

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR APRIL 30, 2003

- A. OPENING BUSINESS
- B. STAFF UPDATES
- C. PUBLIC HEARING - MLA03-202, UDC AMENDMENTS and GENERAL POLICY RECOMMENDATIONS RELATED TO SEAWATER INTRUSION
- D. ADJOURNMENT

A. OPENING BUSINESS

The special meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chair Tom McNerney. Planning Commission members present were Pat Rodgers, Edel Sokol, Eileen Rogers, Robert Morgan, Dennis Schultz, Phil Flynn, and Jenny Davis. David Whipple was excused.

DCD staff present were Randy Kline and Cheryl Halvorson, secretary, and Dave Christensen, Natural Resources Specialist.

There were about eighteen members of the public present. Those who signed the guest list were Lauri Chambers, Roger Beachy, Agnes Bunce, Bo Bricklemyer, David Sullivan, Carrie Rice, Rex Rice, Rita Kepner, Ray Harker, Paul Heinzinger, Dave Heinzinger, Lisa Painter, and Doug Anable.

The commissioners reviewed the minutes for March 19, 2003. The secretary pointed out a grammatical error on Page 3. The minutes were approved as corrected.

The minutes for April 2, 2003, were approved as submitted.

Tom McNerney explained the reason for the difference between the meeting start time and the public hearing start time.

B. STAFF UPDATES

Randy Kline reported on the Comp Plan amendment process for this year. He stated that staff knew about four site specific amendments that would be submitted and two suggested amendments, for a total of six amendments.

Randy Kline reported that the BOCC had requested that staff set up a meeting between the BOCC, the Port of Port Townsend commissioners, and the Planning Commission for the purpose of having an overview of the Port's Airport Master Plan process and the components of their process that would be coming forward as a Comp Plan amendment. The meeting time and date was May 15 from 9:00 a.m. to 11:00 a.m. at Point Hudson. Mr. Kline stated that staff would advertise the meeting. He stated that the Port's application basically had three components. One was to include some Port owned property in the Essential Public Facility designation. One was to consider the potential for limited rural light industrial uses at the airport. The third was the noise overlay. Mr. Kline stated that the Port had undertaken a public process in arriving at the Airport Master Plan.

Randy Kline reported that he would be accompanying the Deputy Prosecuting Attorney on May 2 to Olympia to argue the points of the Glen Cove appeal before the Hearings Board. He explained the substance of the May 2 hearing, which had to do with a number of issues the county had identified which the county contended were a matter of law and were not appealable. The county was asking for a ruling on those issues. He stated that there would be another hearing on the merits of the case later.

Randy Kline reported on the process being undertaken and the departments involved in the Tri Area UGA planning. He stated that the planning included general sewer planning and development regulations for the UGA once it was implemented. He stated that the target date for implementation was in 2004. Mr. Kline reported that the BOCC had been very clear that they wanted Mr. McNerney to participate in those meetings so the Planning Commission could

stay abreast of the process and progress. Tom McNerney reported that the meetings had been procedural to date.

Randy Kline reported that the BOCC had adopted the Planning Commission's recommendations on the UDC amendments related to ag lands exemptions.

Randy Kline reported on the population forecast and allocation memo that had been mailed to the commissioners. He suggested that the Planning Commission discuss the issue at the next meeting. Mr. Kline explained how the population forecasts worked, primarily coming from the Federal Census data and OFM projections. He reported that the memo had been introduced to the City Counsel and they had basically adopted it. Mr. Kline stated that county staff had been involved in the preparation of the material by the City's consultant. He stated that the county staff was fairly comfortable with the projections in the memo.

Phil Flynn and Randy Kline discussed the projections and the assumptions that had gone into them. Mr. Kline discussed how the projections affected the capital facilities planning for the City and county.

Tom McNerney stated that part of what the Planning Commission Seawater Committee had recommended was a conservation workshop for Marrowstone Island. He reported that a workshop had been scheduled for May 31 at the Garden Club on Marrowstone. He stated that Barbara Bowen would be in charge of planning for and leading that workshop in coordination with the Seawater Committee. He reported that she would be providing an update to the BOCC on May 5. Mr. McNerney stated that the reason he brought it up was that there may be some comment during the public hearing about water conservation, and he wanted people to know that the Planning Commission was aware of the issue.

In answer to Edel Sokol's question, Dave Christensen stated that Barbara Bowen worked for the Natural Resources division. He explained her experience as an Environmental Specialist, including public education. Tom McNerney stated that Ms. Bowen was doing an excellent job.

Phil Flynn stated that the BOCC had set aside some budget for public education and conservation. Tom McNerney stated that, contrary to what was reported in the paper, the PUD was working very closely with the county on several aspects of the seawater intrusion issue.

The commissioners discussed the water conservation workshop that would be held on May 31.

Jenny Davis stated that there was a clause in the interim ordinance that had been adopted by the BOCC that there would be a moratorium on December 31, 2004, on any new development on Marrowstone Island unless there was a public water system. She suggested the Planning Commission discuss a recommendation to change that clause to add, not just a water system, but unless the conservation efforts were successful in showing a lack of degradation through seawater intrusion. Tom McNerney thought it was a good idea, especially for the public who was present, noting that the Planning Commission would be discussing the whole proposal at the next meeting. Mr. McNerney stated that another recommendation accepted by the BOCC was the water testing program, which would take two years. He suggested that the Planning Commission consider recommending changing that date to after the 2-year testing program was completed, in order to know whether a moratorium was necessary. He stated that would be an issue the Planning Commission would take up during

its discussion. Dave Christensen clarified that it would not be an outright moratorium. Instead, the whole of Marrowstone Island would become a High Risk SIPZ. He acknowledged that it would impact development significantly, stating that everyone would basically have to do a hydro-geologic assessment of their well before getting a building permit. Mr. McNerney thought Ms. Davis had a good point that we should wait until after the testing program had been completed before instituting a restriction. Ms. Davis stated that if the testing showed that the problem had been solved, then it made little sense to institute restrictions. Mr. McNerney stated the issue would be a topic of discussion.

C. PUBLIC HEARING - MLA03-202, UDC AMENDMENTS and GENERAL POLICY RECOMMENDATIONS RELATED TO SEAWATER INTRUSION

Tom McNerney pointed out that there were copies of the MLA which was the subject of the hearing available on the entrance table. He outlined the rules for the hearing.

At 7:00 p.m. the Chair opened the public hearing, inviting a staff presentation.

Randy Kline provided a summary of the provisions proposed in MLA03-202. It included a testing schedule for both Marrowstone Island and other parts of the county and what things would occur depending upon the results of that testing.

Tom McNerney announced that the Planning Commission had agreed to accept written comments until 5:00 p.m. on May 1 (the next day). Then staff would forward the written comments to the Planning Commission on May 2, in time for the commissioners to review them prior to the commissioners' discussion of a recommendation to the BOCC at the next meeting.

The Chair invited public testimony.

Lauri Chambers, Marrowstone Island, read her comments into the record and provided a copy for the record. She opposed the proposed UDC and policy amendments contained in the MLA. She found fault with the Seawater Committee's process. She advocated for water conservation as opposed to a public water system.

Roger Beachy, Marrowstone Island, stated that he thought more emphasis should be given to rainwater catchment systems as an adaptive management practice. He thought it would not only promote conservation and an awareness of water management, but it would promote aquifer recharge and limit the use of groundwater at the same time.

Bo Bricklemeyer, Port Townsend, stated that he was interested in what was happening on Marrowstone Island because he had considered purchasing property there, although he had subsequently purchased a home in Port Townsend. He provided a letter with detailed suggestions for revisions to the draft amendments for consideration. He stated that since he had more knowledge about Marrowstone than the county in general, he would direct his comments towards Marrowstone. He stated that the hard job of the Planning Commission was to try to balance the rights of a group of current island residents who used wells, and who wanted to continue to use wells, and wanted the county to protect their wells as opposed to a public water system on the island, so they could continue to live in a quiet, rural place. The county also had

potential builders of new houses on Marrowstone who wanted water. The county also had island property owners, residents and non-residents alike, and the BOCC who wanted pipeline brought to the island because that would solve the water problem, in their minds. Also there were residents of Marrowstone who were using water at a rate that would require a water right, but they did not currently have a water right, and because of that they would impact the rates. He stated that we had a current problem on Marrowstone, stating that there had been a problem for a number of years. He stated that there was a series of facts to consider, some of which we did not know. One that we did not know was how bad the water on Marrowstone really was. He stated that the major facts we needed were the amount of rainfall and to know what the aquifer looked like. He stated that some information was available but it was hardly conclusive. Also we needed to know how much was being used. He stated that those were the dilemmas the county faced from a factual context. Then the county needed to make policy based on the desires of the people who lived on Marrowstone and the residents of the county at large. He stated that there were several state laws to consider, one of which brought this hearing to the fore, the GMA. He stated that the problem with the GMA was that it was passed to deal with unplanned growth. He stated that what we had on Marrowstone now was not growth; we had a current situation. So the GMA would not help. Then we had the water resources of the state, which were dealt with by the DOE. He stated that the DOE not only dealt with the rivers and groundwater, but they also controlled the rain. He stated that how you brought those things together was what we had tried to craft in this proposed ordinance. He stated that, in general, there were two problems he saw that were very large that he wished to address. One was that the county had declared prospectively that Marrowstone was a high risk for seawater intrusion without sufficient knowledge. He stated that the proposed ordinance contained a definition of what high risk meant. He stated that the Planning Commission did not have the facts to declare the entire island a high risk based upon that definition. Therefore, it seemed to him that the county should back off of calling it a high risk or change the definition. Since the definition was pretty universal, the implication would be that the county should change the language about declaring all of Marrowstone as a high risk. He stated that the other major problem was that the DOE controlled the water of the state. He thought it was highly unlikely that the DOE would allow the county to set withdrawal rates from waters of the ground that they controlled by statutory authority. He thought that without delegation of authority from DOE, the conservation measures needed to be something other than limiting the amount of water a resident could withdraw. He stated that, as Ms. Chambers said, there were no flow meters on the Marrowstone wells, so we really did not know what the people were using. He stated that we could not enforce a water limitation without flow meters. He stated that it was not really a perfect type of ordinance because the first thing about a law was that you should be able to enforce it or you would denigrate the usefulness of the law. He offered to work with the Planning Commission as County Commissioner Titterness had suggested.

Rita Kepner, Marrowstone Island, read her comments into the record and provided a copy for the record. She thanked the Planning Commission for the time and hard work on this issue. However, she did not think the suggestions would likely satisfy the Hearings Board and would cost the taxpayers more money. She referred to the work of the Seawater Intrusion Group [SWIG], stating that their recommendations were not being used fully. She advocated for serious public education and a conservation program. She suggested asking the petitioners what they wanted to resolve the problem. She advocated for the protection of senior water rights.

Lisa Painter, Marrowstone Island, stated that she had lived on Marrowstone for over thirty years. She stated that their well had been tested periodically for several years. She reported that the latest test by the PUD showed that their well was not affected by seawater intrusion. The test showed that it was way below any danger in that respect. She stated that they raised cattle and organic vegetables. She stated that both were watered from a rainwater catchment system; they were not using their well for that purpose, for the most part. She asked where the wells were that were polluted, because hers was certainly not one of them. She urged the county to slow down and do a good, 2-year study of scientifically selected and tested wells, and then decide what to do. She expressed appreciation to the Planning Commission for their hard work, stating that it was a tough job. She asked the commissioners to take the comments they heard into consideration. She asked the commission to do an educational program on how Marrowstone and the rest of the county could conserve water and prevent seawater intrusion.

David Sullivan, PUD commissioner, referred to the section of the proposal where it said that the county was actively working with other agencies to establish a public water source on Marrowstone Island as a long term solution to degradation by seawater intrusion. He thought it was very important to keep in mind that the decision ultimately lay in the hands of the people on Marrowstone who would have to pay for the system, if it should become a reality. He stated that the PUD was cooperating with the county, because being a small county, we needed to cooperate. He stated that we had limited resources to address the issue before us. He stated that we really needed to respect the people in their local community making the decisions.

Carrie Rice, Marrowstone Island, thanked the Planning Commission for allowing written comments until May 1 because she would like to submit a written comment. She asked about the workshop scheduled for May 31. Tom McNerney replied that was the tentative date. Ms. Rice stated that her immediate thought, upon hearing of the workshop, was how serious the county was about doing an education program because May 31 was a holiday weekend. It was pointed out that the holiday weekend was the weekend before. She stated that she was very much in favor of education and also taking advantage of what other counties were doing. She cited San Juan County as an example. She stated that she had heard a news report that King County was providing rain barrels for anyone who wanted one. It seemed to her that programs like that could go a long way towards preventing exacerbating the seawater intrusion problem, if in fact there was a problem. She stated the understanding that there was some question about whether the county had the facts about whether that [seawater intrusion] may or may not exist on Marrowstone Island.

Tom McNerney stated that there was an organization in the county that provided rain barrels and had been doing it for some time. He stated that the City had just started a program.

Rex Rice, Marrowstone Island, stated that he would like to point out the old saying "Think globally, act locally." He stated that globally we had less than 6% of the water on the planet and most of that was tied up in the North and South Pole. He stated that we had less all the time as the requirement for more and more water was everywhere as the population grew. He stated that the idea of fixing that by drilling more wells for urban communities was not a long term fix. It was very short sighted. So, if you were to think on a long term basis, we should think about urban communities throughout the

world that for thousands of years had managed to provide drinking water to a very large population. He cited the island of Malta as an example, noting that it had a sole source aquifer. He stated that we had a resource - rain water. He stated that if we used drinking water for non-potable purposes, such as washing cars and watering lawns, we would be wasting that tiny percentage of potable water that we had. He thought we should be able to use rain water for non-potable purposes and conserve our drinking water. He stated that the technology was even there to use rain water for potable uses as well. He thought that needed to be considered.

Michael Regan, Irondale, stated that he did not personally have any involvement in Marrowstone Island. However, after talking to members of his group (ICAN), they had come to the conclusion that they wanted to be on record as opposing having their water be pumped out of the Tri Area. He stated that the Kivley Well was already impacting the commercial zone in Port Hadlock through its aquifer recharge zone, which was limiting the development of septic systems. He stated that the Sparling Well did the same thing. He stated that it did not make sense to pump water from an urban zone out to supply a rural zone, which was the reverse of what was usually done. In the case of Marrowstone Island, he stated that there was a debate going on about whether there really was a seawater intrusion problem. People had been addressing ways to get around that. He stated that they would encourage the Planning Commission and BOCC to seriously consider those alternatives to mega-projects. He stated that they were opposed to the county engaging in large, mega-projects that were supposedly for the benefit of all and cost all a great deal of money, but which, in fact, benefited only a few. He stated that the county had failed to estimate the true cost of projects in the past. He stated that, in the case of Marrowstone, the few who would benefit were the ones who had undevelopable lots or they were unable to drill a well or they had a well that had gone bad because they used the worst practices of pumping too much water. He stated that the people that were trying to use the best practices were the ones that would be unfairly penalized by having to pay the cost. He thought the issue should be worked out to be more fair to all concerned. He supported the comment that this process should be extended for a longer time so that all the issues could be addressed and scientifically tested. He stated that rushing often cost a lot of money and ended in lawsuits. He stated that he would provide written comments via email as well.

There being no further public testimony, the Chair closed that portion of the hearing. He then opened the meeting to comments from the Planning Commissioners on testimony that had been received from the public.

Phil Flynn stated that Doug Kelly, hydro-geologist from Island County, would be the keynote speaker at the workshop on May 31. Therefore, the county was bringing in substantial assets for the workshop.

In response to the comments about taking a longer time, Tom McNerney explained the time line the county was working under in order to meet the Hearings Board's order. He stated that the Planning Commission had recommended a 2-year testing program. He stated that the commission did not believe that there was any valid statistical data as to what the actual situation was on Marrowstone. He stated that the commissioners believed that proper management of a well could bring the chloride count down, as Ms. Kepner had testified. Perhaps in two years, the counts would be down so much, there would not be a problem.

Jenny Davis stated her agreement with Ms. Kepner, stating that she was not totally convinced there was a seawater intrusion problem. Ms. Davis stated that the commissioners did not like the map, stating that they had been complaining about the map since the beginning. One of their recommendations was to test in order to get an accurate map. She knew people were concerned about that [the map]. Ms. Davis stated that the Planning Commission was rushed because of the Hearings Board. She stated that the committee had only about two weeks to arrive at some recommendations to the whole Planning Commission to answer the Hearings Board. She stated that what the commission wanted to do was to find out what was really going on on Marrowstone. She stated that the commission strongly recommended the 2-year testing program to determine what was really happening and to get an accurate map. She stated that the committee had found that one of the wells depicted as a red dot on the map had been tested once twenty years ago. She agreed with Ms. Kepner that conservation could lower the readings on an affected well.

Eileen Rogers agreed with the comment that the committee members were not experts. She stated that they were not hydro-geologists; they were just citizens like everyone else. They were trying to address an issue that they knew nothing about. She stated that we needed to pull together as a community to find the answers. She stated that we could not get answers from the DOE. She stated that the county budget did not allow us to have a full time hydro-geologist on staff. She stated that she understood the concern that the commission had heard voiced at this hearing. She stated that she had the same concern. She stated that, rather than becoming polarized, we needed to hold together to find a real solution. She stated that the three members of the Seawater Committee would admit that they were just citizens and did not have a scientific background or were not attorneys; they were just trying to figure out how to respond to the Hearings Board under their time frame. She urged everyone to keep the dialog going and to not allow this issue to get polarized. Ms. Rogers stated that the workshop on May 31 was not intended in any way to offend anyone on Marrowstone. She stated that they respected the conservation exemplified by some people on Marrowstone Island. She asked that those people come to the workshop and help educate the rest of the people. She stated that it would not be the only workshop.

Robert Morgan stated that the overall comments he had heard were conservation and education. He stated that in order to educate ourselves to be able to provide proper guidance, it was necessary to update the data we had through testing of selected wells, whether mandatory or voluntary. He supported the workshops, adding that he had heard good ideas at this hearing. He suggested that everyone attend the workshops because, in the end, proper conservation would help a lot. He stated that we needed to hedge against the 100-year drought. He thought use of rain water for non-potable uses was a good suggestion. He thought that attending the workshops and making your experiences known and making positive suggestions on how to facilitate conservation was probably one of the best things a citizen could do. He thought that over the long term, rather than fractionalizing ourselves, by working together, we could arrive at some positive solutions. He stated that seawater intrusion was a community-wide problem, not just a Marrowstone problem. He thought that what came out of dealing with Marrowstone would have community-wide applications. He thanked everyone who had made comments at this hearing, stating that it would help the Planning Commission.

Carrie Rice stated that she wanted to know about the testing of the 75 wells. She thought it was an excellent idea, but thought the devil was in the details. She wondered how it could be both a scientific test and voluntary;

those seemed to be in conflict to her. She asked how it would happen and when it would start. Tom McNerney replied that we knew there were over 600 wells on Marrowstone Island and there were some that were high risk and medium risk and low risk. He stated that the commission also knew that there was no good basis to tell what was going on. He stated that the testing that had been done could not provide a conclusion. There were a lot of questions, but no one could provide us with the answers. He stated that the Planning Commission had proposed using 75 wells, 25 in each risk category, to give us some kind of a base for what was there today. Then it could be compared to the tests of 5 to 10 years ago to see if the tests were valid. He stated that the commissioners suspected that many of those old tests were invalid. He referred to Ms. Kepner's comments about her well starting out high, but now it was low. Mr. McNerney stated that we may find, as the wells were tested, that things were not as bad as they once were. He explained that the testing was to occur in each season of the year over a 2-year period in order to account for variability and to arrive at an average. At the end of that time, we could analyze the data to see if things were better or worse. He thought that if we were working with conservation over those two years, it may be that we would find that the problem was getting better and that we could control the situation with conservation. Mr. McNerney stated that we could not get an answer from the DOE. He stated that we were told the authority rested with the DOE, but if it did, they did not exercise it. He stated that the commission had found that the DOE also claimed control of the rain water, so if someone was going to catch the rain water, they technically needed a permit from the DOE. However, they also told us that they did not enforce it.

An audience member stated that DOE also said that people could build a catchment system and simply file for the water right, which would go to the end of the line. She stated that they in no way discouraged the building of catchment systems.

Carrie Rice asked where the county was at in selecting those 75 wells. Tom McNerney replied that the Planning Commission was at the recommendation to the BOCC stage. If the BOCC accepted that recommendation, it would go to the next step. If they did not accept the recommendation, it would be dropped.

Rita Kepner stated the opinion that part of the reason the DOE could not answer the county's question was because there were not clear answers and it was a moving target. She stated that the reason the map was no good was that it was perfect on the day they took all of the tests. It was a snapshot of that day. And every time we did another test, it would be a new snapshot for that day. She stated that it would change every time depending upon the behavior of the people using the well. That was the reason an education program which encouraged conservation was so important. She stated that you could test every day for the next two years and she asserted that you would get a different snapshot every day, because every day the conditions were different. It depended upon whether it rained or not, or how much water the people used that day, or the tides. She stated that it was perfectly legitimate that the DOE could not give us answers because there were no answers. She asserted that the county would not get answers with the testing; we would only get more snapshots, more information, or more data. She thought that over time we could average the testing and it may be a good way to determine if the wells were improving or not improving. However, if you were talking about managing each individual well, then you were talking about managing the behavior of the individual people.

Edel Sokol asked Ms. Kepner what her solution would be. Rita Kepner replied that conservation was the answer. She explained the Hawthorne Effect where the theory was that just because you study it, it gets better. She stated that the reason the map was inaccurate was that those people whose wells had been tested had taken steps (conservation) so that their test results had improved. She stated that there were dozens of people who had done the same thing she had. She asserted that would skew the test results. She stated that behavior was important.

Tom McNerney stated that Ms. Kepner had attended a Planning Commission sponsored workshop last year where we had talked about conservation methods. Mr. McNerney stated that workshop was just a beginning and we were hoping to build on it. He stated that there were a lot of ways to conserve. He stated that the commission was trying to gather information now in order to make a recommendation. He stated that the county was caught in the middle, between the DOE, which had the authority but had said it would not do anything, and the Hearings Board, which said we must do something.

Lauri Chambers asked if the commissioners would accept suggestions for specific changes to the current proposal. Eileen Rogers responded that the Planning Commission would take suggestions for specific changes to the ordinance language. She urged the citizens to put their suggestions in writing, stating that the commission would give those suggestions consideration. Ms. Chambers stated that San Juan County was allowing water catchment systems, even though the DOE was not permitting them in a timely way. She stated that this county could allow such systems too, if the state was not giving the county the authority.

Bo Bricklemeyer stated that, concerning rain water catchment, there was a permitting process through the DOE, even though the authority was very "iffy". It was made upon a policy decision and no clear statutory authority, although there was a definition that said the state controlled the water above, on and beneath the land. He stated that they would not enforce an action because they did not have the law. He stated that they had a rain water catchment form. A catchment system could become legal when they got to it, but it would be put at the bottom of the pile of permit applications. Jenny Davis asked if he would provide a copy of the form for the Planning Commission to review.

Rex Rice asked about the well testing program and whether the county could mandatorily select the wells. Tom McNerney responded that it was a legal question that the Planning Commission did not have an answer to. He stated that the Hearings Board was asking the county to do something that some people in the county did not believe the county had the authority to do, but the Hearings Board was saying to do it. Other people were saying that it was the DOE's authority to do something. He stated that the county was in the middle. He stated that the Planning Commission would recommend what it thought could be done, and if it was not legal, then the Hearings Board and DOE could argue it.

Jenny Davis stated that the comment had been made that some of the commission's recommendations were not enforceable. She stated that when the commissioners raised that concern, the commission had been told by staff that it should not be concerned with that; the commission should be concerned with finding solutions. She stated that the commissioners were aware of the enforcement issue.

Tom McNerney stated that, if someone would look at the commission's suggestions, conservation was the key. He stated that people had said there was no true basis for what we had. He stated that he had charts provided by staff that showed one well with tests "all over the map". The question was how to come up with a way to give you a baseline. He stated that Ms. Kepner was saying that you could not. He stated that he had not found the DOE or anyone else who could either. Yet the Hearings Board was saying to do it. So the commission was doing its best.

There being no further comments or discussion, Tom McNerney closed the hearing on seawater intrusion. He explained that the Planning Commission would take up the issue again on May 7 at 7:00 p.m. He invited the public to attend, explaining that there would be public comment periods before and after the commission's discussion. He stated that the Planning Commission may make a recommendation to the BOCC at that time.

D. ADJOURNMENT

The commissioners and staff discussed the agenda for the next meeting (May 7). The commission will continue its discussion of the seawater intrusion issue. Also the staff will provide information on the Comp Plan amendments received.

Tom McNerney stated that he would appoint a committee to work on the Tri Area UGA issue. He stated that he had asked Robert Morgan to chair that committee with Pat Rodgers and Eileen Rogers as members. Mr. McNerney suggested that the committee members consult with the staff about the appropriate time to begin its work. Randy Kline stated that staff wanted to use the Planning Commission, through a committee, as the forum for the discussion with the Tri Area community.

Tom McNerney stated that he also intended to appoint a committee to work on the Port's Airport Master Plan. He stated that Jenny Davis was being asked to chair that committee with Dennis Schultz and Phil Flynn as members. He stated that Edel Sokol had expressed reluctance to serve on that committee because of her connection to the Port (her husband being a Port commissioner). He stated that Ms. Sokol or any other Planning Commission member could attend the committee meetings.

Randy Kline stated that he had met with the Port representatives about their Comp Plan amendment. It was basically distilled down to three issues. One was rezoning some Port properties in close proximity to the airport to the Airport Essential Public Facility designation. Another was light industrial uses on a portion of the airport property. He stated that they would provide proposed line-in/line-out language to both the UDC and the Comp Plan. He reported that the issue was discussed during the Comp Plan adoption process in 1998 and basically put off until after the Port had finished its Airport Master Plan. The third issue was the noise overlay zone. Mr. Kline stated that the issue was progressively becoming less of an issue to the Port. He stated that we were required to protect the airport from incompatible uses and a noise overlay was one of the ways to do that. He stated that there was policy language in the Comp Plan that directed us to establish a noise overlay zone. So the law that we were obeying was our own Comp Plan policy, not the state law. He stated that the policy came from a negotiated settlement with the Port over the Comp Plan in 1998.

Phil Flynn stated that the PUD would like to drill another well on airport property because they had some legal well rights that would be beneficial to the PUD.

Randy Kline stated that the Port was discussing lengthening its runway by 200 feet, 30 feet wide, at some time during the 20-year life of the Master Plan. Its purpose was to allow for instrument landings.

Phil Flynn stated that the airport committee should attend the May 15 meeting with the Port and BOCC. Tom McNerney stated that the Port and BOCC had indicated that they wanted any and all of the Planning Commissioners to attend.

Concerning the Tri Area UGA, Randy Kline stated that the county was basically in the process of hiring consultants to do the work. He stated that the work had been divided up between different county departments. DCD was in charge of development regulations for the UGA. He reported that Mark Personius of EarthTech was being hired as the consultant for that work. Mr. Kline reported that Central Services would be handling the general sewer planning. Public Works would be handling the updating of the transportation element of the Comp Plan, and the utilities element which included stormwater. Pat Rodgers asked how important stormwater would be given the permeability of the soils. Dave Christensen stated they had spent sometime looking at what the impacts would be. He stated that as long as you were not catching the water with curbs and gutters and then routing it with pipes that discharged directly into creeks, it was a very good situation in the Tri Area because of the porous soil types. There was a natural situation that encouraged the use of low impact development, which really just used the natural aspects of the environment. Mr. Christensen stated that they wanted to make sure that it was planned and implemented in that way. He stated that they would encourage retaining the natural features instead of allowing sidewalks, curbs and gutters and then piping the water.

Randy Kline stated that the Planning Commission would have staff from Public Works, DCD, and Environmental Health before it. In terms of the time line, he stated that the BOCC wanted it done quickly. He stated that by December 1, 2003, we needed to have the general sewer planning ready and completed for the amendment process, we needed to have all the changes for the Comp Plan, and all the proposed changes for the UDC. He stated that the goal was one big package that everyone could look at. Tom McNerney stated the understanding that the work was to have enough public exposure so that by December 1 all the controversies would have been dealt with. Mr. Kline agreed that public outreach was very important.

Robert Morgan asked staff to develop a schedule for the committee meetings as well as the other staff meetings that the committee members should attend.

Randy Kline stated that the county would embark on an aggressive public outreach process on the Tri Area issue.

Randy Kline stated that he would send out the Port's airport Comp Plan amendment package when it became available.

Staff and the commissioners discussed the content and advertising for the committee meetings. The secretary noted that committee meetings were only required to be tape recorded; minutes were not necessary unless the committee specifically wished them. The secretary urged the committees to set regular

meeting times and places. Tom McNerney suggested that the committees could be utilized extensively for the public outreach effort.

Phil Flynn referred to the Seawater Committee. He stated that the commission had heard that conservation was absolutely the answer rather than a water system. He reported that the committee had heard that the PUD had received letters favoring a water system at a rate of 3:1. He stated that the committee had embraced conservation from the very beginning. However, the committee was not convinced that was the entire and only answer.

Tom McNerney referred to the Comp Plan section on aquifer recharge areas and Policy 13.5 which said "Encourage the use of community water systems to serve new shoreline development." He stated that he had been told by staff that sometimes people who wanted to push for the Comp Plan did not want to hear everything that was in it. Dave Christensen stated that there were around seven references to community water in the Comp Plan. He stated that was in the county's briefs to the Hearings Board.

Dave Christensen suggested some documents that may help the commission's discussion on the seawater intrusion issue. One was the SWIG's recommendations. Tom McNerney stated that his recollection was that those recommendations had gone to the Hearings Board and they had rejected them. Mr. Christensen stated that it may help the commission to see what the petitioners had argued that the first regulations were insufficient. Also, the other petitioner briefs and the Hearings Board's findings would be provided.

Jenny Davis asked if rain water catchment had been discussed. Dave Christensen replied that it was talked about in the SWIG but no consensus was reached. So it was not included. Mr. Christensen stated that it was something we had not touched, especially for non-potable uses. Ms. Davis stated that her understanding was that in order to do rain catchment, you had to have a water right, which was a very long process. Now the commission was hearing that you could build and use a rain catchment system and just put your form in to the state. Mr. Christensen stated that the way it was supposed to work was that you could not put your catchment system in until you had the water rights. He understood how people could think it was a good idea. However, when the county was issuing a permit, there was a big liability for the county to allow someone to use an illegal system; it basically told someone that it was okay to break the law. Ms. Davis stated that Mr. Christensen was talking about new development whereas the Hearings Board wanted the existing uses to be addressed. She agreed that would not be enforceable either, but as far as a recommendation, it may be something to consider. Mr. Christensen stated the opinion that there was a lot of leeway to discuss it. However, he explained that we had not discussed catchments in the past because it was focused around building permits and the water right issue for new development for potable water. He stated that there were potability issues and public health issues with that use [catchment]. Mr. Christensen stated that non-potable uses of rain water catchment, that was not part of any permitting process, may be a good idea. He stated that the county was not permitting them.

Edel Sokol stated that she knew of someone who was using a water catchment system. She asked about what he had to prove to get his building permit. Dave Christensen replied that the policy said that a person could use a catchment on Marrowstone provided they could show they could get enough water. Ms. Sokol stated that this person had a building permit with a

catchment system, so there appeared to be a contradiction. Mr. Christensen responded that a catchment may be allowed as a last resort but it was probably in violation of state law. He stated that the county had done it three times in six years. Mr. Christensen stated that the Planning Commission could recommend allowing catchments as an option of last resort.

Eileen Rogers asked about the liability of the county for issuing a building permit under such circumstances. Dave Christensen replied that it was a huge liability. Ms. Rogers thought it put the county in a very tenuous position. Mr. Christensen stated that the catchment system would have to be engineer certified that it was sufficient for potable water, but he would not sign off on them personally. A concern would be for someone who would run out of water in a dry year and then sue the county saying the county should not have allowed them to build. Phil Flynn stated that another concern would be if a family got sick from the water in a catchment system when they did not maintain it properly. Mr. Christensen stated that those were the liability issues resulting from allowing catchment systems for potable purposes.

Dave Christensen stated that there was a bill proposed for an exemption for 10,000 gallons of catchment from needing a water right. He stated that 10,000 gallons of catchment was not enough for all of a residences needs, but it was a great supplement.

Tom McNerney stated that, to sum it up, there were no easy answers.

Dave Christensen stated that he would provide copies of the petitioner's briefs to the Hearings Board and the SWIG report.

Pat Rodgers stated that there was a basic lack of information on the part of the public and he did not know how to get them informed. As an example, the boisterous ones were here before the Planning Commission. But there were three to one in support of a water system. He stated that the same thing applied in the Tri Area. He stated that the public input at the Planning Commission meetings was very negative. Yet his personal contacts with people in the Tri Area was overwhelmingly positive for a UGA. He wondered how you could incorporate that. He thought public outreach was very important, otherwise you could get a false negative.

The meeting was adjourned at 8:50 p.m.

E. APPROVAL OF MINUTES

These minutes were approved this _____ day of May, 2003.

Thomas McNerney, Chair

Cheryl Halvorson, Secretary