



## **JEFFERSON COUNTY**

### **PLANNING COMMISSION**

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#### **JEFFERSON COUNTY PLANNING COMMISSION**

**MINUTES FOR AUGUST 15, 2007**

- A. OPENING BUSINESS**
- B. INTRODUCTION TO RURAL STEWARDSHIP PLANNING**
- C. ADJOURNMENT**

## **A. OPENING BUSINESS**

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

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

DCD Staff present were: Joel Peterson, Al Scalf and Cathy Alling, secretary.

There were about 14 members of the public present. Those who signed the guest list were: Herb Beck, Scott Clogston, Jim Fritz, Jim Storey, Frank Hoffman, Dennis Schultz, Jim Hagen, Clark Crandall, John Richmond, Teren MacLeod, Norman MacLeod, Kathy Dickson, Sandy Hershelman and Jill Silver.

### **Approval of Minutes:**

The PC reviewed the minutes for July 18 2007. Edel Sokol said that on page 13 the very last sentence was corrected to include the word “not” so that it would read “PC is not perceived by the public...” She said she received an email from Jeanie Orr regarding this change and the City of Kent change. Ms. Sokol said that in the center of the big paragraph on page 10, she suggested City of Kent, not Kent Court.

Bud Schindler said “I am confused by page 2 where Joel Peterson announced that Olympic Peninsula Planning Forum would be held on Friday, June 20 at the Pope Marine Building.” Today is July 18th and Mr. Peterson responded that he meant “July” and not June.

Bill Miller said on page 8 next to the last paragraph that he doesn’t recall saying the very last sentence, and he would like to give credit to whoever said it. Peter Downey said he remembers the discussion but doesn’t recall who said it either. Henry Werch said it was a “reliable source of PC”.

The minutes for July 18, 2007 were approved as amended. The minutes for July 25, 2007 were approved as submitted.

### **Staff Updates:**

Al Scalf introduced Cathy Alling as the new secretary/minute taker.

Al Scalf reported that staff is very busy in the “final hours” of the DEIS in Brinnon for the (MPR) Master Planned Resort. There is a push because the staff reports must be out by September 5th, for both the Brinnon DEIS and the 2007 Comp Plan Amendment cycle.

Al Scalf reported that the Washington State Dept of Health gave approval on the UGA Port Hadlock Sewer Facility Plan which leads to the engineering report as a required follow up and the DOH letter will be distributed to the PC members.

Al Scalf reported that ICAN filed recent objections to our compliance report regarding the Port Hadlock/Irondale Urban Growth Area (UGA). He stated that this is not a settlement but is a component of the Comprehensive Plan’s transportation element and various goals and polices.

The objections by ICAN will be distributed to the PC members.

Joel Peterson reported on the Housing Action Plan (HAPN) and that our request for proposals has ended. We received one proposal from Habitat for Humanity which the County will support as it goes forward through the process of the Community Development Block Grant (CDBG) procedures. We have a request for \$60,000 of CDBG funds to help provide infrastructure for six habitat homes.

Mr. Peterson said that another aspect of HAPN is looking at the Domestic Violence/Sexual Assault Program and their proposal to provide onsite housing along with their social services. Mr. Peterson said that we have requested that the BOCC endorse the program with a letter of support to help them in their application process to the State Housing Trust Fund. Mr. Peterson will give an update on the progress of grant applications. Mr. Peterson will be attending a program workshop on September 12th with city personnel to learn how to administer that grant and shepherd it through the process.

### **Committee Reports:**

JD Gallant reported that the Bylaw Committee meeting is still set for August 22<sup>nd</sup> at 9am at the DCD building.

Bud Schindler reported that the MPR committee meetings are scheduled for September 11th, 18th and 25<sup>th</sup>. The PC public hearing in Brinnon is scheduled for October 3rd. He said that flyers were developed and routed out to the public and he hoped this is not premature. He stated he was chastised for putting information regarding DCD staff on the flyer and he also misspelled Stacie Hoskins name. If the September 11<sup>th</sup> meeting is cancelled, the public will be notified. He said that he's trying to ensure the public is aware of upcoming meetings due to being chastised in the past for not enough community awareness. He said that we're on a tight timeline with the MPR meetings and that we don't know exactly when the DEIS is going to be released.

Mike Whittaker reported that he has findings and recommendations on the permit center situation and will look at it and let the PC know what he finds out.

## **B. INTRODUCTION TO RURAL STEWARDSHIP PLANNING**

Joel Peterson gave a staff report regarding Rural Stewardship Planning. The Wetlands Advisory Team initially met on July 13<sup>th</sup> at which they discussed ground rules and focus.

The team will focus primarily on measures that promote collaboration with landowners and existing organizations in the County. These include landowner stewardship and non regulatory measures that preserve, restore and enhance wetland functions and values. The intent is to augment wetland regulations with elements that provide a more comprehensive approach. This effort is a collaborative one that attempts to include a variety of approaches to wetlands protection. The team will attempt to reach consensus on recommendations, but will forward all recommendations to the County regardless of whether consensus is reached. The next meeting was held on August 1<sup>st</sup> and the team did not get a lot of detail work done. They broke into committees before the September 4<sup>th</sup> meeting and before the PC reviews the team's recommendations. The groups are as follow: **1) Process:** Joel Peterson, Sam Gibboney, Dennis Schultz and Phil Andrus. **2) Criteria/Standards:** Amy Hiatt, Rick Mraz and Joel Peterson. **3) Review & Comment on Latham/Brooks Documents:** includes entire team.

Joel Peterson reported that the Process committee met on August 7<sup>th</sup> and the Criteria/Standards committee met on August 14<sup>th</sup>.

Joel Peterson said that copies of the Latham/Brooks documents were passed out to the PC a couple of meetings ago and were emailed again last week. Additional copies are available if anyone needs one.

The document that Dr. Brooks prepared through his business is to show what a Habitat Management Planning looked like. Al Scalf stated the Habitat Management Planning document is for a citizen of Snow Creek who had gone through a reasonable economic use variance.

In Joel Peterson's power point presentation, he showed flow charts of his first interpretation of Al Latham, et al., 18.xxx.xxx Critical Area Stewardship Plans documents and how a Stewardship Plan may fit into the existing permit process.

Joel Peterson said that there are a number of existing options in the prescribed buffer menu: buffer reductions, buffer averaging, and reasonable economic use exemption. He said that if it goes the performance based route it might look like a plan with some alternatives: go through a monitoring and adaptive management cycle to check and make changes as needed. If there's success: dream fulfilled, or if it's not working then develop a new plan or new alternatives, monitor and go through the adaptive management cycle. He further stated that to finish the process loop, if it doesn't work at all, the flow chart shows a revocation of permit. He said that the whole thing would be monitored to assess whether this program is working or not.

Joel Peterson said that the committee took the DCD Development Review options and simplified it. They discussed the organizational options if this resided at DCD and about what if this program resided in the Conservation District? They dealt with some of the questions that may guide the DCD process and then go back and try the planning process with the Conservation District being the lead. He described the process as "coaching" the applicant to achieve their goal using a team approach.

Joel Peterson said they initially reviewed Latham, et al. They all agreed that they need to begin here to know what the basis is for developing criteria standards. He stated that they wanted to know what kind of information and monitoring needs to be addressed within the plan.

Questions that have arisen are: how many undeveloped lots exist within the RR5 and 10 and 20 zones? How many are less than an acre in size? It is important to know this in order to see how big this program is going to be. The focus was on the specific review and approval criteria associated with individual Rural Stewardship Plans. Plans can inform the County database on wetland resources and Mr. Peterson questioned "whose burden is that going to be, and what kind of data can we expect to develop and how one can get access to property to collect that data?"

Joel Peterson said they proposed to do a simple and streamlined assessment at the site level, develop threshold criteria for deeper investigation at site and multi site levels (e.g. sub-basin/cataloguing unit), and develop a few basic metrics at a landscape level to evaluate the program. Some of the components of the individual plan should include contextual relationships at the basin or sub basin levels what that information is available and relevant.

Joel Peterson said the committee made a point by stating that "landscape analysis is a great tool for wetland planning but it's a lengthy process and very expensive."

Currently, our CAO code gives the applicant a menu of choices: buffer reduction through some sort of performance standards, buffer averaging or buffer increase. Mr. Peterson said that they

discussed some issues regarding where to tie this into the code. He stated the possibility of keeping it separate, discreet, portable, as its own part of the code, or integrating this into the part of the code in buffer reduction. He said that these performance standards are being alluded to now in the code, but are not very specific.

Joel Peterson said that they discussed taking the performance standard part out and to make it the Wetlands protection/Rural Stewardship Plan option and be very specific about what the performance standards will be.

Joel Peterson said that a development of standards and criteria for the Habitat Management Plan would help consider what the range of options might be and a list of questions could be added to help in the deliberation process as some point.

The Critical/Standards committee suggests addressing unanticipated uses in the code under a catchall of “unspecified uses”. He said that a lot of uses are spelled out, but an applicant may come in with something that wasn’t thought of in the code. He said that not only the type of dwelling might be considered when determining level-of-input, but also the activity. Mr. Peterson said it comes down to site-specific analyses to determine what the impacts may be. The impact would then go into developing the criteria and standards and setting the monitoring program. The code is regulating activities that don’t require a specific permit and that it is confusing to some.

Joel Peterson said that the Rural Stewardship Plan (RSP) could help define where Forest Practices stop and where the CAO begins identifying which rules will be used in what case.

Joel Peterson stated that Agricultural Stewardship, Forest Stewardship, Rural Residential Stewardship are all combined in the King County Code but said he hadn’t had the opportunity to look at the King County example very closely.

Joel Peterson said that they discussed enhancement and augmentation of wetland functions to allow smaller buffers and how does the parcel size play a role in determining the buffers.

Peter Downey questioned on where does the PC go from here? Edel Sokol questioned Al Scalf; if a hog farm is under different regulation or criteria. Al Scalf responded that the County does not have a permit for a hog farm. Edel Sokol asked if the Federal government and State would be involved. Al Scalf said that farmland permitting is different. Edel Sokol said that it’s different than what we are doing here. Peter Downey said it’s not the best of examples and said that campgrounds could be an example also.

Henry Werch asked Joel Peterson if there is a legal issue to consider. Mr. Werch said that in his reading of growth management, it’s the County’s responsibility for protecting critical areas through the CAO. The County is also responsible and accountable for any alternate management plans voluntarily selected by the property owner. Mr. Werch said he believed that the County is held responsible by the State and that the County cannot abrogate that responsibility to the Conservation District. He would like some legal insight because this affects how the PC will answer any of the questions posed.

Edel Sokol said that it’s been done before and stated that the Yakima Stewardship plan is brilliant and New York State is good too. Ms. Sokol said that obviously there is a way without reinventing the wheel. She suggested going to their websites. Henry Werch said that he recognized their existence, but was concerned about program accountability and getting attacked

at the beginning. Edel Sokol said that the PC will not receive legal guidance and that the BOCC gives guidance. Henry Werch said that the PC can submit concerns to DCD and get legal guidance and asked to have that area explored.

JD Gallant said that the entire Wetlands Advisory Team have not yet critiqued what they been given and they must evaluate the information first and then he would like consensus from the Wetlands Advisory Team and then the PC can review it.

Peter Downey said that prescriptive buffers were pretty black and white and that the performance path is going to be black and white. He said that what we are preserving is the function and values of critical areas done through putting together a plan with well defined planning elements. What we are trying to preserve, how, and what kind of monitoring system will be needed. Mr. Downey said that every plan must have each element addressed and once completed, they can come back to the County to see if they are reasonable and actually effective. If the answer is yes, then the permit is finalized. Future monitoring will ensue the plan is working with adjustments as needed. He said that at end of the day the permit applicant must have the permit to move forward. He said that this has to be something the County provides. Separate entities can assist and provide guidance, but the County has to give approval.

Edel Sokol asked who finances this. DOE said that maybe the money will be around in few years. Where does the money go? Bud Schindler expressed concerns about waiting for DOE while trying to do the best job under time constraints. He said that they need to operate independently of one another and does not think DOE will release anything for a long time.

JD Gallant restated that these issues had already been discussed at the last PC meeting and what we have is adequate. He said the PC needs to work on the prescriptive part, wait for consensus from the Wetlands Advisory Team and move forward. Edel Sokol said that is not what she heard at the last meeting and Peter Downey stated that the PC decided that they were going to have a prescriptive path, so we are not going to wait.

Al Scalf said he spoke to David Alvarez on a question of increased buffers and his reaction was simple “you have to designate and protect critical areas”. Mr. Scalf said that Mr. Alvarez then made reference to RCW 36. 78 on critical areas and on WAC criteria. Mr. Scalf said that staff was familiar with this and that the PC members have their Reference Notebooks regarding this. The WAC digresses into the 1990’s model ordinance of ecology. Mr. Scalf said he would dig it out and see if it had a buffer increase in there. Mr. Alvarez’s approach was not prescribed by law; buffer increases were an existing part of planning theory. Mr. Scalf said that they didn’t think it was mandated by law, however.

Peter Downey said that whatever we do, the plan has to have all elements so DCD can evaluate and issue permits. Whoever else gets involved to help the applicant is up to the applicant, whether they go with the Conservation District or any other third party, etc...but, ultimately it has to be a permit from DCD.

Edel Sokol moved to forward Dr. Ken Brook’s Rural Stewardship Plan (RSP) draft to the code writer. Bud Schindler seconded the motion.

Discussion ensued with Mike Whittaker entertaining a friendly amendment to include Report #14, lines 415-417, last paragraph: Letter F, “Property owners may submit a site specific Habitat Management Plan/Stewardship Plan that, when approved, will meet or exceed the prescriptive buffers in the table in 3.a”. The Habitat Management Plan will be in lieu of the prescriptive

buffers. Mr. Whittaker said that furthermore, monitoring of the stewardship plan should be in the beginning and separate. He stressed the importance of a well educated staff and public involvement in the stewardship plan and monitoring the overall area and the need for a system of checks and balances.

Edel Sokol accepted both amendments.

Henry Werch said that he doesn't want to lose track of the monitoring program without an agreed set of standards. He said that one set of standards and a single measuring tool is important. Mr. Werch said that as much as he supports a need for prescriptive and specific measures, he is equally opposed to a stewardship plan that is too prescriptive because it ties the hands of the property owner. Edel Sokol begged to differ in the involvement of the stewardship plan.

Peter Downey explained that we have a prescriptive approach set up with criteria and if the rules are met, it's good to go. With a performance approach, it's more like a laissez faire attitude as long as the rules are met and it is beneficial.

Bill Miller said more diligence is needed on what we discuss before the PC sends this forward. He said he wants the reports numbered and emailed and so he could not support this yet.

Ashley Bullitt said that she doesn't disagree with the motion but thinks it's premature. She said that she wanted to talk more about general aspects before committing herself.

Mike Whittaker said that maybe he missed Henry Werch's point of objection. He suggested that we put the monitoring program prior and make it particular to the CAO as opposed to part of the stewardship plan. Mr. Whittaker asked who's going to pay for all of this.

Bud Schindler said that the report on monitoring of critical areas is not limited to stewardship. Water quality monitoring is for watershed and it is everything. He said that he doesn't believe it's for stewardship only.

Ashley Bullitt said that she unites with Mike Whittaker on what he said about the importance of monitoring. She said that paying for it is a separate question. Ms. Bullitt said that if we agree it's important, we should go with the principle first.

Peter Downey moved onto public comment and stated that the current motion would be tabled until after public comments were over.

#### **Public Comments:**

Dennis Schultz commented that the presentation by Joel Peterson was very raw. He said that the Report of the proposed ordinance that Dr. Brooks came up with is very preliminary, doesn't carry a lot of weight and needs change. Mr. Schultz noted that the monitoring issue was not on the agenda and if it's discussed then it needs to be.

Jim Hagen of Cape George said the issue of county liability has come up several times. He said that under the GMA counties are required to protect critical areas. They are liable for that just as they are liable for when they fail to provide affordable housing or provide economic opportunities. Mr. Hagen said that by DOE's own admission it failed to protect critical areas with previous approaches, so he wants to know if that means that all counties were liable including DOE? He said that he thinks that degree of liability isn't extended. He said that he advocated at

the beginning of the whole CAO section, under the purpose, it states being consistent with GMA. The encouragement of innovative approaches and that Jefferson County is going to adopt a two-tier optional approach. He said that it needs to be made very clear in this ordinance that there are two paths. The purpose of the CAO had to be in the purposes of each applicable section so that the applicant and DCD permit center know what the choices are. He said that regarding the complexities of cost of monitoring, he advocates that the DOE prescriptive approach is very dependent on monitoring. He said that the DOE's science is inexact; but that they are confident in risk management approach, but can science protect critical areas? Mr. Hagen said Joel Peterson's report regarding the prescriptive approach showed no corresponding avenue for monitoring. He said that monitoring is needed for the prescriptive approach, otherwise how will we ever know if we are meeting that mandate for protection. Mr. Hagen stated that the DOE's previous approach has not worked, now the new approach doesn't say it will work, but either way there has to be some monitoring as an integral component. He said that if it's said that stewardship is impractical, then by the same principle can be said of the prescriptive.

Frank Hoffman said that he was impressed by Joel Peterson's presentation. He said that whether it will work depends on implementation. If the County does demonstrations with its own land, step by step, and with the Port Townsend Leader and the Peninsula Daily News, they can show the public how ordinances are implemented and the people can see how it works. He said that the County could develop expertise in assisting the permit applicant instead of relying on experts from a combination of agencies. He said that there were two tracks going which include response to permit questions and complaints and the other is education.

Herbert Beck of Quilcene was at the County fair and saw a map on river migration. He said that his own property was homesteaded in 1864. Mr. Beck said he had a question about migration of the stream which goes through the Quilcene High School playground. He said that he wants to know why one side is restricted while the other side of road is not treated the same. He said that the elevation is same on both sides. He investigated some books and maps going back to the 1880's. He stated that the ownership of the stream is his, if it migrates into his property. He said that he lost 3 acres of top soil into the Quilcene bay which goes on oyster and clam beds. Mr. Beck said that no control of streams will cost in loss of seafood and aquaculture in Quilcene.

Jim Fritz said that the Olympic Water Use Association will host a meeting with the Health Department in the Grange Building on August 16<sup>th</sup> at 7 pm to discuss the proposals for the clean water district. He stated that the Seattle Post Intelligencer talked about expensive housing and that these mega houses will destroy Jefferson County. He said that there should be a three or four thousand square foot print limit for Jefferson County. Mr. Fritz said that Port Townsend and Port Ludlow should be excluded. He said that mega houses cause environment problems. Mr. Fritz recommended a foot print limit for personal homes as we do for commercial buildings.

Teren MacLeod said that as we are thinking of buffers and critical areas, the mapping for the County is very poor. She said that when someone comes for the two tier approach it has to be based on reality. Ms. MacLeod said that there has to be a sense and allowance that there is a purpose of what is protected and why, so that the landowner understands what they need to protect. She said that Joel Peterson's presentation of the prescriptive approach uses restrictive language. Ms. McLeod concurs with Henry Werch's comments about people being allowed to creatively use their land while protecting critical areas. She asked what the opportunities for education are and who's going to pay for it.

Dennis Schultz said that the monitoring program is for fish bearing streams and that people have no way to monitor water quality in wetlands.

## **THE REGULAR MEETING OF THE PC CONTINUED:**

Peter Downey noted the current motion on the table.

JD Gallant said that Dr. Brook's RSP draft report can not be put on the table before business is concluded.

Peter Downey said we have already taken a majority and a minority report and he will consider these submitted documents and we will make a decision with the information given. It's still relevant even if it's not conclusive.

Henry Werch said that he may have misunderstood Dennis Schultz in that the report was going through refinement and would be best considered in its refined form.

Peter Downey asked Dennis Schultz if a refined report was coming soon. Mr. Schultz replied that nothing will be available until the September 4th meeting. Peter Downey said that he would like it sooner and that it can come back from the code writer and still be refined. Bud Schindler said that this isn't the end or final deliberation and that this process is going to evolve and to keep up with doing the best we can with what we have.

Edel Sokol said that one of the concerns she heard from Henry Werch and Dennis Schultz is to hire professionals to do this draft, which is one approach. She said that she sees nothing wrong with going forward with it now.

Ashley Bullitt said that she agrees with concerns of completing a Rural Stewardship Plan in a timely manner. Her question was that we have many issues to vote on in the meantime, so that if we postpone voting on this draft until later our work wouldn't be held up. She said that the stewardship program rests on the shoulders of everything else which gives us guidance. Ms. Bullitt said that it's difficult to understand the stewardship program as an alternative if the prescribed program is unfinished. She said that she's not sure if she is grasping it correctly.

Peter Downey said that in his experience in writing code, they had the science for how they wanted the houses to perform first, and then they created the prescriptive paths for compliance. He said that the real science of it is the performance path. Mr. Downey said that we want to preserve the functions and values of our critical areas. He said that science evaluates and tells us and then we decide what steps to take. Mr. Downey said that the prescriptive approach can be followed by anyone. He said that if you want something simplified, then go with the prescriptive approach.

Ashley Bullitt said that there is a dialectical relationship. She said that the stewardship program is wildly out of sync with prescriptive. There has to be a choice presented to the people. Ms. Bullitt said that it's hard to figure out the alternative choice without knowing the first approach as they are interdependent. She said that the prescriptive approach is simpler and more basic and easier to understand. Ms. Bullitt stated that our discussions and motions help give a basis for more intelligent analysis on stewardship parts. She said that if we have other issues to take care of, why rush? September is only two weeks away.

Peter Downey decided that the PC would not vote on the current motion as this is a way of breaking out of a 4-4 tie vote.

Henry Werch said that there is an approach to allow the PC to vote. He said there is agreement

that there should be a stewardship approach with a management plan. He said that he wants the code writer to know that we endorse the approach and alternative but that the specific plan we send him be considered a placeholder until we reconsider the final plan.

Peter Downey and Henry Werch discussed some confusion over which respective plans were being discussed.

JD Gallant reiterated that the PC already discussed these issues four meetings ago and that we would have an alternative A and B and we voted for that. He commented that this is Ken Brook's work along with others from the community who have contributed to it. He said that "you mentioned the word hired gun" and that Ken Brooks is a hired gun. Several PC members called "out of order" to Mr. Gallant and the other members replied that Ken Brooks was not hired. Mr. Gallant responded by asking who paid for this? Edel Sokol stated that the attachment was not being sent forward.

JD Gallant said that we need to see both sides of this issue before we vote. He said that the stewardship group has yet to come back with a foundation and a critique to even discuss. Mr. Gallant stated that pushing this through isn't right from all sides. He said that we need to send the code writer something we all have consensus on. He said that it will be very difficult to amend after we send it to the code writer and recommends that we hold off.

Peter Downey said that what we're sending are issues about policy, not code language. He stated from a policy point of view, it's correct to say that we have a performance approach that has criteria and guidance and elements. He said it gives us a basic structure we can work on. We're not in disagreement on policy. JD Gallant agreed and Mr. Downey said let's get this policy to the code writer.

JD Gallant responded that we're getting one side of the issue. Peter Downey said that he doesn't think there are two sides of this issue. The consensus is that we're doing a prescriptive approach and then we'll do a performance approach to also preserve the functions and values of the critical areas.

JD Gallant said that it is policy that's agreed upon, but not the specifics. He said that he's uncomfortable with this and wants to go word by word. Peter Downey said that we can go over the specifics and see what Mr. Gallant is uncomfortable with.

Bill Miller asked if these stewardship plans related to streams or wetlands. Edel Sokol replied that it was wetlands. Mr. Miller asked what we are monitoring in Wetlands. Edel Sokol responded by stating it is on certain pages within the reports.

Discussion continued between JD Gallant and Edel Sokol about the exact wording of the draft, specific paragraphs and what they contain and also Mr. Gallant's readiness to go over the details.

Al Scalf said that the code writer will cut and paste if given specific line in instruction, or blend things together if on a policy level.

Bud Schindler said this was done by group of scientists and if he had to score it, he'd give it a "D" for code readiness.

Peter Downey urged the PC that he would like a consensus document. He said that if they need another week to review and come back prepared to discuss the policy issues and pertinent

language, then they will come back week after week if it's necessary.

JD Gallant said that he just feel strongly it's a slap in face to the Stewardship group.

Joel Peterson said that a lot of comments about revisions have already been made. He said that we'll be behind what the stewardship planning group is trying to do with this. He feels that he's on thin ice presenting this at this time.

Bill Miller brought up the fact that the agenda said Rural Stewardship Planning and thought the agenda would go to Wetland Mitigation and Habitat Management Plan and then talk about Permit Flexibility. He said that all these issues are important.

Peter Downey said that he didn't consult with the staff about the agenda. He said that the point of having Wetland Mitigation and Habitat Management Planning together is a wrong statement. Mr. Downey said that Wetland Mitigation is a compensatory requirement once you impact a wetland and how you are going to compensate for this impact. Habitat Management Planning or Stewardship Planning is what you do as an alternative way to meet code and are two different things. He said that the agenda as written doesn't work for him. He said he wasn't aware that Permit Flexibility was part of the agenda.

Peter Downey said that the PC needs to spend time on next week's agenda. He asked to carry the current tabled motion over to next week. Edel Sokol consented. He said that at next week meeting the PC will address all issues, concerns, wordsmith, policies, etc... to ensure it is what they want to send to the code writer.

Henry Werch said that he would not be at the August 22<sup>nd</sup> meeting. He had hoped that Joel Peterson would have brought back some informed discussion with as to how much of Ken Brook's program is "real world" in terms of what the County is capable of doing. His reaction to the presentation is that it's ideal, but we live in a practical environment and he doesn't want to undermine what can be done to be eclipsed by discussion over what the County can do, afford, and what staff can do. He said the hoped for a placeholder. Mr. Werch stressed the need to develop a practical, doable approach for any homeowner, not just the wealthy homeowner. He said that the County must monitor as required by the State to determine if it works but not strap the County. He said that he hopes for recognition that some aspects of Ken Brook's plan and suggestions go beyond what could really be accomplished.

Bud Schindler suggested we take a vote knowing Henry Werch isn't here next week and whether we table this for next week or call for the question right now. Ashley Bullitt said to table the motion for two weeks so that all PC members are present.

Peter Downey said that the PC will not be having a meeting on August 29<sup>th</sup> and is concerned that the PC does not have consensus but it is also aware of the importance for the group to have more time.

Henry Werch said it was inappropriate for the PC to move to vote or not to vote based on whether a PC member is present. He said it is not democratic.

Ashley Bullitt said she agrees that it's important for contentious issues to have the input of the entire PC so that the members who are absent are not run over.

Mike Whittaker said that wanting consensus is good, but he reminded the PC that most issues

move forward, so why is consensus important now? Peter Downey replied that is correct, but we have had adequate discussion of each element. We haven't done that yet with this document so we need more time.

JD asked for the documents to be numbered and Peter Downey agreed and requested staff to take care of this.

Bill Miller commented that he thought the PC would review Wetland Mitigation Report 1 & 2 and that Monitoring would be addressed. He said he had prepared a motion to accept lines in Report 2 but couldn't make a motion since one is on the table. He wants to look at those in addition to the other reports for next PC meeting including;

Report One: Mitigation – lines 1257 to 1309. Monitoring – lines 1312 to 1393.

Report Two: Monitoring – lines 1081-1174. Mitigation – lines 1179 to 1363.

Al Scalf asked Peter Downey if he wanted staff from Environmental Health to give an overview of water quality monitoring at the August 22<sup>nd</sup> meeting and Mr. Downey said that might be helpful.

Mike Whittaker asked if the PC would be looking at the Stewardship Plan for next week. Peter Downey said yes, and that the Stewardship Plan and Habitat Management are one and the same.

Peter Downey addressed Norman MacLeod from the public. Mr. MacLeod asked for clarification about the members of the Critical Areas Ordinance Review Committee (CAORC). He said that there seems to be a misimpression of the participation of one of the members that is false. He said that they have donated time and energy and resources to perform services for the people of Jefferson County. He said that no citizens were paid and that we are not "hired guns". Peter Downey acknowledged Mr. MacLeod's comments.

Mike Whittaker addressed Al Scalf why DCD could not do delineation and was told by Donna Frostholm that it was because of the liability. He asked if there is problem with liability. Al Scalf responded that the code that gets adopted by the BoCC, which we implement. He said we use wetland scientists to do wetland delineations and he can't specifically answer questions about that liability. Peter Downey said that he thinks the reason why Donna Frostholm said the County doesn't recommend delineators is because they would be recommending one person over another.

Mike Whittaker said he felt disconcerted that a PC member would use the term "hired gun" on a person with credentials. JD Gallant responded that he never talked about Dr. Brooks' professionalism, but that he is possibly involved in a conflict of interest because he makes money from what we propose. Mr. Gallant stated that the use of the term "hired gun" was brought up by the Chair. Peter Downey stated that he does not find the term offensive.

A discussion ensued about the nature of the term "hired gun" and that it was not meant in a derogatory way.

John Richmond invited everyone to a potluck on August 18th on the upper Hoh River and gave directions to all.

### **C. ADJOURNMENT**

The meeting was adjourned at 9:10 pm.

**D. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_ day of October, 2007.

\_\_\_\_\_  
Peter Downey, Chair

\_\_\_\_\_  
Cathy Alling, secretary