

**JEFFERSON COUNTY PLANNING COMMISSION**

**MINUTES FOR MAY 7, 2003**

- A. OPENING BUSINESS**
- B. DISCUSSION/RECOMMENDATION TO BOCC ON MLA03-202, UDC AMENDMENTS  
AND GENERAL POLICY RECOMMENDATIONS RELATED TO SEAWATER INTRUSION**
- C. PUBLIC COMMENT**
- D. ADJOURNMENT**

## **A. OPENING BUSINESS**

The regular meeting was called to order at the WSU Learning Center at 7:00 p.m. by Chair Tom McNerney. Planning Commission members present were Pat Rodgers, Robert Morgan, Edel Sokol, Eileen Rogers, and Phil Flynn. Jenny Davis was excused. David Whipple and Dennis Schultz were absent.

DCD staff present were Josh Peters 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 Colin D. Anable, Sandy Barrett, and Barney Burke of the Leader.

The commissioners reviewed the minutes for April 16, 2003. The secretary proposed a clarification on Page 14. The minutes were approved as corrected.

The Chair invited staff reports.

Josh Peters reported on the appeals from the 2002 Comp Plan amendment process. He reported that the dispositive motions filed by the county for Glen Cove were not granted by the Hearings Board. There will be hearings on the merits for each case in June.

Josh Peters reported that the county had received eight applications for the 2003 Comp Plan amendment cycle, four site specific and four suggested. He noted that the deadline for applications was May 1 for this year, but the deadline will change to February 1 next year. He summarized the four site specific amendments: (1) a rezone from commercial forestry to a combination of rural residential and rural forestry, (2) a rezone from RR 1:20 to RR 1:10, (3) a mineral resource lands overlay, and (4) a rezone in Lower Hadlock for a commercial designation. Mr. Peters summarized the four suggested amendments: (1) from Jefferson County on agricultural lands, (2) from Jefferson County on seawater intrusion policies, (3) from the Port of Port Townsend concerning the airport, and (4) from People for a Rural Quimper concerning deleting language in the Comp Plan about an airport noise overlay zone. Mr. Peters stated that those amendments were all on the preliminary docket. He noted that the site specific amendments would automatically go forward. The suggested amendments may or may not go forward pursuant to a Planning Commission recommendation and BOCC decision.

Tom McNerney commented that in the past the Planning Commission and BOCC had held a joint meeting to hear presentations from all of the proponents prior to holding any hearings on the docket. He stated that had not been scheduled yet. Josh Peters agreed that a schedule had not yet been prepared, but staff was working on it.

Josh Peters stated that a complication had to do with Commissioner Wrinkle's absence. He reported that staff had no further information on her absence other than what was reported in the papers. Tom McNerney stated that the reason he asked was because the May 15 joint meeting between the Port, BOCC, and Planning Commission had been postponed indefinitely until Commissioner Wrinkle was back. He was concerned about the Comp Plan amendment process and timing. Mr. Peters stated that the meeting was postponed at the Port's request. He stated that staff would get back to the Planning Commission as soon as the meeting was rescheduled. Mr. McNerney was concerned that the amendment process not get too far behind.

The Chair opened the meeting to the first public comment period. There were no comments received.

**B. DISCUSSION/RECOMMENDATION TO BOCC ON MLA03-202,  
UDC AMENDMENTS AND GENERAL POLICY RECOMMENDATIONS  
RELATED TO SEAWATER INTRUSION**

Tom McNerney noted that staff had handed out a copy of Policy Statement Number 97-01 concerning drinking water and rainwater catchment.

The Planning Commission began with a review of the full set of Planning Commission preliminary recommendations to the BOCC in Exhibit A of the MLA application. It was noted that the recommendations would apply to the entire county as opposed to the first recommendations, which were specific to Marrowstone Island.

They began with the first recommendation concerning the map. Eileen Rogers stated that the commission had heard from the public at the hearing on April 30 that three months was probably not enough time. Ms. Rogers explained the reasoning of the Seawater Committee for the 3-month recommendation. She stated that the committee wished to "hold the staff's feet to the fire" because it was so important to get the updated map with accurate baseline information. Tom McNerney stated that this was a recommendation to the BOCC. If staff thought it was too short a timeframe, they could voice that concern to the BOCC. Dave Christensen stated that to actually do the work, it was probably too short a time. He thought a 6-month timeframe was probably more realistic. He stated that there were also budget considerations. Josh Peters stated that it depended upon the intent of the Planning Commission. If the commission only meant simply taking all of the well samples that had been taken since the creation of the map and making a new map, it would be relatively simple. However, if the commission meant going out and GPSing all the wells, contacting everyone and getting new well samples, it was another proposition. Mr. Peters stated that the map was only a graphic representation of all the well samples we had at the time. Ms. Rogers stated that what we wanted was accurate baseline information. Mr. Peters stated that was not really a reflection of the map; it was a reflection of the data that we either did or did not have. Phil Flynn stated that the backup for the map was the data, so adjusting the map was related to getting accurate information.

Dave Christensen stated that the Planning Commission had asked for details about how the various wells broke out in the different SIPZ. He stated that there were between 650 and 694 total wells on Marrowstone and 223 in the Coastal SIPZ. He reported that one thing he had done at the BOCC's request was get a rough estimate of what it would cost for a consultant to do the well monitoring of the 75 wells. It would cost about \$31,000. He stated that it would be one-half to two-thirds of that for staff to do it. He thought that six months was very realistic for timing.

The commissioners discussed the timing in relation to the Hearings Board's requirements. Tom McNerney pointed out that it was just as important to state when a program would get started as opposed to when it would be finished.

Phil Flynn moved that Recommendation #1 be changed to state that the map update would be started within two months and completed within six months. Eileen Rogers seconded the motion which carried unanimously.

The commissioners reviewed Recommendation #2 concerning reducing the water use to 700 gallons per day for domestic use on Marrowstone Island instead of the 1,000 gallons per day adopted by the BOCC in the interim regulation. Eileen Rogers suggested reducing it further. Pat Rodgers suggested lowering the limit to 400 gallons per day to be consistent with Policy Statement Number 97-01, Section II.

Eileen Rogers moved to reduce the limit to 400 gallons per day. Phil Flynn seconded the motion which carried unanimously.

Robert Morgan stated a concern about the apparent legal concern with the county's ability to limit the amount of withdrawal. He stated that the Planning Commission could make this recommendation and the BOCC could deal with the legal issue. Pat Rodgers agreed that there probably was a conflict being set up between the DOE and the Hearings Board.

Tom McNerney stated that the commission had just recommended reducing the initial water use standard for domestic wells on Marrowstone be 400 gallons per day. He asked whether that would be voluntary or mandatory, and if it was mandatory, how it would be enforced. He wondered whether the Planning Commission should suggest some "teeth" for it. Pat Rodgers commented that it made no sense for it to be voluntary; it should be mandatory. Mr. McNerney asked how staff would interpret it (the word "standard"). Josh Peters stated that he put the gallon figure in the Mandatory Action section of the UDC language. He would change it to 400 gallons per the Planning Commission motion.

The Planning Commission moved on to Recommendation #3 which addressed reducing the water usage further after the eight tests on Marrowstone, if they showed that seawater intrusion was further degrading. Phil Flynn pointed out that the recommendation only really addressed the 75 wells being monitored. Tom McNerney stated that if the testing program showed increased degradation, then the reduced standard would apply to the entire island. The commissioners discussed whether the standard could be reduced below 400 gallons per day. Dave Christensen explained that the 400 gallons per day was a guideline that state Health and Ecology produced for counties to use in reviewing adequacy. It was based on an average daily volume of water use. Therefore, the 400 gallons per day represented a minimum. If you had that, you would meet your average daily need. He stated that people used what was available, however. Mr. Christensen stated that if a well produced 2,000 gallons per day, it would be adequate for a building permit. However, the county could say that you could only use a lesser number of gallons of that 2,000 gallons; it was a standard the county could make.

The commissioners discussed what number to set for reduced usage. Pat Rodgers was concerned that we set a number that had some basis. Phil Flynn reported that he had just installed a water meter and his average use for two days was 85 gallons per day. Mr. Flynn reported on another Marrowstone resident who averaged about 250 gallons per day throughout the year for a family of two. Tom McNerney stated the opinion that, if the testing showed that seawater intrusion was getting worse, it would be logical to require metering for the entire island. Dave Christensen reported that the county had already adopted code language that if groundwater was further degrading,

the first option was to adopt a moratorium in the affected area on the issuance of building permits. Option two was to adopt a moratorium on subdivisions in the affected area. He stated that, to some extent, the county had already begun the adaptive management program. He pointed out that the Hearings Board had not ruled as to whether that was sufficient. Mr. Christensen stated that the third option was to move to establish an aquifer protection district. He stated that, therefore, there were already things in the code, so striking the recommendation would not mean that we would not do anything more. It just meant that we would rely on what was already in the code.

Pat Rodgers suggested that perhaps Recommendation #3 could be struck. Josh Peters stated that the Hearings Board had said that it wanted more detail on the adaptive management program. He thought Recommendation #3 tried to come up with indicators about when we would make those decisions. Tom McNerney stated that Recommendation #3 was the basis for everything we were trying to do to find out the status of where the seawater intrusion was occurring and whether it was getting worse or better, and if it was getting worse, what we would do about it. He thought that if we struck Recommendation #3, we should strike the idea of well sampling altogether. Mr. McNerney stated that the question was, if we were going to do something about increasing degradation, what we would do. Edel Sokol suggested that mandatory metering for everyone could be a requirement. Phil Flynn pointed out a 45 gallons per day per person standard in Section I.B.1 of Policy Statement Number 97-01. It was noted that the standard was for catchments, but it was a standard that could be borrowed.

Robert Morgan moved that Recommendation #3 be modified such that if degradation was increasing that the county would move from 400 gallons per day to 300 gallons per day with mandatory metering and reporting. Phil Flynn seconded the motion.

Pat Rodgers commented that there were two elements in the motion he wished to be satisfied with before voting. One was whether a 25% decrease in water usage would be helpful and the other was whether 300 gallons per day was sufficient for a family. Tom McNerney stated the opinion that mandatory metering would result in a dramatic decrease in water use. He thought people would use more than 400 gallons per day without meters. He thought just putting the meters in would make people more sensitive and would even the playing field for everyone. Phil Flynn stated that if you considered 45 gallons per day per person, 300 gallons per day would be sufficient for a family of six.

There being no further discussion, the motion carried unanimously.

The commissioners reviewed Recommendation #4 which addressed voluntary conservation measures for well users in Coastal, High Risk, and At Risk SIPZ. Dave Christensen asked if the commission meant measures in addition to the ones the county already recommended. Phil Flynn stated that the commission was suggesting a longer list of measures. Tom McNerney read the additional measures the Planning Commission proposed. Mr. Flynn stated that the longer list had been submitted to the BOCC already, but the commission would do so again. Robert Morgan stated that there would probably be other suggestions brought forward at the conservation workshops.

Eileen Rogers moved that the Planning Commission accept Recommendation #4. Robert Morgan seconded the motion which carried unanimously.

Pat Rodgers pointed out that there was some language relevant to a voluntary conservation program on Page 4 of Exhibit B under Coastal SIPZ, Voluntary Actions. He wished to be sure that those measures were voluntary. Mr. Rodgers stated that the reason he raised the issue was that he wanted to clarify that for places like the West End where there was a high hydrolic exchange, the measures would not be mandatory.

Josh Peters stated that there was a list of mandatory conservation measures for High Risk SIPZ. He asked if the Planning Commission would want the longer list to be mandatory in High Risk SIPZ as well. Phil Flynn responded that he thought they should be. Mr. Peters stated that he would modify the language for clarity. Tom McNerney stated the opinion that conservation should be required in High Risk SIPZ. The commission's consensus was that the longer list should be mandatory in those areas.

Phil Flynn moved that Recommendation #5 (utilizing "Statistical test for determining - degradation") be accepted. Robert Morgan seconded the motion.

Pat Rodgers asked if it would be better to be more specific about the statistical test, to use the name of the test. Dave Christensen stated that he had described the Sens Slope Indicator Test at the last meeting. Mr. Rodgers suggested including in the recommendation using the "Sens Slope Indicator Test or equivalent". Mr. Christensen offered specific wording: "Recommend utilizing the Sens Slope Indicator Test or equivalent statistical test." Mr. Rodgers offered that wording as a friendly amendment to the motion which was accepted.

The motion as amended carried unanimously.

Pat Rodgers asked if a background figure (a minimum) should be cited in Recommendation #5. Dave Christensen responded that he would say there should be a minimum, although he would not use the word "background" because it would raise a lot of argument. He suggested setting a number. Tom McNerney suggested adding language such as "taking into account the local background figure for the area". He stated that it would vary in different parts of the county. Mr. Christensen stated that we had a lot of data on Marrowstone Island, so staff could come up with something for a background figure. Mr. Rodgers stated that he had found information in his research on background levels. The commissioners agreed by consensus to add language similar to Mr. McNerney's suggestion.

The commissioners moved on to Recommendation #6 which addressed water usage in High Risk SIPZ in other parts of the county. The commissioners discussed reducing the usage to 400 gallons per day to be consistent with the earlier recommendation. Pat Rodgers pointed out that high risk was high risk whether is was on Marrowstone Island or somewhere else.

Phil Flynn moved that Recommendation #6 be changed from 1,000 gallons to 400 gallons per day per domestic well in High Risk SIPZ areas in the county. Eileen Rogers seconded the motion which carried unanimously.

The commissioners reviewed Recommendation #7 which addressed testing all High Risk wells in the county and what actions would be taken depending upon the results of the tests. Tom McNerney stated that the reason it was written in that way was because the high risk wells in other parts of the county, other

than on Marrowstone, were spotty and in many cases they had been replaced by public water systems.

Phil Flynn moved to accept Recommendation #7 as written. Eileen Rogers seconded the motion which carried unanimously.

The commissioners reviewed Recommendation #8 which addressed a spreadsheet for the well data. Pat Rodgers stated that he knew it was important to have the data but wondered if it meant every high risk well. Tom McNerney replied that it did, but we also wanted to know how many were within public water districts. He stated that there was a belief that many within the water districts were no longer in use for domestic water. That would reduce the number of high risk wells. Josh Peters stated that staff had raw data for all of the items except for the public water district information. He stated that staff had not correlated that information yet. Dave Christensen stated that what he understood the commission to want was that the new data should have the same analysis. He stated that he had brought the map showing the public water systems in the county overlaying the high risk wells. Mr. McNerney stated that the recommendation also wanted to know how many of the high risk wells within the water districts were actually being used. Mr. Christensen stated that would be very hard information to get.

Eileen Rogers moved that Recommendation #8 be approved as written. Phil Flynn seconded the motion which carried unanimously.

Tom McNerney asked if the commission's recommendations were sufficiently clear that staff could package them for the BOCC. Josh Peters replied that they were. Phil Flynn complimented Mr. Peters on his ability to convert the Planning Commission's direction into line-in/line-out language, stating the opinion that it was not an easy job.

Pat Rodgers stated that there had been a comment about rainwater catchment systems. He asked if Policy 97-01 addressed that issue so the Planning Commission would not need to. Tom McNerney stated that, as the commission reviewed the line-in/line-out UDC language, the commission would find three places where the commission had already recommended rainwater catchment systems. Mr. Rodgers commented that the catchment policy had been in effect since 1997. Mr. McNerney stated that many people in the county did not realize it was an available alternative, although it was rarely used. Dave Christensen stated that it was generally used as a last alternative for potable water because it was so expensive. Mr. Rodgers stated that there had been the concern expressed that using rainwater catchment prevented the rain from recharging the aquifer. He offered the opinion that it still got into the aquifer after being used and going through a septic system. But either way, it was recharged. Mr. Christensen stated that he had not seen that argument used. He thought the issues were more legal, cost, and health issues.

Phil Flynn stated that the policy did not address requiring an engineered system. He asked if staff thought the Planning Commission should recommend that. Dave Christensen thought that would be good because there was an inherently higher risk with catchments from a health standpoint. Pat Rodgers suggested that there be an inspection process similar to the inspection of septic systems. Mr. Christensen responded that it was something that could be discussed. He stated that the septic inspections were required in the state code whereas catchment inspection was merely a policy. Tom McNerney

suggested that the Planning Commission address the inspection issue at the appropriate place in the UDC line-in/line-out review.

The commissioners moved on to review the line-in/line-out UDC amendments in Exhibit B of the MLA application.

Tom McNerney noted that the first amendment was on Page 2 of the exhibit in 3.6.5.a(4), which concerned a public water system on Marrowstone Island and a High Risk SIPZ designation. He stated that it would take two years to do the testing program which would put the completion of the initial testing beyond the December 31, 2004, date in the provision. He thought the designation should not occur until after the testing program was completed, which would be at least May, 2005. Dave Christensen suggested that the reason for the date was that the BOCC was concerned about obligating a future County Commission. He suggested changing the wording to state "after completion of the initial testing program". Pat Rodgers pointed out that a loophole existed with that provision whereby it could never take effect if the testing program was never started. The commissioners discussed changing the date to instead state "two years after adoption of this ordinance". Mr. McNerney stated that would capture most of the initial testing program.

Tom McNerney asked what the point would be to designate the entire island a High Risk SIPZ if public water was available. Dave Christensen replied that it was mandatory to hook up to public water in a High Risk SIPZ, whereas without the designation it would not be mandatory. Mr. McNerney stated that it was important to point out that the mandatory hook-up would only apply to new construction.

Dave Christensen asked if the Planning Commission meant for the provision to take effect if the testing program showed that the water quality was improving instead of getting worse. Mr. Christensen stated that the nexus for a High Risk SIPZ designation was that it would basically say that DOE would not allow well drilling. The concern was that, if a public water system went in, people should not be drilling wells for irrigation or uses after the fact. Tom McNerney stated that if the seawater intrusion problem was not getting worse, there was no reason for the provision to take effect and increase the restrictions. The commissioners and staff discussed whether the provision addressed only instituting the provision if the testing program showed that seawater intrusion was getting worse, and it would not take effect if the water quality was improving. They discussed how the county would know if the problem was getting better or worse overall. Pat Rodgers stated that we had to have a means to determine that point. Mr. Christensen commented that the county would need to hire a hydro-geologist to get an answer for that and to review the data gathered during the testing program. He stated that you would have to look at aquifer connections and use the DOE study. Mr. Rodgers stated the opinion that the crux of what the county was being asked to do by the Hearings Board was to determine if there was a degrading situation. If there was, we simply could not continue to take more water out of that aquifer.

The secretary suggested some additional wording for the provision: "If the testing program shows that seawater intrusion is further degrading, the whole of Marrowstone Island will be designated a High Risk SIPZ and a "seasalt water intrusion area" per WAC 173-160-171 two years after adoption of this ordinance or when public water is available to the Island, whichever is sooner." The remainder of the provision would remain the same.

Robert Morgan moved that the Planning Commission accept the suggested wording. Eileen Rogers seconded the motion which carried unanimously.

The commissioners moved on to the bottom of Page 2 at 3.6.5.c(3) where the sentence regarding the DOE would be deleted. Eileen Rogers asked for the reason for the deletion. Josh Peters reported that it was a motion from Commissioner Titterness. He stated that the basic idea was that if the county was going to set water standards for exempt wells, then the county was at least sharing authority. Pat Rodgers stated that, by deleting the sentence, it was not saying that DOE did not have authority.

Phil Flynn moved that the Planning Commission accept the change. Robert Morgan seconded the motion. The motion carried per the Planning Commission's by-laws with four in favor and two opposed.

The commissioners moved on to Page 4 of the line-in/line-out provisions at 3.6.5.d(9)ii concerning a subdivision moratorium on Marrowstone Island. Tom McNerney suggested adding at the end of the provision "... as public water is available or it is demonstrated that there is no further seawater degradation."

Eileen Rogers questioned the words "documented phenomenon". Tom McNerney stated that there was evidence that there was seawater intrusion but further degradation was another matter. Dave Christensen stated that there was a public record containing DOE Bulletin No. 59 and letters from DOE staff saying that seawater intrusion on Marrowstone Island was a problem. Those documents were brought to the Hearings Board who said that it was a documented problem. Mr. McNerney stated that the question was whether that wording needed to be in this document [the UDC].

Robert Morgan moved to delete the words "phenomenon of" from the provision so that it would read "Due to the documented seawater intrusion on Marrowstone ...". Phil Flynn seconded the motion which carried unanimously.

Robert Morgan moved to add Mr. McNerney's suggested additional language at the end of the provision ("... as public water is available or it is demonstrated that there is no further seawater degradation."). Eileen Rogers seconded the motion which carried unanimously.

The commissioners moved on to 3.6.5.d(9)iii.A regarding building permits and the use of alternative systems. Phil Flynn suggested adding wording stating "The use of a catchment system for potable water must be engineered with an ongoing maintenance program and yearly inspections." Dave Christensen stated that while he liked the idea, it got into Health Board issues. Josh Peters suggested that the provision be a policy instead of placing it in the code.

Phil Flynn accepted the staff suggestion and moved that the language be added as Policy #9 in Exhibit A. Eileen Rogers seconded the motion which carried unanimously.

The commissioners moved on to 3.6.5.d(9)iv.A.II concerning mandatory actions in Coastal SIPZ. Tom McNerney referred to the last item on the page which said that if public water was unavailable, a qualifying alternative system could be used as proof of potable water. He asked if it was necessary to add that it must be done according to Health Department standards. Josh Peters stated that "qualifying" said that, and it also said that health standards must be met under the Building Permits section (above) for whatever method

was selected. Mr. McNerney stated that he brought it up because some people thought that the county would not approve alternative systems for potable water.

The commissioners reviewed 3.6.5.d(9)iv.C.1(e) on Page 5 which addressed High Risk SIPZ Groundwater Use Limitation. The commissioners agreed by consensus that the gallon figure should be changed from 1,000 gallons per day to 400 gallons per day in accordance with their suggested policy change. Otherwise, they accepted the wording for the provision.

Phil Flynn asked for clarification about 3.6.5.d(9)iv.C.1(d) concerning a qualifying alternative system. Josh Peters stated that a rainwater catchment system was one type of alternative system. He stated that under each of the sections, it was an option to have a qualifying alternative system.

For the commission's information, Dave Christensen stated that the Board of Health was revising all of its drinking water policies into a water code. He assumed that any changes regarding rainwater catchments would be incorporated into that update.

The commissioners moved on to the last section of the line-in/line-out language on Page 6 under 3.6.5.d(9)iv.D concerning Marrowstone Island. The only revision recommended was in II(e) concerning the Marrowstone Island Groundwater Use Limitation, changing it to 400 gallons per day.

Phil Flynn moved that the Planning Commission accept the entire section with the one change in II(e) to 400 gallons per day. Edel Sokol seconded the motion which carried unanimously.

That completed the Planning Commission's review of MLA03-202.

#### **C. PUBLIC COMMENT**

The Chair opened the meeting to the second public comment period.

Bo Bricklemeyer stated that he wished to review the written comments he had submitted at the April 30 hearing and would speak specifically to the one suggestion the commission partially accepted. He stated that it was a standard code situation that when you had a definition of a term, High Risk SIPZ, then that was how you determined whether a place was a High Risk SIPZ. He stated that the definition was 250 mg/l. He stated that what he was trying to say was that if you instituted a program where you studied Marrowstone Island for two years, then you could, based upon science which was not currently available, tweak the definition for designating a High Risk SIPZ. But he did not think you could legally designate it just on fiat, unless you changed the definition of what a High Risk SIPZ was. He stated that the county did not now have that authority. He stated that the commission had partially dealt with that issue.

Janet Welch concurred with the changes the Planning Commission recommended. She thought the new wording under Marrowstone Island was much more clear and comprehensive than the old wording. She stated that she would encourage taking some of that good wording for Marrowstone and sweeping it into the wording for the High Risk SIPZ in the rest of the county. She thought that if it was good enough for Marrowstone, it was good enough for all the High Risk SIPZ in the county.

Rita Kepner stated that she had just come from the PUD #1 meeting. She reported that a person who had done a sampling of volunteered wells had reported that, based on his sampling of 32 wells on Marrowstone during the past month, only one came in over 250 mg/l. And only one other was even close to 200 mg/l.

An audience member congratulated the Planning Commission on the work it had done.

Rita Kepner stated that the commission could be proud of itself in its dealing with this very complex issue. She agreed with Ms. Welch's comment that if it was good enough for Marrowstone Island, it was good enough for the rest of the county. She strongly felt that was especially important based upon the statistics we were beginning to get on Marrowstone, which she thought were a result of the last many years of hard work in conservation that was now paying off. She thought the data would begin to show that the Marrowstone Islanders had worked diligently with their conservation efforts. She thought the majority of wells would be doing quite well, although there were still some problem areas. Part of that was the behavior of the users, though she acknowledged that was not all of it. She stated that while Marrowstone had been taking care of business through conservation and education, the rest of East Jefferson County had problem areas that had gotten much worse. She thought the commission could feel good about what it had done for Marrowstone. Better than that, she thought the commission could feel really good about what it had done for the rest of the county in ten or fifteen years from now.

There being no further comments, the Chair closed the public comment period.

Tom McNerney asked staff how the Planning Commission report would go to the BOCC. Josh Peters explained that he would draft a report memo from the Planning Commission to the BOCC with the new line-in/line-out changes and the revised policy recommendations. Mr. McNerney asked if any findings of fact were needed. Mr. Peters replied that they were not necessary unless the commission felt they were specifically needed. Mr. McNerney stated that the reason he asked was because the Planning Commission had taken about a three-pronged approach to the issue. One was that the commission wanted to be restrictive of any new wells on Marrowstone Island, that they would have to demonstrate that a new well would not have a degrading effect. Another was that the commission wanted to emphasize conservation. The third was that the commission wanted to find out where the county stood in terms of the seawater readings, with monitoring and metering being the only ways to know. Once that was done, we could decide what actions needed to be taken. He was not sure that was clear in the line-in/line-out language. He stated that while he understood that the BOCC wanted the testing program to be voluntary, he thought it was very important that the test wells be a cross section. He thought that in order to get 75 wells, it may not be voluntary. That would bring up the point of doing something that was not voluntary and the authority to do that. Mr. McNerney thought perhaps a narrative on those issues ought to accompany the Planning Commission report.

Pat Rodgers stated that Mr. McNerney had an excellent point [concerning voluntary testing], that if we did all this work and got a statistically biased sample, the whole program could be for naught. Tom McNerney stated that we did not know if we could get a wide enough review area. Mr. Rodgers stated that if you could get a sampling of 25 wells in each sub-population, it could not be random; you had to have some criteria for the well selection.

Phil Flynn stated that there was no question that the sampling needed to be scientifically selected. He stated that the hope was that a lot of people would volunteer and we would have more than we needed so that we could select wells geographically. Mr. Rodgers stated that he did not know that geographic was the criterion. He thought there was probably more than one aquifer involved. He stated that if we got all the sampling out of one aquifer, it would not make sense. He thought there were a lot of criteria that should be developed. Dave Christensen stated that there were definitely two geologic units that had been identified by the DOE for Marrowstone. He thought you would need to do a stratified sampling design and explained how that would work. He hoped the Planning Commission would understand that if the county got some consultation from a hydro-geologist that said instead of a 25-25-25 sampling, we should select other areas and numbers of wells. Mr. Rodgers stated that the end result was that we wanted to know if there was degradation or not. Mr. Christensen stated that staff could accompany the Planning Commission recommendation with a report about the need and the dependence upon the sampling design. He stated that, historically, the seawater intrusion issue had always fallen back to monitoring because that was where you got the best information. Mr. Christensen suggested that in addition to emphasizing the importance of a monitoring program and the criticisms of it, which were that the sampling was biased, he thought he could write a memo to accompany the Planning Commission's report that addressed those concerns. He hoped the Planning Commission would support staff as well by saying how it could be funded and supporting staff's ideas.

Tom McNerney suggested that staff draw up some suggestions and he would also, and the Planning Commission could review them at the next meeting.

The commissioners and staff discussed funding for the testing and inspections. Pat Rodgers pointed out that he paid for his septic inspections. Dave Christensen stated that no one in the state had gone to licensing individual water systems. He thought it was safer to talk about establishing an aquifer protection district and funding through that. From a fairness standpoint, Mr. Christensen stated that there was a cost for a public water system, but there was a cost to not having a public water system too. People would have to pay the cost of one or the other. Mr. Rodgers stated that the bottom line was assuring potable water.

Josh Peters addressed the timing, stating that he would have to do an advertisement for the BOCC public hearing before the next Planning Commission meeting. Tom McNerney stated that he would come into the office to sign the commission's report.

#### **D. ADJOURNMENT**

The commissioners discussed the agenda for the next meeting. They agreed to begin discussions on the Comp Plan amendments, including the schedule for the review, and finish their work on the seawater intrusion issue. Also, the commissioners could discuss the work for the appointed committees.

Pat Rodgers stated that he would be gone for the next two meetings (May 21 and June 4).

The commissioners discussed the Tri Area UGA. Tom McNerney noted that the Planning Commissioners had received a copy of the 1995 community plan. He stated that staff drew up a zoning map for the UGA based primarily upon that plan, with some adjustments. He stated that there was some question whether

the map of the UGA boundary included interior zoning. He stated that the Planning Commission had never considered that zoning. Mr. McNerney stated that he had proposed that the Planning Commission review that zoning map and make a recommendation to the BOCC on it. He suggested that the commissioners review the 1995 community plan in preparation for the map review.

Pat Rodgers stated the opinion that the Tri Area Community Plan was very well written and was much better than the Comp Plan, because it talked about principles instead of the detail we had in the Comp Plan. However, it included the airport and Kala Point.

Tom McNerney stated that the By-Law Committee would be meeting again. He asked that any commissioners who had suggestions for revisions to the by-laws get them to Edel Sokol.

The meeting was adjourned at 9:42 p.m.

**E. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of May, 2003.

\_\_\_\_\_  
Thomas McNerney, Chair

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Cheryl Halvorson, Secretary