

# MASON COUNTY PLANNING ADVISORY COMMISSION

January 24, 2011

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

=====

## 1. CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Dennis Pickard.

## 2. ROLL CALL

**Members Present:** Bill Dewey, Dennis Pickard, Jim Reece, Jim Sims, Cathi Bright, Randy Neatherlin and Ken Vanbuskirk.

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

## 3. APPROVAL OF MINUTES

The minutes from the August 16, 2010, September 20, 2010, and October 18, 2010 were approved as presented. The minutes for the January 25, 2010 meeting were remanded to Staff to review for missing language.

## 4. NEW BUSINESS

Dennis Pickard and Randy Neatherlin, respectively, were unanimously re-elected Chair and Vice-Chair.

LaJane Schopfer, Shoreline Planner with the Department of Community Development, commenced with an overview of the Shoreline Master Program update. LaJane introduced Tim Gates, from the Department of Ecology, who is the official handling our SMP. Tim is on loan to DOE from the Department of Commerce. The SMP started in the early 1970's and Mason County actually adopted their first Shoreline Master Program in 1975. An update of that version was done in 1988. In 2006, an amendment was also done to the program. It was then split up and became 17.50 of the Development Code, and then also became of the 15.09.050, the Administrative Code, and also, it became a part of the Comprehensive Plan. So now you can find the Shoreline Master Program in three different sections in Mason County documents; the Comprehensive Plan, and in the Code in two places. We have been given a generous grant by the Department of Ecology to do a further revision, and a more complete update of our Comp Plan. *LaJane shows the area on map that will be the subject of these updates.* She explained this is a Basin Map and the areas which the waters drain into. It will be broken up into the Hood Canal Area, the Satsop Basin, the Oakland Bay Basin, the Totten Little Skookum Basin, and finally the Case Inlet Basin. We will be looking at

## Planning Advisory Commission Minutes, January 24, 2011

these different areas and looking at the shorelines that exist in them. We have marine shorelines, lake shorelines, and stream shorelines. There is totally approximately 580 miles of shorelines in Mason County. That consists of lakes greater than 20 acres, streams greater than 20 cubic feet per second, and all of the coastal shorelines. Within the County, there are five phases that we go through with this grant process. We received \$650,000 from DOE for this process. We contracted a consultant and we are paying the consultant around half of that and keeping the rest in house. We have our Public Works/GIS working on maps, and Environmental Health is working on other issues. We divided it up into different areas so we can keep money in house. Phase 1 is the Preliminary Shoreline Jurisdiction and Public Participation Plan. We have received already from our consultants what is the preliminary map, which is shown to the PAC. It covers areas all the way from Hood Canal and up into the Olympic National Forest, but does not extend up into the Olympic National Park. Some of the Olympic National Forest is privatized. The yellow portion includes flood plain area. The first Phase was due on December 30<sup>th</sup>, and we made our deliverables.

Jim Sims inquired just what was the public participation plan.

LaJane Schopfer explained that is just an outline of a plan that was completed, which will consist of various workshops and meetings.

Ken VanBuskirk inquired what 20 cubic feet a second is. Ken stated that he feels there aren't streams shown on the map that should be.

LaJane Schopfer stated that's why we have a Joint Technical Advisory Committee that's coming on board. We are in the process of selecting those members. These will be scientists, people from DNR, F & W, there are people from the Squaxin and Skokomish Tribes, South Puget Sound Salmon Enhancement Program, and also people from Point-No-Point Treaty Council.

Randy Neatherlin inquired if these are people who live here in Mason County.

LaJane Schopfer replied there are two groups. One group will be the Joint Technical Advisory Committee, who are people who live within the County, and outside the County. Then we have a Citizens Advisory Committee, which consist only of citizens that live within Mason County, or their business is in Mason County.

Bill Dewey noted Ken's concerns about some rivers and creeks that may not be included. He wondered if there might be an opportunity under Phase 2 with regards to the shoreline inventory for citizens input.

LaJane Schopfer stated there would be an opportunity for citizens to bring that information forward. We will have workshops with regard to that. When we get information back from DOE, people will have an opportunity to make comments on it as well.

Ken VanBuskirk relayed that it might be helpful to take a picture of a 20 cubic feet per second stream and post it on the website.

Tim Gates stated that the statutory limit is 20 cubic feet per second mean annual flow. It's not like something you can just see. It's an average of over many years of rate of flow. I like your idea, Ken, it's intuitive, but it's not an intuitive thing. It's statistical. These points were calculated by the USGS. DOE hired the best people they could get, which was a neutral party. It was based on basin drainage area, rainfall, and land type. How much water would it take falling on a piece of land to generate that much rate of flow.

Cathi Bright inquired about the verbiage 'optional areas'.

LaJane Schopfer stated they are the associated wetland areas.

Tim Gates added the shoreline act gives you an option. You can include the entire 100-year flood plain, or you can include just 200 feet from the ordinary high water mark. You can also choose portions thereof. In Whatcom County, when they did their SMP, there are certain areas where the stream migrates (or meanders),

## Planning Advisory Commission Minutes, January 24, 2011

and shoreline jurisdiction rules with the ordinary high water mark. So you can capture the whole area and manage it as a unit. Some areas of their stream they've captured the whole 100-year flood plain. In other areas, they narrowed it down just to the shoreline edge, plus 200 feet. So there are options.

Cathi Bright stated we have a lot of seasonal streams, where it is not flowing at consistent levels.

LaJane Schopfer stated that's why the data goes back over a period of years. It's an average of what it is over a period of years.

Randy Neatherlin stated Ken VanBuskirk's inquiry is not to actually get something in writing from you, but he is a man that actually walks all of these lands, and so do other people. He was looking to get a general idea of how he can help you inventory areas that you may not have.

Tim Gates noted there will be an opportunity to do that in the Analysis and Characterization phase.

LaJane Schopfer explained the second phase will consist of the shoreline inventory & analysis, and characterization. Completion of the inventory will allow data, plans & studies to analyze what is out there. There have also been studies by the WRIA committees that will be submitted to the county. We will be characterizing ecosystems wide processes. We will be dividing areas out and looking to see what's there and mapping them. That phase of the process will be completed by June 30, 2011.

Phase Three is the shoreline policies and regulations to include shoreline environmental designations. The different designations would be whether they're urban, rural, conservancy, or natural. Knowing the streams change, we're going to be re-evaluating those designations and looking at what they are today. I encourage everyone who is interested in the SMP to go to the Mason County website under Community Development, and there is a separate file for all SMP documents. This will be the portion in which the public really becomes involved. We'll develop general goals and policy regulations and environmental designations.

Phase 4 will consist of revisiting Phase 3 products as necessary, as well as preparation of the restoration plan.

Phase 5 is Local Approval. That's where we get the final draft of the SMP ready for the BOCC's review and approval. We do the SEPA review and the 60-day GMA approval. This is something in which you take what you're doing and submit it as the SMP update and then send it to the Department of Commerce (formally CTED) and they take it and distribute it to state agencies for their comments. We have a public hearing and respond to public comments. When everything is approved locally, they will adopt the SMP and submit the complete package to DOE.

Ken VanBuskirk inquired if this process will come before the Planning Advisory Commission.

LaJane Schopfer stated it will come before this body during the Phase of 5.1. You will review it and give your input on it.

Jim Sims inquired how often, or when will staff come back to give the PAC an update of where we stand, and will that be at the end of each Phase.

LaJane Schopfer stated that she can come back after each Phase is completed.

The PAC stated they would like to be kept in the loop as often as possible in order to productively participate in the SMP update process.

Cathi Bright added it would be a good idea to come back at the end of Phase 3 and provide the PAC with an overview and any pertinent documents, as well as comments as they may relate to public feedback.

Dennis Pickard also added it might be helpful for members of the PAC to attend any of the public meetings involved with the update. He also added that it would be helpful to receive information so we can begin digesting it. We want to make sure we're up to speed soon so that we can, as efficiently as possible,

## Planning Advisory Commission Minutes, January 24, 2011

process the public comment that will come before us and our comments so those don't become a source of delay for the final approval.

Bill Dewey noted this is a legislative matter so there's nothing that precludes any of the PAC members from participating throughout the process. Bill explained his company Taylor Shellfish has been very involved in the updates of other counties where their business is located, and it has shown to be very helpful for the PAC to be given documents, materials, and updates regularly to successfully review the SMP. Bill encourages all the PAC members to get as involved as they can with the process outside the PAC.

Dennis Pickard stated he hopes to be able to attend as many of those meetings as he can work into his schedule.

Randy Neatherlin worried that if he attended the meetings and kept up on the process that when it came back to the PAC that that would be a conflict.

Tim Gates again reiterated that it is a legislative matter and would not be a conflict of interest. It's the quasi-judicial matters that would create a conflict.

LaJane Schopfer explained this process is only a three-year process, and we're six months into that three years. That leaves us two and a half years that we have to finish this process. That's how our grant is laid out. We have certain criteria, certain deadlines, certain deliverable, and so if you choose to participate, it will be well worth your while. So after we get the package complete, we send it to DOE, then the state takes it and reviews it. They review it for completeness, and provide public notice of hearing, comment period, and prepares a decision. That process will culminate on December 30, 2013.

Cathi Bright inquired about the map that shows the designations, and inquired how that interplays with the GMA designations.

LaJane Schopfer stated that comes into play when you go to do zoning, and you look at how to build on a certain parcel, you can look at that designation to see what it is and what criteria is set up for improving that particular area.

Tim Gates added think of the shoreline environment designations as an overlay zone that applies on top of or addition to the zoning. One of the basic things that the counties will be doing with the SMP update is catching up your old designations as most of those have been the same since 1970's and make them current with reality.

Cathi Bright noted there are urban designations outside of the UGA's, and Tim Gates stated that is a perfect example of why those need to be revised.

Dennis Pickard stated that will be one of the biggest areas for contributions to that that this commission can provide by coordinating the DR's that we're more familiar with than a lot of the general public would be, and the Comp Plan, and making sure where things are going are as consistent as possible.

Cathi Bright stated she was reviewing the materials and stated there might be some creative ways of looking at zoning within this basin.

Dennis Pickard noted the shoreline regulations are more specific to the physical characteristics of the involved properties and you're going to be subject to both, just like you are now, and which ever one might be more restrictive, is the one you're going to have to meet.

Cathi Bright stated going through the process with Phase I and going into Phase 2, the research that's been done will give us the information as to whether this is the land will fall under this SMP.

Tim Gates stated it's not necessarily going to be more restrictive in the shoreline area because of the water dependent uses and public accesses. You might have an overlay that says these common environmental concerns have to be protected. The legislature says that when DOE approves this SMP at the end, the protections that fall out as critical areas, transfers exclusively to the SMP. You can tailor it for those

## Planning Advisory Commission Minutes, January 24, 2011

preferred uses for the shorelines.

LaJane Schopfer told the PAC she would be sending out the monthly reports to DOE and will copy them by email to keep you informed. She will also send out notices of public meetings.

The PAC thanked LaJane for her information and presentation.

Barbara Adkins introduced the item scheduled for the public hearing which is a proposed text amendment to our Development Regulations, Title 17, Section 17.03.030, that addresses sewer in Allyn and Belfair. This amendment, under very specific circumstances and very specific properties, would allow for the extension of the Belfair Sewer outside of the UGA. The staff report has information regarding the sewer and the sewer funding, and also has some information on the Growth Management Act, which you will need to discuss as it clearly has language in there indicating that the extension of urban services into rural areas is something that it discourages unless it becomes absolutely necessary to protect public health, safety, and the environment. There are property owners who have approached Mr. Dobey, and other staff members in the Utilities Department, about their eligibility to connect to the sewer even though they are outside of the UGA. That is why this proposal is here now. A SEPA checklist was completed and no comments were received at this point.

Bill Dewey inquired because it is a non-project SEPA, that would explain why all the 'NA's' are in the SEPA.

Barbara Adkins explained, yes, however; anything in the future resulting from this, an individual property would proceed on with extension of the sewer development, and each one of those individual properties would go through a project SEPA, and that's when all those questions would be completed.

Bill Dewey inquired, with that approach, the cumulative effect of doing this never gets down to the detail of environmental issues.

Cathi Bright inquired about #2 on page 10, where it asks 'How would the proposal be likely to affect plants, animals, fish, or marine life'; and the response was 'not likely'. She assumes that is a negative impact, but couldn't it also have a positive impact?

Barbara Adkins noted that it could. She stated she interpreted it to be asking if it could create a negative impact.

Randy Neatherlin stated the RCW does not allow for this, and it definitely doesn't have anything in there regarding positive impact. It's specifically for things that are necessary to protect the public health and safety and the environment. That's a far cry different than if it may have a beneficial impact.

Dennis Pickard noted the questions asked on the SEPA are unrelated to whether or not the proposal complies with GMA.

Randy Neatherlin inquired in there is the RCW that states where benefit counts towards being able to do this.

Cathi Bright stated if you look at the RCW, and as Barbara mentioned, if it's necessary to help the public health, safety and environment, and if you've got failing septic systems that are within this area, then obviously there's a threat to the environment posed by that, and what steps do we take to address that.

Barbara Adkins stated that Doug Peters, from Department of Commerce, did review it and emailed with his concerns which I have attached to the staff report. She has not heard any additional response from him since the 60-day review went out. I've also included a letter from the Health Department noting their support of this text amendment.

Bill Dewey again noted his concern about the non-project SEPA, and he has concerns regarding some of the answers, especially regarding Environmental Health.

Ken VanBuskirk noted also noted under Land and Shoreline Use, that some of the parcels possibly involved

## Planning Advisory Commission Minutes, January 24, 2011

in this request have indeed been used for agriculture.

Barbara Adkins stated this is just for a text amendment. When those properties come up for any type of development concerning the sewer extension, they will have to go through a project SEPA process where all these questions will be answered in specific detail.

Miscellaneous discussion regarding having to do a SEPA checklist for the parcels individually.

Emmett Dobey, Director of Utilities and Waste Management, explained there was a project specific SEPA that was done on the Belfair Sewer. So the entire project has a very specific SEPA and NEPA review. That SEPA document covers the work we are proposing to do. We're in the process of building a half a million gallon sewage treatment facility that will serve about 500 properties (ERU's) within the Belfair UGA as phase one. Over the course of the next 15 years, there will be around 1,000 that will be hooked up. If we add 50 more connections, it's not going to detrimentally impact either the collection system or the treatment facility. This project was undertaken several years ago based on three factors. First, compliance with GMA. Second, an Economic Development tool for the Belfair UGA. Third, project that would protect the water quality in Hood Canal. There have been several studies completed regarding septic tanks and that they do contribute to the nitrogen levels in Hood Canal. Emmett shows possible properties involved with this project on map. We originally thought this would not work as the properties inquiring if they could hook up were outside the growth boundary. We then looked at what are the number of developed properties adjacent to the UGA. We found there was about 56 parcels. We didn't look at how many were agricultural. The next issue had to do with can you really do it. We stated the GMA says if you can demonstrate that there is a health or environmental issue that you can extend outside the growth boundary. So we developed this language that is before you tonight. Mr. Diehl's letter makes a good point. He talks about all parcels within the contiguous boundaries of the UGA. We are really only talking about the west side. The extension of the sewer line prohibits you from subdividing your property. Mr. Diehl added an interesting comment regarding the financing of this. This project has cost around 40 million dollars to complete, and we've got around 36 million dollars in grants. We've also applied for new money to help connect to the system to pay that initial cost. Mr. Diehl suggested that these properties should not be eligible for any of that subsidization of what we are proposing.

If money is available and there aren't another properties, and all the other properties within the boundary have signed up, and there's still money available, then we would allow those people to participate in any type of subsidization program that we might have. With that, I can answer your questions.

Cathi Bright inquired if these properties been looked at for consideration into annexation into the UGA.

Emmett Dobey stated anything is potential for annexation. The growth boundary has been in place for a number of years. The BOCC have indicated they're not interested, at this time, to reopen the issue in regards to changing the boundary.

Ken VanBuskirk stated the same time this proposal went to the BOCC for briefing, he had asked that they reconsider instituting the Belfair SubArea Planning Group to relook at the urban growth boundaries, and one of Commissioners said they didn't think they could do that until 2015.

Emmett Dobey stated there was another issue there. We are hoping to start connecting people as early as this spring. A conversation about the boundary could preclude us from being able to connect those people while the equipment is there.

Cathi Bright stated qualifying for it means you have to have a failed or failing system that is already a hazard. What if it hasn't failed yet, but in two or three years it might, wouldn't it be more cost effective to hook up those people when you're hooking up everybody else than to have to come back later.

Dennis Pickard stated that would not be permissible according to Department of Commerce. There has to be an eminent threat.

Miscellaneous discussion regarding the new technology being used with the installation of septic systems.

## Planning Advisory Commission Minutes, January 24, 2011

Randy Neatherlin agreed that things are changing and constantly getting better, but it would be nice if no one had a septic at all, but that doesn't change the RCW.

Emmett Dobeý reiterated that he is not precluding the use of septic tanks and drainfields in areas outside the UGA. We're simply saying that if you, on a voluntary basis, want to opt into this system, you can.

Ken VanBuskirk stated there is possibly 56 properties that might be involved. He inquired if the owners were all contacted.

Emmett Dobeý stated this was a legislative type discussion so we haven't contacted those owners yet. We are just testing the water. If the PAC is not agreeable with this, we will not be moving it forward.

Bill Dewey inquired about the email from Doug Peters at Commerce speaks to the language in B.1.b.; it states 'This language states an indefinite position, while the GMA court findings have established that there be a documented public health emergency or documented source of environmental pollution to be corrected'. So simply being near a sewer line and possibly pollution would not rise to a level of a documented environmental pollution problem. He inquired if B.1.b. is going to be amended to address that.

Emmett Dobeý stated if you look at Mr. Diehl's proposal, he changed it also. Emmett passed out a memo from Debbie Riley with Mason County Public Health where it talks about the environmental hazards associated with septic tanks and drainfields in this particular area. The PAC took a break to read the memo at this time.

Dennis Pickard opened the public comment portion of the hearing.

Bob Harris of Belfair commented that he is in the UGA at the south end of town. He stated he has property that is affected by this proposal. Bob points out the location of his property on the map. He stated he has not received proper and legal notice of this hearing. He spoke casually with Ken VanBuskirk, PAC member, who notified him of this hearing. He would like the hearing postponed until all affected land owners have received proper notice. He stated the amendment is vague and inappropriate. He is concerned about the statement 'the property owner shall be responsible for all costs associated with the development of the extension and will not be eligible to participate in any county financing program'. He added the amendment should be sent back to the county for reconsideration. He suggested redrawing the boundaries to include these 56 properties, approved by the WWGMHB. Simply being near a sewer line and possibly polluting does not rise to the level of a documented pollution problem.

Eric Schollon of Green Diamond commented on the Shoreline Master Plan Update. He inquired if the meeting notifications that you were asking about, and is it really an open process. We, as the general public, would like to get the same notifications that you are getting.

Constance Ibsen of Union stated the information didn't answer the question regarding the certification of failed septic systems. She stated she will be attending the Public Health meeting tomorrow and will be asking more questions. We have other areas where sewers are being proposed in these bubbles along the west shore of Hood Canal that are in non UGA areas; in Hoodsport and Potlatch. She has noticed when a sewer is even proposed, developers start noting. It also seems to create a redevelopment of existing property to a more expensive house or other development. With this proposal, we are really encouraging redevelopment to more intensive uses. These areas have a lot of critical areas.

Emmett Dobeý stated this sewer is not speculation. This sewer is in the ground. It's about to be connected. This proposal only applies to properties that are adjacent or contiguous to the property and that are developed, and you can't redevelop it. So you can't use a sewer line as an excuse to say I'm going to upgrade my property from a residential use to a commercial use. It remains the designation that it is outside the growth boundary.

Constance Ibsen stated that if you have a residence, there would be an emphasis to add on another room, or get a space for your RV to upgrade that residence. Then we have the issue if these properties would be

## Planning Advisory Commission Minutes, January 24, 2011

eligible to do a rezone and will they be eligible to have variances.

Emmett Dobey stated we're not addressing zoning, but having a sewer doesn't necessarily give you a right to ask for a rezone. Very specifically this says you can't do this. It says you have to maintain the type of development that you have on the property at the time.

Constance Ibsen inquired if that would be a notice on the title. How will that be enforced?

Emmett Dobey stated it will be in the development code. When someone comes in to apply for a change, they would go to the ordinance that would pertain to that particular development. They wouldn't be able to develop at urban levels.

Tim Gates with the Department of Commerce (on loan to DOE) stated he is working with the county on the update of the SMP. He did want to clarify the issues with the GMA. He stated he would like Mason County to not be out of compliance with the GMA. When you make up criteria that aren't in the statute for extending outside the UGA you will be found non-compliant. Someone will file an appeal and they will win. So the question becomes does this meet the criteria in the statute. The GMA does not say no sewer ever outside the UGA; it says only where there is limited circumstances where it's necessary to protect public health. How I read this proposal is it says 'In a certain limited, defined area, contiguous area, if the county health director declares that it's necessary to protect both health or safety environment then you can extend'. It's a parcel specific evaluation that has to be done on a voluntary basis. You could probably make it stronger if you would follow some of John Diehl's suggestions, which actually quote the statute more closely rather than just saying it's a contributing source. If you get too far from the statute, you may have problems with non-compliance.

Constance Ibsen stated the problem is the local health department is not looking at nitrogen, but looking at fecal choloform as the threat to public health. You're going to have to fine tune your argument.

Tim Gates clarified the GMA does say public health, safety or the environment. What Emmett is saying is that you have a compelling reason for the environment to try to reduce nitrogen inputs.

Constance Ibsen stated it would be helpful to stay consistent rather than at the last minute saying 'we're going to throw this reason in too'.

Randy Neatherlin added that he, as a realtor, likes the idea personally, but legally he has issues. He also added that there is no set standard in Mason County that determines whether a drainfield is working or not. Whatever that septic pumper decides it's going to be is what it becomes. We've found that over and over again. They can even determine whether it's five gallons or forty-five gallons per five minute increments.

Tim Gates explained it's more about the fact that on-site septic systems are not designed to treat nitrogen.

Cathi Bright inquired if it's the health department that makes that decision.

Tim Gates explained it's not written that way. It says 'currently being served by on-site system, and is a contributing source of pollution to Hood Canal'. These are just some factors to think about.

Dennis Pickard closed the public comment portion of the hearing.

Emmett Dobey stated he believes, in his discussions with the health department, that there are criteria that you can use to establish this question regarding nitrate. It has to do with the age of the system, type of system that is installed, soil types, and the loading that is being placed on the system. I had hoped that was going to be included in the memo from the health department.

Bill Dewey added, in the past couple of years, the state board of health's authority has actually been extended to local health departments to specifically deal with the nitrogen issues. Bill Dewey inquired if the capacity is at how it's currently built, or would the extra 56 be the full buildout.



## Planning Advisory Commission Minutes, January 24, 2011

Emmett Dobe stated the line that serves the core area, Phase I, it's designed for buildout. The treatment plant is designed for about half the capacity. So once we get about half of the UGA built, we'll have to start expanding the capacity. However, remember, it's an NBR plant so all we have to do add another cassette. If you add 50 connections, it doesn't appreciably create any more demand on the collection system or the requirement. It will be a grinder system that would be used in this particular part of the area, which is a pump that's pressurized that pumps it into the gravity system.

Bill Dewey noted on page 1 of the revised code, under B) 'in rural areas' needs to be deleted as it is redundant. He further noted spelling errors in the sentences below that.

Miscellaneous discussion regarding being 'continuous' and being within '100 feet from the boundary. Emmett clarified that question by stating 'you need to be contiguous and not more than 100' feet away from the boundary'. That has to do with the whole idea that public services and the Belfair community having to pay for extensions.

Ken VanBuskirk pointed out in Attachment 'D' that shows the developed parcels; some of those parcels to be adjoined are much deeper than 100', and the Union River bisects a couple of them. The parcel maps needs to be looked at closer.

Emmett Dobe stated the refinement here is simply to identify the vacant parcels. He noted this is based on GIS data so the data indicates that it's a parcel that is contiguous to the property and no greater than 100'. If there are other environmental factors, such as the Union River, and you would have to take extra-ordinary means to extend that 100', then we wouldn't be eligible to do that.

Randy Neatherlin stated that the county was approached by people from those areas. He inquired for what purpose did they approach you.

Emmett Dobe stated they approached him to get connected. The contact was existing development that either had an issue or thought they were going to have an issue with septic tanks and drainfields. The people that have contacted Tom Moore have not said they're planning on building something here so we need the sewer.

Miscellaneous discussion regarding the issue that the GMA has a standard that it says has to be met, to the extent that that is or isn't consistent with Mason County's on-site sewage regulations, and that they might not mesh.

Jim Sims made a motion that the hearing be continued, based on a rewrite of the proposed amendment, and notification, by the county, to all the property owners that are going to be affected by the proposed amendment. There was a friendly amendment to the motion to include the revision to include the changes that were discussed. Bill Dewey then seconded the motion.

Ken VanBuskirk stated he would like to have included in that discussion a closer look at the properties adjacent and contiguous to the UGA. Some of the properties may already be developed, and also some that are shown as developed are not developed.

There was also concern noted regarding the number of bifurcated parcels.

Cathi Bright and Jim Sims noted there is a plethora of evidence of environmental damage that could result from failing septic tanks or leaking septic systems. They're not suggesting that septic systems are fundamentally a hazard. Cathi stated the county has over and over demonstrated that this is an issue.

Bill Dewey talked about the email from Doug Peters that says 'there needs to be a documented public health emergency or documented source of environmental pollution to be corrected'. Bill stated the GMA RCW 'states the circumstances need to show the necessity to protect basic public health, and safety, and the environment'. So 'and' is the connecting word, as opposed to 'or'. One might interpret it to mean you need

## Planning Advisory Commission Minutes, January 24, 2011

all three of those documented to be able to extend your sewer.

Tim Gates clarified that Barbara sent a draft to Doug before she sent out the 60 day notice. He made some comments and the ordinance has changed. So some of the contents of Doug's email is not even in this document any more. The GMA does say 'the necessity to protect public health, and safety, and the environment. So it does say all those three things. So it's a piling on of all criteria to protect against urban sprawl outside defined urban growth boundaries.

Bill Dewey stated everyone can say nitrogen, and the environment, but you may not be able to say public health emergency.

Randy Neatherlin agreed with that point.

Tim Gates states there's a grey line that connects all of those things. The environment suffers, potentially public health suffers ; if there are fish kills in Hood Canal, the public suffers. You can make those connections. I don't think you can find any code that lays out what all those things are. Commerce doesn't necessarily have to buy off on this; Doug gave his feedback. I'm just suggesting you also keep close to the statute in the code, and if you adopt it, administer it in a way that is reasonable and you won't have a problem with it being challenged. There's a 60 day window after public notice of adoption where if someone doesn't complain, it's valid. As far as your role on the Planning Advisory Commission, when you advise on this, what would be the negative consequences for the community if 56 additional parcels were served by a sewage treatment plant as sent as Class A reclaimed water levels onto a forest land way far away instead of going into the soils that drain into Hood Canal.

Randy Neatherlin stated there is one bigger issue. Whatever we put forward to the BOCC, we should honestly believe this is within the law.

Emmett Dobe stated Tim is correct. Commerce is not going to give you a ruling.

Ken VanBuskirk inquired if the Declaration of Public Health Hazard is still in effect for Lynch Cove. Ken stated this board needs to know that answer.

Dennis Pickard noted there was still a motion and a second on the table. Dennis called for the question and the motion carried unanimously to remand the document back to staff for revisions discussed by the members, as well as the property owners of the affected proposed amendment be notified of this proposal. It was also stated that they would like staff to have a closer look at the properties adjacent and contiguous to the UGA to analyze if some of the properties may already be developed as opposed to some of them not developed.

Meeting adjourned.