



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

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Minutes for Wednesday, June 17, 2009

- A. Opening Business**
- B. Public Hearing – Planning Commission Revised Draft SMP**
- C. Adjournment**

A. Opening Business:

The meeting was called to order at the Jefferson County Superior Court room by Chair Peter Downey. Planning Commission members present: Peter Downey, Bill Miller, Henry Werch, Ashley Bullitt, Patricia Farmer and Tom Brotherton. Tom Giske and Barbara Nightingale were excused.

DCD staff present: Stacie Hoskins, Planning Manager and Michelle McConnell, Associate Planner.

Approximately one hundred twenty-one (121) members of the public signed the guest list.

Approval of Minutes: The minutes were not addressed or approved.

B. Public Hearing – Planning Commission Revised Draft SMP:

Chair Downey opened the public hearing.

Michelle McConnell gave a brief introduction regarding the history of the SMP and explained the Planning Commission role in this process to date.

Chair Downey then opened the public hearing to public testimony. The following comments were made:

Judy Edwards, thanked the PC for their work and is in support of the revisions.

George Yount, Port Townsend, commented on support for the PC draft and the process to date; supports restoring the 150' buffer because 50' is arbitrary and too small and the SMP has flexibility to reduce buffers.

Gene Farr, Port Townsend, commented that the PC has improved the draft but has a long way to go; Ecology has gone too far and RCW 90.58 does not have any net loss (NNL) policy; minimal damage is allowed; RCW doesn't say to include geohazards, property rights or cost benefit analysis. The County should purchase lands to keep them natural and that Rural Residential 1:5 lands should be Shoreline Residential not the bluffs; get rid of NNL and geo hazard references.

Ryan Hunter, Port Townsend, thanked the PC for their hard work; prefers staff version with 150' not 50' buffers as it is not supported by science; don't keep limited difference between public and private structures; geoduck aquaculture does not have available knowledge yet; need more information on industry; follow the precautionary principle and require Conditional Use permit (CUP).

Don Christ, Lower Adelpma Beach Road, asked for clarification on the existing SMP and previous staff statements like 'throwing the baby out without the bathwater'.

Roger Short, Chimacum, commented on not being able to get information on where the shoreline jurisdiction on Chimacum Creek ends; has maps and asked for further data not received yet; loss on property sale and value of land because of the wetland maps and CAO process; the shoreline buffer should be the same for the entire County; good land stewards are punished; cannot commend the Department of Community Development or the Board of County Commissioners on the SMP direction.

Barbara Moore-Lewis, Brinnon, thanked the PC for their work; concerned that the SMP will have significant environmental damage to Black Point/Brinnon and that Statesman has influenced the PC and staff; maintain original environmental protection and reinstate the 150' buffer; supports revisions to rebuild homes after a fire.

Gordon James, Port Hadlock, read the draft and considers it good work; reinstate the 150' buffer; suggests that the Common Line Setback wording in the draft include both conforming and non-conforming lots; do not penalize homes on conforming lots as everyone should get the same views.

Ellen Anglin, Chimacum, agreed with Roger Short as her property abuts his on Chimacum Creek; why is the burden of proof put upon the landowner as they will not hurt the environment; it should be up to the County or State to prove the need to go through the permitting process.

Julie Jaman, McMinn Road, owns property on a bluff; reconsider 150' buffer as a minimum as it is important for safety and natural systems; does not think the SMP should please everyone but protect natural systems; everyone benefits from intact natural functions; use the science, don't allow urban industrialization.

Jaya Barowell, McMinn Road, supports Julie Jaman's comments; stated we can get educated by attending beach watcher programs.

Frank Hoffman, Jolie Way, commented that we are fortunate to have pristine shores and to protect the legacy over time; the SMP is not onerous or over reaching; watch for net pens risks; thanked the PC for their tedious work on the draft.

Tom Seavoy, Nordland, commented that this is a new SMP and not an update to the existing SMP; aesthetics and ecological functions cannot be defined; two weeks is not long enough time to review the draft; do not incorporate the CAO Ordinance as it conflicts with GMA; look at Futurewise v. City of Anacortes; draft is biased against property owners as they were never consulted; no economic analysis done; this draft goes too far and the County could anticipate litigation.

Jim Todd, Port Townsend, stated that he supports Julie Jaman's comments.

Dan Lockhart, Adelma Beach Road, commented to ensure that economic values be considered as that has a tremendous impact on private property owners; concerned about Priority Aquatic designation and compatibility with upland uses; allow Shoreline

Armoring because winter storms are harsh and Bio Stabilization does not work; NNL concept is not in the RCW.

Norm MacLeod, Port Townsend, concerned that NNL does not recognize net gain; need to get credit for good already done; Jefferson County viewed as mitigation zone for I-5 corridor and Jefferson County residents shouldn't have to take it in the shorts.

Craig Durgan, Port Ludlow, commented that we still have pretty pristine shores forty years after the SMA and that the existing program works fine; buffers do not serve any purpose and should be eliminated; need to look at economic consequences as \$670k was spent on studies and the science is just a collection of reports from other areas, not Jefferson County; no study to show loss on our shorelines, no scientific evidence.

Bill Dewey, Taylor Shellfish, Shelton, commended the PC and staff on Chapter 8 Aquaculture modifications; a difficult task to balance the draft for property rights and environmental protection; the SMP affects his business and suggests further edits and to follow AG opinion, protect surface waters and address Mystery Bay buoys issue.

Brenda McMillan, Port Townsend, commented that there is little in the SMP to address global warming and sea level rise; the PC needs to address these issues.

Gordon King, Port Townsend, commented on being a shellfish farmer; thanked the PC for preserving shellfish farming; disappointed to see salmon farming with more restrictions; suggests use of the Environmental Impact Statement (EIS) only.

Claire Roney, Port Townsend, thanked the PC effort and timing; urged PC to use science to guide decision making; if science says 150' buffer then keep that as this affects us now and for future generations; need to support salmon and fish; science does not support fish farms, concerned about disease and escapement.

Houston Chen, Sequim, commended the PC effort; politicians and environmentalists go too far; humans are biggest problem for environment; all environmentalists with more than two children or four grandchildren should not comment.

Jim Hagen, Port Townsend, President of Olympic Stewardship Foundation (OSF), thanked the PC for their hard work; stated it is a myth that we have to do this and it is not true; draft goes too far; 150' buffer not needed; pristine shoreline when 70% of shoreline already has development; overall policy is balance and science is to support, not drive policy; establish minimum buffer and expand as needed with criteria on a case by case basis; DOE will have oversight; the PC ignored residential development in the Natural SED not required by law; Ecology will take a year to review but how long for a CUP?; need to come up with a reasonable SMP that complies and balances the people and environment.

Rosemary Sikes, Port Townsend, President of Admiralty Audubon Society, commented that geoduck farming should require a CUP; concerned for eelgrass beds and decreased

Brandt geese populations, water quality and Hood Canal dissolved oxygen issue; keep 150' buffer; all our waters are connected; thanked the PC for their work and time.

Ron Sikes, Port Townsend, commented that sensitive species such as Brandt geese can be affected by unregulated geoduck aquaculture and supports CUP; implement the 150' buffer; our shorelines are not pristine and need to be restored; supports science based buffers; mining should not be allowed in Conservancy designated areas.

John Gieser, Port Townsend, confused on where this effort is taking the County; waterfront property at highest value; there is confusion and devaluation; harder to get a building permit; cherish waterfront values.

Larry Bonar, Port Townsend, congratulated the PC for their hard work; supports the draft; change buffers to 150' since 50' is not adequate; be conservative and take a cautious approach as environmental damage is irreversible.

Dale Wilde, Port Ludlow, commented that rural shoreline property owners are an endangered species; lack of economic analysis is insulting to citizens; regulations and permits in this draft are guilty before proven innocent; County septic permits take too long; one size buffer is no good as 'my beach is my buffer'; aesthetic, scenic, cultural are ambiguous terms and need to be define or say based on neighborhood and not on a biased staff; depend on ESA protections as adequate.

Lisa Wilde, Mats Mats Bay, commented on 10.18.24 in draft re: Inspections, take out 'in any building' and 'administration may enter such building'; County can regulate placement of structures but shouldn't enter my home; if I have a boathouse and keep gardening tools in there as it is my right.

Tom Jay, Chimacum, served six years on Shoreline Commission in the 1970's; there have been changes to shellfish aquaculture and net pens fish farming since then; the Shoreline Commons managed itself for ten thousand years; humans are the ones that need managing; problems with modern techniques and how it affects the environment and habitat; local restoration efforts exclude net pens, not shellfish; salmon farming is a disaster, we've been building up salmon runs and should exclude net pens not shellfish; we could all work together, a mutual promise and to keep it healthy.

Dean Patterson, Futurewise-non profit land use-Seattle, strongly supports SMP update; PDSMP is a good document and keep working with it with some changes; previous comments not addressed with the PC revised draft and resubmitted with new comments; page 1-1 SMA policy to protect land, vegetation, water, wildlife, navigation from adverse impacts; establish natural area upland; most changes contrary to protecting natural areas; please review and address their comments and thanked the PC for their hard work.

Mike Whittaker, Quilcene, thanked the PC for their work; addressed new subdivisions and development and public access requirements; the public should pay for access and not force private owners; SMP guidelines and steps to amend, public participation and

invite and encourage; two committees and some people that were asked to join were denied; enforcement hasn't been considered; need to be consistent with the Comp Plan; oblique photos inaccurate; SEDs should be case by case.

Rein Atteman, People for Puget Sound, Seattle, thanked the PC for their work; the Shoreline Technical Advisory Committee (STAC) and Shoreline Policy Advisory Committee (SPAC) committees dedicated to the process, spent three years; the PC is now repealing proposed safeguards; rolled back science on non conforming lots, too far; reinstate 24 instances of the PDSMP elements and the staff draft; the PC threw out environmental protections; the Puget Sound Partnership effort includes Jefferson County.

Connie Gallant, Olympic Forest Coalition, Quilcene, concerned about the PC revisions to the citizen committees' work; but also thanked the PC for their work; need science based buffer for NNL; protect habitat, bluffs; apply 150' buffer as investment; geoduck needs CUP and need more data on the effects; net pens have severe impact, and produce unhealthy fish; no mining in Conservancy SEDs; prohibit all mining within CMZ, not just river channels; PC draft is not adequate.

JD Gallant, Quilcene, commented that some PC members say that shore damage is already done, so why protect; restoration is difficult and costly; our estuaries are sick, not dead; pollution and bacteria from human activity reduce water quality; look at Lynch Cove, Quilcene Harbor and estuary; need to protect clams, oysters, salmon; problems will spread to Dabob and Tarboo; EPA says that 89-95% of wildlife depends on estuaries; 50' buffer is too close and will kill Hood Canal so keep to 150' and reduce environmental impacts from structures.

Jill Silver, Executive Director of 10,000 Years Institute, Port Townsend, thanked the PC for their effort; STAC participant for 1.5 years and the original committee's draft reflects goals – the PDSMP is better; need effective regulations and use science to protect where we live; common vision protects people and the environment; there is a range of buffers to protect water quality, habitat, pollution and erosion; need better protection for web of life; kayaked from North Beach to Middle Point to see bluff erosion; many homes are threatened, also compared- '94 and '05 shore photos; we need to keep 150' buffer to protect Jefferson County's future.

Teren MacLeod, Port Townsend, commented on being a business owner, property owner and founding member of Olympic Stewardship Foundation; thanked to PC for their effort; proud of what we have here – a relatively undisturbed shoreline; over 70% is already developed, we have an economic emergency; distrust, disregard for rural property owner as these regulations are coming from the other side of Puget Sound; Jefferson County has special attributes to protect; we are different that Whatcom County; science is not based on saltwater; don't remove people from the environment – Nature isn't 'no touch', the problem is that people aren't connected to the land; property owners can be good stewards without Ecology's control; supports 50' buffer and the comments made by Mike Whittaker, Dale Wilde and Jim Hagen.

Barbara Blowers, Beckett Point Road, commented on being born, raised and has lived here for years and is more of an environmentalist than most people in the room; absentee landowners are not represented here; there is no science to support this; the 150' buffer will reduce property values by 75%; the City of Port Townsend has 50' buffer; she was angered when they filled in Kai Tai Lagoon as it ruined the thick eelgrass; need to turn around all sewer treatment to dump on land not in the water; we are making mom and pop suffer, their land is their retirement; Whatcom County's SMP is not in place as it's in the courts; Pierce County will do site by site, not blanket.

Bud Schindler, Brinnon, commented on the need to address recreational mining in river channels; it would require HPA, and to observe fish windows requirements to make it safe; the process does not include rural stakeholders; the update needs to be associated with a well-defined problem statement; show harm and the connection between harm and the protection in this plan; this is based on Ecology's 'selected' not 'best available science' and is biased; there is no proof of problem; too much Natural and Conservancy designation and existing homes should not be in there.

Ben Carlson, Port Gamble, Pope Resources, please note previous comments from Jeff McGinley in January '09; use the term 'merchantable trees' otherwise contrary to the RCW; 'merchantable timber volume' too onerous for landowner to determine.

Leslie Aickin, Port Townsend, commented on being a thirty year property owner; responsibility to protect water; use science for buffers, geoduck and net pens; natural law does not accommodate politics or economic decisions; PDSMP more supportive; thanked the PC for their work.

Sandy Mackie, Perkins Coie/Statesman Group, Seattle, supports the 50' buffer for High Intensity designation; look at science, is it applicable, appropriate?; manage shoreline to achieve objective and balance of goals; promote restoration; consider the Pierce County study re: buffers that the GMHB upheld; be clear if eaves, awnings, etc can go in the setback from buffer.

Jim Simcoe, Adelma Beach Road, commented on being a citizen of the U.S., the Constitution and Bill of Rights rule, and rights are being taken away by Ecology; providing public access is primary goal of SMA and should be to keep water clean; people will use bushes as restroom; do not allow the taking of private property.

Chuck Russell, Marrowstone Island, commented on being a good steward; tonight's dialogue would have been beneficial from knowing who owns shoreline property or who's just telling us what to do.

Ed Drake, Glen Cove, commented on growing up in Port Townsend; the neighbor's lawn uses chemicals, fertilizers, and kills bugs; need to include natural habitat near the water; keep natural vegetation whether the buffer is 50', 100' or 150'.

Alden Johnson, Port Ludlow, commented on vegetation in the buffer and natural state over time and fire risk; need provisions to allow safe techniques for vegetation maintenance in the buffer to avoid fire danger; image of fire sweeping across 150' buffer all along the shoreline turning it black.

Vicki Beres, Port Hadlock, commented on buying father's estate in 1968 in Mystery Bay/Griffith Point Road and could not develop without potable water; father died before new water system in place; 150' buffer + 10' setback would wipe out this property; common line setback is fair compromise, especially for smaller parcels. Her property (separate from her father's) has seasonal creek and natural buffer of wild roses and trees and getting septic but losing property before it can be built on; not all property owners are the same as there are some bad apples; don't punish everyone, just leave us alone.

Karen Best, Port Ludlow, commented on being a waterfront owner, realtor and member of SPAC as NNL was drummed into the committee since the beginning; hard to see what is wrong with existing rules – our county is beautiful; assumes that people are not good stewards; there will be retaliation; adversarial and not based on saltwater science; 50' buffer is good but most High Intensity designated areas are already developed; new regulations will destroy views; residential use is preferred and do not see that is the draft.

Byron Rot, Jamestown S'Klallam Tribe, Sequim, commented on misconceptions about the SMP effects; non conforming lots should be mapped to show which buffers are where; climate change not addressed; winter floods, storms, winds, tides, erosion will be greater; use sea level rise (SLR) as 100 year planning horizon; the past will not be a guide to the future; 30' setback will have people asking for beach armoring – sets a bad precedent and will proceed down the whole shore - and creates problems for the environment; 50' buffer is not good in geo hazard areas.

Larry Carter, Port Ludlow, thanked the PC; is a rural shoreline property owner and supports the 50' reduced buffer.

Al Bergstein, Board of Directors for People for Puget Sound, Port Townsend, commented to protect, restore and educate as there are misconceptions; the FAQ handout is good; SPAC volunteer members were shore property owners; the State has been gathering science and Puget Sound Partnership (PSP) has evidence of problems as fifty years ago you could catch a 100 pound salmon and today they are all gone; read the PSP documents.

Anthony Simpson, Port Ludlow MPR, commented that this draft makes more sense on setbacks but not enough to protect property owners; even if MPR is fully built out they still have more sewage capacity; have made above average investment in shoreline and do not want to hurt, but nurture it; the 50' buffer is closer to Port Ludlow development agreement as 150' buffer would make many Ludlow lots non conforming and values would be reduced while taxes would increase.

Ron Dion, Port Townsend, commented on being a waterfront property owner; is confused by contradictions – economic interests are protected (fish farms & geoduck) but single family residence is no; supports industry; net pens, consider, impact of new geoduck; supports 50' buffer but not that industry is good for the environment.

Todd Wexman, Port Townsend, commented that this committee failed to deliver value during consequential times; need to act with precaution/informed caution; the PC has allowed development on Hood Canal with Statesman for the MPR, do not pander to them as this should not have been approved; the Governor agrees there's damage from development; see the Brennan & Culverwell paper , environmental protections and management of coastal areas has been inadequate; Puget Sound has been modified and degraded; this is dereliction of duty; what Board of County Commissioners action will follow?

Chair Downey reminded the public to turn in any written public comments as the comment period would end at the close of the public hearing. Chair Downey then closed the public hearing.

C. Adjournment:

The meeting was adjourned at 9:15 p.m.

Approval of Minutes:

These minutes were approved this 19 day of August, 2009.


Peter Downey, Chair


Michelle McConnell, LRP Lead