



District No. 1 Commissioner: Phil Johnson
District No. 2 Commissioner: David W. Sullivan
District No. 3 Commissioner: John Austin

County Administrator: Philip Morley
Clerk of the Board: Lorna Delaney

MINUTES
Week of February 22, 2011

Chairman John Austin called the meeting to order at the appointed time in the presence of Commissioner David Sullivan and Commissioner Phil Johnson.

PUBLIC COMMENT PERIOD: The following comments were made by citizens in attendance at the meeting and reflect their personal opinions:

- The meeting at Quilcene on Saturday was very productive and worked toward creating a positive view of the Quilcene community and it would be good if that type of meeting can be replicated in other communities in the County.
- There have been letters in the newspaper suggesting that the Commissioners Public Comment Period be discontinued. This is the only time for the public to speak to all three Commissioners at the same time. There is no conversation with the Board at this time which needs to be changed. The Hospital Commissioners have their meetings in the evening and they have a free flowing public session.
- Commissioner Johnson was thanked for the time he has spent in Olympia representing the County. People need to be put back to work.
- The Board was asked why they are not following the strategies outlined in the Strategic Plan? Community meetings need to be held so the Board has discourse with the citizens. The suggestion was made that the Board meet on the 5th Monday for the purpose of having discourse with citizens.

APPROVAL AND ADOPTION OF CONSENT AGENDA: Commissioner Sullivan moved to approve all of the items on the Consent Agenda as presented. Commissioner Johnson seconded the motion which carried by a unanimous vote.

1. **RESOLUTION NO. 08-11:** Finding and Determination to Declare Certain Personal Property as Surplus and Authorize Disposal
2. **RESOLUTION NO. 09-11:** Re-establishing Jefferson County Cash Drawer, Petty Cash Account and Revolving Fund Amounts in Various County Departments
3. **AGREEMENT:** 2011 Lodging Tax Advisory Committee (LTAC) Grant Funding; In the Amount of \$8,460.00; Quilcene Historical Museum
4. **AGREEMENT,** Amendment No. 1 re: Professional Services Related to Oral Health; Reduced in the Amount of \$7,000.00 and not to Exceed \$5,000.00; Jefferson County Public Health; Cynthia Newman
5. Payment of Jefferson County Vouchers/Warrants Dated February 14, 2011 Totaling \$903,406.58
6. Payment of Jefferson County A/P Warrants Done by Payroll Dated February 5, 2011 Totaling \$110,033.56



COMMISSIONERS BRIEFING SESSION: The Commissioners each provided updates on the following items:

Chairman Austin noted that it was a busy weekend with a meeting of the Goddard College Board of Trustees looking at Fort Worden and Jefferson County. He added that the number one capital project in the State Capital budget is the refurbishing the school building at Fort Worden. The Kiwanis are presenting a Youth Leadership recognition event on Sunday and there will be a ground breaking for the research center for the Historical Society.

Commissioner Johnson reported that the Quilcene Community Conversation meeting was very productive and effective and focused on what they can accomplish in a year. The City and the PDA are working diligently to keep Fort Worden open. He attended the Hood Canal Coordinating Council meeting last week where they worked on the revolving loan program for new and repair of faulty septic systems. They are trying to get \$1.5 million from the State capital budget to keep this program working.

Commissioner Sullivan noted that the ideas, the work and the impetus to have the conversation is all coming from the citizens of Quilcene. He will be going to Olympia tomorrow to support O3A and then to a Peninsula Development District meeting and a RC&D meeting later in the week in Sequim.

Philip Morley, County Administrator reported that the County's strategic plan identifies supporting our unique communities which supports local efforts within each community. A news release was sent out about the bonds that were approved last week after a thorough financial review by Standards and Poors which resulted in a bond rating of AA- which is a higher rating than the City and the Port have received. He will be meeting tomorrow with the City Manager about regional services agreements.

Board of Equalization Interviews: The Commissioners interviewed the following applicants interested in serving on the Board of Equalization: Sherwin Harlich, Nancy Stratton, Michael Smith, and Daryl Gillette. There is one position available.

Staff Recommendation for Ecology Required and Recommended Changes; Shoreline Master Program (SMP) Comprehensive Update (MLA08-475): Michelle McConnell, Associate Planner and the project lead, reviewed the staff recommendation on the required and recommended changes to the SMP received from the State Department of Ecology. She then reviewed a revised version of the February 17, 2011 working draft of the DCD staff recommendations and a draft letter to the Department of Ecology to inform them of the anticipated submission date of the County's response. There is also a revised version of the master list of proposed clarifications which outlines changes due to errors in citations and inconsistencies, and includes page numbers to attachment B and C from DOE (required and recommended changes reviewed on February 7, 2011).

Al Scalf reiterated that the locally approved SMP has been approved by DOE and returned to the County with recommended and required changes and today DCD's recommendation is being reviewed by the Board to either concur, or propose an alternative, and then direct staff on the issues to take back to DOE. The recommendation of the Chief Civil Deputy Prosecuting Attorney is that any substantive changes done by the Commissioners need a public hearing. Ultimately all this will be submitted back to the DOE with final agreements and alternative proposals and then DOE will make the final decision and approval of the SMP at a future date. DCD anticipates sending all of this back to DOE by April 30, 2011.



Michelle McConnell noted that when the pending approval and recommended changes were sent to the County by DOE a 30 day response time line was started which would mean everything would have to be done by next Monday, February 28, 2011, which is why the DCD has drafted a notification letter to let DOE know that the local process will take more time. Commissioner Sullivan asked when a public hearing would be required? David Alvarez explained that any time the Board varies from the DOE recommendation there should be a public hearing. Al Scalf added that the public hearing would be only on the specific changes that the Board makes. **Commissioner Sullivan moved to approve the draft letter to DOE. Commissioner Johnson seconded the motion which carried by a unanimous vote.**

Commissioner Sullivan asked for clarification on the net pen issue. The staff recommendation allows net pens in the high industrial designations that are areas that already have potential challenges. Why is the recommendation to place them in places that are already possibly compromised rather than in areas that would be cleanest? Al Scalf explained that net pens have been prohibited in Jefferson County from 1979. DOE is saying that the County has to make room for net pens.

There are 3 federally identified threatened species in our salt water bodies - the Puget Sound Chinook, the Hood Canal/Strait Summer Chum, and the Puget Sound Steelhead, Al Scalf explained. The Endangered Species Act of 1973 requires a higher level of protection to prevent a "take" for any listed animal. No one is allowed to harm an endangered animal and its habitat. The "take" provision is severe at the federal level. One of the elements of "take" is harm which may include significant habitat modifications or degradation that actually kill or injure wildlife by impacting essential behavioral patterns including breeding, feeding or sheltering. As the staff looked for a possible recommendation for the siting of net pens it came down to those areas that have some amount of use. High intensity areas were logical. Marinas, the Mats Mats Quarry, and Port Townsend Paper Mill are high intensity areas and distribution of these areas around the County was also considered. An applicant would have to have the proposal reviewed at the federal level by NOAA/NMFS prior or concurrent to the local application process. This venue would assure proper evaluation of the project with regard to impacts to threatened and endangered species. David Alvarez noted that the definition of aquaculture says that it is a water dependent use and a preferred use. Preferred use is a status that means that it can not be completely prohibited, according to DOE.

Michelle McConnell explained that when staff reviewed the Commissioners proposal for a prohibition out of concern for the negative impacts of this type of aquaculture; the DOE's direction that it's not appropriate to put an outright prohibition on a water dependent use; and the Planning Commission's proposal that allowed fin fish and net pen aquaculture more broadly; it became apparent that there is an inherent balancing act between the statute and the guidelines to allow appropriate use and also provide for adequate protection. The staff recommendation is to only allow net pens and fin fish aquaculture in the aquatic designation, not in the priority aquatic designation because it is for areas that are the most important to salmon and shellfish. High intensity areas such as the Port Townsend Paper Mill are not always the most polluted waters. She then presented a list of locations where the aquatic designation is adjacent to high intensity uses. There are nine areas listed by marine reach. These are areas where net pens would be allowed once they go through the permitting process. She then reviewed the sections in the LASMP that would be changed if the staff recommendation is adopted; how upland fin fish applications would be handled; how existing, on-going, aquaculture operations would be "grandfathered"; and how any expansion of these operations would be regulated. The discussion then turned to how an existing, on-going, operation will be reviewed. The entire operation would be reviewed



going, operation will be reviewed. The entire operation would be reviewed when an application is submitted for an expansion greater than 25% of the current operation. Michelle McConnell explained that it's hard to review an additional component without reviewing the entire operation. The intent of the SMP is to make sure that the impacts of the whole operation are considered. The review is to determine the cumulative effect, the degree of non-conformity, and the importance of maintaining "no net loss." Philip Morley noted that if the expansion beyond the threshold can't be approved, the operation reverts to where it was before which was a legal, non-conforming use.

Chairman Austin asked why the list of recommended locations says "fin fish aquaculture?" Michelle McConnell answered that this means for fin fish aquaculture including net pens. He then asked if these locations are conducive to healthy and proper net pen aquaculture which needs a certain amount of flushing and depth? Michelle McConnell explained that the list location is a general reference. The shoreline designation maps show the extent of where the high intensity designation is applied. In an enclosed bay the designations, if they are different, meet in the middle. Looking at the "reach" of the designation makes more sense than looking at the location title. The discussion turned to the differences between specific types of aquaculture and how the regulations would apply if the references to a specific type are taken out and the general term "aquaculture" is used. Staff will continue this discussion next week.

Agreement: Indigent Defense Services; March 1, 2011 through December 31, 2013;
Jefferson Associated Council: Philip Morley, County Administrator, reported that the negotiations have been completed with Jefferson Associated Council and the agreement has been reviewed and signed off by the Chief Civil Deputy Prosecuting Attorney. The agreement is for approximately \$500,000 a year for three years. Commissioner Sullivan moved to approve the agreement as presented. Commissioner Johnson seconded the motion which carried by a unanimous vote.

Certification of Annual Inventory of the Capitalized Assets: Lorna Delaney, Clerk of the Board, explained that the annual inventory was prepared by the Auditor with the assistance of the Elected Officials and Department Heads who have certified the assets in their departments. The Board members each confirmed that they had reviewed the annual inventory document. Commissioner Sullivan moved to approve the certification of the annual inventory of capitalized assets as of December 31, 2010. Commissioner Johnson seconded the motion which carried by a unanimous vote. Each Board member then swore under oath that the statements made in the inventory certification are true.

County Administrator Briefing Session: County Administrator Philip Morley reviewed the following items:

- **Appointment to the Mental Health/Substance Abuse Advisory Committee:** Commissioner Sullivan moved to appoint Jill Buhler as a Board of Health representative. Commissioner Johnson seconded the motion which carried by a unanimous vote.
- Briefing on Regional Parks & Recreation Commission
- Combined discussion on the Historic Courthouse Grant
- Calendar Coordination
- Continued Planning for 2011



- Legislative Update
- Miscellaneous Items
- Future Agenda Items

An EXECUTIVE SESSION was held from 2:54 to 3:10 p.m. with County Administrator; to evaluate the qualifications of an applicant for public employment; Exemption as outlined in the Open Public Meetings Act RCW 42.30.110 (g) Hiring/Discipline/Performance Review. No action was taken by the Board at the conclusion of the Executive Session.

- *Appointment to Board of Equalization:* Commissioner Sullivan moved to appoint Michael Smith to the vacant position on the Board of Equalization.
- *Letter of Support:* Commissioner Sullivan moved to authorize staff to draft a letter regarding the conservation easement on the Boulton property for the Chair to sign on behalf of the Board. Commissioner Johnson seconded the motion which carried by a unanimous vote. (See February 28, 2011.)

NOTICE OF ADJOURNMENT: Commissioner Johnson moved and Commissioner Sullivan seconded the motion to adjourn the meeting at 4:19 p.m until the next regularly scheduled meeting or properly noticed special meeting. The motion carried by a unanimous vote.

MEETING ADJOURNED

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

SEAL:

John Austin, Chair

ATTEST:

Phil Johnson, Member

Lorna Delaney, CMC
Clerk of the Board

David Sullivan, Member