



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR MAY 16, 2007

- A. OPENING BUSINESS**
- B. DISCUSSION OF AGRICULTURE ISSUES RELATED TO THE CRITICAL AREAS ORDINANCE**
- C. ADJOURNMENT**

A. OPENING BUSINESS

The regular Planning Commission meeting was called to order at the WSU Learning Center at 6:30 p.m. by Vice Chair Bud Schindler. Planning Commission members present were JD Gallant, Bill Miller, Henry Werch, Ashley Bullitt, Mike Whittaker, Patricia Farmer, and Edel Sokol. Peter Downey was excused.

DCD staff present were: Al Scalf, Brent Butler, Joel Peterson, Karen Barrows, and Cheryl Halvorson, secretary.

There were about 22 members of the public present. Those who signed the guest list were Clark Crandall, Phyllis Schultz, Bob Schultz, Larry Bonar, Amy Hiatt, Robert Crittenden, Al Bergstein, Jill Silver, Herb Beck, Roger Short, Norman MacLeod, Frank Hoffman, Dennis Schultz, Jim Hagen, Jim Fritz, Sandy Hershelman, Jo Yount, Jim Tracy, Betty S. Todd, and Virginia Crandall.

The minutes for March 21, 2007, were approved as submitted. The minutes for April 4, 2007, were approved as submitted.

Referring to Page 2 of the May 2, 2007, minutes, JD Gallant suggested a notation be inserted in the paragraph where the discussion addressed the secretary opening the meeting. He suggested inserting "At the reading of the minutes on May 16, 2007, JD Gallant denied that he in any way stated that the procedure was not legal. To the contrary, JD Gallant supports the secretary's position since the Planning Commission is generally treated as a special assembly and thus should be allowed the latitude covered under RONR Page 214 Line 12 which states that 'In an assembly or organization that does not have a rule or established custom prescribing the method of voting in an election, the voting can be of any of the accepted methods'." The secretary clarified that the May 16 minutes would note Mr. Gallant's clarification, but the May 2 minutes should not be modified because they accurately reflected the discussion at that time. The Minutes for May 2 were approved as submitted.

Staff Updates:

Al Scalf stated that staff would take some time to review the organizational task before the Planning Commission. He reviewed the hierarchy of laws relating to this CAO effort - the GMA (RCW 36.70A), then the county Comprehensive Plan first adopted in 1998, then the Development Regulations (the Unified Development Code [UDC] which equals the Jefferson County Code [JCC]) which was Title 18 of the JCC. He reviewed the history of our UDC adoption, appeals, and settlement agreements leading up to the present time. He reviewed the issues in the Washington Environmental Council [WEC] appeal and Second Settlement Agreement. He reviewed SSB 5248, stating that the question was what its effect would be on the agriculture CAO regulations as called for in the Second Settlement Agreement. He reviewed the history of the May 17, 2006, draft amendments, which led to two public hearings before the Planning Commission. That subsequently led to formation of the CAO Review Committee. The Planning Commission has now heard the committee's reports. He discussed how the process could work, stating that staff would review the reports tonight in order to assure which reports were being used (the organizational aspect). The Planning Commission will provide directions to staff [Eric Toews], preferably using motions, who will then write a public review draft for the formal public process. The target was for the Planning Commission to hold a public hearing in July.

Bud Schindler asked if Eric Toews would also be working on a DCD version of the code (the DCD recommendation). Al Scalf responded that, in the ideal world, there will be a meeting of minds between the staff and Planning Commission resulting in a unified draft. If not, DCD staff, not Mr. Toews, will prepare its recommendation.

Henry Werch asked if DCD staff would contribute to questions or concerns the Planning Commission thought appropriate. Al Scalf responded that staff would participate.

Bud Schindler commented that the Planning Commission would likely have questions. He asked whether Mr. Toews would be present at the Planning Commission meetings for consultation. Al Scalf replied that Mr. Toews was a long term professional planner who was very friendly to this arena. He would like the Planning Commission's direction from the committee reports and he would synthesize it into a code document, but he would not attend every meeting. Mr. Scalf said that the main point was that he was like a DCD staff member and the Planning Commission had five staff members present now. He explained that DCD staff met with Mr. Toews weekly. He stated that Mr. Toews was scheduled to see the Planning Commission in June, possibly more than once.

Mike Whittaker referred to the WEAN vs. Island County Hearings Board case, which was found compliant by the Hearings Board. It seemed to him that case laid out a framework for us to use because it had already been found compliant. It discussed commercial ag and non-commercial ag, critical areas issues, and best management practices under NRCS as best available science. He questioned why we should remanufacture the wheel when Island County had done so much. Bud Schindler suggested that conversation be postponed to the main agenda item. Al Scalf commented that the Planning Commission could take such a motion if that was its will. He said that Mr. Toews was familiar with the Hearings Board cases and the other pertinent counties' codes.

Joel Peterson handed out a Table of Contents of all of the reports received from the committee. Henry Werch thought it was important to make a distinction between "a report" from the majority and minorities and "other submissions" from the committee. He asked if Mr. Peterson had drawn those conclusions in compiling the list of documents. Mr. Peterson replied that there may be a few documents that were in a grey area that the Planning Commission could help with. Mr. Werch said that the documents that had signature pages were "reports" and the ones that did not were supplemental submissions. Al Scalf stated that staff would like to have that discussion with the Planning Commission. In fact, at the end of the discussion, he would suggest the Planning Commission take a motion saying what reports or submissions were on the final list so it was very clear what we were dealing with.

Bud Schindler asked if all of the reports were received timely. Joel Peterson replied that they were.

The Planning Commission and staff took some time to review the list of final reports and submissions to make sure the commissioners had all the necessary documents. It was found that some items on the Table of Contents list were actually contained within some of the larger documents. The final list contained twenty (20) reports. Documents #1 and #2 were compilation documents of other documents on the list and represented the main majority and minority draft codes. One document from the minority titled "Recommendation for Marine Shorelines in the Jefferson County Critical Areas Ordinance" and dated May 8 was questioned as to whether it was a report or a supplemental submission. Staff will look into it.

At the end of the discussion, Henry Werch moved that the Planning Commission accept Documents #1 through #20 as discussed with staff as the official reports to the Planning Commission from the committee. The motion died for lack of a second.

Still being under Staff Updates, Brent Butler reported on the HAPN meeting of May 15.

Brent Butler reported on the staff's presentation to the BOCC on the recommendations for the suggested amendments for the Final Docket in this Comp Plan amendment cycle. The BOCC will hold a public hearing on the suggested amendments before finalizing the docket. Staff noted that the Planning Commission would have an opportunity to support its recommendation at that hearing. Mr. Butler reported that the Industrial Land Bank sunset under the legislation had been extended by the last Legislature and it had been signed by the Governor. Therefore, we may be able to continue that suggested amendment into 2008.

Joel Peterson and the commissioners discussed the timeline and logistics for review of the CAO. Mr. Peterson said he would provide a calendar with target dates for the commissioners.

Committee Reports:

Bud Schindler reported that the MPR Committee meeting for May 22 has been cancelled. He did not think it would be productive for the committee to meet again until a Draft EIS is available. Brent Butler reported that he had tentatively scheduled a committee meeting for the last Tuesday in June. Al Scalf explained the holdup on production of the DEIS.

Brent Butler reported that staff would have an agenda item before the BOCC on the UGA report from the Planning Commission, noting that the staff and Planning Commission recommendations were in agreement. Therefore, the BOCC could adopt an ordinance without a public hearing.

Public Comments:

Norm MacLeod said he was a citizen member of the CAO Committee. At the May 2 Planning Commission meeting, one of the commissioners indicated that there may be a need for consulting with committee members when the commissioners had questions. However, on May 9, one of the Planning Commissioners apparently summarily dismissed the committee members. He wondered what the will of the Planning Commission was with regard to whether the committee members could be asked questions or clarifications, or whether the committee members should expect to participate or not.

Amy Hiatt said she was on the CAO Advisory Group. She referred to a comment from Jim Tracy at the May 9 Planning Commission meeting about the status of critical areas in relation to the other goals of the GMA. She submitted comments in writing for the record.

Jim Tracy said he was also a citizen member of the CAO Committee. He explained the reports from the majority on the committee, stating that they submitted nine reports to the Planning Commission, each containing a transmittal memo, each signed, and each identifying a particular document as the official transmission of the CAORC. Also included was a compilation of code language. They do not match up exactly because some were foundation material, such as Dr. Brooks' supplemental BAS document or his response to DOE, which the Planning Commission had to use in order to adopt the science that was recommended in the code. Therefore, what was in the code document was what needed to be there. But there was supplementary materials that the Planning Commission needed in order to understand what was in the code and why. Near the end of the committee's process, Mr. MacLeod and he had been recruited as scribes to use the raw reports and fold them into a coherent code document. That was why the Planning Commission got both pieces.

Larry Bonar asked that the CAO documents be made available to the public, either on the county web site or on a CDROM, so that people who are interested in this process can see the entire set of documents.

Al Bergstein said he was a member of the SMP advisory group. He thanked the people who worked so hard on the CAO issue. He supported the minority report view of the reports. It seemed like there was more BAS to support their points.

Herb Beck said he was kind of lost as to the process tonight, mostly due to equipment failure. He suggested that two sets of equipment be available in the future.

Jim Hagen said he was confused with the exercise on the reports. He said that all of the majority reports were handed around and signed at the April 26 committee meeting with the exception of the Wheeler CMZ report, which was presented by May 1. He had not seen many of the minority reports. He said that we hear "majority" and "minority", but it looked like the Planning Commission was looking for one report. It seemed like the commission was trying to compile all of the reports into one bundle, making the majority-minority moot. He wondered why the committee voted on anything for the nine months. Second, a lot of the material the minority developed was done outside of the committee process. Everything that was done by the majority was done by motion and vote. Yet most of the minority report was developed outside of that process, which would be consistent with a true minority report, which was a response to a majority report. Now he was hearing that we no longer had majority or minority reports; we just had reports. He expressed his confusion about what was happening now because there were a number of reports that the committee never got to see or participate in a discussion on. It seemed that the goal was to have one report, but we really had three reports - a majority report and two minority reports.

Jill Silver clarified for the record that their reports were submitted to the committee starting in January and continuing through March. They were submitted for comment and for interaction, of which they got very little. Nonetheless, they were participating. She admitted that the FWHCA report came late, but it had been provided via email. Therefore, she did not agree with Mr. Hagen's position.

B. DISCUSSION OF AGRICULTURE ISSUES RELATED TO THE CRITICAL AREAS ORDINANCE

Mike Whittaker referred to the WEAN Hearings Board case that was handed out at this meeting. He said that it appeared to address all the things we were attempting to do. It had already been challenged to the Hearings Board and they had given it their stamp of approval. It looked to him like what we wanted was right in front of us.

Henry Werch said that the process that has gone on over the last nine months should be respected. As a Planning Commission, we had the flexibility to do almost anything. He thought not considering what had gone on over the last nine months would create a serious climate of disrespect for the process that had happened. If, after considering all the submissions by the committee, the Planning Commission chose to do something else, the Planning Commission had a right to do that, clarifying that he was not saying we should. He thought the commission had an ethical obligation to look at the committee's work and to recognize that it was an attempt to create a Jefferson County CAO and not to merely copy what some other county has done. He agreed that the commission should take into consideration the Hearings Board rulings and other counties' ordinances. He said we had to have a workable, practical ordinance. He thought the commission had a challenge before it, which was something a lot of people had worked hard to do, which was to create something that was unique to Jefferson County. He would not want the commission to consider anything else outside of what the committee's process provided unless the commission thought the committee's process was in some way flawed.

Mike Whittaker agreed with the commission's obligation. He said that if the commission put forward a recommendation to the BOCC that was adopted and it was too lax, it would be petitioned and if it was too tight, it would be petitioned. Having looked at the WEAN case and all the research that's been done, he thought it was a good basis. He said he had also looked at the Whatcom County ordinance, which had been supported by some on the committee. It addressed ag exemptions and a monitoring program, which were things we were considering.

In regard to agriculture, Henry Werch thought it was the consensus of the committee that we have an opportunity to go beyond simply acknowledging that SSB 5248 functionally exempts ag for three years. The law also allowed for counties to establish programs, outside the CAO, that can be considered and reviewed over the three years to provide some guidance at the end of the three years. He thought there was much to be looked at in all of the reports that will allow this county to continue and even broaden certain programs that could be seen by the rest of the state as being strongly indicative of what would work in agriculture. While it may not necessarily be written into the details of the CAO, there are some things in ag that need to be clarified, such as provisions for new ag and lands that are not specifically designated as ag lands. The reason is because one of our values is to promote locally sourced agriculture.

JD Gallant asked about how many meetings the Planning Commission would have to get its work done on this issue. Al Scalf summarized the number of meetings available between now and August to review the reports, direct the code writer, and arrive at a public review draft for hearing and a recommendation to the BOCC. In answer to Mr. Gallant's question about how the commission could proceed, he suggested that the commissioners consider it in the macro sense and provide policy directions to the code writer and tell him to write code with SSB 5248 as the backdrop. Mr. Gallant said that the Planning Commission had three to four meetings to arrive at directions for the code writer.

The commissioners discussed what sections of the JCC and reports it should consider in terms of agriculture. Reports #1, #15, and #16 were under consideration. It was pointed out that only a small section of the code in Report #1 addressed ag, whereas JCC 18.20 contained the ag ordinance with Reports #15 and #16 containing broader ag amendments for 18.20. Al Scalf explained that the current JCC 18.15 contained the CAO section while 18.20 contained the ag ordinance and 18.05 contained definitions. Some commissioners advocated considering all of the pertinent JCC sections because it addressed the broader goal of agriculture in this county rather than just taking the narrower goal of just the CAO section.

Mike Whittaker suggested that the commissioners suspend the rules to allow the Planning Commission to ask questions of the committee members present so that the commissioners can gain clarification and understanding of the issues because the committee members were the ones who had been working with the issues and understood it the best. JD Gallant commented that it should be limited to questions and answers of the authors of the committee reports. Henry Werch supported the idea but added that it did not remove the obligation of the commissioners to read and study the material. Mr. Gallant did not think the commission needed to formally suspend the rules and that it could be left up to the Chair to decide when it was appropriate to invite a committee member to clarify an issue under discussion. There was unanimous consensus among the commissioners to allow that process.

Henry Werch believed that the Planning Commission could not, from reading all of the material presented, whether reports or supplementary information, decide that any particular BAS directed specifically that buffers should be a particular width. In fact, all BAS submitted by the committee is legitimate science. There are questions on both sides regarding whether some analyses of

BAS was done legitimately. There were a lot of differences of opinion. He suggested that the Planning Commission had to acknowledge that it was not going to be able to identify a particular body of BAS as being the correct one and, therefore, certain buffers are "it". Rather, the commission should take into consideration that there are other things that balance where buffers should be. We had to recognize that the primary objective of a CAO was to protect critical areas, but we can never forget that there are other legitimate countervailing issues that we have to address. If you pass an ordinance that nobody will follow, have we really fulfilled our obligation? If you pass an ordinance that is so lax that there is danger that there would be an impact on the environment and the critical areas, we have not done our job. He thought the commission needed to put things into the right perspective. The commissioners should be able to find certain answers easily within the material submitted, but the other answers will be things we will have to base on our own judgment - what the Planning Commission believes is the appropriate way of regulating these goals and objectives. To the extent that is legitimately responsive to the whole process of the committee, he thought it would be held legitimate in the courts and by those who would review it. If the commission does not recognize the process of the last nine months, he believed we would be vulnerable with people saying the commission had just done what it wanted.

Bud Schindler said he was looking forward to a motion that would say the majority came closer to what the Planning Commission might recommend and, therefore, give it to the code writer to have him start analyzing it to see if there are any intricacies in it that ought to be part of the commission's discussions. Then the commission could get feedback from him as the commission proceeds through this detailed effort. He thought that was what the commission really wanted. Since it was a majority response, he was hoping the commission would just send the majority report to Mr. Toews and ask him to see if there are any "holes" in it. It did not mean the commission accepted it; it meant the commission wanted him to look at it and alert the commission to any difficulties about it. He entertained a motion to that effect, stating that as Chair he was not sure he could make a motion himself.

Patricia Farmer said that she would like to complete her research before making a recommendation like that. She wanted more discussion and to hear DOE's presentation. Bud Schindler responded that the purpose would be to ask for information from the code writer about any difficulties he saw with the report; it did not mean the commission was going to accept the majority's report. He said that this was "big time stuff" that the Planning Commission had to get going on. He said the ag issue was on tonight's agenda so everyone should have read it already. Edel Sokol expressed her disappointment that the commission was not going to address the ag issue tonight because she was prepared. Mr. Schindler did not support delaying the issue. Ms. Sokol suggested that the commission send both reports to Mr. Toews and ask him to develop code from them in light of SSB 5248.

JD Gallant took issue with the idea of a "majority" and "minority" of the committee. He pointed out that the committee consisted of the four Planning Commissioners. Because of the number of Planning Commissioner signatures on the reports, there are no majority or minority reports; there are just two differing reports. The advisory group was just an advisory group. He thought Mr. Schindler was using the word "majority" to try to influence people on this board and that was not right. The Chair should be somewhat impartial. He agreed with Ms. Farmer, stating that the commission had just divided the information up tonight into its various pieces. While he understood we had a code writer, he thought the commission needed to look the material over. He thought the Planning Commission was going to meet again next week.

The commissioners discussed what they could do to forward something to the code writer. Al Scalf suggested the Planning Commission could take a motion sending both Reports #15 and #16 to the code writer and write something in

consideration of SSB 5248 and have him bring something back to the commission. Mike Whittaker said that SSB 5248 was a temporary law. He wanted to do something that would last beyond that.

Bill Miller suggested creating a table of contents that the commissioners could use in defining the categories. When reviewing the reports and the commissioners found something they liked, they could say it should go in a particular place within the code. Al Scalf said that was where Joel Peterson was going with the matrix, cross reference idea. Mike Whittaker suggested that Mr. Miller and Mr. Peterson meet together on the idea.

Edel Sokol stated that if the minority ag report was adopted, the farmers would not qualify for the CREP program. She handed out two documents on the issue for dissemination to the commissioners.

Henry Werch advocated considering the foundational/fundamental principles and decide which ones applied to which sections of the CAO. He noted that the other CAOs contained such principle statements.

Mike Whittaker suggested that the Planning Commission hold an extra meeting on May 23. The commissioners agreed by consensus to hold the extra meeting.

The commissioners and staff discussed the May 30 meeting with DOE and the content of that meeting, whether it was merely a presentation or whether it was a workshop where there would be interaction. The commissioners wanted it to be a workshop with interaction. Brent Butler stated that the DOE representatives would only be interested in interaction with the Planning Commissioners. He asked if the commissioners were interested in having someone from DFW as well on May 30. Al Scalf stated that there is another Island County ordinance coming addressing BAS. He said DOE wanted to share information on water quality monitoring and their BAS on wetlands. His last conversation with DOE was that they wanted to know what the Planning Commission wanted to hear about; they would address whatever the Planning Commission wanted. Bud Schindler said that we had sent them lots of material and he would like to see their response to it.

Henry Werch offered two basic fundamental questions for DOE. Given the recommendations by Dr. Brooks and the majority for minimal buffers and voluntary compliance, he would ask DOE to explain why that BAS was not correct. Likewise, he would ask DOE to defend their guidance for larger buffers against the charge that they go well beyond what BAS justified for protection of critical areas.

Ashley Bullitt said that, in reading the material, she had lots of questions and she would be interested to hear their answers to those questions. The commissioners agreed that the May 30 meeting should be a workshop which would allow those kinds of interactions. Mike Whittaker was concerned that the workshop might become confrontational. He thought Mr. Werch's questions were more to the point and should be the direction the commission takes. Edel Sokol responded that the maturity of those scientists involved should control the amount of contention. She cited the seawater intrusion issue of some years ago as being very controversial but everyone acted like adults.

The commissioners and staff discussed how much material had been provided to DOE already and how much should be sent now.

Henry Werch said that DOE could defend bigger buffers; that's all they do. The majority committee report challenged their justification for that. The issue was whether they could legitimately raise questions that are important for the Planning Commission to consider regarding the process that is recommended in the majority report. The Planning Commission had to consider, if it buys into the principle of voluntary effort, whether it would also buy into the fact that the majority report proposes minimum buffers that the

report claims sufficiently protects the critical areas. The commission needs to hear what DOE has to say about whether they feel they do or they don't and why and then make judgments. Dr. Brooks has had very serious thoughtful questions as to whether or not DOE's BAS justified bigger buffers. DOE may be able to, or not, defend why those bigger buffers are appropriate and identify science that the commission could acknowledge is legitimate. As you read the material, a lot of things were "kicked around".

The commissioners agreed that staff should invite someone from DFW to the May 30 workshop as well. It was agreed that staff should send DFW the package of reports on wildlife issues for their review prior to the workshop.

The commissioners agreed to address the ag issue on May 23 and get it done so the code writer can get started. The commissioners discussed how to deal with the differing reports on the issues from the committee.

The commissioners and staff discussed the Planning Commission's recommendations on the CAO. In summary, the action of the Planning Commission at this time is to give direction to the code writer, based upon the committee reports, for drafting a public review draft ordinance. The Planning Commission's recommendation to the BOCC will come later, after the formal public process on the new draft code.

C. ADJOURNMENT

Public Comments:

Norm MacLeod referred to Mr. Gallant's comments about the commissioners asking questions only of the report authors, saying that sometimes the author may not be present. He stated that the reports that were authored under one name had been reviewed by the whole committee and someone else may be able to speak to those issues that are raised. Concerning ag, he urged the commissioners to include in their reading the actual bill itself [SSB 5248] in order to understand what the Legislature intended to come out of it, as well as the committee reports. He cited some particular sections of the bill. It says that nothing nullifies the CAOs adopted prior to May 1, 2007, which we already have. However, nothing limits the ability of the county to adopt voluntary measures or programs to protect or enhance critical areas associated with agriculture activities. It further said that counties should implement voluntary programs to enhance public resources and the viability of ag and include measures to evaluate the successes of such programs, in other words a monitoring program. Then the bill did some things that were not anticipated. Section 3 defines agricultural activities as "agricultural uses and practices currently existing or legally allowed on rural land or agricultural land". So they deleted the "existing and ongoing agriculture" meaning and they took away the dates. That allowed the door to open for new agriculture, either on ag lands that have been fallow for years or new ag in the Rural Residential districts. It was an opportunity for the county to step forward and support agriculture through what we do with the ordinances. The other stipulation is that all of the ag issue in relation to critical areas goes to the Ruckelshaus Center for a two-step process. During the second step of that process, they are required to identify policy and financial options or opportunities to address the issues and desired outcomes. They must examine innovative solutions such as outcome based approaches that incorporate to the maximum extent practical voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to insure that regulatory constraints on ag activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches. That means that this county is on the leading edge of being able to develop those programs for the Ruckelshaus Center to look at during its second phase of the process. He said there was a lot that could be accomplished for ag through both the critical areas and ag ordinances under the provisions of SSB 5248. He strongly

encouraged the commissioners to become familiar with the opportunities that could come out of it. Finally, as the commission goes through the process with all the different reports, he encouraged the commissioners to each consider themselves to be one of the rural landowners who will be impacted by this ordinance and to evaluate it in light of what it would do to your life and your property and aspirations.

Jim Hagen referred to the majority-minority issue. He said that the signed reports would show that the majority reports were signed by all four Planning Commissioners on the committee with generally no more than three Planning Commissioners signatures on the minority reports. A review of the committee minutes would show that votes on motions included a majority of the Planning Commissioners on the committee. He thought it was important because he heard that we were going to have a DOE workshop. He wondered why we were having a DOE workshop and not a BAS workshop or a critical areas buffer workshop. In talking about fairness and prejudice, just the fact that we were going to have a DOE workshop implied that the commission was showing favoritism to DOE and favoritism to the minority report, when technically the Planning Commission was in the information gathering stage. He said that the DOE guidelines were in our current May 17 draft code recommendations. They were a provision of the Second Settlement Agreement, which we are not bound to. He thought, from the conversation, that DOE would be asked both sides of the question. They were going to be asked why one set of buffers is too small and why their buffers may be too big. It amounted to debating oneself. What the commission needed was a debate between DOE and Dr. Brooks, each asking questions of the other, in order to be fair and gain an accurate representation of each viewpoint. He emphasized that we are not bound by DOE; they are not the state sanctioned science. He said that the committee had been told by DCD staff last year that the committee was free to find its own science. He suggested that the workshop be structured so it could be fair for all information to be received. Concerning DFW, he thought it might be too much in too short a time to have them at the same workshop, although another workshop with DFW might be appropriate.

Moe Rogers asked when the Planning Commission would meet again. The answer was May 23. He asked when DOE would be here. The answer was May 30.

Dennis Schultz said he was one of the authors of the current ag ordinance. That ordinance has been recognized by the state as being outstanding and had been adopted by a number of other counties as a model. He said that the minority report ordinance was not a whole lot different. He encouraged the commissioners to look at the majority report on ag to see the differences. He said the second part of this was the Conservation District Chimacum Creek program. It had been recognized both statewide and nationally as being very successful in terms of ag buffers along streams that improve water quality for fish. He said that if it was not broken, we should not try to fix it. He said we had a very good water quality monitoring program sponsored by the Conservation District. It had also been recognized statewide and nationwide as a very successful program.

Denver Shoop referred to BAS and asked to see some BAS on what damage has been done at some locations on Beaver Valley Road. While the county wants to put regulations on it, the water quality has always passed. He asked why we needed regulations. He asked what right the Planning Commission had to place regulations on property under Title 18 and Title 42 of the Constitution. It said you cannot put regulations on someone if you cannot show, environmentally, that something was wrong. If we are not hurting anything, he questioned why we were doing anything; to him it was wrong. He said DOE cannot show anything that any damage has been done. There may be particular spots where there is damage by particular landowners, but those should be dealt with individually and not put regulations on everyone. He referred to a ticket he received from the county for not cleaning up his yard under regulations the county adopted on solid waste. He asked the county to show

him where, environmentally, the two parts cars he had were hurting anything. The county cannot show that; they just want to tell him he cannot have them there. He said he was not going to get rid of the cars; he would fight it in court. The county should not tell him what he can and cannot do on his property. He said he would clean up what he wanted to clean up. He wanted the county to tell him what he had to do if he was doing something environmentally wrong, but the county should prove to him what that environmental damage was first. He discussed issues with mosquitoes and rats, stating that if mosquitoes were a problem, we should drain the wetlands to get rid of them instead of worrying about a little standing water on his property. Concerning rats, he admitted there were rats in his parts cars, adding that the state had made it so we cannot trap rats anymore. He said that rats are an animal too and they need a place to live. He said that, in fact, the courthouse has rats. He said you can't get rid of rats no matter what you do. He said Port Townsend had a lot of rats because they were eating from the bird feeders. He suggested fining the people in Port Townsend for feeding the rats. His point was that he questioned what was wrong with this country when we just wanted to put regulations on people and get money from them. He asked the commissioners to look at what was really happening. It was all about control. He was concerned about constitutional rights.

Dr. Robert Crittenden said that when the Planning Commission considered the majority and minority reports, they should consider that the committee did not necessarily reflect the population of the county. It was up to the Planning Commission to decide what approach was most appropriate for this county.

Roger Short said that he got a lot of phone calls from people like Mr. Shoop who were frustrated with the regulations in the county. There was a lot to say about the stewardship of the landowners in the county. While he was not the oldest one in the room tonight, he was close to the oldest one who has lived here his entire life. For those who have come to this county in the last ten years or so, they have come because of the older people in this county who have made it what it is and kept it what it is. Most of the people who are bad stewards are people like the loggers who come in from China and log 5,000 acres of clear cuts and then sell to out-of-state developers who develop and are then gone. It was the old-timers like Herb Beck and himself and some others who had made the county out in the rural areas what it is. He said that they want to comply and be good stewards, but they can only take so much and they will be pushed into defiance. When the GMA came in, the 500 acres he farmed had the potential of 300 building sites. He did not want to build houses; he wanted to continue farming. Now he can only do 20-acre parcels. He cannot even sell one acre to his son or to some of his workers, which would make it more affordable for him. He said his land represented all five critical areas. His frustration came from the fact that he did not have a retirement now because of critical areas.

Sandy Hershelman took issue with Dr. Crittenden's comment about the committee not being diverse. She cited a list of the different interests represented: farmers, builders, realtor, lawyer, habitat biologist, forestry, computers, architect, chef, innkeeper, scientists, geoduck farmer. So it was a very diverse group.

Herb Beck said that we had many streams in all our major agricultural areas in this county. He understood the buffer issues and channel migration. He said that his particular land had been in agriculture since the original land patent in 1864. His father bought the land in 1917. They developed a farm plan in 1947. He said that agriculture has not changed that much. All ag land is in the alluvial plains, the river valleys, because that was the best place. That was true throughout the world. He said that agriculture is a business and it needed every square inch of ground to be viable. When a farmer goes to a bank for a loan, they want to know that you can pay it back. If you take away the farmers' ability to farm at a profit, like any other business, the farmers would disappear and the land would turn into houses. He

spoke about voluntary stream buffers he had put on his land. In the ag business, you have to take good care of your land; you have to be a good steward of the land in order to make a profit. He referred to Island County, questioning how many rivers and streams they have. He said that we have over 178 miles of river and stream frontage. He said that ag is a business and it had to be treated as such. You cannot change the rules every few years and keep the ag business going. He said it costs big money to farm, citing the cost of a tractor. Concerning river migration, he said that the river has not moved more than 45 to 50 feet from the original channel since the 1864 patent. His family has owned their property for almost 100 years and that river has stayed in almost the same spot. It was the same with the Dosewallips and Duckabush. It was a point that should be looked at. He said a person had to be able to build a house on his property so someone can work the farm. He reiterated that agriculture is a business and should be treated as such. It was not something that you could play with.

The meeting was adjourned at 10:35 p.m.

D. APPROVAL OF MINUTES

These minutes were approved this _____ day of June, 2007.

Bud Schindler, Vice Chair

Cheryl Halvorson, Secretary