

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR OCTOBER 15, 2003

- A. OPENING BUSINESS
- B. DISCUSSION/RECOMMENDATION TO BOCC ON SUGGESTED COMP PLAN AMENDMENTS
- C. REPORT TO BOCC ON SITE-SPECIFIC COMP PLAN AMENDMENTS
- D. UGA COMMITTEE REPORT
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A. OPENING BUSINESS

The regular meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chair Tom McNerney. Planning Commission members present were Phil Flynn, Edel Sokol, Robert Morgan, Eileen Rogers, and new commissioner Tom Murray. Dennis Schultz and Jenny Davis were excused. David Whipple was on a leave of absence.

DCD staff present were Josh Peters, Karen Driscoll, and Cheryl Halvorson, secretary.

There were no members of the public present.

The Chair introduced new commissioner Tom Murray.

The minutes for October 1, 2003, were approved as submitted.

The Chair added committee reports to the agenda.

Josh Peters reported on the Hearings Board hearing on October 14 on the county's motion for reconsideration on the Brinnon Subarea Plan. Tom McNerney reported that the issue of building size had been resolved to the county's position. Mr. Peters reported on the other issue before the Hearings Board which was the SEPA review. He stated that the Hearings Board had not received the FSEIS so it was not taken into consideration in their Final Decision and Order [FDO]. He explained the county's arguments concerning the SEPA review. Mr. Peters stated that the one issue the county was most concerned about was the bulk and dimensional issue for the Rural Village Center. That issue had been resolved in the county's favor. Mr. Peters stated that the county had learned some lessons from the FDO, adding that most of the Brinnon Subarea Plan was upheld. He stated that, in order to comply with the order, the county would be addressing the further SEPA review, including talking to the tribes and WDFW. Mr. Peters stated that the other part of the FDO was that the county would need to strike the light industrial district north of Dosewallips Road from the map. He stated that he knew some people in the Brinnon Planning Group were interested in revisiting that issue as well, so he was not sure what would happen.

Tom McNerney and Josh Peters discussed the timing of an appeal of the Hearings Board's FDO, which would occur after their decision on the motion for reconsideration.

Tom McNerney reported that the Hearings Examiner had approved the South 7 application in Port Hadlock. He explained the project for Mr. Murray's benefit.

In answer to Phil Flynn's question, Josh Peters explained the difference between the appeals to the Hearings Board versus the Hearing Examiner process on permit applications. Mr. Peters explained that the Hearing Examiner became involved in the Brinnon Subarea Plan process because an appeal of the original SEPA determination on the plan was filed. He stated that administrative appeals of certain types of SEPA threshold determinations went to the Hearing Examiner, for either projects or non-projects. Mr. Peters explained that the Hearing Examiner was no longer involved in that issue; it was now before the Hearings Board.

The commissioners and staff discussed the timing for the two appeals relating to the Brinnon Subarea Plan, the first to the Hearings Examiner and the

second to the Hearings Board. Josh Peters explained the reasons for the appeals going to the different entities.

Eileen Rogers asked about the timing of the county's compliance with the Hearings Board's FDO. Josh Peters replied that the county had 180 days, which would put it in the early part of 2004.

B. DISCUSSION/RECOMMENDATION TO BOCC ON SUGGESTED COMP PLAN AMENDMENTS

MLA03-209, Jefferson County (Agriculture Lands)

Tom McNerney summarized that the Planning Commission had held a public hearing on the Ag Lands amendment. He stated that the Ag Lands Committee had made a recommendation to the full Planning Commission, which was the subject of the public hearing. Mr. McNerney invited comments on the proposal from the commissioners. There were none.

Phil Flynn moved that the Planning Commission recommend approval of MLA03-209 regarding agriculture lands. Edel Sokol seconded the motion. There being no further discussion, the motion carried unanimously.

Tom McNerney asked if staff would prepare a report, with findings of fact, for the commission's approval at the next meeting.

MLA03-210, Jefferson County (Seawater Intrusion)

Tom McNerney summarized that the Planning Commission had held a public hearing on the suggested amendment and had sent the proposal back to the Seawater Intrusion Committee for further review.

Phil Flynn reported that the Seawater Intrusion Committee had met once with only two members present. He stated that the committee had discussed the issue. He thought the committee would wish to make some further suggestions, but he wanted the full committee to meet before making those recommendations. Mr. Flynn stated that the staff report and recommendation included much of the Planning Commission's recommendation, but there were some things not included. Therefore, the committee had some questions also.

Eileen Rogers stated that her position was to reject the suggested amendment in its entirety. She stated that one glaring thing that was missing from it that caused her great dismay was the recommendation, which the Planning Commission had passed on to the BOCC, for an effective monitoring program.

Eileen Rogers asked staff to explain the significance of the "measles" map depicting the high chloride wells in the county. Josh Peters provided information on the map, stating that the red circles represented wells that had at any given time been known to have a chloride sample of over 200 mg per liter [mg/l]. The circles represented a 1,000 foot radius around the affected well, which was the number selected by a citizen's group appointed to work on this issue in 2002. Mr. Peters stated that the pink circles represented wells with readings of from 100 to 200 mg/l. He explained how the county would typically get the sample readings. Some came from the building permit requirement for proof of potable water. Others came from voluntary water sampling. Phil Flynn stated that the new regulations required a water sample for building permits.

Eileen Rogers stated that one of the things the Seawater Intrusion Committee found out was that the way the red circles were defined was not

scientifically determined. She explained what a person must do in order to get a well and a building permit for a property near one of the red circles (a hydrology report done by a professional). Josh Peters stated that the report would be submitted to the DOE as well. He added that the issue was well interference. Ms. Rogers stated that one of the Planning Commission's primary recommendations to the BOCC was to establish a new baseline of data. The way to do that would be to go back and re-test the wells represented by the red circles. She stated that the committee had found that most of the wells represented on the map were only tested once, adding that there were several variables that could affect the test results.

Eileen Rogers and Phil Flynn explained the Planning Commission's recommendation about a testing and monitoring program.

Eileen Rogers provided information on a couple on Marrowstone Island whose property was near one of the red circles and who were trying to get a building permit. They had spent \$2,400 on a report and still did not know if they would get a building permit.

Eileen Rogers stated that she was extremely concerned because there did not appear to be any budget item in 2004 for a monitoring program or to try to get some real scientific data. She thought it was appalling to require citizens to spend \$2,400 on a report based upon a circle that may or may not be correct. She did not think we were meeting our responsibility to the Hearings Board. She was dumbfounded that no priority was being placed on this problem. She did not think the county was showing a good faith effort in trying to find out if we were doing anything on seawater intrusion.

Eileen Rogers stated that Mr. Flynn had spent endless hours wordsmithing the amendment document. However, the two glaring things that were missing from the proposal were a monitoring program and the revision to the map.

Phil Flynn stated that it did not appear that the county was "chasing any dollars" for this issue. He stated that there was a \$250,000 grant for WRIA 17, but none of that would go to seawater intrusion because the majority of the interest on that group was on fisheries. Mr. Flynn stated his concern with giving the WRIA 17 group the responsibility for monitoring for seawater intrusion because of their lack of interest. He stated that it did not appear the county was searching for money and was not budgeting for it. Mr. Flynn questioned how we could address the Hearings Board contention that we were not doing anything, because we were not, other than putting things on paper. While it was good, it did not go far enough. It did not address their greatest concern. Mr. Flynn stated that if there was no money to do anything the commission had suggested to address the concern, the question about further degradation could not be answered.

Phil Flynn stated that the committee was trying to address the issue, but without money in the budget, it was impossible. He stated that the committee and commission had suggested a monitoring program of 75 wells, but the county did not have the right to require people to participate. So we had asked for volunteers and got none. Mr. Flynn stated that the PUD had tested about thirteen wells through their volunteer program but he did not know if they had been tested again. He questioned how we could know if there was further degradation if no testing was being done.

Eileen Rogers stated that another point that had been brought up by the public to the committee was about the county's liability to a property owner in having a document like the suggested amendment where the county would

require this test and report. The question was whether they had the right to claim damages of the county if their report was "clean". She stated that the committee did not have an answer, but it was something the county should be thinking about. She stated that the liability question related to the county not having scientific data upon which to base a requirement for a property owner spending that much money on a report. That was the dilemma.

Tom McNerney stated that he heard two issues. One was a problem of a person trying to get a building permit and the county requiring a report, although the county possibly did not have reliable data. The other problem was that the Hearings Board had said that the county must prevent any further degradation. Mr. McNerney stated that the only way the commission knew to establish that, and no one had disagreed, was to measure the existing status and then over a period of time, to re-test to see if there was degradation or not. He stated that required monitoring. However, the county had not found any legal way to require monitoring, using a scientific manner. He did not think a volunteer program would work, because you would not necessarily get the wells you wanted. Mr. McNerney thought that for a program to be successful, it would require monitoring many different wells under a random sampling process. He stated that there apparently was no way for the county to go onto anyone's property to monitor their wells.

Tom McNerney asked about the DOE's responsibility. Josh Peters stated that the DOE had authority over the waters of the state. Mr. McNerney stated that they, for whatever reason, did not do anything about it. He stated that the county was being put on the spot by the Hearings Board to do it, but the county had no authority. Mr. Peters stated that, in general, DOE was not concerned about individual, exempt wells, because, in general, they did not represent large quantities of water. While no water right was required, DOE still had regulatory authority over the siting and use of individual exempt wells.

Josh Peters stated that he understood the committee members' frustrations. He offered some thoughts on clarifying points. He stated that the GMA was about establishing protective regulations and following through with them on development permits. His understanding was that the Hearings Board said that we must establish protective standards that would help prevent further degradation. The charge was that the county's standards had to be tough enough to do that. Mr. Peters stated that all the map did was show zones where there was a risk for seawater intrusion. One of those zones was the Coastal Zone of one quarter mile in from the shoreline. Another zone was the At Risk. Mr. Peters stated that 100 mgl was in the body of best available science that said that at that point you might be looking at a risk of seawater intrusion. 200 mgl was approaching the 250 mgl which was the EPA secondary contaminant standard for chloride. So regardless of whatever was happening on that test day, there was a sample that showed 200 mgl from those wells. Drawing a circle around it told us that it was an area that was a high risk for seawater intrusion. If there was a bunch of circles in one area, one may draw the conclusion that the area actually had seawater intrusion. Mr. Peters stated that the protective standards were with regard to that area of vulnerability. If someone was going to put another well or a bunch of wells in that area where we've already determined there was a risk, vis-a-vis that one well sample that came in, you would have to demonstrate, essentially the same as would be done with a water right permit, that the use of your well would not interfere with the use of existing wells. He acknowledged that got into water right law and the county did not administer that law. However, the county's responsibility was for the health of the groundwater resource according to the GMA. Mr. Peters stated that what staff

was essentially saying was that the person needed to show the county, and the way to do that was to acquire a professional analysis of the particular site.

Tom McNerney asked how we could tell if one new well would or would not affect the established wells. Josh Peters replied that it was extremely difficult to tell, and not being a hydro geologist, he could not answer. Mr. McNerney offered the opinion that we did not have a good basis to start from. He stated that some samples came from the well driller after they had purified the well and not waited long enough before testing.

Josh Peters stated that if the Planning Commission had some policy recommendations about how to change the manner in which those samples were submitted, he would welcome it. He explained that the county now accepted an affidavit from the property owner that they took the test from their well. He stated that if the county was going to change that to a different standard, by which we would essentially be saying we did not trust the property owner and they needed to have someone else take the sample, the commission could recommend that. Phil Flynn stated that the commission did recommend that. Mr. Flynn stated that Larry Fay of the Health Department had said he would implement such a requirement in their new standards.

Eileen Rogers asked if there was documentation about how, when, and by whom the tests were taken which resulted in the red circles on the map. Josh Peters replied that there was a data base that connected each one of the wells to a sample and he believed there was a date connected with that as well. Ms. Rogers stated that the committee had found that some of the tests were taken fifteen years ago. We did not know if the water had gotten better or worse in the ensuing years. And we did not have a way to find out or a way to know where we were now. Ms. Rogers expressed her frustration, stating that we could pass these words in the amendment, but the truth was the county was not dealing with the problem. She stated that she could not support the suggested amendment, because it was not addressing the issue or dealing with the problem. It was just pushing it in a corner. She stated that a volunteer program would not provide the scientific data we needed.

Edel Sokol commented that we could not legally force anyone to test their water. Eileen Rogers stated that the county had not even tried to get the suggested 75 wells for a voluntary program. She did not know that any outreach had been done. It was pointed out that the PUD had done some voluntary monitoring. There was some question about whether the PUD was doing any outreach. Ms. Sokol asked if the county knew what the test results were from the thirteen wells that had been tested. No one seemed to know. Ms. Sokol suggested that staff contact the PUD and get the test data and find out about the status of their outreach program, if any. Ms. Sokol asked about the test results for the peoples' well who paid the \$2,400. Phil Flynn replied that it was 139 mg/l. He stated that it would add another pink circle to the map.

Robert Morgan asked why the state was not getting involved if there was a public health issue. It was pointed out that it was not a public health issue. Mr. Morgan asked why the county was involved in the problem if it was not a health issue. Tom McNerney explained that it was the result of an appeal to the Hearings Board because the county had some policies in the Comp Plan and had not followed those policies. Josh Peters explained that it was a GMA issue from the Hearings Board's perspective. If you had too much use of a resource in any given area, you had a problem. That was essentially how they were looking at it.

Edel Sokol stated that she had searched the internet for other places in the country that were addressing seawater intrusion and found none.

Tom Murray suggested that the way to address the issue was to develop a testing program and decide that tests over a certain age should not be valid. Tom McNerney responded that the Planning Commission had suggested just such a program. It was not accepted because of the costs. The commissioners briefly discussed the PUD's voluntary testing program and the thought that it was inadequate. Eileen Rogers stated that we needed a scientific baseline. We did not have a collecting center to achieve that. If the PUD was acting in that capacity, apparently the county staff had no clue as to how they were doing it or what the results were. Josh Peters responded that DCD staff did not know, but that did not mean the Environmental Health staff did not have the information. He stated that there was a well database in that department.

Phil Flynn stated the opinion that the commission was spending some time discussing a program that was very incomplete as far as being a meaningful program to move forward. Unless we pursued it with more vigor and more money, it was very superficial. Mr. Flynn suggested three policy recommendations: (1) If the BOCC determines that actions under the Jefferson County Seawater Intrusion Policy proves insufficient (not from testing but just from not doing enough) to protect groundwater in At Risk and High Risk SIPZ from seawater intrusion (analysis of the monitoring data for defined areas using appropriate methodology shows statistically sufficient degradation of water quality due to seawater intrusion), Jefferson County will immediately adopt a moratorium in the affected area on the issuance of building permits for which individual ground water wells are proposed as proof a potable water until such time as water quality improves or a plan is developed with the objective of improving area water quality (which might be public water coming in). (2) Adopt a moratorium on subdivisions in the affected areas that proposes individual groundwater wells as proof of potable water until such time as the area water quality improves or a plan is developed with the objective of improving the area water quality. (3) Establish an Aquifer Protection District via public vote, or if necessary, petition DOE to form a Groundwater Management Area. Mr. Flynn stated that the three suggestions were political issues. He stated that the BOCC would have to step forward and say that was what they were going to have to do. He stated that setting up an Aquifer Protection District would allow the county to have the right to test waters within that district, and it would set up a taxing district to pay for it. Mr. Flynn stated that petitioning DOE for a Groundwater Management Area would probably take many years.

Some commissioners discussed the likelihood that an Aquifer Protection District would probably be voted down. Edel Sokol commented that if the Marrowstone Island voters did not pass an Aquifer Protection District, the rest of the county residents would probably not want to pay for a monitoring program for them, so we were "between a rock and a hard place". Several other commissioners agreed. Ms. Sokol stated that if it cost someone \$2,400 to get a report, then so be it. Eileen Rogers stated that her point was that the county was requiring a hydro geologic report based upon a circle which was based on a test that was up to fifteen years old. She stated that the committee members found that unacceptable. Ms. Sokol stated that if the people who were currently there [on Marrowstone] were not willing or able to come forward and have their water tested, we did not have a means to get the scientific data we wanted. Ms. Rogers stated that the county apparently did not have the will to make it a priority. Some commissioners discussed how a monitoring program could be done if there was money available.

Eileen Rogers expressed her continuing frustration, stating that the problem was that we did not have a good baseline or a monitoring program. It was that simple. While she did not have the answers about funding, she clearly saw the problem. She thought no one was doing anything about it, except generating a document like the suggested amendment, which was just paper. It did nothing about the problem.

With regard to the suggested amendment, Josh Peters stated that his direction was simply to follow the Hearings Board order, which was to make sure the Coastal Seawater Intrusion Policy adopted in 2002 got into the Comp Plan or UDC, because otherwise it was not a GMA action. He stated that staff took some of that language that was not in the Comp Plan yet and put it in the suggested amendment. In response to Eileen Rogers, Mr. Peters stated that the amendment was not meant to address the underlying problem; it was just meant to put policy language into the Comp Plan. In answer to Tom McNerney's question, Mr. Peters stated that the Hearings Board simply said that the county must put something in the Comp Plan that was policy. He stated that if the Planning Commission wished to add to that, the commission was encouraged to do so. Phil Flynn asked if it was staff's opinion that the suggested amendment would "pass muster" with the Hearings Board. Mr. Peters thought the main part of the Hearings Board order had already been resolved. He stated that the county was still waiting for their response, but staff was confident the Hearings Board would find the county in compliance. He stated that this amendment would just add that 2002 policy language to the Comp Plan. He understood that the Planning Commission may want to add to that, especially in relation to the policy recommendations the commission had made earlier this year.

Phil Flynn stated that if staff thought this amendment language would satisfy the Hearings Board, he was willing to step back and let it go forward and wait to see what the Hearings Board said about it. Josh Peters stated that there had always been two issues, although they were related. One was what would "pass muster" under the GMA. The other was the problem and how we would solve it. Mr. Flynn agreed. Mr. Peters stated that if the Planning Commission thought the policy language concerning a monitoring program should be strengthened, then the commission should make that recommendation. Also, if the commission wanted those other policy statements that the Planning Commission had recommended to the BOCC earlier this year included, then the commission should make those recommendations. Mr. Peters stated that if the Planning Commission found the current policy suggestions inadequate, then the commission should make recommendations for other policies.

Tom McNerney asked about the adopted policies and whether the Hearings Board had ordered that they be incorporated into either the Comp Plan or UDC. Josh Peters explained that when the Coastal Seawater Intrusion Policy was adopted in 2002, the Hearings Board had discussed it after the petitioner raised the question of whether it was a GMA action. Adding items from that document to the Comp Plan policies was basically one of the compliance items. Mr. McNerney stated that he had the impression that the Hearings Board wanted that Coastal Seawater Intrusion Policy in a document, i.e. the Comp Plan or UDC, where the policies could be appealed, rather than in a separate document that could be changed. Mr. McNerney stated that it was his understanding that there were seven policies that were not in either the Comp Plan or UDC regarding the monitoring program. Mr. Peters stated that those policy statements were only in a recommendation from the Planning Commission to the BOCC. Mr. Peters stated that if the Planning Commission wished to make a recommendation that those earlier policy recommendations be added to the Comp

Plan, he urged the Planning Commission to make that recommendation. Mr. Peters explained that those Planning Commission suggested policy statements were not used before because the issue before the county at the time was the UDC amendments, and the policy statements were not development regulations and did not fit in the UDC. Mr. McNerney asked for staff's opinion about where those recommendations should be inserted, in the Comp Plan or in the UDC. Mr. Peters replied that his first thought would be that they would be appropriate in the Comp Plan, either as policies or as Action Items, particularly the suggestion about a monitoring program. Mr. Peters stated that the policy language currently suggested by staff was quite general. He stated that the Planning Commission may want to amend or augment those general policy statements.

Tom McNerney offered the opinion that the frustration being felt by the Planning Commission was related to trying to get into compliance with the Hearings Board and knowing what the petitioners were demanding and knowing that we could not stop seawater intrusion until we had some good data. Josh Peters stated that it went back to Mr. Flynn's question about what staff believed about compliance at this time, vis-a-vis the monitoring program. He stated that staff essentially believed that the direction the county was given was to establish more restrictive standards as well as an adaptive management program. He stated that an adaptive management program included gathering data. Mr. Peters stated that the county had established a program by which it was guaranteed to get data from future wells. The difficulty with mixing development regulations with existing wells was legal, fiscal and technical. He stated that there was nothing in the GMA that required the county to go out and test wells. Mr. Peters stated that the county would continue to argue that it was impossible for the county to have that kind of responsibility without the statutory authority to have control over water resources. He thought the county was doing the best job it could to protect the aquifers by restricting the future use of water through the building permit process. That was how the GMA was set up. He described the development regulations for High Risk and At Risk SIPZ. They included the hydro geologic assessment and a monitoring program (for new wells). They were essentially protective standards. Mr. Peters stated that it was similar to the regulations for development near a wetland.

Tom McNerney stated that it did not address the basic problem, stating that if there were no new wells drilled on Marrowstone Island, it did not guarantee that there would not be further seawater degradation. Josh Peters agreed, but stated that Growth Management was not designed to address existing wells. He explained that water law in this state was designed to address that issue. Phil Flynn stated that the Hearings Board was saying that we had to do whatever we could to prevent further degradation. Mr. Peters stated that it had to be done through restrictive standards. He stated that he completely understood the commission's point. One issue was compliance with the GMA and the other was trying to solve the problem. Unfortunately, they were two different things in this case. Eileen Rogers stated that what bothered her was that everything was based on the map with the red dots that came out of who knew where and it was not a "certified" red dot. Edel Sokol stated that her research on the internet revealed that everywhere that addressed development on shorelines used restrictive standards.

Tom McNerney stated that he understood there were two legal cases, one in Skagit County regarding buffers on streams. Those decisions seemed to indicate that you could not do anything to make it worse, but the county did not have to go back and repair what had happened in the past. Mr. McNerney

asked if that same principle would apply to seawater intrusion. Josh Peters responded that he understood there were two Superior Court cases, one in Skagit and one in Clallam. Those decisions suggested that GMA was about managing growth from here forward, not about correcting past development. He stated that from a growth management perspective, staff thought it would apply to seawater intrusion as well. Mr. Peters stated that, meanwhile, the state legislature amended the law this past year such that the DOE no longer had the ability to restrict water use because of water quality. He stated that complicated the issue even further. Mr. Peters stated that there was a confusing body of law about this issue. He stated that the Hearings Board asked the county specifically, stating that the law applied to the DOE, and asked "What about the county?" Mr. Peters stated that the county's response was that the chapter of law that talked about water use said the DOE. So the county response to the Hearings Board was that if the DOE could not do it, and they were the ones in charge of the waters of the state, then why would the county be able to do it? Mr. Peters stated that the Hearings Board was unfamiliar with the new law, but they were very interested in it.

Phil Flynn asked if part of the appeal was the contention that we had policies in the Comp Plan and we were not living up to them. Josh Peters replied that he did not think that was the reason the county was found non-compliant. He thought it had to do with Goal 10 of the GMA which talked about protecting eco-systems in general. That language was stretched to include critical aquifer recharge areas in the context of seawater intrusion, essentially the responsibility to protect groundwater.

Phil Flynn stated that if staff was satisfied that this suggested language would satisfy the Hearings Board, he was willing to step aside. Tom McNerney stated that the issue should go back to the full Seawater Intrusion Committee for further consideration. Mr. Flynn asked that staff also attend. He asked Mr. Peters to bring all of those things that pertained to the issue to the next Seawater Intrusion Committee meeting.

Tom Murray noted the number of red dots on Marrowstone Island versus the number of red dots in other parts of the county. Tom McNerney stated that many of the other areas were now served by public water so the issue was a moot point. Josh Peters stated that the new map, handed out at this meeting, reflected the public water districts in the county.

C. REPORT TO BOCC ON SITE-SPECIFIC COMP PLAN AMENDMENTS

Josh Peters handed out copies of a revised Planning Commission recommendation on the site-specific amendments which included findings of fact. Mr. Peters stated that the report was the same as the previous version except for the addition of the findings of fact.

Tom McNerney related a comment that had been made to him about the Planning Commission's votes on issues. The votes only gave the number of votes for or against. He asked the commissioners to consider whether the minutes should reflect the names of those commissioners voting for or against a motion.

Tom McNerney asked the commissioners to also think about comments received at meetings or testimony received at public hearings. Typically, the commissioners merely took the comments a face value and did not question it or ask for more information. He asked the commissioners to think about whether the commission could or should ask the speaker for more information on their comments. One issue to consider was whether it could be construed as being contentious or critical of the speaker. He asked the commissioners

to think about whether there should be a difference between public hearings and regular meetings or workshops. Phil Flynn stated that asking for further clarification could be important in order for the commission to fully understand the speaker's point. Robert Morgan stated that if someone cited data or a law that the commission did not know about, they should be asked to clarify it or provide it in writing. Edel Sokol stated that the Planning Commission had gotten into a dialog with an audience member in the past, and it had sometimes not worked out too well. She stated that the commission had held dialog with audience members at workshops, which had worked alright. Mr. McNerney asked the commissioners to think about the issue and the commission would take it up at the next meeting.

Phil Flynn moved that the Planning Commission accept the revised report. Eileen Rogers seconded the motion. There being no further discussion, the motion carried unanimously.

Edel Sokol was excused from the remainder of the meeting.

D. UGA COMMITTEE REPORT

Robert Morgan reported that the UGA Committee had worked on a Frequently Asked Questions [FAQ] sheet and a questionnaire. Those documents had been mailed to the interested parties who had attended recent UGA Committee meetings for their feedback before doing a general mailing.

Robert Morgan reported that the committee had worked on questions for the follow-up interviews with the interested parties. He handed out copies of the proposed follow-up questions. He explained how the interview process might work. Mr. Morgan stated that the committee would probably forward copies of the FAQ and questionnaire to the BOCC for their information before sending them out in a general mailing. Tom McNerney stated that the PUD would allow the county to send them out in the PUD's monthly bills.

Robert Morgan reported that none of the interested parties had responded to the draft FAQ and questionnaire, so he had telephoned six of those individuals and reached four of them.

Robert Morgan stated that some of the people who had attended UGA Committee meetings had raised the issue of the Chimacum High School, Tri Area Community Center, and H. J. Carroll Park not being included in the UGA. He stated that it was the committee's understanding that the UGA boundary was not final until all of the planning was done. Tom McNerney stated that the Hearings Board order on the UGA appeal indicated that the boundary could not be finalized until the other planning was complete. Mr. Morgan stated that the committee had included an interview question about the UGA boundary extending down Rhody Drive to the Chimacum area, adding that it would be interesting to see what kind of feedback they got from that. He acknowledged that it did not mean that the boundary would change.

Robert Morgan reported that people who had attended the committee meetings had almost universally stated that they did not want to spend their time making recommendations and then be completely ignored when the final decisions were made. If that was going to be the case, they did not want to spend their time attending meetings thinking they were making a meaningful contribution and then finding out that they had not made a meaningful contribution and were just being asked to "rubber stamp" something that either the staff or BOCC wanted. Mr. Morgan stated that the committee had gone through this whole scenario in order to try to get some meaningful input

and to let them know that their input was meaningful. He stated that if the Planning Commission forwarded some of those public recommendations to the BOCC and the BOCC did not adopt them, then the county (BOCC and staff) should have some backup information for doing so, i.e. the GMA would not allow it or the Hearings Board had said we could not do it. Mr. Morgan stated that the committee right now was sort of standing between the general public and staff as sort of a buffer. He stated that if staff made a recommendation that was radically different from what the committee or Planning Commission made, then they wanted to see some backup behind that different recommendation. Then the commission or committee could go back to the citizens at the next meeting and explain those reasons to the public. Tom McNerney summarized that the UGA Committee was trying to build up the credibility of county government with the public.

Phil Flynn stated that the committee had discussed the amount of commercial land that was already proposed. However, the committee did not know how much was active development and how much was vacant and still developable. Robert Morgan thought the staff and/or consultant had that information.

Josh Peters asked if anyone had visited the UGA web page that the county had developed. Tom McNerney stated that he had looked at it looking for something in particular. Mr. Peters stated that the questionnaire and FAQ were the kinds of things that could be posted on the web page.

Josh Peters invited Tom Murray to come into the DCD office to talk with staff about the issues.

E. ADJOURNMENT

The next meeting agenda will include the Planning Commission's recommendation on the seawater intrusion Comp Plan amendment.

Josh Peters stated that the Planning Commission report and recommendation to the BOCC on the suggested amendments would be done after the commission finished the seawater issue.

The commissioners discussed the next committee meetings: the Ag Lands Committee on October 20, the UGA Committee on October 22, and the Seawater Intrusion Committee on October 27.

The meeting was adjourned at 8:40 p.m.

F. APPROVAL OF MINUTES

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

Thomas McNerney, Chair

Cheryl Halvorson, Secretary