

# MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes  
January 8, 2007

(Note audio tape (#3) dated January 8, 2007  
counter (#) for exact details of discussion)

*(This document is not intended to be a verbatim transcript)*

=====

## 1. CALL TO ORDER

The meeting was called to order by Chair Bill Dewey at 6:00 p.m.

## 2. ROLL CALL

**Members Present:** Bill Dewey, Wendy Ervin, Jay Hupp, Terri Jeffreys, Dennis Pickard, Tim Wing and Diane Edgin.

**Staff Present:** Emmett Dobey, Barbara Robinson, Barbara Adkins, Allan Borden, and Susie Ellingson.

## 3. APPROVAL OF MINUTES

None.

## 4. NEW BUSINESS

(#0025) Bill Dewey opened the public hearing stating there were two items on the agenda. The first one was revisiting the Amendment to the Belfair / Lower Hood Canal Reclamation Facility Plan, including establishing a LAMIRD within the North Shore / Hood Canal area. The second item is a public hearing to consider revisions to the Mason County Development Regulations concerning Development Regulations and Performance Standards in the Belfair UGA and Binding Site Plan Requirements in the Belfair and Allyn UGA's.

(#0050) Jay Hupp asked to be recused from that first item and have it reflected in the record. Jay

## Planning Advisory Commission Minutes, January 8, 2007

stated he has become uncomfortable with some developments in the last couple of weeks and the deliberations on that issue from here forward will be without him.

(#0075) Emmett Dobey introduced Barbara Robinson, Deputy Director of the Department of Community Development, who will be doing some of Steve Goins' tasks. At the conclusion of our meeting in December, there were several questions that were raised about the Facilities Plan and the LAMIRD. In particular, they had to do with designing the pump stations and the questions about the health issues that still occur or do not occur in Lynch Cove. Tonight we have invited several experts here to try to help answer those questions. Tom Perry is here to talk about the pump stations. Debbie Riley and Dave Lenning from the Health Department are here to talk about the health issues. Also, Tim Gates, from the Department of Trade and Economic Development, has sent us a letter regarding the LAMIRD. This LAMIRD discussion has always been about more than just simply extension of the sewers. It's about good land use planning. Tim has prepared some comments that I would like him to share with us. We will first have our presentations from our experts and then open it up for public testimony.

(#0145) Tom Perry from Murray and Associates spoke regarding the pump stations. He stated they represent the engineering firm that was contracted by Mason County to update the Belfair Wastewater Facility Plan. Last month there were questions raised about pump stations and their reliability. A lot of those concerns were based on recent issues at the North Bay / Case Inlet facility. Since that time I have talked with county staff about what happened at the North Bay / Case Inlet facility just to get an idea of the circumstances that caused a recent spill at that facility. As part of the whole design of the Belfair Wastewater System, all components must meet DOE's requirements with respect to design standards. Part of the design standards must meet reliability classifications that EPA sets. Four pump stations equates to having pumps that have redundant systems in them. Redundant as in additional pumps in the station that can accommodate the full capacity that are on standby systems. There are emergency power requirements that if power goes out, an emergency generator or a different power supply is available to power up the pump station. What happened at North Bay / Case Inlet, was a number of factors that came into play and unfortunately pump stations are mechanical systems. Pumping is a very demanding job for mechanical systems, and there is a lot of wear and tear as they operate 24 hours a day, 7 days a week. After discussing the issue at North Bay / Case Inlet facility, there are some options that we can pursue and we can recommend to the county to pursue in our Belfair designs that would add to the redundancy of the system to prevent spills. There are engine generated pumps which are completely separate pump systems that don't rely on any other controls of the station. There's overflow basins that can be put in place that can be extended to 8, 10, or 12 hours of detention time. Right now the draft plan as it is written does not have any additional budget line items for those additional systems. With the proposed Belfair system there are 3 pump stations that would be impacted by this. Two are in the UGA and one is in the proposed LAMIRD area that you could possibly add these features to.

(#0300) Bill Dewey stated he appreciated Tom's response and this is a concern that he has had and talked to the county about after the North Bay incident that we had over the last storm. Part of my concern was, from your presentation last month, that you are trying recognize the cost savings, by only designing the system for a ten year grow out as opposed to a twenty year. That concerned me because I assumed with that approach that at the end of ten years you're going to be stressing those systems even more. I suggest that the pump station that is close to Lynch Cove be designed to not reflect those cost savings there.

(#0340) Tom Perry responded that they have proposed the design for the ten year window. The pump stations would be designed for a twenty year window but we'd put in pumps that would handle the ten year flows. Those are pumps that have redundant systems in them but we can definitely look at the option of larger pumps. The challenge we get to when we have a system where in Belfair you know we have a small population base with large anticipated growth, and the

## Planning Advisory Commission Minutes, January 8, 2007

difficulty in putting in for twenty year growth is those facilities do not operate properly because there's not enough flow in the system. There's a balance we'll have to look at.

(#0375) Tim Wing noted the North Bay / Case Inlet facility had redundant features built into it and it still failed. Will the Belfair sewer have even more redundancy?

(#0380) Tom Perry stated the North Bay / Case Inlet facility met the state standards for redundancy. It was a cascade of events that contributed to the problem with the failure. We can look at the redundancy for the Belfair sewer. The big problem is there still won't be local operators; we will still have to call people out to take care of problems. We still have to look at those issues.

(#0420) Bill Dewey also noted that his comments last time were based on previous numerous failures at the North Bay facility. Little did I know as I was making my comments that we were having a failure out at North Bay. That isn't the first time that has happened despite the redundancy. That's the reason for my concern.

#0460) Debbie Riley, Environmental Health Manager for Mason County, spoke next. She distributed a report on data retrieved from the Centennial Clean Water Fund Grant project. Debbie stated she was asked to come and talk about the water quality issues in Lynch Cove, specifically in Hood Canal #9. Mr. Parrot brought forward some information from the State Health Department and I understand there is further need of explanation of those numbers. There were questions about the public health hazard declaration and it was mentioned in the declaration that 54 of 102 residences had septic systems that were suspect or failing. She stated she has spent the last two weeks going through files trying to find the exact 102 residences. That was a fruitless effort but I discovered some amazing things. I'd like to tell you about an area that we worked in that should be similar to the rest of the area. We did the grant project and it takes in the area in yellow. The blue is Lynch Cove, the yellow is that area from Gladwin Beach Road to Boad Haven Road. This is where we did the work and found this is where some of the fecal coliform bacteria were found in shellfish areas about a quarter of a mile out into Lynch Cove and it was coming from the system at Belfair State Park. With our new GIS system up and running I was able to get the map printed and I was told there are 244 parcels in that yellow area. Some of them are multiple parcel units. Belfair State Park has four parcels. Mason County has seven. Water utilities account for two of those parcels. There are seventeen that are vacant. There are five that are neighborhood parks. In June 2003, we started putting all of our information for septic system pumpers and O & M specialists reports into a data base. We've discovered that there have been 139 service reports on those parcels in the yellow area. Properties with multiple service reports were 28 for a total of 35 services. In this yellow area we had 24 septic systems repaired or replaced since 1992. We've also had 16 certifications that have required people have as-builts prepared. We've seen a lot of activity in that area. About 11% of the septic systems in the study area have been repaired or replaced since 1992. Over 7.5% have obtained septic reviews. We are excited that this report shows us that approximately 50% of the properties in that area have current O & M's since June of 2003.

Debbie talked about the Special Summary on the Status and Trends in Fecal Coliform Pollution in Hood Canal Area #9. She discussed the individual stations and trends shown from January 2000 to January 2007. We have some areas that have gotten consistently better, like Station 268. Station 269 has maintained. Station 273 is getting worse, and so is Station 275. The bar graph on the last page shows where we were in 2000. In 2001 we got worse, better in 2002 and in 2006 we're getting better again. This, with all of this work and all of the projects and water quality, is an issue for us. We've been able to open up a little bit of beach in front of Belfair State Park.

(#1000) Terri Jeffreys inquired about the index and if there was a target.

(#1020) Dave Lenning, State Health Department, noted the index is created so that we can compare one area with another. Dave described the trends at the different stations from January

## Planning Advisory Commission Minutes, January 8, 2007

2000 to January 2007. This gives us some way to compare one area over another or one period of time with another period of time in that same area. Dave explained that back in 2002, Hood Canal was 1.06, Admiralty Inlet was 1.03, San Juan was 1.02, Strait of Juan de Fuca was 1.17, South Puget Sound was 1.25. You have a target if you want to use those as an example. Dave stated that we sent a letter to Mr. Dobey that had two purposes. First, to react to questions that were asked regarding whether or not the severe public health hazard declaration still made sense. You can see, from our prospective, it still makes sense that we do this. It still meets the definition of a severe public health hazard declaration as defined into DOE WAC's. Significant improvements have been made but there is one area that we still have water quality problems. All of the stations are below the 90 percentile except for Station 268. Belfair State Park has really been cleaned up but there are a lot of individual systems that have not been upgraded yet that are installed in exactly the same kind of soil and site conditions which are not necessarily conducive to long term treatment and dispersal.

(#1300) Terri Jeffreys inquired what the testing is all for.

(#1310) Dave Lenning responded the testing is for fecal coliform. That's the indicator that is used to determine what level of risk we have. The higher those numbers, the greater that probability is. We also look at nitrogen and total suspended solids. Looking at shellfish waters you really use that indicator of fecal coliform.

(#1370) Terri Jeffreys stated that we've got a lot of testing stations here. There are some real specific sites that were targeted and some improvements and it seems like maybe we haven't exhausted all of the effort as well as hitting site by site.

(#1400) Dave Lenning responded you could go that way but the way our soils were formed, the way the glacier has formed the landscape, we could have all sorts of weird pathways underneath in the till layers and soil layers so we have to focus on what kinds of site and soil conditions are these systems actually installed in and make some value judgment as to if we look at an upgrade being made or not. This is the level of detail that the county is probably going to be getting into when it completes its management plan. Nitrogen is not typically going to be removed by the soil. If there's a water gradient it's going to move. They're similar in some ways and we should be able to remove anything that fecal coliform is an indicator of. We should be able to get rid of pathogens but nitrate is more insidious. We wanted to lend support for the planning effort that's going on here. DOH is fully behind good solid land use planning and wastewater management that results from that.

(#1500) Tim Wing inquired how often the stations were tested.

(#1540) Dave Lenning stated it's five to six times a year. Looking at the geometric means, those numbers coming from a running thirty sample average.

(#1600) Tim Wing noted in the areas where we're considering putting in the sewer, the white arrows indicate the water quality is getting better. Yet the places where sewer is not planned for are getting worse. So where we're going to spend 8 million dollars on places that are getting better and the places that are getting worse we're not going to sewer?

(#1650) Debbie Riley responded that that is a bit over stating it. Water quality is a roller coaster ride. Where the water quality is really bad, we get a lot of attention and a lot of money thrown at it. We get funds to do the work, the water quality starts to improve, the money goes away, and then we go to another place, etc. There's been a lot of public involvement, money and time invested to get back to where it was in 2002.

(#1700) Terri Jeffreys inquired how much money has been involved.

## Planning Advisory Commission Minutes, January 8, 2007

(#1735) Debbie Riley responded that if we have two staff people, full time, it would be about \$120,000 a year just for wages, benefits, vehicle use, water samples.

(#1750) Tim Wing stated that the place you're thinking about putting in the sewer is improving, and on the other side where we're not going to put the sewer it isn't.

(#1800) Debbie Riley stated it all comes back to money. How much will the market bear, how much will people pay, or won't pay, will the state continue to pay. It's not free to go out and take care of these folks.

(#1840) Wendy Ervin noted that it doesn't seem fair that a household with a new and functioning system to have to pay more to abandon that functioning septic system so they can hook up to a sewer.

(#1900) Dave Lenning stated that he has a well operating system and if the City of Shelton ever extends out to where he lives, he's going to have some mixed feelings about it. That is part of the decision making process that has to be taken into account.

(#1950) Terri Jeffreys stated that we were provided by public comment the definition of severe public health hazard. It says there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. Is the public contact assumption the shellfish itself?

(#2000) Dave Lenning responded that was the case in this particular situation. The wording has also been expanded to be surface water.

(#2040) Terri Jeffreys stated the levels are not high enough to actually close down public recreation swimming.

(#2050) Dave Lenning responded 'no' and that's not unusual.

(#2065) Terri Jeffreys inquired how high they need to be to shut down swimming.

(#2070) Debbie Riley stated that it's 200 for swimming and 14 for shellfish. We take the fresh water of 200 and extend it to marine water swimming areas as well.

(#2085) Terri Jeffreys inquired if someone wanted to come visit Hood Canal and they're told to be aware because Lynch Cove has a severe health hazard and would that mean protect yourself and don't eat the shellfish or protect yourself and don't go swimming.

(#2100) Dave Lenning responded that it depends on how it's posted. If it's posted 'do not gather shellfish' and doesn't say anything about swimming, then you shouldn't be concerned about the swimming part. We do watch that even though it's a different standard.

(#2150) Tim Wing inquired if this decision was based strictly on the science of the condition of the water, or is it also based on somebody's idea of what a good fix would be, and if we can get this into a severe category then there would be more money available to do the fix.

(#2200) Dave Lenning stated the intent of this is not at all related to coming up with some kind of a fix. The intent is to add to the weight that this particular area tends to have so that it can compete appropriately so that a fix can be made, regardless of what that fix amounts to.

## Planning Advisory Commission Minutes, January 8, 2007

(#2250) Tim Wing stated that this county has had a difficult time funding methods of making sure people did take care of their sewer. Debbie told us \$120,000 a year could monitor those systems, which is a drop in the bucket compared to 8 million dollars. Over in Allyn soon it's going to be over \$100 a month for people to be on a sewer. Is the answer to spend 8 million dollars and have everybody pay \$100 a month for the rest of their lives?

(#2300) Dave Lenning stated he can't tell all the steps involved in the formula to determine what's the best solution for that area all the way up to Belfair. That decision has to stay on a local level.

(#2350) Wendy Ervin stated that Mr. Parrott seems to have documented his offering considerably. He points out that early on the problem was fecal coliform and the numbers are way down so much that it doesn't necessarily warrant a sewer system if you have solved the fecal coliform numbers with repairs to the septic tanks. When I asked a related question last meeting I was told the nitrogen is a problem. However, in reading about nitrogen it seems that the nitrogen doesn't necessarily come from a household or come from the kitchen sink.

(#2400) Miscellaneous discussion.

(#2700) Tim Gates, Washington State Department of Community, Trade and Economic Development (CTED), spoke next. CTED supports the designation of the North Shore and Lynch Cove as a rural residential activity center. It would be very hypocritical not to since we suggested it to the county in the first place. We saw in the 2005 Comp Plan update a note saying build a sewage treatment plant in Belfair, including North Shore. I want to talk about LAMIRD's and then talk about sewer extension. Designating a LAMIRD is a good planning idea regardless of what comprehensive wastewater management system you put in place. The state agencies I've been talking to are DOE, Health, Puget Sound Action Team, and none of them are saying you must build a sewer there. The concern from the state is that you have a certain kind of system. You have ongoing issues there with the fecal coliform and nitrogen problems. These issues could meet the criteria for extending sewer. I've heard conversations here about the skepticism if this is the right solution. The point is there should be a solution and I'm limiting my comments to whether or not it seems what you've packaged together is compliant with GMA. We work with the jurisdictions to make sure the actions they take will pass muster. We do think this is a good idea to designate this existing built area of North Shore as a LAMIRD. LAMIRD's were added to the GMA so that counties could recognize existing rural areas that are densely developed. You probably heard about that early court case where the boards described rural lands as the left over meatloaf in the growth management refrigerator. That's because we basically said UGA's are where people belong and designated ag and forest lands and everything else as rural. There wasn't anyway to describe lands that were different than other places, and that's what the LAMIRD does. They're not supposed to be mini UGA's, however. You contain them by drawing that tight line around the existing built environment. State Parks has an interest in obtaining another area here to include in the Belfair State Park. There's rationale for having slightly different boundaries but you need to keep it tightly defined. Besides that you're supposed to address rural character issues.

(#3050) Terri Jeffreys stated you're precluding any new commercial or industrial uses. She inquired if the state intended that for the LAMIRD.

(#3100) Tim Gates responded LAMIRD's are supposed to be about minimizing and containing. You're not supposed to be changing the existing character. That's the intent. There are provisions for maintaining existing commercial uses.

(#3125) Terri Jeffreys stated that we have allowed change of use in other LAMIRD's in our county. With this we are exclusively not allowing a change of use. There are rezone possibilities in other RAC's. This will not allow it and why is it appropriate for this one and not the others?

## Planning Advisory Commission Minutes, January 8, 2007

(#3150) Emmett Dobey responded that our rationale was to try to keep it as close to the definition as possible. To try to keep the character as it was.

(#3175) Wendy Ervin inquired what the difference is between a RAC and a LAMIRD.

(#3185) Tim Gates explained that a LAMIRD is a broader category that comes from the GMA. In your Comp Plan you designated these as RAC's. This is called a Residential Rural Activity Center (RRAC) and it is a new designation. It's just for this area. There was a question about extending the sewers. Sewers are defined very specifically as an urban service and not a rural service. There is an exception where they are necessary to protect basic public health and environment. The State Supreme Court case in Cooper Point is the one we often look to. The exception is only for areas that are currently experiencing a problem. Let's assume that it is justified and it's the path you want to go on. You still have concerns about sprawl. However, you are using the LAMIRD to help you define the service area for sewer extension and you address the limited circumstances very carefully by saying first you can only extend it to Zone A. Those things seem reasonable to us. If you're going to talk about sewer out here you need to have these policies in place. You're taking this comprehensive plan action now before you've figured out all the details. So we've given you some minor suggestions to give you flexibility if you do go ahead and adopt this LAMIRD. This is an area that wasn't designated and it seems to meet the criteria and we offer our support.

(#3700) Wendy Ervin inquired how does declaring this a LAMIRD affect the planning for sewerage the UGA.

(#3730) Tim Gates responded by saying that your Comprehensive Plan says that you will include it in the first phase of the UGA. The policy that applies to this LAMIRD is that you will include this area as part of the first phase. You don't have to say that; in fact, I'm suggesting that you take that out. Authorize it but don't require it. If you decide that you set an amount you think is reasonable for the people of Belfair to pay and you reach that amount in your search for grant dollars. You realize it's going to take a lot more to bring sewer out here, you may decide to just do Belfair first and take other actions in the LAMIRD.

(#0175) Tim Wing inquired if one suggestion would be to at least create the LAMIRD but not put the sewer in.

(#0180) Tim Gates responded that would be one suggestion.

(#0185) Tim Wing inquired what the advantage be over what we have now.

(#0200) Tim Gates responded it is a good planning tool because what you've done is defined an area, not sprawling, and plan adequately for services and facilities. Business is going to change and if you're going to pay attention to a problem you have to dedicate some resources to it. This is an area where you will be dedicating resources because it's identified as potentially contributing.

(#0240) Emmett Dobey added it's an area that you may have to approach in the future and it's going to be much more difficult, in our minds, to go back and amend the Comp Plan at a later date.

(#0245) Tim Wing reiterated he had the impression that we were creating a LAMIRD simply so that we could justify putting a sewer there and now I'm hearing a different story, which I like a lot of the ideas for the potential there.

(#0250) Emmett Dobey stated that was an unfortunate situation. The two got too tied together at

## Planning Advisory Commission Minutes, January 8, 2007

the start. We tried to address a health issue and to propose to start planning for what a proper sewer and stormwater management programs would be in the future.

(#0262) Tim Wing stated he ran some numbers and \$8 million dollars at 5% creates \$400,000 a year. That's three times as much money as you would have to spend for someone to monitor programs. That's just that one little area.

(#0280) Emmett Dobey responded that part of the issue at the very beginning was that we understood that there very clearly was a health hazard here at the moment.

(#0290) Wendy Ervin added that at the current rate of improvement, if it continues being improved by the same means and at the same rate as it has been, then it would seem it's going to be in pretty good shape before anybody can finish talking about a sewer.

(#0300) Emmett Dobey stated that you're confusing that we're proposing to extend the sewer. That's not the case. What we're saying is this is an area which sewage disposal is probably necessary.

(#0315) Wendy Ervin stated that the discussion last meeting was proposing to put a sewer in and naming this a LAMIRD in order to justify putting a sewer in.

(#0325) Emmett Dobey responded that was one justification; a health hazard, and we've tried to respond to that tonight that there is still a health hazard there and we need to respond to the development there.

(#0335) Tim Gates stated that the policies right now do say you're going to extend the sewer in the first phase of the Belfair UGA. Right now it is linked. The whole idea for the LAMIRD did come out of this. It was about how to define an area so we don't generate sprawl. If we go out there to serve houses that are demonstrating contributing to a problem, how do we limit that? That was the original idea.

(#0355) Emmett Dobey added for clarification what we said from the very beginning was that the development in this area was from two prongs. One prong was the development of sewers. The second prong had to do with onsite sewage management. So we were concerned that the red areas very clearly demonstrated a problem so they needed to be served first with the sewer. We're beginning to have second thoughts on that. We're redoing the EIS and Tom is reviewing his numbers to see what the difference of that might be. That is something we will bring back to you. The issues are still the same. There is a dense population here of small plotted lots and the soils are very poor. We need to plan better in this area. This is the best tool that we have available to us to do that planning.

(#0385) Tim Gates pointed out the good trends you're seeing in fecal coliform counts are something everyone likes to see. The jury is out on the nitrogen. You have a dead end bay here and it doesn't circulate. I wouldn't say the problem is solved and we're done.

(#0405) Wendy Ervin stated that fertilizer on somebody's lawn is potentially more of a nitrogen problem than your internal in-the-house water system and the disposal. You put it on, it rains, and it washes off, and it goes wherever it goes so it seems that stormwater management is the better treatment that sewers.

(#0425) Tim Gates stated that what you will continue to hear from bureaucrats is that what's needed is comprehensive wastewater management, including stormwater.



## Planning Advisory Commission Minutes, January 8, 2007

(#0450) Bill Dewey stated that we heard some comments at the December 18<sup>th</sup> meeting that if you create this LAMIRD and you allow the sewerage on the shore, under GMA you can't infill that area and increase the development, however, there's nothing that's going to preclude a lot that has a 1 bedroom cabin on it now from putting a 4 bedroom home there with 4,000 sf instead of 1,000 sf and have stormwater runoff, impervious surfaces, lawns, and fertilizers and now all of a sudden you've made your situation worse even though there are sewers there now.

(#0515) Tim Gates stated the one good thing a LAMIRD does for you is 'allow for infill'. So it is authorized and it's one of the reasons why people do create LAMIRD's. You could put standards in place to minimize development. What you have done is you've put in place an emphasis on improving stormwater controls. My suggestion was to tighten it up a little bit. I do agree that's a potential problem and you could put in other planning tools.

(#0575) Bill Dewey stated he has seen some conflicting information on Belfair State Park. We've seen that the system has been replaced and is functioning now, and I've also seen in the Governor's budget there is additional money for the Belfair State Park onsite septic system.

(#0600) Mike Allan from State Parks explained that 2 ½ years ago we completely replaced the collection and distribution system on the east end of the park. The west side of the park across Mission Creek hasn't been upgraded yet. It will be done with this next funding. We did have some problems with the new system as built and that turned out to be the O & M portion of it. We have rangers who are wastewater system operators and so some of our systems become out of date because the O & M isn't taken care of as it should be. We've got that turned around now at Belfair and the system is working within the perimeters it was designed for.

Mike continued saying that some of the comments were that the LAMIRD boundaries were irregular. Because of potential growth of Belfair State Park, we would like this property included in the LAMIRD. *(Mike indicates on map potential boundary change to include future Belfair State Park property)*. My recommendation that the boundary actually follow along the road straight across and that area be included in the LAMIRD so that if State Parks decided to acquire this property, we could then connect it to the sewer.

(#0780) Gary Parrott from Lynch Cove testified. Gary stated that was a good presentation but some of the statistics were like listening to the OJ Simpson trial about the DNA analysis. There a lot of statistics and a lot of ways to present them and interpret them. Debbie, when you mentioned that your grants show that we're just now starting our way back from where we were in 2002, that just doesn't match up with anybody looking at Lynch Cove in terms of common sense. It doesn't match up with the water quality samples received right now. Eighty eight percent in 2006 were in single digit numbers and all you have to do is run your finger down that column and then look at the water quality samples that were described when you actually first declared the declaration of severe public health hazard in 2002. We fared better with our septic tanks in Lynch Cove than they did over in North Bay. Dave, you said there were two WAC's that define severe public health hazard. You said it had a definition that was different than what we got out of the guidelines from DOE. I'm also interested in when you interpret eating oysters that are contaminated as being an indication of a severe public health hazard.

(#0900) Dave Lenning stated there are two different criteria evidenced by all these charts and data that Debbie handed out. There's the geometric means and all those have to be 14 or less, and then there's the 90<sup>th</sup> percentile, which is 43. The individual on staff that did this back in 2002 determined there was a severe health hazard.

(#9990) Gary Parrott inquired if the DOH is prepared to declare a severe health hazard in every place that has a geometric means of over 15 or in the 90<sup>th</sup> percentile a number of over 43.

## Planning Advisory Commission Minutes, January 8, 2007

(#1000) Dave Lenning responded we are prepared to respond to any kind of request from local governments that would contain information such as that. We also take a look at the soils. The four criteria we look at are: (1) there is a potential for illness, (2) there must be a contamination of drinking water, (3) there must be contamination on the surface of the ground, and (4) the problem must generally involve a serviceable area. The problem cannot be one which can be corrected through more efficient O & M of the wastewater disposal systems. So just O & M alone is not sufficient; there has to be upgrades to the systems that are there and not just a few of them but a lot of them.

(#1045) Gary Parrott stated that's where he parts ways with Mr. Lenning. You people are looking at probability and supposition in terms of analysis of the soils and groundwater. I'm looking at the fecal coliform contamination in oyster and water samples. Debbie you mention site 268. The information I got was that site 268 met the criteria for 2006. We know there's high fecal coliform coming down from Mission Creek, coming down from an area that will not be serviced by the sewer. So we can expect those fecal coliforms to still be contaminating site 268, which you mentioned was the only station that was failing.

You're relying on the 2002 declaration. The county is making decisions based on a severely flawed document. The declaration cites no relevant data, it draws faulty conclusions based not on data but on DOE grant funding guidelines. I've been bringing information here for a year now. I've challenged the declaration with 2006 water quality samples from the DOH shellfish program. When I introduced this information about clean water in Lynch Cove, I saw no smiles on the faces of our sewer planners, nor did I see any trace of doubt. Why is it that clean water samples and recertification of oysters is not a source of good news? I came across a document titled 'Atlas of Fecal Coliform Pollution in Puget Sound: Year 2001'. It was published by DOH in 2003 so it's contemporary with the 2002 declaration. This document should replace the 2002 declaration of severe public health hazard. It should definitely be read by CTED. The Atlas was based entirely on water quality data. The conclusions are data based. The 2002 declaration is based on probability and supposition and DOE grant funding guidelines. The declaration says what it has to say to get priority for funding. The Atlas tells us that in 2001 Lynch Cove water quality was improving. Shellfish beds were being opened all because of an intensive onsite sewage system repair program by Mason County. In 2000, no direct or indirect sources of fecal coliform were found. In late 2001, it says that Mason County discovered that the onsite sewage system serving Belfair State Park had failed. It also tells us that that system is being repaired. So these statements are 180 degrees opposite to what the 2002 declaration of severe public health hazard says and implies. The declaration says pollution cannot be fixed by repairing septics. The 2006 water quality data proves this wrong. The declaration totally ignores the problem as Belfair State Park. When we fixed Belfair State Park, we fixed the system. The declaration blames the entire fecal coliform problem on homeowners. The only data cited by the declaration is the number of suspect or failing systems. That data is meaningless. It doesn't tell us how many systems were failing, it doesn't tell us if any of these systems were fixed, or if the failing systems were even in the proposed LAMIRD. The water quality in Lynch Cove has dramatically improved and one is forced to conclude the failing systems did get fixed and I complement the county on that. However, there is still room for improvement. Therefore, the conclusions in the declaration are flat wrong. For all these reasons, working septics are a better solution to fecal coliform than a sewer with its secondary impacts. It's only when septics are not working that we have to consider a sewer. It makes bad sense to jump ahead of science and possibly create a bigger problem in Lynch Cove than we have right now.

(#1500) There was a miscellaneous discussion between Debbie Riley, Dave Lenning, and Gary Parrott regarding the data presented on all sides and the differences in interpretation.

(#1750) Dave Lenning added he feels there isn't a lot of disagreement with what we're saying and

## Planning Advisory Commission Minutes, January 8, 2007

what you're coming up with. The fact remains the purpose of a public health declaration is not to promote sewer. It's recognizing there's a problem that needs to be addressed. Listening to Mr. Gates, I agree what we really need to do is go through the land use planning first and then you decide what is or are the best methods for handling sewage. This declaration is just saying there's a problem and that problem needs to be addressed and that was done at the request of the county.

(#1850) Ken VanBuskirk of Belfair testified next. For the record, I've been eating oysters from Belfair State Park and I'm doing just fine. Mr. Dobey mentioned Mr. Perry is redoing the figures for the EIS. Ken inquired if that was in regards to the LAMIRD.

(#1880) Tom Perry stated the EIS is being structured so that it looks at the LAMIRD separately in the same document.

(#1890) Ken Vanbuskirk stated there was one portion in the EIS he had some disagreement with in his previous comments. Mr. Perry suggested there is large anticipated growth in the Belfair UGA proper. The EIS growth rate in the UGA is 9%. Ken stated he thinks that is unrealistic and he feels that portion of the EIS might want to be reviewed. As you know many of the wetlands and critical areas haven't been identified there so I don't think that's going to happen. It is a very high figure.

(#1949) Bill Dewey inquired if either Dave or Debbie had any comment on the figures. Bill stated the numbers from DOH certainly look like they're below the standard as Mr. Parrott stated.

(#2000) Dave Lenning stated the only thing he has to fall back on is with station 283, these charts should have been generated automatically so I don't know what happened with this particular site and it is the one site that is consistently higher than the 90<sup>th</sup> percentile. When you take a look at trends, you can see there are several sites where water quality is being met, but there are still sites where water quality is getting worse. So this leads to our believing that this declaration is still appropriate.

(#2050) Bill Dewey closed the public comment portion of the hearing. Bill inquired of Emmett what direction he would like the PAC to take on this tonight.

(#2100) Emmett Dobey responded the BOCC will be scheduling a public hearing on January 23<sup>rd</sup> to consider this LAMIRD. We're trying to meet a February deadline to get all this planning work completed by, then we can start advertising for the next phase of this work. It's preferred you make a decision tonight. The question is whether this is an appropriate land use decision? It's not a question of putting in the sewer. The basic response is to approve, disapprove, or modify the LAMIRD and to adopt the policies that accompany that particular document.

(#2150) Tim Wing stated he is in favor of making a LAMIRD but absolutely opposed to the idea of pursuing the sewer at this time. The LAMIRD gives a lot of opportunities to address the problem but from all the testimony he doesn't recommend that we spend that kind of money to put a sewer there. People will have to pay for it forever and at the same time potentially cause more problems than it resolves. I move that we recommend to the BOCC that they establish the LAMIRD but that they absolutely do not pursue putting a sewer in the LAMIRD at this time, and that they continue to monitor the situation and look at all the alternatives that might address the situation.

(#2250) Diane Edgin added a friendly amendment to add the property that the state park has designated.

(#2300) Wendy Ervin seconded the motion.

(#2350) Terri Jeffreys stated we haven't explored the issue of this being a Residential Rural Activity

## Planning Advisory Commission Minutes, January 8, 2007

Center as opposed to a Rural Activity Center that sits in our Comp Plan. I truly have not heard justification for having a new designation. I would have a very difficult time voting for that. It's not really been discussed. We also have not discussed the actual policies that are proposed.

(#2400) Dennis Pickard added that we're talking about two generic recommendations rather than necessarily all of the amendments to the Comp Plan that we've been presented with. If we look at establishing the LAMIRD then we've got to have policies to do that and in establishing those policies we can adjust the language there to take out the detail that imposes the sewer on that LAMIRD.

(#2440) Bill Dewey inquired if we do that as a separate motion and how we incorporate those amendments to the policies.

(#2455) Emmett Dobe stated we could continue the hearing for further discussion until the 22<sup>nd</sup> and it still gives the BOCC the ability to conduct the public hearing on the 23<sup>rd</sup>. They will not officially act on this until February 6<sup>th</sup>.

(#2500) Bill Dewey stated there is general support for Tim's recommendation, with one exception, on the LAMIRD, but we have some work on the policies.

(#2550) Terri Jeffreys continued on by saying she was trying to understand why we're not putting it under our current designation of RAC instead of a new designation of RRAC.

(#2575) Emmet Dobe explained we were trying to adhere as closely as we could to the rules as we understood the rules for the creation of a LAMIRD, and restricting the uses to what was there in place. Given that most of it was residential, that's what we were trying to accomplish. We were truly trying to be as specific as we could in this particular situation. We were trying to respond to what we felt was the issue and not bringing other issues into it to complicate the matter.

(#2620) Wendy Ervin added you've already got residential development in there. You draw the boundaries around it and that's all it's going to be. A RAC could have a new store or something else that goes into that area so you could have a multiple type use. This is residential and that's what the difference is.

(#2650) Emmett Dobe explained that they excluded the potential parks site in the beginning because there would have been a potential commercial use on that property.

(#2700) Terri Jeffreys stated her interpretation of the RCW that allows LAMIRDS was to allow those change of uses within tight boundaries in rural areas. This is recognizing that this is primarily residential and we want to keep it residential as opposed to an isolated place like Hoodspport that has commercial and residential. If we create this new land use designation, could we then use it in other areas of the county, such as Shorecrest?

(#2750) Emmett Dobe responded by saying the answer is 'yes'. We were trying to take care of all the uses at once for potential impacts. This area had a higher level because of what we considered to be health hazard issues. We would have to go through all the same process and meet that criteria that's in state law that allows you to create them. We were trying to limit the types of uses that were there. We didn't want to create a situation where someone, at a later date, would decide to come in and ask for a larger rezone and that would change the whole sewer planning process. Although that wasn't what our primary purpose was.

(#2840) Bill Dewey inquired if the PAC was comfortable moving on with the motion tonight and coming back on the 22<sup>nd</sup> to finish the policies.

(#2865) The PAC indicated they would be comfortable with that.

## Planning Advisory Commission Minutes, January 8, 2007

(#2870) Bill Dewey stated there was a motion and a second on the table. Motion passes. Next we have a public hearing to consider revisions to the Mason County Development Regulations.

(#2900) Barbara Robinson from Community Development presented the staff report. These are requirements to make some minimum changes that were needed based on the August 14, 2006 final decision from the WWGMHB. This in relationship to the February 13, 2006 petition from Advocates for Responsible Development, John Diehl. Steve Goins, Allan Borden, and Bob Fink have prepared these changes they thought was necessary in relationship to the Allyn and Belfair UGA areas. The proposed language is intended to protect against inconsistent development until urban services are available. The final order stated that with a recommendation or requirement that residential development within the UGA connect to sewer when public sewer is available within the UGA there is no assurance that such urban residential development will ever be connected to public sewer. This is for proposed development, not existing development. The first change is in Section B of 1.03.030 which adds language that states 'In that case where the proposed development shall be required to connect to a sewer system and subject to applicable hookup fees as established by the system operator' is allowed. The second amendment has to do with disinfection to disposal into the more sensitive environments and in this case they've added 'in particular Zone B of the North Shore LAMIRD', which is what we just talked about. That is the yellow area they determined is the more intensive residential causing some of the biggest concern. Section C of that same section, there was some rewording of the existing language and also adding one section that talks about when the property needs to be connected to the sanitary sewer within one year from the time which the sewer collection is extended to within 500 feet of the project site.

In Section 1.03.031, the language was changed to include all development, instead of just commercial and industrial or mixed uses so that it does include residential uses, which was specifically mentioned in the compliance order.

The last section is adding '4' which states 'Demonstrates that development at urban densities could be achieved once public sewer and/or water would be available to serve the project site'. Those are the changes that are proposed. Those are the minimum that need to be done to get this information back to the WWGMHB. It does have to be back to them by February 7<sup>th</sup>. Once you have made your recommendation to the BOCC we have scheduled a public hearing before the BOCC on January 23<sup>rd</sup> so we can move this along and meet the deadline with the hearings board.

(#3150) Terri Jeffreys inquired about section 4 of 1.03.030 and it seems like that's a policy choice regarding Zone B of the North Shore LAMIRD. She inquired if that was absolutely necessary that sit there.

(#3185) Barbara Robinson responded they picked Zone B because it is the area of biggest concern that they determined will impact the area the most. It doesn't necessarily have to be there but it makes it more precise with what area they're more concerned with.

(#3220) Dennis Pickard stated he was very uncomfortable with the language and its placement.

(#3245) Terri Jeffreys inquired about section 4 under 1.03.031.

(#3270) Barbara Robinson responded that without sewer, they're not going to get the small lots or the higher density. That gives them the flexibility to do that once the sewer is available.

(#3300) Terri Jeffreys inquired if this was passed what site plans would be vested.

(#3350) Barbara Robinson stated that it has to go back to the WWGMHB before it's actually a final document. Their hearing is scheduled for sometime in April so until that time it hasn't become law. It would become effective that date.

## Planning Advisory Commission Minutes, January 8, 2007

(#3400) Bill Dewey inquired about the 500 feet.

(#3420) Barbara Robinson responded that the 500 feet has already been in the ordinance. I'm not sure where it came from. In other areas it's 300 to 500 feet.

(#3430) Bill Dewey stated that the state rules actually say 200 feet. I'm guessing it's because they're in the UGA and they're really trying to get people on sewer as opposed to septic. I was just curious about the reason for 500 feet.

(#3475) Allan Borden added that you'd have to go back in history from the mid 90's to figure out whether there was a different distance proposed and discussed and this was agreed upon at that time.

(#3500) Dennis Pickard stated he is concerned about the application of the language regarding the 500 feet in paragraph C under 1.03.030. It implies to me that potentially the individual lots that are connected to an onsite septic system would be required as soon as Belfair sewer system was established within 500 feet of that particular lot to connect to it.

(#3550) Barbara Robinson explained that as part of the order that was the problem that we were excluding residential sites being developed, whether individually or as a subdivision so at some point there has to be some connection requirement or you're not going to ever have anybody connected to the sewer system.

(#3600) Dennis Pickard inquired if we would be able to meet the requirements of the hearings board by simply deleting the 'other than single family residential construction' line.

(#3620) Barbara Robinson responded in the negative because they specifically talked about the residential use.

(#3650) Dennis Pickard offered the language to read 'If a septic systems is proposed for placement in an area identified for sewer line extension in the County's Capital Facilities Plan, for new development. The County shall issue any approval for the septic system with a condition that the onsite system be decommissioned and the property connected to the sewer system within one year ...'

(#3675) Miscellaneous discussion regarding section C.

(#0200) Tim Wing made a motion to accept staff's recommendations regarding these changes to the Development Regulations, with the exception of the removal of the new language under section 4 in 1.03.030.

(#0220) Diane Edgin seconded the motion.

(#0225) Bill Dewey called for further discussion. There was none so the vote was taken and the motion passed.

Meeting adjourned.