public hearing. She thought that would notify people about the fact that we were proposing to substantially increase the wetland buffers. She referred to Commissioner Sullivan's comments about informing the public about the contents of our proposals. In response, Josh Peters reviewed the legal notice for the June 7 hearing. While he thought the ad could have said that buffers would increase, he thought there was enough interest about wetlands that people would become informed. Also, the county would issue a press release on the subject.

Edel Sokol asked how the county policed and enforced the wetland provisions. Josh Peters responded that, when you did a habitat management plan, there was a monitoring provision that went on over time. It set up a schedule where there may be site visits by county staff. He stated that the reality of the matter was that, as was the case with most of the county regulations, there was a certain amount of enforcement and monitoring and then the rest of it was education and incentives. That being said, you still had to have "the

hammer" there if you really wanted to protect the feature and, if necessary, there would be enforcement action taken in particular cases. However, the principle concept was education.

D. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

E. APPROVAL OF MINUTES

These minutes were approved this _____ day of June, 2006.

Jim Hagen, Chair

Cheryl Halvorson, Secretary