

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR NOVEMBER 5, 2003

- A. OPENING BUSINESS
- B. RECOMMENDATION TO BOCC ON SUGGESTED COMP PLAN AMENDMENT, MLA03-210
- C. UPDATE ON UGA PLANNING
- D. ADJOURNMENT

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 Edel Sokol, Eileen Rogers, Robert Morgan, Tom Murray, Dennis Schultz, and Phil Flynn. Jenny Davis arrived at 6:35 p.m. David Whipple was on a leave of absence.

DCD staff present were Randy Kline, Josh Peters, and Cheryl Halvorson, secretary.

There was one member of the public present. No one signed the guest list.

The minutes for October 15, 2003, were approved as submitted.

The Chair invited staff updates.

Josh Peters reported that the county had received a final compliance order from the Hearings Board on the seawater intrusion issue. A copy of the document had been provided to the Planning Commission via e-mail. He stated that staff also handed out copies of a letter from DCD Director Al Scalf to the County Administrator regarding the decision.

Josh Peters reported on a Final Decision and Order received on the Brinnon Subarea Plan appeal resulting from the county's motion for reconsideration. He stated that the county's main issue related to the bulk and dimensional standards for the Rural Village Center. He reported that the only items left to deal with were the SEPA review issue and the industrial zone issue. Tom McNerney asked if the compliance order opened the process for an appeal. Mr. Peters replied that it did. Mr. McNerney stated that some residents in Brinnon wanted the county to appeal the Hearings Board decision on the industrial zoning issue.

Josh Peters reported that staff would be going before the BOCC on November 10 to discuss scheduling a public hearing on the entire Comp Plan amendment docket. They could also decide to not hold public hearings on the entire docket and only hear certain amendments or they could modify their public hearing schedule.

Tom McNerney and Josh Peters discussed the BOCC public hearing to address taking the two airport suggested amendments off the docket. Mr. McNerney and staff discussed the timing of a review of the two Comp Plan amendments if the BOCC decided to go forward with them. The consensus was that there was not enough time to do all of the work that would be necessary (SEPA review, staff report, Planning Commission public hearing and recommendation, and BOCC decision process) and still meet the time requirements of the UDC.

Josh Peters reported on the Agriculture Lands Committee meeting schedule, noting that a couple of meetings had been cancelled. Mr. Peters reported that Karen Driscoll had arranged to meet with a farmers group on November 18.

Josh Peters reported that the Senate Land Use and Planning Committee would be holding a meeting in the county on November 12. They would be talking with local jurisdictions about the GMA update. Randy Kline stated that it would be a formal hearing by the Senate committee. After the testimony by the various jurisdictions, there would be some time for public comment. Mr. Kline stated that Jefferson County was included in the first round of GMA

updates of our Comp Plan for December, 2004. He stated that the county would be attempting to make a case to have that date put off to at least December, 2005. In response to Tom McNerney's request, Mr. Kline explained the requirements for mandatory updates of Comp Plans under the GMA. He stated that Jefferson County had been included in the first round of the updates. Mr. Kline stated that the concern was that by revising the plan, it would re-open every single component of the plan to appeal. He stated that there was a lot of discussion statewide about the implications of counties all over the state re-opening their plans and being vulnerable to appeals. Mr. Kline stated that it was especially a concern in this county because we were one of the later counties to adopt a Comp Plan (1998). Because of that fact, this county dealt with all of the substantive amendments that had been made to the GMA between 1990 and 1997. He stated that the main requirement was to use best available science in establishing environmentally sensitive areas, critical areas, and critical area buffers. Mr. Kline stated that Jefferson County's argument would be to let some of the larger counties do their updates first and see what happens, especially since we were seeing slower growth than was anticipated. Therefore, this county thought we should not be included in the first round of updates.

Phil Flynn commented that by having other jurisdictions do their updates first, it would provide this county with some benefit in seeing how their experience went. Randy Kline agreed, stating that the hope was that not every single thing in the Comp Plan would be re-opened to appeal. He stated that the county had just barely gotten past many controversial issues relating to our 1998 Comp Plan and we were ready to move forward. The concern was that we would just find ourselves in a situation where we were going over the same issues again. Josh Peters stated that OCD had come out with the interpretation that only the things that were actually changed in the Comp Plan, or things that a jurisdiction neglected to change that had to do with the statutory amendments, could be appealed. He stated that one of the reasons the state legislature was talking about this issue was that a bill had been passed last year that would have put the GMA update for this county out to December, 2005. However, the governor had not signed the bill for various reasons. One reason related to the formation of a GMA Working Group task force composed of various stakeholders. That task force would be talking about GMA and possible reforms in the context of rural counties.

Staff and the commissioners discussed the various groups that had been formed, some of which were coming to this county to gather information having to do with the GMA updates.

Tom McNerney referred to the discussion about whether the GMA Comp Plan update would open the entire Comp Plan to an appeal, stating that there was at least one group who had said they would wait for the 2004 update to appeal again.

**B. RECOMMENDATION TO BOCC ON SUGGESTED COMP PLAN AMENDMENT,
MLA03-210**

MLA03-210, Jefferson County (Seawater Intrusion)

Josh Peters referred to the memo to the County Administrator from Al Scalf which referred to the Hearings Board decision. He stated that it was staff's opinion that the suggested amendment addressed the issues that were still outstanding on the appeal.

Josh Peters referred to the Seawater Intrusion Committee's report and recommendation to the full Planning Commission on the seawater intrusion issue. He pointed out that the report had been prepared prior to receipt of the Hearings Board order. Phil Flynn stated that one concern the committee had was that it appeared the county had not been trying to get funding for a monitoring program. He stated that staff had reported that the county had applied to DOE for a grant. However, that grant had been turned down. Therefore, the county had tried to get money for a program.

Phil Flynn discussed the possibility of the committee taking the issue up further and providing a recommendation to the full Planning Commission by the next meeting. Mr. Flynn and staff discussed the timing of a Seawater Intrusion Committee meeting and a recommendation to the full Planning Commission, which would then impact the timing of the commission's recommendation to the BOCC and the BOCC's decision timeline for a decision by the second meeting in December.

Tom McNerney reviewed the three items the Hearings Board had said in their decision needed to be included in the Comp Plan. The last item indicated that if further degradation occurred, then the county must do something about it. Robert Morgan commented that if the county was not going to implement any kind of monitoring program, the question was how we would know if there was further degradation. Mr. McNerney responded that the Hearings Board had agreed that monitoring may not be the way to go, but a hydrogeologic assessment may be the alternative.

Jenny Davis stated that there had always been two things going on. One was satisfying the Hearings Board and the other was solving the problem. She stated that what happened with the suggested amendment was that the Hearings Board was satisfied, but a lot of the committee's concerns were not. The commissioners discussed the monitoring that was occurring, either through the PUD's voluntary program or through new building permits, and whether that was adequate.

In response to Mr. McNerney's comment about the three Hearings Board items, Josh Peters stated that they were already addressed in the proposed language of the suggested amendment. Tom McNerney stated that the suggested amendment would then satisfy the Hearings Board. Mr. Peters agreed that was staff's opinion. Mr. McNerney commented that, while it may not solve the whole problem, the county did not have the money or authority to do the type of monitoring program that would be necessary. He stated that the Hearings Board had indicated that, for new wells, a hydrogeologic analysis would be a sufficient requirement. If that analysis showed things were getting worse, then the county must do something about it. That would be done on individual wells and would not be a comprehensive program.

Jenny Davis commented that the hydrogeologic analysis would only be required on wells with readings over 200 mg/l. Josh Peters agreed. Mr. Peters stated that there was a difference between a hydrogeologic assessment and using the well interference standard under the water availability rules of the state and the statistical test. He stated that the statistical test was designed to figure out whether an individual well was experiencing water quality degradation. He stated that in combination with reviewing tests in a similar area, you would be able to draw conclusions later about an adaptive management scenario. Mr. Peters discussed the purpose of that statistical test, which was to determine whether, over time, that well was degrading, not whether that well would interfere with other wells. That would be a

different set of criteria, which would be the hydrogeologic assessment. He stated that it was the difference between evaluating one proposal for use of a well for a building permit application and making decisions about adaptive management for an area based upon test results we would get back over time as part of a program, which would be the At Risk or High Risk wells. Ms. Davis stated that it would only be the building permit wells that would be under the microscope of the test, and there were only two this year. Mr. Peters agreed that there were not many.

Jenny Davis referred to the monitoring program the committee had recommended [75 wells]. She stated that one of the problems the committee had discussed was that people on Marrowstone Island had not gotten the information about becoming volunteers for a program. Also, she did not think people would be interested right now because of the talk about the possibility of public water coming to Marrowstone. She stated that the committee had decided to put off making a recommendation until we knew what would happen.

Josh Peters reported that the PUD program now had 33 wells in their voluntary monitoring program, with all but one being on Marrowstone Island. He agreed that the 75-well monitoring program the Planning Commission had recommended was not funded. Mr. Peters pointed out that this was the commission's opportunity to put policy language in the Comp Plan about a monitoring program and that it should be funded, if that was the commission's desire.

Phil Flynn stated that the question came down to whether the committee wanted to back off of the other issues and just address the Hearings Board's requirements by relying on the staff proposal and see what happened with the appeal.

Tom McNerney asked whether the appellant could tell the Hearings Board it was wrong if the Hearings Board ordered the county to do the three items and the county did them. Josh Peters stated that he was not sure, noting that there would be a compliance hearing before the Hearings Board, although there did not appear to be an opportunity for filing briefs. He stated that the county believed it would be in full compliance if we adopted the three things ordered. He did not think there was as much "wiggle room" for debate as there was before.

Josh Peters reviewed two scenarios for timing of a Seawater Intrusion Committee meeting, Planning Commission meeting to act on a committee recommendation, with a BOCC public hearing and final decision. He stated that the optimum scenario would give the BOCC some time after their public hearing to consider the proposals before making their decision.

Tom McNerney asked if the staff recommendation for MLA03-210 addressed the three items in the Hearings Board order. Josh Peters replied that it did and offered to review the specific language. Mr. McNerney asked whether the committee could accept a recommendation to accept the staff report to comply with the Hearings Board order. Jenny Davis commented that was never the committee's only concern. Mr. McNerney acknowledged that and suggested that a second recommendation could be to suggest certain actions to actually solve the problem. Phil Flynn wondered whether making further recommendations at this time, beyond what was needed for Hearings Board compliance, would "open a can of worms" that could play into the hands of those people who would contest. He did not think that would be a good course. Mr. Flynn stated that if public water came to Marrowstone Island, it would solve the problem. He thought that there would be a lot of public trauma in setting up a

monitoring program and setting up a special taxing district to address the problem. He pointed out that almost all of the other areas in the county where there was a seawater intrusion problem had solved their problem by installing public water. Ms. Davis stated that was the reason the committee wanted to put off a recommendation until January, when we would know the outcome of the vote on Marrowstone. Ms. Davis stated that the committee did not want to give up on their other recommendations in the event public water on Marrowstone did not occur. Mr. McNerney stated that the Hearings Board order indicated that if there was further degradation, the county must move ahead to address it. He stated that the staff recommendation included language to address that issue. He stated that if public water failed on Marrowstone Island and there was further degradation, he felt sure that there were people who would point it out to the county.

Jenny Davis asked about the subdivision moratorium on Marrowstone Island and what effect getting public water would have on that. Josh Peters responded that he thought there would need to be a UDC amendment process. He quoted a section of the Hearings Board order which said "until an off-island public water supply is developed on Marrowstone Island, no new subdivisions of land will be allowed", stating that they made a big connection between public water and subdivisions. Mr. Peters stated that was not how our code read but that was the Hearings Board's interpretation.

The commissioners and staff discussed who would be required to hook up to a public water system. It was pointed out that new construction would be required to hook up, but existing wells could continue to be used. Josh Peters stated that the BOCC could make a policy decision requiring that everyone hook up, but that was not a policy right now and he was not sure the county had the authority to make such a policy.

Eileen Rogers stated that there were two things the Planning Commissioners should keep in the forefront of their minds: (1) we wanted to be in compliance with the Hearings Board, and (2) we were very concerned about salt water intrusion. She stated that it seemed to her that the memo of November 4 to the County Administrator answered the Hearings Board compliance issue. The other issue was the real issue of seawater intrusion. She suggested that the Planning Commission accept the staff report at this time and if the commission still wished to address seawater intrusion further, then the Planning Commission could revisit the issue in February, 2004, (after the vote on Marrowstone water) by re-activating the Seawater Intrusion Committee. Tom McNerney entertained motions to that effect.

Eileen Rogers moved that the Planning Commission accept the staff recommendation of September 17 regarding seawater intrusion [MLA03-210]. Phil Flynn seconded the motion. There being no further discussion, the motion carried unanimously.

Eileen Rogers moved that in February, 2004, the Planning Commission revisit the status of the seawater intrusion issue. Tom McNerney suggested a friendly amendment, which was accepted, that staff put it on the commission's agenda in February, 2004. Jenny Davis seconded the motion. There being no further discussion, the motion carried unanimously.

It was agreed by consensus that the Seawater Intrusion Committee's report to the Planning Commission should be tabled. It was also agreed that it should not be forwarded to the BOCC.

Josh Peters stated that, due to timing requirements, he would draft a report from the Planning Commission to the BOCC on MLA03-210 for the Chair's signature. The commissioners agreed with that scenario.

C. UPDATE ON UGA PLANNING

Randy Kline reported on the activities of the UGA Committee and the work that had been done to date. Mr. Kline displayed two maps of the UGA area and an aerial photo. He explained the purpose of a UGA. Mr. Kline stated that the UGA issue would take up much of the Planning Commission's time in 2004.

Randy Kline reviewed the area of the UGA and the current and projected population for it. He stated that the case the county must make to the Hearings Board was that the county had adequately planned to serve those people and that we could do so in a manner that was financially feasible.

Randy Kline stated that the big component of the UGA planning work was general sewer planning. He pointed out that general sewer planning had a long history in the area, stating that there was a plan done in 1982. He stated that the area had always looked at opportunities to allow for more dense development, particularly in commercial areas. Mr. Kline referred to the map which depicted the current and proposed zoning for the UGA. He stated that one of the main focuses of the UGA designation and the general sewer planning was to provide the opportunity for economic development and to provide the opportunity for retail services to serve a regional population. He pointed out that the area was historically platted at a very high density and was building out at a high density. It made sense to begin to plan for that area and begin to address the growth we knew was coming there. Mr. Kline stated that it had been a long time getting to this stage. He stated that we were now at the point where we were considering the real issue, which was the feasibility of providing sewer in specific areas.

Randy Kline reported on the meetings of the UGA Committee, stating that most of what he had been able to share with them related to public outreach. Recently, there had been information on sewer planning by one of the consultants.

Randy Kline reviewed the materials mailed to the Planning Commission on October 23. The first three items related to the public outreach effort.

Randy Kline explained that one of the first things the county asked of the sewer planning consultant was an onsite septic capacity report. That was the fourth item in the October 23 packet. He stated that the county was only considering sewerage the commercial areas and not the residential areas. The analysis determined that the residential buildout could occur using onsite septic. That did not mean that sewer to residential areas could not be provided during the 20-year planning horizon if some residential areas wanted or needed it.

Randy Kline stated that the fifth item in the packet included the planning assumptions and criteria for the general sewer plan. He stated that a lot of that planning would be done by engineers and would be quite technical. Other technical issues would include stormwater management and transportation.

Randy Kline stated that the work the consultants were doing now (sewer, stormwater, and transportation) would be coming forward as an entire,

discrete capital facilities plan for the UGA area in the 2004 Comp Plan amendment cycle.

Tom Murray asked about the sewers in the UGA area currently. Randy Kline replied that the whole area was currently on onsite septic systems. He explained that the only areas in the county served by sewer were Port Townsend and Port Ludlow, although there may be some small community systems. Mr. Kline stated that the issue with an onsite septic system was that it required a fairly large set aside of land in order to accommodate the tank, drainfield, and the backup drainfield. He stated that by providing a sewer system in a commercial area, we would free up a lot of land that would otherwise be needed for onsite systems.

Tom Murray asked about the water service. Randy Kline stated that there was an aquifer underlying the UGA area and there were some PUD wells in the area. He stated that based upon a characterization that was done for that aquifer, based upon the soils and the way the aquifer sloped, the potential for groundwater degradation was very low. Mr. Kline stated that the UGA area was served by public water through the PUD.

Randy Kline stated that the first step in the public education process would come in the form of an open house on November 18. He stated that the open house was under the sponsorship of the Planning Commission. He handed out an outline for the components of the open house. Mr. Kline stated that the open house was intended to be an educational opportunity for both the Planning Commission and the residents of the UGA. Another purpose was to get feedback from the public. Mr. Kline stated that all of the consultants working on the UGA project, the staff, the BOCC, and the Planning Commission would be present at the open house.

The commissioners suggested deleting two of the feedback questions on the outline because they were issues that had been settled already or may create more controversy.

Randy Kline stated that the consultants would be present at the Planning Commission meeting of December 17 to do presentations on the sewer, transportation, and stormwater planning. The commissioners' preference was for that discussion to occur on December 3 instead, with the possibility of the Planning Commission taking December 17 off. Alternatively, Tom McNerney suggested that the sewer consultant attend on December 3 because that was the biggest issue for the public and then have the other consultants attend on December 17. Mr. Kline stated that it was important for all the consultants to attend the meeting together in order for them to hear each other's presentations and in order to talk about how their individual items related to each other. Mr. Kline explained the purpose of the consultants' presentations. He stated that he understood the commission's desire was to have December 17 off and would try to accommodate that.

Randy Kline stated that other issues for the UGA that would come before the Planning Commission were the zoning and the development regulations. Concerning the development regulations, Mr. Kline stated that it was still undecided whether to have the Planning Commission work on them directly or to have a citizen group work on them before bringing them to the Planning Commission. In either case, under the law, the Planning Commission would review the development regulations.

Randy Kline stated that the UGA Committee had been frustrated with the fact that the sewer planning was not going faster. He explained that it was a process and we were moving along as quickly as possible. Mr. Kline stated that the desire the committee brought up, and that staff was very aware of, was the need to get a cost estimate out to the public, especially for those individuals who would be part of the general sewer planning area. Also, it was very important to get out to those affected individuals that those costs would not fall entirely on them since there were possible grants available to help with the costs. Mr. Kline stated that Ms. Rogers, in particular, was hoping that we would have some cost data at the open house. He stated that he did notice that the outline for the sewer displays included a subsection on funding and typical development costs, although it probably would not be to the level of specificity the committee desired.

Randy Kline stated that the state law required a review of the general sewer plan by a Sewer Plan Review Committee made up of professionals with knowledge of sewer systems. They would make a recommendation to the Planning Commission and BOCC based upon the specific circumstances in Port Hadlock and Irondale about what type of system(s) would make sense. He stated that a committee had been formed and was beginning to meet. The meetings were open to the public. Mr. Kline reported on the makeup of the Sewer Plan Review Committee.

Randy Kline handed out copies of a document that was provided to the Sewer Plan Review Committee. He particularly called attention to Page 2 of the document which listed preliminary alternatives for waste water management.

Randy Kline reported that the Indian Island Naval base had expressed interest in privatizing their sewer treatment plant. He stated that both the county and the PUD were considering it. He stated that they had a marine outfall for their sewer plant. One reason that was an appealing alternative was that, since it would be serving a federal facility, there was the opportunity for some federal grant funding. However, there was some question as to how well that system was functioning.

The commissioners and Randy Kline discussed the sewer alternatives and the method for selecting the preferred alternative or alternatives. Mr. Kline commented that it was possible that different systems could be used in different areas of the UGA.

Randy Kline stated that a DOE representative had attended a Sewer Plan Review Committee meeting. He stated that they would be involved in the permitting of a sewer system so staff wanted DOE to be involved early in the process.

Dennis Schultz commented that if the consultants would be at the open house, perhaps that would provide the information the Planning Commission needed, rather than having them attend a Planning Commission meeting as well. The commissioners discussed the difference in formats between an open house and a Planning Commission meeting, with the consensus that a presentation at a commission meeting was preferred.

Edel Sokol asked if the open house presentation would show where the sewers would be located. Randy Kline replied that the locations would not be available at that time. He stated that the draft sewer plan would be done by November 30 and presented to the BOCC.

The commissioners and staff discussed the contents of the draft sewer plan and when it should be presented to the Planning Commission. They also discussed how the six alternatives should be addressed in the plan and that the consultant should provide a rationale for either recommending for or against each alternative and for recommending a particular alternative. Robert Morgan stated that it would be important to the Planning Commission's review to know the evaluations of the alternatives. Randy Kline stated that a general sewer plan was required to contain such information, along with a cost analysis of each alternative. Mr. Kline stated that the Sewer Plan Review Committee would also be evaluating the alternatives and providing their recommendations, with their rationale, to the BOCC and Planning Commission.

Phil Flynn referred to Alternative #1, which listed treatment by disposal using the Indian Island plant. The question was whether we could get a permit for the additional marine discharge in order to add the civilian waste water. Randy Kline responded that was unknown at this time, but it was decided to continue with that alternative in the sewer plan.

Tom McNerney asked if staff had seen anything yet on stormwater or transportation. Randy Kline replied that he had not. He stated that he had asked Public Works staff if they were seeing any "red flags" in their work on those issues, and they had indicated that they were not seeing anything.

The secretary raised the issue of the meeting schedule for the UGA Committee for November and December. Robert Morgan stated that his thinking was that the open house would tell the committee whether the public outreach had been successful. He suggested that the committee meet weekly until the open house and then cut back to twice monthly after that. He stated that the committee would be reviewing the consultant work after the open house so twice monthly should be sufficient.

Edel Sokol suggested that the business owners should be contacted in order to get participation at the open house. Tom McNerney stated that he and staff had discussed the idea of contacting community leaders about the open house. Some suggestions had been made. One was a letter from Mr. McNerney as Chair of the Planning Commission and another was for the BOCC to contact people by telephone.

Robert Morgan suggested the committee meet on the Tuesday evenings at WSU in order to facilitate the public's attendance. The secretary pointed out that there would not be a UGA Committee meeting between this date and the open house because the next meeting would fall on the Veteran's Day holiday.

D. ADJOURNMENT

The commissioners and staff reviewed the meeting schedules for the other Planning Commission committees and the Sewer Plan Review Committee. Josh Peters stated that the Ag Lands Committee was working on the UDC amendments to implement the Comp Plan amendments in MLA03-209. Those amendments would be taken up in 2004. Tom McNerney requested that the secretary send the commissioners an updated schedule via email.

Randy Kline introduced Christina Pivarnik, who was a local consultant the county was considering using for public relations services.

The commissioners discussed the agenda for November 19. The commissioners agreed to put off the Planning Commission processes discussion until the next meeting. Also, the commission may take up the Agriculture Lands issue, depending upon the committee's work. Staff indicated that it may be possible that a consultant could attend the meeting as well. Alternatively, depending upon the results of the UGA open house and whether the Ag Lands Committee had any material ready for the Planning Commission, the November 19 meeting may be cancelled.

The Chair opened the meeting to public comments. There were none offered.

The meeting was adjourned at 9:00 p.m.

E. APPROVAL OF MINUTES

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

Thomas McNerney, Chair

Cheryl Halvorson, Secretary