



JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR AUGUST 1, 2007

- A. OPENING BUSINESS**
- B. PRESCRIPTIVE WETLAND BUFFERS**
- C. ADJOURNMENT**

A. OPENING BUSINESS

The regular meeting was called to order at the WSU Learning Center at 6:30 pm by Chair, Peter Downey.

Planning Commission members present were Peter Downey, Bill Miller, Patricia Farmer, Bud Schindler, Henry Werch, Mike Whittaker, JD Gallant, Ashley Bullitt and Edel Sokol.

DCD staff present were Joel Peterson, Karen Barrows, Al Scalf, Donna Frosthalm and Angela Wade (secretary).

There were about 18 members of the public present. Those who signed the guest list were Scott Clogston, Frank Hoffman, Dennis Schultz, Jim Fritz, Teren MacLeod, Norman MacLeod, Clark Crandall, John Richmond, Sandy Hershelman, Bill Wheeler, Kathy Dickson, Jim Storey, Kenn Brooks, Roger Short and Joy Baisch.

Staff Updates:

Joel Peterson referred to a document on the overhead titled Collaboration Process. He said that there are two directions that people take when collaborating. One direction ranges from assertiveness to competition and the other from cooperation to accommodation. He suggested finding a balance between the two paths that incorporates a long term view, and also allows for the process of conflict and tension to be addressed and resolved.

Joel Peterson reported on the stewardship planning team meeting earlier in the day. The first draft of a framework for the Habitat Management Plan is available and the authors include Kenn Brooks, Al Latham, Bill Wheeler and Dennis Shultz. He distributed a handout that includes the draft of Title 18 Critical Areas Stewardship Plans and an example of a Habitat Management Plan that Dr. Brooks developed for a client. The team will meet again on September 4th. Bud Schindler requested that someone on the team explain the draft in more detail. Peter Downey suggested that this be discussed at the next meeting when the PC will be addressing the stewardship approach. Kenn Brooks said that he would not be available next week to give a presentation.

Al Scalf commented on the watershed meeting that was held on July 31st. DOE gave a presentation on the build out analysis of the county, and Mr. Scalf requested that this PowerPoint be presented to the PC. The presentation covers DOE's proposed in stream flow and maps that indicate build out in the county from 1980. Bud Schindler was also present at the meeting and questioned the amount of lots that came before 1980. Al Latham responded that the 1998 Comprehensive Plan includes a supply and demand matrix that addresses Mr. Schindler's question. Peter Downey expressed concern that this is an area where DOE doesn't have expertise. Edel Sokol said that the maps do not really show what's going on, and that they only show the location of water taps. Bud Schindler referred to a comment made by Andy McMillan last night "The regulatory

approach is not always good enough; it doesn't work all that well." Mr. Schindler said that his comment is a reminder that there are other avenues they must consider.

Al Scalf reported that an Assistant Planner position in long range planning is open. He also said that there has been restructuring of the organization at DCD. Current planning and long range planning have been combined and are managed by Stacie Hoskins; the building division and permit technicians have also been combined and are managed by Fred Slota. The management structure is now composed of the director, Al Scalf, and the two managers. It was clarified that Stacie Hoskins is the Administrator, as well as Planning Manager of current and long range planning.

Committee Reports:

JD Gallant said that the Bylaw Committee plans to meet on August 22nd. Bud Schindler referred to his standing question about whether Section 14 of the bylaws regarding Purge and Taint is constitutional. Henry Werch said that he consulted with a civil rights attorney and the opinion he received is that the bylaws as written are fully legal and constitutional; however, they could be written better. The attorney also said that in quasi judicial matters, discussions of conflict of interests are unnecessary and inappropriate. The attorney's opinion is that individuals may voluntarily choose to openly discuss anything they want, but they are not required to do so.

Bud Schindler said that MPR is on track. The first meeting will be held on September 11th and will address the draft EIS. In the second meeting, Ian McFall will present the economic impacts of this sort of development. Karen Barrows reported that internal staff had a good meeting today and they anticipate that the draft EIS may be published earlier than expected, possibly by the end of August. Ms. Barrows said that the PC will receive hard copies of the draft as soon as it's available, and it will be made available to the public immediately as well. Ms. Barrows suggested possibly presenting a longer committee report to the PC on September 12th.

Al Scalf said that he's concerned about the Planning Commission's schedule and expects that they'll have to continue to meet every Wednesday through Thanksgiving. The PC discussed extending the length of the meetings and decided to continue with meetings from 6:30 pm to 9:30 pm. Ashley Bullitt suggested that people be conscious to speak to the agenda and refrain from irrelevant topics in the interest of time.

The minutes for July 11th, 2007 were approved as submitted.

Bud Schindler said that he strongly objects to JD Gallant's comments on page 10 of the July 11th minutes regarding the majority and minority reports. Mr. Schindler did not have a correction to the minutes, but wanted to again state his disagreement. JD Gallant confirmed that the minutes closely reflect the discussion as it occurred on July 11th.

Edel Sokol commented on corrections to the July 18th minutes. She said that on page 10, she was referring to the City of Kent, not Mr. Kent. She also referred to the last sentence

on page 13 that should read “Edel Sokol said that the two are different, that the Appearance of Fairness Doctrine addresses how the PC is perceived by the public and is not quasi-judicial.”

Public Comments:

Peter Downey requested that public comments be limited to three minutes apiece.

Roger Short spoke about his property on Beaver Valley. He said that recently a potential buyer was told by the planning department that no buildings could be built on the property. Mr. Short said that he knows of five other landowners in the same situation and he’s sending them in to the planning department to make inquiries. Mr. Short said that they are keeping a record of what they’re told, and if they feel that they’re being misrepresented, then they will proceed to court. Secondly, Mr. Short said that he hasn’t heard any discussion on the economic impacts of the CAO to landowners. He requested that this issue be addressed. Additionally, he said that citizens have requested on numerous occasions that all property owners who may be affected by the CAO be notified.

Teren MacLeod said that she was at the watershed meeting last night and found it interesting that DOE spoke about build out analysis to 2025. She said that DOE took building permits from 1980 to 2005 and made assumptions that the same level of build out would be repeated. She said that this assumption is incorrect because many of the parcels that are currently undeveloped are challenging lots to develop and for the most part, will remain undeveloped. Ms. MacLeod said that the PC is making these lots even more challenging to develop. She referred to the PC recommendation that non-fish bearing streams have a buffer of 75 feet. She asked if they realized that they placed the strictest regulations on about 80% of their land mass. She requested that the PC look at what that means in terms of environmental and developmental impacts so that there can be more balance. Ms. MacLeod referred to “Country Living at Its Best” put out by the County Commissioners that refers to Jefferson County as “a land of breathtaking beauty” and also says “inherent in country living is self reliance” and “Perhaps it’s obvious to say that life in the country is different from life in the city.” Ms. MacLeod doesn’t want these sentiments to be disregarded.

Jim Hagen referred to the land use map that he brought because he’s been hearing comments about the rapid conversion of private forest land to development. He heard last night that one of the challenges facing basins is high population growth. He referred to the map and showed that there is little land that is not forested or in parks. He referred to a chart by DOE that shows population density data. He said that this is actual data that is available on the website. Mr. Hagen said that agrees with Roger Short about balancing, and he hasn’t seen it in this process. He said that legislative intent is one of the second statutes in GMA, and talks about preserving rural character and emphasizes assisting economies. He said that it recognizes that rural counties cannot be sustainable without strong economies. He said it’s amazing that the environmental element is not required for comprehensive plans and GMA emphasizes a balancing in analyzing any

land use amendment. He also referred to WAC 365-195-215 that says that non scientific information (such as cultural, political and economical) should be used to balance all the factors. Mr. Hagen stressed that the PC should rely on hard data, which supports the fact that Jefferson County is a very low density county. He ended by referring to Port Hadlock as their future UGA, the heart of urban growth in Jefferson County, and asked if they were really on the verge of runaway population.

Jim Fritz asked if everyone could speak as loudly as Jim Hagen as it's often difficult to hear over the background hum. Mr. Hagen spoke about theory versus reality. He gave the following example: if everyone has a 5,000 gallon/day allotment of water, and we assume that everyone uses that allotment, then you could say we would exceed the carrying capacity of the aquifers. He said that in reality, people generally only use 120-180 gallons/day, about 5% of the maximum allotment. He said that you can prove anything you want by making the proper assumptions. In regards to the county being overrun with houses, he said it just isn't going to happen. He agreed that the remaining lots are challenging to develop, and some won't get wells. He said that the big growth is going to be in Port Townsend, Port Ludlow and the tri-area UGA, not in the rural areas. Mr. Fritz recommended that a limit be placed on the footprint of new homes in order to prevent trophy homes, or mega houses, in the county.

Norm MacLeod said that he's struck by the time and effort being spent talking about wildlife and buffers, and the lack of time being spent talking about the people living here. He said that they're dealing with more than environmental regulation; they're also deciding things that impact people's civil rights. Mr. MacLeod determined that the 75 foot buffer on non-fish bearing streams works out to be about 17-18 acres per stream mile of land restricted by buffers. He said that the law requires that county officials take into account the Attorney General's Advisory Memo. He said that he hasn't seen the PC evaluating their decisions against the Advisory Memo. He said there's a requirement in law that they do so and they may have to go back and do that for all the decisions they've made. Mr. MacLeod said that RCW's and WAC's encourage innovations and alternative approaches, and the PC doesn't seem to be taking maximum advantage of those opportunities. He also said that it would be good for the public to know the name of the civil rights lawyer who Henry Werch consulted.

Kenn Brooks said that the PC has an outline that was presented to both the PC and DOE. He said that initially it was in the wetlands mitigation section of the report, and several people commented that habitat management should be separate from mitigation; otherwise DCD may confuse the two and think that mitigation would be required to have a habitat management plan. Dr. Brooks said that the Committee's report for fish and wildlife habitat conservation areas does not include a habitat management plan section. He took out the habitat management plan section of wetlands and made it a stand alone document that was intended as a new section of the CAO. He said that although habitat management plans may seem onerous to develop, if you are familiar with the sources of information and how to interpret them, then the process is straightforward.

Jim Storey said that many people in the county are not aware of the decisions being made at these meetings. He suggested that everyone in the county be notified, possibly by mail.

Joy Baisch of Brinnon referred to two letters from the tribes that are based on the minority group's take on the Hiatt-Silver recommendations. The letters also back the fish restoration process. Ms. Baisch said that in the letters, the tribes are agreeing to information that is in direct conflict with the tribe's own biologist. She questioned what the tribes were told, and if they're receiving inaccurate information that they would agree with information that is in direct opposition to their own biologist's opinion. She said that there are 255 acres on the Dosewallips River, including parks that are quoted as being a floodplain, and would need to be set aside. She said that she has other reports that deny that the entire river is in a floodplain. Ms. Baisch said that the PC is asking for setbacks that are irresponsible and irrelevant along the Dosewallips River.

B. PRESCRIPTIVE WETLAND BUFFERS

Mike Whittaker suggested that they state which sections of the report are being deliberated so that motions can be introduced at the right time. His motion last week was never entertained as it was supposedly not introduced at the right time in the meeting.

Peter Downey stated to the public that agricultural lands are exempt from the CAO and the decisions made by the PC won't affect agricultural land.

The PC began deliberating the purpose of prescriptive wetland buffers in Report #1, lines 14-44 and Report #2, lines 604-632. Bill Miller said that he would like all the definitions from Report #1 to be transferred to JCC 18.10.010-260. He said that he's willing to live with the definitions until they're found to be unusable. Peter Downey said that they're making recommendations on policy to the code writer and the definitions don't need to be wordsmithed.

Bud Schindler moved to accept everything in Report #1 up to line 44. Mike Whittaker seconded the motion.

Bill Miller suggested a friendly amendment to modify the line numbers to 14-44. The friendly amendment was accepted.

Bill Miller mentioned that Report #2, lines 604-632 contains similar information, but the language is broader than in Report #1. Some members suggested sending both to the code writer as there's no conflict between the two. Mike Whittaker said that Report #2 deals specifically with wetlands, where Report #1 is general.

Bill Miller suggested a friendly amendment to send both Report #1, lines 14-44 and Report #2, lines 604-632 to the code writer. The amendment was accepted.

The motion, as amended, was approved by consensus.

The PC began deliberating Standards in Report #2, lines 635-905 and Report #1, lines 1025-1078. Henry Werch said he's concerned with Report #1 because in the discussion of the wetland rating system, it draws conclusions that may not be appropriate. He said that there's discussion of the value of Category III and IV wetlands that is different from the rating system. Bill Miller agreed and said that's why he prefers Report #2. Patricia Farmer said that the language in Report #2 is easier to read and clear.

Edel Sokol objected to language in Report #2, lines 674-676 "1. In accordance with the Wetland Rating System, wetlands must be rated as entire units. If a wetland is located on more than one parcel, owners of the affected properties are encouraged to cooperate in obtaining the rating. 2. Groups of property owners may appeal to the County for funding and assistance, as available, to obtain or update the ratings on large wetland units." Ms. Sokol said that 1. is inappropriate and 2. is a wishful sentence that shouldn't be in an ordinance. She also expressed concern with Lines 681-686 "Wetland ratings and categories must be updated periodically." Ms. Sokol's opinion is that the ratings should be permanent unless a landowner makes a change.

There was discussion about the maps that are mentioned in both reports and the concern that they're not always accurate. Patricia Farmer said that the maps give guidance for people. Donna Frosthalm said that all wetland biologists know that there's a margin of error in the maps. Ms. Frosthalm said that the maps give them a starting place, but that fieldwork supersedes anything that is on a map. Bill Miller asked if they do a truth even if the maps show that there is no wetland in an area, or do they just issue a permit? Ms. Frosthalm responded that when an application comes in, if the maps show that there's a wetland on the property or within 250 ft of the property, the planner asks for a report. She said that if they don't see a wetland on the property or nearby, then they don't go out and check for one. Ms. Farmer asked what DCD does to help landowners through the process of finding a wetland specialist. Ms. Frosthalm said that they can't give specific recommendations, but they do provide the names of companies that do delineations. Ms. Farmer expressed concern that various biologists could provide differing delineations. Henry Werch said that this issue had been addressed and a committee recommended that the County publish a list of qualified providers to make the process smoother for the applicant. Ms. Frosthalm said that it's a liability issue as they may not include everyone on the list. Peter Downey suggested that they have a Call for Qualifications in order for the County to develop a list.

The PC discussed DOE's new wetland ratings system. It was agreed by consensus that they should give direction to the code writer to use the new DOE rating system for wetland delineations.

The PC discussed created wetlands in both reports. Bud Schindler suggested modifying the language in Report #1, line 1108 to read "These constructed wetlands shall include, but not be limited to..." The PC discussed whether or not to include examples and some members thought that providing examples may cause the administrator to reject the

constructed wetland if it was not listed as one of the examples in the code. Ashley Bullitt said that not listing examples allows for more flexibility.

The PC agreed by consensus to exclude artificially created wetlands from the regulations.

The PC discussed multiple ratings of wetlands. Report #1, line 1111 allows for multiple ratings to be recognized within a wetland system. Donna Frostholm said that under the current code, if wetlands are connected, they all receive the highest rating within the group. Ms. Frostholm said that there are provisions in the 1993 rating that may apply for separating wetlands within a complex system into different categories. Within the new 2004 DOE rating system, Ms. Frostholm said that they can be separated into hydrologic units, which may allow for various categories within a complex wetland system.

Amy Hiatt said this issue is very technical and beyond the scope of the PC to make decisions about. She said that what they're exploring is not necessarily a bad idea, but she cautioned them to consult with someone who understands how the rating system is designed before they take a different approach than any other county in western Washington. Donna Frostholm said that the language in Report #1, line 1111 may allow for breaking down of wetlands into different categories more than what's allowed in the 2004 Manual that gives guidance about hydrologic units. This manual is already referenced in Report #1, line 1129.

Mike Whittaker moved to send forward to the code writer Report #1, lines 1111-1115, section g) Multiple Ratings. Edel Sokol seconded the motion.

Edel Sokol referred to the DOE guidelines, WEC, and the tribes supporting the minority report in contrast to the citizens requesting that the ordinance not be onerous for them. She said that the PC should listen to the citizens that are present. Bill Miller said that he's convinced that DOE 2004 allows for multiple ratings, but he's not convinced that he wants to send to section g) to the code writer. Henry Werch said that he's concerned with the conflict that exists with what was already endorsed.

The motion was approved with five in favor, three opposed and one abstained (5-3-1).

The PC began deliberating Report #2, lines 1025-1078 and Report #1, lines 635-754.

Edel Sokol expressed concern with the language in Report #2, line 731 "H. All wetlands shall be regulated regardless of size..." because it may be regulating wetlands that contain water only a small portion of the year. Peter Downey said that's not what the ordinance says here. Mr. Downey said that the main difference between the reports is the language in Report # 1, line 1102 "e) Unregulated wetlands. The following isolated wetlands are not regulated by this ordinance." in comparison to Report #2, Line 731, Section H. Mr. Downey said that the language in Report #2 seems to be better thought out.

Bill Miller said that DOE says there seems to be evidence accumulating that small isolated wetlands are contributing more than initially thought.

Edel Sokol said that she doesn't understand the wording in Report #2, line 739 "The wetland does not have unique characteristics that would be difficult to replace..." In discussion, it was stated that "unique" is defined as one of a kind and is clear language to be used here.

JD Gallant moved to accept Report #2, lines 635-755. The motion was not seconded.

Edel Sokol suggested removing the language in line 683, that wetland rating and category determinations shall be valid for five years. Ms. Sokol suggested that the rating and category, once determined, be permanent. Peter Downey said that the five years only comes into play if someone is applying for a building permit, and five years have passed since the wetland delineation. Donna Frosthalm said that the line and category are not likely to change over five years, and she thinks this language would be interpreted as sending out a wetland biologist to confirm the report from five years ago. Mr. Downey said that the problem is that these delineations are subjective, and may differ by biologist. Mr. Downey said that it's hard to imagine that in twenty five years there would be major geologic change.

Henry Werch said that after five years, a change in delineation could be an advantage or disadvantage to the landowner; the concern is cost. Mr. Werch suggested the following language "a wetland delineation, once accepted by the County, is good for five years; and after five years, if the County has reason to question it, it should be the County's responsibility to check it." He also suggested adding to the end of the first sentence "and may be renewed unless a significant (or measurable) change is found on the ground." Mr. Werch said that the first sentence is trying to address the possibility that something could happen on the ground after it has been rated. He said that the wording is clumsy. Mr. Werch said that the intent isn't that the rating system will change, but what was rated may change, and this provides an opportunity for the County to say we rated this wetland five years ago, but conditions have changed. He said that if the County wants to suggest that conditions have changed, then it is their responsibility to support that.

Peter Downey suggested striking all of section E. lines 681-686. Bud Schindler said that he's confounded by the last phrase "but shall not be adjusted as a result of illegal alterations." Mr. Schindler liked Al Scalf's suggestion, that after five years, the County would go out and do a review and if everything is the same, then fine. Mr. Downey said that they do a site review when a building permit has been requested.

Henry Werch suggested language "at the time of a request covered by the CAO, where a property owner has had a wetland categorization, the County may choose to determine that the wetland category still exists." Ashley Bullitt said that she doesn't want to tie the County's hands in case of a change in the geography. Her point of view is that this will be valid until and unless there is a significant change in the geology of the land. Henry

Werch suggested dropping the topic completely; because it applies to actions the County may take at the time of a permit and can better be addressed in a different section.

It was agreed by consensus not to include the language in Report #2, lines 681-686.

The PC began deliberating unregulated wetlands, looking at Report #2, lines 731-752, and Report #1, lines 1102-1105. Henry Werch said that likes the format of Report #2 as it provides a functional assessment of the property rather than an arbitrary statement that regardless of function, size would be the determining factor. Peter Downey agreed, but questioned the differences in size, saying that Report #2 provides no exemptions for Category III wetlands and has a smaller size for Category IV. Donna Frosthalm said that most of the County's wetlands are Category II and III. She said that just about all estuaries are Category I. Mike Whittaker said that for perspective, 2500 sq ft equals an area 50 ft by 50 ft, or 1/16 of an acre and 10,000 sq ft equals ¼ of an acre.

Patricia moved to accept the wording in Report #2, line 731-752. The motion was seconded by JD Gallant.

Edel Sokol said the language "All wetlands should be regulated" is too broad. Peter Downey said that all wetlands are regulated, but the regulation of Category IV wetlands says that they're exempt.

Henry Werch proposed a friendly amendment to remove "all" from line 731. The friendly amendment was accepted.

Bud Schindler proposed a friendly amendment to remove the words "significant suitable" from line 735 and "suitable" from line 736. The friendly amendment was accepted.

Mike Whittaker proposed a friendly amendment to remove "may be" in line 736 and replace it with "is." The friendly amendment was accepted.

Bud Schindler referred to the word "unique" in line 739 and said that it is subjective. The PC agreed that "unique" is not subjective, because it means only one. Edel Sokol asked why section 3 on wildlife conservation areas is included here. Henry Werch clarified that section 3 states that the exemption would not apply if the wetland is in a wildlife conservation area.

Donna Frosthalm gave the definition of wetland mosaic referred to in section 6 as a number of small wetlands clustered together. Ms. Frosthalm said that they are rated together rather than separately. She said that this doesn't occur very often, maybe in an agricultural area.

Patricia Farmer asked Donna Frosthalm if the sub-paragraphs (1-6) are helpful or make her job more difficult. Ms. Frosthalm replied that it's just as easy if they're included or not. Ms. Frosthalm said that the criteria listed in 1-6 are not intuitive, and if these conditions aren't included, they wouldn't necessarily be considered. JD Gallant

questioned that they're striking words such as "significant" when their intent is to make the language clear and readable.

The motion, as amended, was approved with six in favor and three opposed (6-3-0).

Edel Sokol made a suggestion to staff that a county-wide mailing be sent to everyone who will be impacted by the CAO. Al Scalf said that they did this in regards to agricultural zoning and added 250 additional parcels into agricultural zoning. Peter Downey said that a mailing to everyone affected would include every citizen in the county, may be cost prohibitive.

Henry Werch said that as they move on to the next phase, he believes there is consensus that alternative approaches are better than prescriptive ones. He said that they will be establishing a program that allows every landowner the opportunity to build if they wish to. He questioned which approach meets the test of state law regarding accountability and responsibility. Mr. Werch's opinion is that an approach that holds the County responsible rather than the property owner does not meet the state law requirements. The course he would like them to pursue is one with a requirement that if the property owner does not accept the prescriptive buffers, then the property owner is required to be involved in the process. He read in Report #1 that if the property owner accepts the buffers as designated, and chooses not to be involved, then the County is held responsible for doing a county wide evaluation as to whether or not the established buffers are sufficient. He believes this is contrary to the intent of the CAO which holds the property owner responsible.

Peter Downey said that he thinks there is consensus that residential housing on five acre parcels or greater is low impact, and buffers applied to those parcels would be considered low impact. The PC agreed that there is consensus on this.

Next week the PC will begin deliberating wetland buffers. Peter Downey suggested that they think about low impact development and Category III and IV, and how much difference there is between the reports.

Henry Werch asked that they look at Report #1, lines 1000-1005 regarding right of entry. Henry said if they were to adopt these lines as written, and a property owner chose a stewardship approach, and the County encouraged the property owner to participate in voluntary measures, then the County is excluded from doing any monitoring on that property because right of entry is only granted if the property owner gives permission. Peter Downey said that a Habitat Management Plan allows for monitoring.

Public Comments:

Jill Silver made a clarification between wetland delineations and the 2004 DOE wetland rating system. She said that a rating system is a very efficient system for describing a wetland's function in a landscape in a watershed environment. She said that points are built up for habitat, hydrology and water quality. She said to remember that part of a

wetland's function is to attenuate flood flows. She said that for example, if a house is built too close to a wetland, in a major storm event, the wetland will act as a pond, and may damage the foundation of the house. She said that the rating system is meant to protect the public from damage to their property and as well as to protect the public resource of water and habitat. She said that a rating is determined by adding up points on the ground and looking at aerial photos and it does not establish a line on the ground. Ms. Silver said that wetland delineation takes much longer and is more expensive. Ms. Silver said that she has taken the wetland rating training regarding the 2004 DOE wetland rating system and has been trained by the Army Corps of Engineers and the DFW in wetland delineation. She has been part of the Wetlands Advisory Group since 1998 and has done management enhancement research and has been practicing wetland science for a long time. She said that she has experience but doesn't practice by doing fee for service wetland delineations. She said that she's interested in supporting the public by protecting the public's access to clean water and fish. Ms. Silver asked the PC to be very clear when talking about wetland rating versus wetland delineation. Regarding whether or not the rating system will change in five years, she said the rating system allows you to look at the wetland's position in the landscape in the watershed. She gave the example of a new development or road upslope of a wetland that directs water into the wetland. She said that a 100 year storm event would affect the nearby wetland and possibly change the rating. She said that as more development occurs, the rating would probably go down in terms of habitat.

Jim Hagen said that at a meeting in February, Ms. Silver had been asked if she was qualified to do wetlands ratings, and she had responded no. In regards to someone building a house too close to a wetland, he said that one would have to get a septic permit, and go through a rainy season before building, so it would show if a house could be built there pursuant to septic regulations. He referred to the PC's statement that non regulatory approaches are preferable and said he hopes that non regulatory options are written in that are accessible for people. He said that he's heard from staff that people choose the prescriptive approach because it's less of a hassle.

Teren MacLeod spoke in reference to the discussion about a new wetland delineation being required after five years if an individual wants a building permit. She said that an important aspect to consider is that a building permit is required to make any enhancements that cost more than \$1500, such as extending a deck. Ms. MacLeod said to consider that their decisions may trigger additional county review and the County may not have the staff or resources to do this. She said that Al Scalf and staff could speak to that issue. Ms. MacLeod said that wetland delineations can be expensive and we need to be careful about what we're requiring property owners to do. She said that she's encouraged by their willingness to look at alternative measures. She agrees with Edel Sokol's comment about notifying people in the county who will be affected by the CAO. She would like to hear a report from the County on how they're planning to notify the public before the public hearing.

Frank Hoffman expressed his gratitude to everyone for putting in so much time.

Dennis Shultz said that in the past, with the UGA, a lot of work and money went into notifying people about it. He said there were photocopies, newspaper ads, meetings and mailings to get to the people affected by the UGA and the same thing needs to be done in regards to the CAO.

Jim Tracy commented on the existing ordinance JCC 18.15.190 and JCC 18.15.200. He said that both point out that all uses, activities and actions of the critical areas are subject to the ordinance. He believes this is stated differently than in either of the two reports. Mr. Tracy said that they need to understand that it's not just permits; its uses, activities and actions, according to the existing code. Mr. Tracy referred to the decisions to remove subjective words such as "significant." He said that these decisions make all breeding habitat in the county subject to the CAO. He suggested that the PC get guidance from an independent competent advisor to bring order and focus to their deliberations.

Norm MacLeod said that he disagrees that it's too expensive for the public to be notified about the CAO.

C. ADJOURNMENT

Edel Sokol commented about the meeting this afternoon with DOE. She said that she was encouraged that as the meeting progressed people starting thinking more and more outside of the box. She said that in the future she imagines that stewardship will be the way. She said in Germany and even in Portland, OR stewardship plans are becoming more popular.

Mike Whittaker suggested in the future that every planning commissioner be latched to someone in the permit center who can guide them through all the regulations.

The meeting was adjourned at 9:50 pm.

D. APPROVAL OF MINUTES

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

Peter Downey, Chair

Angela Wade, Secretary