

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR JULY 19, 2006

- A. OPENING BUSINESS
- B. PRESENTATION/DISCUSSION OF STAFF REPORT FOR 2006 COMPREHENSIVE PLAN AMENDMENT DOCKET (except MLA06-87)
- C. DISCUSSION ON CRITICAL AREAS ORDINANCE PROCESS AND TIMELINE
- 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 Dennis Schultz, Edel Sokol, Bud Schindler, Peter Downey, Mike Whittaker, Bill Miller, Henry Werch, and JD Gallant.

DCD staff present were Josh Peters, Rachel McHugh, and Cheryl Halvorson, secretary.

There were about sixteen members of the public present. Those who signed the guest list were Cleo Austin, Drew Austin, Jim Fritz, Jim and Joyce Engle, Bill Leavitt, George R. Hansberry, Arthur Bell, Eugene Brown, Norman MacLeod, William Wheeler, Cammy Brown, and R. K. Alexander.

The minutes for June 21, 2006, were approved as amended. The secretary pointed out a clarification on Page 2 concerning the buffer widths and the waiver implications. Also, there was a clarification on Page 14 concerning Mike Belenski's comments about reviewing county personnel files. In addition, George Hansberry provided some clarifications about the dates he came to Jefferson County and moved onto his current property.

Jim Hagen suggested adding an agenda topic on the Critical Areas Ordinance [CAO] process and timeline to be placed after the 2006 Comp Plan amendment docket, because he thought the issue would take more time than just the Staff Reports topic would allow. He thought the issue was important enough to have its own agenda item. The amended agenda was accepted.

Jim Hagen raised the issue of Planning Commission involvement in setting the agenda topics. He stated that the July 5 meeting had been cancelled without any consultation with the Planning Commission. He stated that he had asked that the CAO issue be added to the agenda for this meeting but Mr. Peters had instructed the secretary to not put it on the agenda. He stated that under the by-laws, the Chair, in cooperation with staff, was charged with setting the agenda. He wished to re-examine that policy. Josh Peters responded that he thought Mr. Hagen was making a big issue about nothing. He explained that when the secretary asked him about adding the topic to the agenda or to just leave it for Staff Updates, he had instructed her to leave it in the Staff Updates, thinking that it was not a "big deal" for this meeting. The Chair's response had been to write emails to supervisors and made it a "big deal". He did not think it was appropriate, especially after Mr. Hagen had met with staff for two hours about having a workshop on critical areas and had, in fact, picked a date for it (August 2). He had assumed that, with that workshop date selected, a full agenda topic for this meeting was not that important. Mr. Hagen stated that his point was that it was the Chair's prerogative to do this. He stated that he brought it up to remind staff that was the case. He stated that he had lost two meetings in a row. He thought the commission had lost a very valuable meeting on July 5. Mr. Peters countered that the July 5 meeting was supposed to be the topic of this meeting. He stated that staff was unable to accomplish the work necessary to have a staff report ready for July 5 and had, therefore, moved the topic to this meeting. Mr. Peters pointed out that the Planning Enabling Act addressed the role of the Planning Commission. He stated that DCD was the "planning agency" and the Planning Commission was set up to "assist" the department. He stated that the role of the commission was also set out in the county resolution that established the Planning Commission. When the Planning Commission provided a recommendation on things the commission was

asked to do, by the BOCC and/or the department to assist the department, then DCD would pass that recommendation on to the BOCC along with the department's final recommendation. He did not understand where Mr. Hagen was going with this issue.

Peter Downey agreed that the Planning Commission was commissioned to help DCD do its work, but the Planning Commission was to help from a policy perspective. From a policy perspective, to cancel the July 5 meeting without any discussion with the Planning Commissioners really rubbed him wrong. He thought it had affected everyone on the commission and thought that was the sensitivity being expressed. He thought that might be why it was being made a bigger issue than it might actually be. He thought mistakes were made in the way the July 5 meeting was cancelled. Josh Peters agreed and apologized for the way the meeting cancellation was handled. He reiterated that there was not anything to be discussed at that meeting and staff did not want, especially the South County commissioners, to come to a meeting where there was not anything to be discussed.

Jim Hagen read the Planning Commission by-laws section in Section 7 which said that staff would prepare for future meetings with the Chair of the commission. He stated that his point was that all agendas should be prepared with the Chair of the Planning Commission. Josh Peters responded that Mr. Hagen should just say that then, adding that he felt Mr. Hagen was making the issue very personal.

Henry Werch stated that he was pretty much the newest member of the commission. He stated that it sickened him, personally, to find practices, habits, and the way in which things were done here undermining the proper role of the Planning Commission in this community, in his opinion. He found it unacceptable and not fully supported by law that the Planning Commission held its meetings and conducted itself as if it were the Supreme Court instead of an advisory body. He found it contrary to the commitment the commission had to the community that the commission was often perceived as the enemy or in league with the enemy, as opposed to being the proper vehicle by which the community could share its views. He believed further that the legalistic detail and complications that were imposed on the commission in the practice of what the commission needed to do only duplicated, in almost every case, hearings the Planning Department held and was wasteful of tax dollars and wasteful of the commissioners' time. He stated that the answer would be that "We've always done it this way." He stated that it would be his role, where appropriate and where supported by the other commissioners, to support and participate in everything the commission did as it was now constructed, but to encourage the evolution of this Planning Commission into the kind of body that would be a comfortable, easy place for the public to come and learn about things that affected them, in a way they could comprehend and would feel comfortable in sharing their views without fear of not understanding what was going on and how they could properly get their views submitted through the Planning Commission to the Planning Department and on to the BOCC. He thought the commission was wasting its time and county money in rancor over petty squabbles and in duplication of effort. He stated that the Planning Commission existed as a place where the public could easily learn and provide input. To the extent that we blocked that by procedure or language or reports or arguments, he thought the commission failed to fulfill its obligation. He stated that he wanted to do the job that he believed Planning Commissioners were to do - to hear what people had to say and to give them an opportunity to comfortably share their views and to provide, perhaps, a means by which to convey direction from the Planning

Department. He stated that to begin this meeting with this kind of rancor and negativism did not serve the public or Mr. Hagen as Chair or the Planning Department.

Dennis Schultz stated that the intent of the Planning Commission was basically for an independent review of what was proposed relating to planning. He stated that if the Planning Department was going to dictate to the Planning Commission what topics it could discuss and when the commission would do it, it took a lot of that independence away. He stated that the Planning Commission should feel free to participate with the Planning Department, and to present the commission's own views, and to represent the public on the topics before it.

Jim Hagen commented that if following standard procedure was viewed as rancor, then something was wrong.

Jim Hagen invited staff updates. There were none offered.

Jim Hagen invited committee reports.

Bud Schindler stated that there was no action as yet for the MPR Committee. The EIS was scheduled to come out about mid-August. He stated that the timeline was really tight. He stated that the committee would try to get public involvement and to review the EIS and the current laws that governed MPRs in Washington. He hoped to resolve some of the issues before they became issues. He stated that the objectives of the committee would be to listen to the public, especially the local public of the South County, identify the problems and see if the committee could address them, and to see if there was something lacking in the EIS that should be addressed, and forward the committee's recommendation to the full Planning Commission. He hoped to begin committee meetings around the beginning of August with a walk through of the MPR area. After that, the committee would begin holding meetings after issuance of the EIS.

Peter Downey reported that the Shoreline Policy Advisory Committee [SPAC] had not met on the Shoreline Master Program update. The technical advisory committee was meeting. He stated that the SPAC was scheduled to begin meeting in August.

Henry Werch referred to the No Shooting Areas issue. He stated that there was no new activity. As it was left, the county was reviewing the proposals that were submitted by the Planning Commission. The County Administrator may or may not ask the Planning Commission to do more work; we did not know.

Jim Hagen invited public comments.

Norm MacLeod referred to the agenda setting, scheduling, and meeting cancellations. He agreed that there should not be a lot of "pissing contests" between various bodies of government within the county. He stated that the amount of defensiveness that came from some circles indicated to him that county staff was over-taxed and under-resourced and, perhaps, should be thinking about accepting assistance where it could be offered. He hoped there would be a lot of reliance on the Planning Commission as a deliberative body and as a body that was designed to work with the public and staff, sometimes both at once, in a problem-solving atmosphere. There should be a consultative role for each body, including the public, where we could work on the issues facing the county until we could find where the happier medium

ground lay, so that we could get on with taking care of the people of this county, as well as the eco-systems that we had to take care of at the same time. He thought the time for fighting back and forth was well past because we had a lot of issues and a very compressed timeline to deal with them. He stated that we had lost time. He thought the July 5 meeting, if there were no updates that could be offered at that time, could have taken on other large issues facing the county. He hoped there would be no more meeting cancellations, although the agenda may shift significantly depending upon the needs or opportunities at the time.

James Fritz stated that every other year the fruit growers club went up to Salt Springs Island in Canada. He strongly recommended that everyone present should visit that area because of the types of produce grown there, adding that everyone there was ecologically minded. He stated that there was also a very strong sense of community. He stated that he was afraid what would happen in Jefferson County was what had happened to Santa Ynez County in California or Sun Valley in Idaho. The farming would be done away with and we would not have enough jobs for our young people and they would not be able to afford to live here. He stated that we needed to think in terms of making a cohesive county where we had young people with jobs, where we had organic gardens, and where we had people willing to make long term commitments. He stated that the last thing we wanted was a place where real estate speculators came and bought and sold and wheeled and dealt, and when the area was burned out, they moved on to the next place. He stated that we needed to think in terms of what sort of structure we wanted.

B. PRESENTATION/DISCUSSION OF STAFF REPORT FOR 2006 COMPREHENSIVE PLAN AMENDMENT DOCKET (except MLA06-87)

Rachel McHugh stated that originally there were seven items on the Preliminary Docket. The BOCC chose not to docket the two suggested amendments, leaving the five site specific amendments. She reported that the Brinnon MPR amendment (MLA06-87) would be dealt with separately because it required a full EIS.

Rachel McHugh stated that the Staff Report and SEPA Addendum was an integrated GMA/SEPA document. The report was handed out to the Planning Commissioners at this meeting. She summarized the four site specific amendments addressed in the report.

MLA06-01, Bell: This application was for a rezone of a 12.5-acre parcel from RR 1:10 to RR 1:5. The parcel was located on Discovery Road. There were no significant controversies or uncertainties. Staff recommended approval.

MLA06-74, Austin: This application was for a rezone of a 30-acre parcel from RR 1:20 to RR 1:5. The parcel was located on South Jacob Miller Road. Although the current zoning was somewhat appropriate for the area, staff was recommending approval.

MLA06-77, Brown and DCD: This application was for a rezone of a 0.70-acre parcel from RR 1:5 to Convenience Crossroads. The parcel was located on Irondale Road. The parcel was consistent with all of the criteria for a rural LAMIRD [Limited Area of More Intensive Rural Development]. There were no significant conflicts and it met the criteria, including the criterion regarding pre-1990 built environment. Staff recommended approval.

MLA06-85, Port of Port Townsend: The application was for a rezone of a 2.5-acre parcel from Airport Essential Public Facility to Rural Residential. The parcel was located at the southwest corner of SR 19 and Woodland Drive across SR 19 from the airport. There were no significant conflicts and it met all of the criteria for a rezone. Staff recommended approval and designation of the parcel as RR 1:5.

JD Gallant referred to the Austin amendment. He asked if the proponent intended to short plat or long plat the parcel. Drew Austin replied that, because of the criteria for platting, they would probably divide the parcel through a short plat process. He stated that they needed to be able to sell the property off for family economic reasons. Rachel McHugh stated that the application was only for the rezone. The short platting process would come later. Mr. Gallant asked if the Planning Commission would see the proposal again in the next step in the process. Josh Peters replied that the next step (platting) was a permit process. He explained that land divisions went through an administrative process. This application only addressed the zoning component. Peter Downey stated that this was the Planning Commission's only chance to review the proposal.

Cleo Austin asked what steps they would need to take after this process was finished. Josh Peters explained the Comp Plan amendment process and timeline, stating that they could apply for the short plat after this process was completed, assuming their application was approved. That (short plat) likely could not occur until after the first of the year.

Jim Hagen stated that the Staff Report was a fairly large document. He suggested the commissioners review it prior to the next meeting. Dennis Schultz explained the entire Comp Plan amendment process and timeline. It was noted that the Planning Commission public hearing on the amendments was scheduled for August 2.

Mike Whittaker referred to some of the high emotions expressed at the last meeting and the talk about the use of firearms. Jim Hagen stated that the issue could be brought up during the CAO agenda topic.

Jim Hagen asked if there were any questions concerning the Comp Plan amendments. There being no further discussion or questions on the docket, the Chair moved the agenda forward.

C. DISCUSSION ON CRITICAL AREAS ORDINANCE PROCESS AND TIMELINE

Jim Hagen referred to a staff email concerning staff providing details at this meeting, ask for ideas on how to arrive at an effective workshop, and how to best employ a Planning Commission CAO Committee working together with key stakeholders in a process to revise the current draft ordinance amendments in the context of best available science [BAS]. He suggested the commissioners begin with a discussion of how to run an effective workshop on August 2. He noted that there were two other items on that agenda as well. The CAO workshop was expected to begin at about 7:30 p.m., giving about two hours for the topic.

Henry Werch asked if the intent was for the Planning Commission to deal with the Comp Plan amendment docket items in only one-half hour. Rachel McHugh explained that the August 2 agenda would include the public hearing on the amendment docket, followed by a presentation by Tom Beckwith on the Affordable Housing Needs Assessment, with the CAO workshop last beginning at

about 7:30 p.m. Mr. Werch asked for the reason the commission would not begin deliberations on the amendments on August 2. Dennis Schultz explained that the commission typically did not begin deliberations until the written comment period was over and the commissioners had received them for consideration. Josh Peters explained that deliberations on the docket would begin at the August 16 meeting and the commission would at least begin formulating its recommendation.

The commissioners began a discussion for a model for the CAO workshop. Jim Hagen stated that the workshop was intended as an information forum that was originally scheduled for July 5. Mr. Hagen described an open house on the UGA sewer planning and a Planning Commission workshop in 2005 on the in-stream flow rule as two examples of ways to handle the workshop.

Peter Downey asked about the fundamental purpose for the workshop, whether it was to take more public input or to explore different avenues to move forward. Jim Hagen replied that he thought exploring different avenues for moving forward was the goal. He stated that there had only been one opportunity for public comment and that really was not in a form for an exchange; it was a formal public hearing process. He stated that the idea would be to conduct the workshop simultaneously with the formation of a Planning Commission committee with stakeholders. The workshop could be similar to a kick-off. He thought it could provide the Planning Commission with an overview of the concerns as well as provide the committee with a direction in which to pursue their work.

Henry Werch suggested a first step towards developing the kind of constructive, positive relationship we wanted with the community. He stated that he suspected a number of the commissioners had taken notes at the previous meeting identifying the principle fears and concerns expressed by the public. He stated that he had a list of about six and thought other commissioners may have as well. He stated that he would prefer to see some agreement between the commissioners and staff to begin the workshop with a series of educational presentations that would address the most serious concerns. It would be a way to begin developing a rapport and dialog. Whether he agreed with their positions or not, he stated that he heard people frightened, confused, and who could not comprehend what was going on. He thought the first responsibility the commission had was to address those fears. Therefore, he would like to begin the workshop with something that did that and then, through that process, identify those areas that the committee and further workshops could deal with.

JD Gallant suggested that perhaps a presentation from staff could better explain some issues, such as the buffer issue. He stated that, then, the commissioners could get involved with the public on the questions and answers, rather than a continuation of what occurred last time. He thought the commission really needed to avoid that.

Henry Werch stated that Mr. Gallant's suggestion went along with his, stating that the issues would be those concerns expressed at the last meeting. He stated that, rather than throwing a lot of legalistic language and references to this or that, if we could begin with a plain language addressing of major concerns we would be best served. Then, when we had some understanding from that as to what specifics had to be dealt with, we could move on.

Jim Hagen stated that any concerns expressed should not be the Planning Commission's concerns; they should be the public's concerns. Henry Werch

thought they were expressed at the last meeting. Mr. Hagen stated that the CAO ordinance document was a complex document. He thought one of the problems the commission saw at the hearing was that people did not have sufficient time to prepare for a document of this complexity. As a Planning Commissioner, he continued to read it and continued to find things he had missed before. He thought to take the concerns expressed at the hearing may not be relevant at this point in time. He thought new concerns would emerge that the commission had not heard before. Mr. Hagen stated that one thing he envisioned for the workshop was something that did not happen the first time around and that was a public that was engaged in the process. He stated that part of the commission's job was to take input from the public and then apply that to various other factors and use that as a basis for its recommendation. That was why he saw a very participatory role for the public of them telling the Planning Commission what they saw in the document and what concerned them, and then having staff or the commissioners responding to those.

Henry Werch responded that he saw that happening after the initial presentation at the hearing. He thought that if we began the workshop in that way, the commission would simply repeat the last meeting; the commission would simply hear exactly what the commission heard at the last meeting, or perhaps more of the same. He did not think he would be comfortable with the workshop beginning that way. He stated that his comfort level would be to identify some concerns that the commissioners could probably all agree were concerns, and have staff prepare a response to them in a way that was easily comprehensible and understood. He stated that he saw staff struggling to do that last time, but they were not really able to do it because of all of the challenges and high emotions that occurred. He stated that he was not saying that should be the subject of the whole workshop. He thought it was the way the meeting should begin.

JD Gallant described the workshops he had attended at the Port of Port Townsend. They took up particular subjects, had a staff presentation on each one, and then invited public commentaries on each subject. The workshop was basically led by the issue at hand between the staff and the advisory board.

Dennis Schultz stated that he would like to hear from staff what the timeline was and where the Planning Commission interface would be. Josh Peters responded that one of the things staff discussed with the Chair was what the very next step should be, because the decision had been made by the BOCC to reframe the process and have a new time table that extended out to at least January 18, 2007. He stated that the decision had also been made that stakeholder involvement was crucial to the next step and that the proposal presented on May 17 was to be recommended for revision through a Planning Commission committee process that involved stakeholders representing different groups in the community. He stated that staff had discussed with the Chair how to conduct a workshop at a Planning Commission meeting given that context. In terms of a timeline, staff had provided ideas about a timeline to the BOCC and had not received any feedback on it. As far as staff knew, the timeline had a Planning Commission committee working on the issue in August and September, the Planning Commission receiving the committee's report in October in order for it to come back to the full Planning Commission with a new proposal in November. The commission would hold a hearing and make a recommendation to the BOCC in December. Then the BOCC would address the issue in January, 2007, perhaps holding their own public hearing. He acknowledged that the timeline may be revised based upon logistics and the need for more time. He stated that the first thing that needed to happen was to arrange for the Planning Commission committee and to

arrange for the group of stakeholders that would be representatives of the community. However, the group should not be so large that it became unwieldy. He stated that the committee would be tasked with reviewing scientific information, coming up with recommendations to revise the proposal, and essentially frame that proposal within the requirements under the Act. He had hoped that discussion could occur at this meeting.

Referring to the August 2 workshop, Josh Peters stated that staff recommended using a separate facilitator but the Chair thought he could handle those duties. He stated that staff had offered to participate in whatever way needed to answer questions that may come up. He stated that staff had prepared a Frequently Asked Questions document directed to the expressed West End concerns. Staff intended to do a Frequently Asked Questions document for the general county. He thought the August 2 workshop would be useful for getting additional questions, or more detailed questions, about critical areas in general or about the process for revising the proposal so staff could prepare a document that would be applicable to East Jefferson County. He stated that staff also raised before the BOCC the possibility of abandoning this CAO process and going before the Hearings Board and defending what we had in December, 2004. His understanding at this point was that the county had decided to proceed with this process that had been extended to January 18, 2007. Mr. Peters stated that, aside from the CAO itself, other things that needed to occur were to adopt a Chimacum agricultural management plan and to develop and adopt management plans for the rest of East County and for the West End. Those agricultural management plans were being done in concert with the Conservation District. Also, the county had to adopt a funding mechanism and a time table for implementation of a monitoring program to go along with those plans. He stated that it was important to remember that the purpose of those plans was to have a completely voluntary program for farmers in exchange for essentially having no buffers on streams or wetlands.

Jim Hagen asked if the commissioners had copies of a calendar on the timeframes for the CAO, and other topics for the year, and the amendment to the Second Settlement Agreement. He stated that he had received them by virtue of attending the BOCC meetings. It was noted that the other commissioners had not received them. Josh Peters explained that the calendar was something staff provided to the BOCC to show how staff saw it playing out. It worked backwards from the January 18 deadline. The calendar also had other Long Range Planning milestones. He explained that the amendment to the Second Settlement Agreement simply addressed the six-month extension. The secretary stated that the amendment to the Settlement Agreement would be mailed to the commissioners.

Edel Sokol stated that she thought the August 2 workshop should include presentations by county staff and that the DOE and WEC should be invited to make presentations as well. Henry Werch stated that he agreed that those kinds of presentations were needed in the process. However, he thought any good facilitator would agree that before you could provide answers, you needed to identify the questions. He strongly thought that what we needed to begin with was to agree what the questions were. He thought that should be the place to begin. He thought that, absolutely, all of those agencies should be part of giving the answers. But he wanted to break the cycle or the repetition of a cycle, of this head-butting and distrust that existed between the public, the Planning Commission, and staff. He did not think anyone were villains. He thought that anyone who expressed the strongest opinions would benefit by knowing that the commissioners at least agreed

about what the questions were. He stated that there was lots of time to address the details, but there was a limited amount of time to address emotions. He believed that planning commissions had a responsibility, if nothing else, to address the sense of what the public concerns were first.

Dennis Schultz suggested that the workshop include the use of flipcharts to record concerns. Then each subject could be discussed.

Bud Schindler stated that he thought the first thing that should occur was an education type process. He thought we should point to problems with the existing process and then point to possible solutions. He thought we needed to educate people first on the problems and possible solutions. Then they may be more understanding and willing to work with the process.

Peter Downey stated that one of the biggest issues that needed to be dealt with, that he thought was incorrectly dealt with in the Settlement Agreement, was best available science and the taking of the DOE Guidance as BAS without really looking at the issue. He thought we needed to have a frank discussion about BAS, what was available and what was really there and to look critically at the assumptions. He stated that the DOE Guidance came out of DOE without a hearing and was never peer reviewed. He did not think it was necessarily BAS. He stated that the DOT did not use the new DOE Guidance. He stated that DOE had, at that point in time told DOT that was fine and that they had not held hearings on it, but they expected the counties to adopt it and they [the counties] would hold the hearings. That was the way it would be implemented. It was things like that that really, for himself, told him that we needed to have a frank discussion about it and whether it was the correct document to use. That being said, another issue was how to preserve the agricultural exemptions and the gains we had, while at the same time insuring that we had best available science. Ultimately, what we were trying to do was to utilize the BAS to provide adequate buffers for the critical areas. But at the same time, we needed to be able to preserve our ag exemptions.

Josh Peters referred to Ms. Sokol's comment about inviting a DOE representative, although August 2 might be too short a notice. He stated that the Planning Commission did hold three workshops on critical areas. One of those workshops included a slide presentation from one of the authors of the DOE Guidance. He stated that we could invite DOE to come back and do another presentation. Or we could find the copies of that slide presentation and, at least, cover some of the bases that were covered by the DOE staff in a format the commission could digest. Second, the Settlement Agreement did say "or some other alternative in consultation with DOE". What was meant by that was to simply do like some other counties had done by coming up with their own county-specific program. He stated that we could put an effort towards coming up with our own wetlands program. That was part of the charge of the CAO committee - to look at the information and come up with a program that was more Jefferson County specific. Just that one component may end up being the focus of the committee. However, there were other components that did not involve the DOE Guidance manual and did not involve wetlands specifically but involved other critical areas.

Jim Hagen stated that the proposed committee would not necessarily be limited to the DOE Guidance. It could pursue a whole other program. Josh Peters stated that went back towards the fundamental choice of defending the 2004 program. Mr. Hagen stated that would be an issue for the committee to discuss.

Jim Hagen stated that there had been a number of references to the public hearing on June 21 and that there was a lot of rancor and emotion. He thought what happened on June 21 could have been the start of a very valuable process. There may have been some unpleasant things happen, but sometimes that was the way good things started. He referred to the in-stream flow rule meeting in August, 2005, as being a similar circumstance. But that was the first step in getting people engaged. Then there were follow-up meetings. He stated that we were at a point where there was a new process underway that was very civil and participatory. He offered the opinion that the June 21 hearing had tremendous value.

Henry Werch agreed that it had value and that was why he supported Mr. Hagen. He thought a substantial part of that value was to make clear to us some of the key questions. To continue that process would be to begin the next meeting with some time devoted to addressing those concerns and then moving on from there. That would represent an evolutionary process rather than starting over from scratch.

Peter Downey stated that the problem with the June 21 meeting was that there were some individuals who stepped outside of a civil discourse and the Chair should have taken them to task. He thought they should be excluded from the meeting. He stated that those people should be ashamed of themselves. He stated that the Planning Commission should not allow such behavior. Henry Werch stated that he would include someone sticking their finger in the face of a staff member. He thought it was unconscionable and should not be condoned by anyone chairing the meeting.

Dennis Schultz stated the opinion that the commission should consider forming more than one committee. He thought the output of the August 2 workshop should be a list of issues the public was concerned about. He thought two different subjects could be addressed. One committee could look at the whole buffer issue, the alternatives, etc. That would take a lot of research. Another committee could address issues that came up during the workshop that were outside the buffer issue.

Edel Sokol stated that she thought Mr. Peters was getting at that issue when he addressed the issue of working with DOE on different BAS rather than using their Guidelines. Josh Peters responded that the Second Settlement Agreement said "in consultation with Ecology". He stated that what could happen in that context was that the revised recommendation from the committee could be forwarded to DOE for specific comment in the context of the DOE Guidance. He stated that while DOT was in disagreement with the DOE Guidance, the DF&WL was also in disagreement from the other angle. DF&WL thought the Guidance did not go far enough, as reflected in some correspondence on the subject.

Dennis Schultz referred to two Capital Press articles provided to the secretary. One addressed some studies by the BLM in Oregon that were finding that the buffers as defined were much larger than what was actually needed. It related to timber lands. He stated that the point was that it was beginning to look like what was termed BAS by DOE may not in fact be BAS. He stated that there were a lot of people who disagreed with DOE.

Jim Hagen returned the discussion to the format for the August 2 workshop. He summarized the ideas presented: (1) a flip chart for comments from the public which could be used to develop a frequently asked questions document and to generate interaction with staff and the commissioners; (2) education

on the problems with the current ordinance and the real effects on people; and (3) concentrating on the DOE BAS and whether there was better science available. Mr. Hagen stated that he thought what he would propose was a combination of all three.

Henry Werch stated that, while he would not disagree with any of the suggestions presented, he had also made a suggestion. He believed we should start by recognizing the validity of the last hearing and begin with addressing the major concerns in terms of an education process that had been identified. He stated that he could see the course of the meeting beginning with that and then moving to each of the other proposals.

The commissioners discussed a format for the August 2 workshop with no resolution. Bud Schindler wrote some scenarios on the marker board. Henry Werch wrote a list of six major concerns he heard at the last hearing.

Jim Hagen stated that the workshop was for the public. He suggested that the commissioners ask the public present what they would want. Norman MacLeod stated the belief that Mr. Werch's list of concerns was a good idea.

Edel Sokol stated that she wished to address the comments and threats of violence at the last meeting. She stated that she had not felt threatened at all. She stated that what she had heard from the people was that they had suddenly felt like the government was making it impossible for them to "breathe" anymore. When you could not breathe, you knew something was wrong. When the government came on with a heavy hand, the people could no longer breathe. That was what she saw.

Jim Hagen invited Mr. Whittaker to address his earlier comments. Mike Whittaker stated that there was no place to talk about violence, whether they were idle threats or not. There was no reason to get in anyone's face. It should be a civil meeting in order to accomplish something and such behavior was just not to be tolerated. He thought we should set out the ground rules at the outset.

Norm MacLeod stated that one of the things that was missing from this whole idea was that county government had not invited the, as facilitators called it, informal leadership to talk about how we should frame the next meeting. He stated that a lot of the members of the public would not listen real well when they were handed a set of ground rules when they walked in. The informal leadership could prepare them before they arrived, set the parameters before they arrived, and have them ready to participate. If the county did not take that step, everyone would be pretty much a wild card. He thought Ms. Sokol was right in that people were feeling that their backs were against the wall. A lot of what came out at the hearing was not directly related to the ordinance. It was more related to years of frustration that could not be addressed because there was no opportunity to have them addressed. He thought we may be past that point already and ready to engage in a constructive dialog and get things moving. But we would not be able to do that very well unless the informal leadership was included in helping to bring the discussion to goals and objectives.

JD Gallant stated that, while Mr. MacLeod made some sense, we had to keep in mind that the Planning Commission was an advisory group. He stated that it was totally different than many other groups. He stated that the problem was that the Planning Commission itself needed to be educated also. He stated that the commission needed to be educated by staff, by each other, and by the

public on what the issues were. He stated that the Planning Commission had six hours a month, and that was not a lot of time for public involvement. He thought the public should be involved, but the commission should control that involvement, with "control" in the context that the commission needed an established format in advance.

Edel Sokol asked Mr. MacLeod if he had a preferred format. Norman MacLeod replied that he did not have a firm grounding on that yet because the Planning Commission did not have a firm grounding on it. He stated that no one from county leadership had consulted with the people who ought to be listened to. He thought such a meeting should happen before the workshop to take care of that, if the commission wanted to be constructive.

James Fritz offered several quick observations. He questioned what evidence we had that the existing buffers were inadequate. He stated that he had not seen evidence that clearly said they were inadequate. He stated that he knew of at least four or five different best available sciences. He stated that Rep. Jim Buck had presented information on the buffers that the DNR used along streams. We had the old DOE Guidance. We had the Farm Bureau. So there were at least four or five different BAS floating around. Another issue was how our proposal compared to other counties. He questioned why Island County had 25 and 50-foot buffers and we had 50 and 100-foot now and we were proposing to go to more than that. He thought people were confused by all these different things. We needed some correlation to explain why we needed wider buffers. He stated that, as a scientist and an engineer, he did things based upon facts and not because someone had an opinion or a desire.

Herb Beck stated that there was an old saying "Your science may not be my science." Regarding buffers, he thought of the streams and the buffers being for the fish. Then he thought about the fish returns. He suggested that, perhaps, we should not be allowing fishing seasons until the fish runs returned to better numbers. He stated that people were concerned about their personal wealth and property value, because their property value was what most people had worked all their lives for. That was the reason folks were starting to show up. He thought some of the buffers were getting to the point of being ridiculous. Another issue was the outside influence that was affecting our regulations, and how much outside influence we were going to allow.

Edel Sokol stated that what she was hearing was that the commissioners did not necessarily know the issues and that the commission needed to involve the stakeholder groups in the workshop planning. She suggested that the Chair and staff and some stakeholders meet and set the agenda for the August 2 workshop.

Jim Hagen stated that another basic thing that the public should be educated about was the timeline. He stated that the timeline was really short when you considered the time the committee had to do its work before October 2. He pointed out that some Planning Commission committees had met for six months or a year, citing the Omnibus Committee as an example.

Nadine Hildt stated that people did not trust the government in terms of regulations on what they could do on their property, their financial well being, etc. She stated that it was coming on strong. She stated that she was not educated about the GMA. She thought Mr. Schindler's logic was the best because she wanted to know what happened because of the GMA, and what happened after that, and what happened after that. She stated that people

did not pay attention to what government was doing until it affected them personally. This was affecting people personally. She stated that people were wondering how far down the garden path the government had taken us. She stated that pretty soon the people did not own the land any longer. She stated that something she had heard tonight concerned the agricultural management plans. She asked if the county was going to tell her how to take care of her cow and what she had to do with her chickens. She wondered how intrusive the government was going to get. She wondered if she had a life anymore. She stated that was what people were concerned about. They wanted government to do their job and stay out of their hair and stay out of their property. She stated that the Planning Commission could explain where we went with the GMA and its effect, and then what the next thing was and its effect, and the next, and so on. She asked how many critical areas ordinances we had, which was what the public wanted to know. She stated that the public would say "No way" if it was not logical and would take everything they owned. Concerning people mentioning guns and violence, it was because the county was getting to their raw nerves. She stated that we were fast becoming a police state under these situations, because people did not own their own property if the government could come in and tell them what to do with it.

Josh Peters explained that the purpose of the agricultural management plan effort was to do something that did not involve standard wetland and stream buffers, especially for farmers. Chimacum watershed was where it was started. The Chimacum plan was developed by the Chimacum farmers in conjunction with the Conservation District. It was definitely not a government led operation at all. The point was to come up with a voluntary plan that the farmers formulated, knowing what the problems were on their lands and what the solutions should be on their lands, which would be a better plan than standard buffers.

Nadine Hildt asked if the agricultural management plan was only talking about critical areas or if it applied to people who did not have critical areas. She stated that, right now, the National Animal Identification Program was voluntary. But after January, 2009, it would become mandatory, but people did not realize that.

Josh Peters stated that Ms. Hildt was talking about the federal government. He stated that one of the things we wanted to avoid was the requirement for any individual farmer to have to get a NRCS [Natural Resources Conservation Service] farm plan. That plan involved the federal government and required a cost to the farmer. He stated that we wanted to avoid such a cumbersome process, avoid involving the federal government, avoid that kind of scrutiny, avoid the court system, and to keep it local and have a voluntary program developed by the farmers themselves.

Henry Werch stated that this was the kind of question that should be addressed on August 2. Jim Hagen stated that he thought there had been so little public education prior to the June 21 hearing that we should take every opportunity to provide information. He applauded Mr. Peters for taking the time to explain the issue. Mr. Werch stated that he was only saying that it was good information for the August 2 workshop as well.

Bill Leavitt stated that he had dealt with this "stuff" for many years, even though in the beginning this county did not have to do it. He stated that the county decided to take \$177,000 from the state to do GMA planning and we had now spent \$5.5 million. He stated that he had boxes of papers on GMA

planning in his office. He stated that people finally got burned out. He stated that it happened to him so that now he only got involved with the issues that really interested him. He stated that it boiled down to a trust thing, trust of government. Now it was affecting every single one of us. The other side of it was that everyone seemed to want to protect the world from some person. He stated that we could write all the regulations in the world and we would still have people doing things they should not be doing. He referred to the environmental enhancements he had voluntarily done on his property. He was not required to do it; he did it because he wanted to. He stated that too much regulation prevented people from realizing their dreams for their property. He addressed his freedom of speech. He stated that it went back to the fact that we had information available on good best available science and they were willing to share it. It was not something they got from some scientific study. It was from practical experience doing things on the ground. He related an example of an incident involving the washout at Gardiner a few years ago. He stated that they were working on fixing it. There was an eagle that got fish out of the creek. A state biologist came along and shut the whole project down because of the eagle. In the end, we got a \$4 million bridge when we could have had a \$250,000 fix with a pipe. That was the kind of nonsense people had to put up with from government for years. That was why he got so upset because most of it was nonsense. He stated that he did not know how you got the trust of the people back. He did know that some other counties were easy to work with, citing his experience with an Eastern Washington county on some property he had purchased there. He stated that the people in government were supposedly here to help the people, but the question was how to get there. He did not have an answer.

Jim Hagen stated that the commission needed to come to a decision on the workshop format in order to move on to other issues, such as a Planning Commission committee. Edel Sokol stated that she wanted to hear more about Mr. MacLeod's suggestions concerning stakeholders.

Norman MacLeod stated that Roger Short would be one and Dennis Schultz would be another. He stated that what he had been speaking about was the need to have the informal leaders from the public talk to people before the meeting so that people came to the meeting prepared for a constructive meeting.

JD Gallant stated that there were four or five categories listed on the board. He asked if we were going to end up with another session where the commission did not get involved in solving some of the problems. Jim Hagen stated that was his concern. That was why he had fought so hard to have a special meeting devoted just to this subject. He stated that he was not suggesting that the ideas written on the board were not good ideas. He stated that, somehow in the two hours the commission had on August 2, the commission had to come up with the best possible solution for how the commission could maximize this opportunity. Personally, he liked the idea about having a flipchart and perhaps a staff presentation on how we got here, that it was part of the 2004 update. Part of the presentation might be a comparison of the existing ordinance and the proposed ordinance amendments, perhaps starting with wetlands and progressing to fish and wildlife habitat areas and then maybe to geologically hazardous areas, and so on, starting with the most controversial and progressing to the less controversial.

Peter Downey offered the opinion that the commission should be clear about the goals for the workshop. He stated that there should be no expectation that, at the end of the workshop, we would have anything close to a final

document. But what we should have was a direction for a committee to proceed and take action upon. He thought it would be imperative that the purpose of the workshop would be to gain input from the public, to figure out what the issues were, and what needed to be addressed.

Jim Hagen stated the opinion that we still had possibilities to continue to address this. While he agreed that the more the commission could accomplish, the better, he thought it was a process of small steps. He thought the next official date for a full Planning Commission workshop on the issue was November 15.

Josh Peters reported on staff's meeting with the Chair and Vice Chair. He stated that the July 5 meeting had been discussed. But the fact was that staff could not be prepared for July 5. He stated that Mr. Hagen had suggested a special meeting on July 26. To be honest, he stated that he was feeling a little bit of a "shoot the messenger" thing going on right now. He did not think it was fair to change the "messenger", however. He stated that he was more than happy to answer questions about the proposal or to go into what he thought about something. He stated that he had been concerned about the atmosphere at the July 5 meeting and was concerned about the August 2 workshop. He stated that he wondered what could be accomplished that would not be accomplished better by just entering into that committee process right away - identify those informal leaders and stakeholder representatives and get that committee process going. Then the questions could come out in that format, it would still be open to the public, and then reintroduce the issue to the full Planning Commission in November. While that was staff's recommendation, Mr. Hagen was adamant that we have a public forum. While staff supported that, he wondered what the Planning Commission wanted staff to do.

Henry Werch offered the opinion that the Planning Commission agreed that if the next meeting was devoted to hearing stakeholders provide all their answers, we could probably spend too much time listening to opposing views and individuals looking for answers. He proposed that we suggest to the public that the purpose of the next meeting was to specifically identify the questions that the committee needed to address and ask staff to focus on structuring the questions in terms of the history. Staff could provide information on the questions the proposed change was trying to resolve. Then have the public, as briefly as possible, state the questions and concerns they would like the committee to address. Then the committee could invite stakeholders, participants, and experts to provide additional information and material. He thought that could provide a sense of efficiency to the workshop that could be valuable.

Jim Hagen moved that the Chair and Vice Chair, and anyone else who wished to provide input, and in conjunction with staff and taking into consideration the discussion and what we had heard from the public, develop an agenda for the next meeting. Edel Sokol seconded the motion which carried unanimously (9-0-0).

Jim Hagen moved on to the idea of how best to employ a Planning Commission Critical Areas Committee, working together with stakeholders, in the process of revising the current proposal in the context of BAS.

Dennis Schultz stated that he had suggested two committees. One would address the buffer issue only and another would address other issues not related to buffers. Henry Werch stated that he had identified a third issue

which was that we could write regulations forever, but we still had the issue of motivating people to follow them and getting people to buy into the process. He hoped that the committee would not only look at all of the regulations being proposed, but would also look at the process by which the stakeholders could be part of something that was ongoing so that we were not experiencing a battle. He thought the Conservation District had very much set a precedent for how the process could involve government and the stakeholders together. He did not hear people complaining about that process and maybe we had something to learn from that.

George Hansberry stated that the commissioners kept talking about key stakeholders. Jim Hagen responded that everybody was a key stakeholder. Mr. Hansberry stated that the commissioners kept referring to farmers, but he thought it should be "property owners". He stated that these regulations affected everybody, not just the agricultural community. Dennis Schultz offered the opinion that agriculture was not really the big issue here; it was everybody else who would be more affected. He stated that the ag community had been in an uproar before, so when they heard something, they came on full force. That was the reason the papers reported the story from the ag perspective. Mr. Schultz stated that, if we thought this issue was bad, we should wait until the county took up shorelines.

Herb Beck stated that Jefferson County had 178 miles of waterfront. There was an inventory done which the county still had. He stated that he had yet to see any economic analysis on the impacts of these regulations. He stated that economic impacts were always skirted, but he thought it was a very important item. He admitted that it would cost some money to do an economic analysis. He agreed with Mr. Hansberry about the property owners idea.

Peter Downey stated that part of the Administrative Procedures Act required that anytime you adopted something to the WAC you had to do an analysis of the economic impacts of that code. He stated that DOE specifically did not adopt their Guidance; it never went through public hearings or any of the Administrative Procedures Act required process. They then turned around and said that it was up to the counties to adopt it with their critical areas ordinances under GMA. He stated that Mr. Beck's point was very valid; there had been no economic analysis done. Edel Sokol stated that it would be up to the counties to do the economic analysis. Mr. Downey replied that the counties were not required to do such analyses. Norman MacLeod stated that DOE had a written policy that they understood that the counties did not have to do an economic analysis. That was the problem we experienced with the in-stream flow rule. He stated that DOE tried to get the WRIA 17 planning unit to adopt it because then it would not need an economic analysis. But if DOE adopted it, they would be required to do an economic analysis.

Jim Hagen discussed the timeline. He stated that the Planning Commission could appoint the Critical Areas Committee members at this meeting. However, that did not address the citizen stakeholders who would still need to be recruited and appointed to the committee. We had to figure out how these groups would be contacted, how they would select their representatives, and what the time table would be for that. Then it took about two weeks to advertise a meeting before any committee could start work. He was concerned that the proposed October 2 timeline for the committee to complete its work was not realistic. He thought the commission and staff should consider whether it would take six weeks for staff to prepare a report to the full Planning Commission for the full commission to take up the issue again on November 15, or whether the committee could have some additional time.

Peter Downey agreed that it may be a short timeline, but offered the opinion that breaking it up into different tasks, with different committees, could be more efficient. He thought it would be do-able under that scenario.

Dennis Schultz stated that a lot of the problems and issues had been identified through the public comments we had received already. He thought we could go through the written comments and develop a "shopping list" of issues. That list could be prioritized and then a committee could just start working through the list.

Peter Downey moved that the Planning Commission adopt Mr. Schultz's proposal and have two different committees, one dealing with buffers and the BAS issue and another committee dealing with other aspects of the draft ordinance. Dennis Schultz seconded the motion.

Jim Hagen offered a friendly amendment to form one committee to examine the wetlands section and another committee to examine the other areas of the ordinance.

Dennis Schultz offered the opinion that just analyzing the buffer issue and BAS was a major task on its own. He stated that there were things that applied to other critical areas or wildlife corridors or wetlands that were common to all. For example, the question of the effect on the value of peoples' property was a common issue. The question was how to protect that.

Richard Hildt stated that staff had said we had until January 18 to adopt something. He asked if it would be possible to get a further extension. Josh Peters responded that it would depend on our BOCC approaching the petitioner and that party agreeing to it. He stated that it was possible to try it though. He stated that the other option was to forget the settlement process and go to the Hearings Board.

Norman MacLeod offered an observation based on the WRIA 17 process. He stated that the public was engaged and the public wanted to be a part of this issue. He suggested that it might be a better forum to have a single committee with breakouts so that the public did not feel as if they had to be split up or feel they were being divided up into smaller groups. In response, Dennis Schultz described how the Planning Commission committees typically operated.

Cammy Brown asked if this critical areas process had been done elsewhere. Josh Peters replied that it had. Ms. Brown asked if we could look at what they had done, and if it was successful, follow what they had done. Mr. Peters replied that was the part he did not know. It was pointed out that some other jurisdictions who had adopted critical areas regulations were in litigation.

Herb Beck stated that the reality was that nothing happened in the last two weeks in December because people were on vacation for the holidays.

The commissioners and staff discussed the timeline with the ending date of January 18, 2007. Josh Peters suggested that, if the commission thought the timeline was unrealistic, the commission come up with a different timeline. He thought the current timeline ended on January 18 simply because that was the one-year anniversary of the Second Settlement Agreement. He pointed out that the county did do business in December, citing BOCC action on the budget

and the Comp Plan amendments as examples. Edel Sokol recommended that we get started and, if it became necessary, we could ask for more time. Norman MacLeod agreed, stating that if it became apparent that there was much more to be done than the time available allowed, we could ask for more time then and be able to back it up with a work plan of items still to be resolved.

Henry Werch stated that, while he respected Mr. Schultz's suggestion for two committees, in looking at the whole question of time, his concern was that two committees might end up spending time on the same issues without realizing it, and that would not be the most efficient use of time and effort. He was more inclined to support Mr. Hagen's suggestion for division of duties between the two committees.

Bud Schindler stated that he wondered whether two committees would have adequate staff support. Josh Peters described how he envisioned the staff support, which would merely be basic support and then staff would kind of step back and let the committee work happen.

The commissioners discussed how often the committees should meet, with Jim Hagen advocating for weekly meetings. Dennis Schultz advocated for forming the committees as soon as possible, get them advertised, and start meeting fairly quickly.

Jim Hagen stated that, upon reflection, he was inclined to support a one-committee approach. He thought that if we could show that positive work was being done, it would be possible to get an extension.

Norman MacLeod suggested that the committees take on easy issues first and then progress to the harder issues with the committee members doing research on topics.

The motion to form two committees and split the duties failed with three in favor and six opposed (3-6-0).

Jim Hagen appointed a single committee consisting of himself as committee chair with Dennis Schultz, Peter Downey, and Henry Werch as members.

Jim Hagen turned the discussion to the composition of the stakeholders on the committee. He read the GMA section RCW 36.70A.050 which provided a list of public sector interested parties that were to be involved in the initial designations of resource lands and critical areas. He thought that list provided good guidance for the makeup of the stakeholders. He offered a list of possible stakeholder groups: farmers (he thought it would be logical to have a representative from the recently formed Farm Bureau), realtors, home builders, a property rights group, an environmental group, someone from the West End, and perhaps someone with legal expertise.

Peter Downey stated that the concern he had was that we had a very short period of time to accomplish the tasks. While it would be nice to be as inclusive as we could of all of these different interests, he thought we would have a hard time identifying individuals from all those groups in a short period of time and getting them involved in the meetings. Dennis Schultz suggested that the committee set a meeting and invite people who were interested to come and participate. Henry Werch suggested that a news article could provide the list as outlined and invite people from those areas to participate. He thought people from those groups would naturally come forward. Norman MacLeod suggested that the Planning Commission consider Jim

Tracy as the attorney representative, citing his experience in planning and with mineral lands.

Bill Wheeler stated that the forestry sector was not mentioned. He pointed out that we had over 700 forest land owners in this county who controlled about 17,000 acres. Jim Hagen asked if he would be interested in participating. Mr. Wheeler replied that he would consider it.

Jim Hagen proposed a recruitment scenario where we contacted people from these various sectors informally, explained the situation, and asked if they were interested in participating and providing a representative pronto. It was suggested that someone from the economic development sector be on the committee as well. It was suggested that the county economic development consultant may be someone to contact or perhaps someone from the EDC.

Edel Sokol began to offer a motion concerning the committee's activities being part of the public process and public record. It was pointed out that all committee meetings were subject to the Open Public Meetings Act requirements for advertising, a record of actions taken, and were open to the public. The records of those meetings became part of the overall record for the process.

Mike Belenski stated that the recruitment of the stakeholders for the committee should be more open than was being discussed. It sounded like the commission was talking about pre-selecting the stakeholders. He stated that people got excited once because they were left out. He thought that it should be published that anyone who was interested in being involved should come to the August 2 workshop and put their name "in the hat" to be on the committee. While the commission could talk to people beforehand to gauge interest, he thought it still should be open to anyone.

Richard Hildt stated that the person to contact for the committee representing the realtors would be John Eisinger, president of the local Association of Realtors.

Jim Hagen stated that there were some problematic aspects to this committee because the committee needed to be kept manageable in size.

The commissioners and members of the public discussed when a committee could start meeting and the fact that a committee could not begin until after a legal notice was published. It was agreed that August 10 in the evening should be the first committee meeting. Jim Hagen stated that the ad for the August 2 workshop could state that the Planning Commission would be accepting names for stakeholder participation on the committee. Herb Beck stated that the stakeholder committee member representation should be balanced.

It was agreed that the committee should meet weekly, at least to start. The agreed upon schedule was Thursdays at 7:00 p.m. starting on August 10 at a location to be announced, since staff would need to find a location.

D. ADJOURNMENT

The meeting was adjourned at 9:27 p.m.

E. APPROVAL OF MINUTES

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

Jim Hagen, Chair

Cheryl Halvorson, Secretary