

**MINUTES  
CITY OF LANGLEY  
PLANNING ADVISORY BOARD  
April 14, 2010**

Jim Sundberg called the meeting to order at 6:44.

**ATTENDANCE**

Members Present: Julie Buktenica, Roger Gage, Jim Sundberg and Melanie Shafaat  
Members Absent: Fred Geisler and G. Raymond McCullough (alternate)  
Staff Present: Larry Cort, Director of Community Planning, Ryan Goodman, City Engineer, Challis Stringer, Director of Public Works, Tom Graafstra, City Attorney, Fred Evander, Community Planner

**APPROVAL OF MINUTES**

Melanie Shafaat moved to approve the minutes from the meeting of March 24, 2010. Roger Gage seconded. The minutes were approved unanimously.

**PROJECT STATUS REPORT**

Director of Community Planning Larry Cort did not report anything as part of the project status report.

**PUBLIC HEARING - LANGLEY PASSAGE PRELIMINARY PLAT**

Jim Sundberg explained that the goal of the public hearing was to be fair in form, appearance and substance. As part of that, Sundberg asked if anyone on the Board had a conflict of interest or any ex parte communications about the application. The Board said no. Sundberg said that the only communications about the matter that he had were about process for the hearing. Sundberg questioned if anyone in the audience had objections to any of the members participation. No one in the audience said they had an objection. Sundberg swore in the individuals that wanted to present for the night.

Ron Swenson read a letter into the record (Exhibit P-15). Swenson told a story about development in Santa Cruz and said that developers should listen to the wisdom of the neighbors of the project.

Rolf Seitle, 410 Edgecliff Drive, acknowledged how difficult it was to make a determination on an application with a large record and encouraged the Board to make an independent decision on the matter. Seitle presented a PowerPoint about the proposal (Exhibit P-16) and distributed a Wastewater Fact Sheet from the Environmental Protection Agency (Exhibit P-17).

Seitle said that there were a number of problems with the proposed project: City staff had erred in accepting the application; the application was incomplete; and the proposed subdivision was in violation of the sewer plan in effect at the time of submission. Seitle said that the major issue associated with the project was the upzoning of site due to the provision of sewer.

Seitle said that previous City initiatives meant to extend sewers throughout Langley and the policy of the City was to serve the Edgecliff area with sewer. Seitle explained that a Utility Local Improvement District (ULID) was proposed to finance sewer service in the area, but the proposal was rejected by voters. Seitle explained that, due to this failure of the ULID, low-pressure sewers were introduced to the City. Seitle

said that this alternative system, however, was never intended for new long-plats. Seitle backed this argument by saying that the Woodside Subdivision was proposed when low-pressure systems were being considered, and the Woodside Subdivision had a system comprised of a wet well and force main, not a low-pressure approach.

Seitle further said that the Woodside sewer was not accepted by the City of Langley and would only be accepted when the sewer went to Edgecliff Drive. Seitle said that the system proposed as part of the Langley Passage development would go into the Woodside subdivision, and that the connection was meant to avoid a longer than allowed distance (specified in the Langley Municipal Code (LMC)) between the proposed pressure sewer and a sewer main.

Seitle stated that the original Langley Passage proposal sought to include a grinder pump system, even though there was no provision for the system in the LMC or any other ordinance. Seitle further said that the existing proposal said that the sewer system would run along Sandy Point to Woodside, but was silent in regards to the details of the sewer. Seitle said that the Board should not approve of the project without an understanding of the sewer system. Seitle that LMC Section 13.50.050 was not met and the non-standard system was not consistent with the LMC.

Seitle said that the Comprehensive Sewer Plan in effect at the time stated that upzoning of a site was meant to occur only with the orderly provision gravity sewer. Seitle said that an orderly expansion of the sewer would not occur based on the proposal.

Seitle said that maintenance for low-pressure sewer systems needed to be addressed by the City and said that the demand for City involvement in the maintenance of facilities may be unavoidable in the future. Seitle said that the sewer plan should be updated to stipulate standards for the administration of non-standard systems.

Seitle talked about the hydrogeology of the site and said that people could look at the soil strata from the beach. Seitle said that only USGS and Aspect Consulting had looked at the soil layers on the bluff from the beach. Seitle said that HWA had conducted two soil borings and encountered water at 20 and 30 feet on the site. Seitle said that this water level corresponded with the seepage on the bluff. Seitle said that he was fairly certain that the project would violate the portion of the LMC that said that water leaving a site could not exceed predevelopment conditions.

Seitle stated that the conditions for the proposal were not mitigation, because no baseline conditions were known. Seitle said that the conditions would be difficult to implement and that the city did not have the resources to either monitor or enforce the situation. Seitle also said that over time the conditions on the site could change.

Seitle said that the proposal was not in the public interest. Seitle said that the proposal would create a precedent that avoided the orderly expansion of the gravity system.

Seitle ended his presentation by referring to five proposed findings on page 21 of his presentation. He did not read any of the findings.

Bruce Kortebein distributed a document titled Index of Exhibits, April 14, 2010 (Exhibit P-18) and explained that he would like to present to the Board a second time. Kortebein said that, the last time he spoke (at the first public hearing), he was speaking for the Langley Critical Areas Alliance and he

explained that he would also like to speak for himself on the matter. Kortebein went through the exhibits in his document one by one.

Kortebein said that in 2005, Robert Gilman had said that a development must be beneficial to the public interest. Kortebein said that the non-standard sewer system did not meet the Comprehensive Sewer Plan, and did not provide a community benefit. Kortebein said that the conversion of the minimum lot size from 15000 to 7200 square feet was meant to encourage the use of expansion of the sewer system and since the sewer expansion was not available to many others, the sewer did not constitute a community benefit.

Kortebein stated that it was not in the public interest to use a wetland as part of infiltration system. Kortebein said that the use of the wetland as an infiltration system would modify the wetland and go against the City's Critical Areas Ordinance. Kortebein said that the drainage approach had the potential for property damage and stated that a number of individuals and documents had recognized the critical nature of drainage problems in relation to the bluff. Kortebein said that the most obvious solution to the drainage issue was a tightline to the beach and said that a tightline was not included as part of the proposal.

Kortebein presented a number of photos (Exhibits G through K in his handout) to the Board. Kortebein pointed out Exhibit H and said that the blue line represented where groundwater came out of the bluff. He went through each of the other photo exhibits.

Kortebein said that the development would increase the volume of stormwater and said that the words "negligible" and "best guess" used in the studies regarding the amount of stormwater in the area were not scientific words. Kortebein referenced page 11 of Staff Report and said that there was some ambiguity about the amount of water that would leave the system. Kortebein said that any ambiguity assumed a functioning drainage system.

Kortebein said that the drainage ditch along Edgecliff was a non-conforming system and that there was no drainage ditch at all along 185 feet of the property's northern boundary to drain the water from the wetland. Kortebein stated that the water from the wetland would not go into the drainage ditch, but would infiltrate into the subsurface soils and move towards the bluff.

Kortebein said that more development would produce more water and that the water would move to bluff. Kortebein said that no additional runoff was allowed from a developed site under the Comprehensive Plan and he explained that the County had said that no increase in volume of stormwater was allowed in the ditch. Kortebein said that the project should not be allowed based on these factors. Kortebein further said that the remedial conditions from the Staff Report were not preventative and were not in compliance with LMC 16.20.010.B or the Comprehensive Plan.

Kortebein said that the wetland and the bluff were critical areas and that the areas would become more critical when development occurred. Kortebein said that critical areas needed to be supported so that they could be supportive, and asked that a recommendation for denial be rendered on the proposal.

Kimmer Morris, 625 Edgecliff Drive, presented a colored map (Exhibit P-19) and read a letter into the record (Exhibit P-20). Morris said that she lived in a house built in 1917 by the Furman family that was located next to the project. Morris said that the house that had a septic system that was in good working order, but that system failure could result from a potential raise in the water table caused by development

of the property. Morris said that the potential for septic failure made her concerned about her property rights.

Morris said that she was mainly at the meeting to speak for the animals. Morris said that 100 species were lost per day worldwide. Morris said that polluted runoff would run into the wetland from the project and that there would be no filtration of toxins. Morris also said that she was concerned about the water line moving through the wetland. Morris said that three of the neighboring property owners had not been approached about the possibility of a water line easement.

Morris said that the design of the subdivision was subpar and that there were no artist renderings for the project. Morris presented a drawing that displayed potential locations for the housing on the site and said that the design would never complement the surrounding neighborhoods. Morris said that the City should not approve the application based on 2006 zoning and encouraged the Board to reject proposal

Laurie Keith said that it was perplexing how the application could keep moving forward and said that use of the precautionary principle in relation to the proposal was appropriate. Keith said that there was a lot of evidence against the proposal and that the Board should just say no to the project.

Keith read a letter from Vicki Halbakken into the record (Exhibit P-21). The letter said that Halbakken was concerned about the impact of the proposal. The letter said that the previous owners of the Langley Passage site had logged and moved the land, and that the alteration to the property had caused additional run-off, a rise in the water table, and causing the flooding of the crawl space under her home. The letter stated that a sump pump was now necessary to keep the crawlspace under her home dry. The letter explained that Halbakken had attended the previous public hearing and said that she had not felt that the proposal adequately addressed drainage of water.

Laura Colton read a letter into the record on behalf of Susan Burgers, 936 Edgecliff (Exhibit P-22). The letter said that Burgers felt that the small town feel was rapidly disappearing and that there was an unnecessary urgency to develop land. Burgers noted that many homes were either for rent or for sale in the City. Burgers said that tax rates had increased without an associated improvement in services.

The letter from Burgers further said that when the balance between natural and built environments was disturbed it was gone forever. The letter said that changes would occur based on the development of the site and that the changes would have an impact on water flow through the site. The letter expressed concern that water gardens were an inappropriate handling of the water and questioned who would maintain the water gardens to ensure long-term functionality. The letter also questioned why the drainage ditch was not being improved. Burgers encouraged the City to reconsider the size of the project and said that the project as proposed would set a bad precedent for future development.

Carl Magnusson read portions of Gail Fleming's letter into the record (for entire letter see Exhibit P-23). The letter said that the new zoning for the site proposed by the Planning Advisory Board was Sensitive Environment Design 2 with a proposed density 1500 square feet per acre. The letter said that this proposed zoning was a reasonable use of the land. The letter said that Doug Kelley (attorney for the applicants) had asked if the project was the right use of the property. Fleming said that, based on what the PAB now knows about the area, the answer was no. The letter said that the old zoning for the site reflected a previous administration's desire to extend sewer throughout the City and the zoning in the area was based on the wrong interpretation of the Growth Management Act.

The letter from Fleming said that vesting did not mean approval; all vesting meant was, if the application was approved, it would allow a project to develop under the old zoning code. The letter said that Fleming had hoped that it was clear that the proposed level of development was inappropriate for the site.

Marina Salerno Collins read a letter into the record. Salerno-Collins said that she played in the forest with the cedars as a kid and that the years spent in the forest were the best of her life. Salerno-Collins said that to have as many houses on that special property was wrong.

Rhonda Salerno presented a PowerPoint presentation and submitted an index of the slides she presented into the record (Exhibit P-23). She also passed out an email she had received from Elliot Menashe (Exhibit P-24). Salerno said that she hoped her testimony would not just point out what was wrong with the proposal, but also why the City should get proactive. Salerno said that the development would cost the City money and that the development did not meet Best Available Science. Salerno also said that the City should map wetlands, even if the exact boundaries of the wetlands were not known. Salerno said that Edgecliff contained a number of wetlands and watersheds, and stated that the bluff that collapsed at the end of Edgecliff had the same type of watershed as the proposed development.

Salerno presented a number of photos of wetlands and water issues along Edgecliff Drive. Salerno pointed out some homes and displayed where water surfaced around the houses. Salerno stated that a number of springs bubble up along the street and said that Edgecliff itself was built on a wetland. Salerno said that you could see the affect of the wetland on the road. Salerno also noted that several people had altered the road surface to keep water out of their property.

Salerno displayed a picture of the stormwater outfall and stated that the system was always running. Salerno said that there was no data on the amount of water that moved through the outfall.

Salerno pointed out the watersheds along Edgecliff Road and showed where the end of Edgecliff road had collapsed. Salerno said that the bluff collapse likely occurred because of the type of watershed in which the bluff was located. Salerno stated that sloughing was likely to occur in the watershed of the Langley Passage project, because the area featured a similar type of watershed (a watershed that narrows near the bluff). Salerno also said that the watershed of the project could contain an underground stream that went under the wetland and Bruce Kortebein's house.

Salerno showed a photo of a tightline for handling stormwater along Edgecliff and said that tight lines work well except when they break.

Salerno displayed a video of the area at the base of the Edgecliff bluff. The video displayed water running near the toe of the slope. Salerno said that a number of houses were close to bluff and that it was important to be cautious about development. Salerno read a number of quotes on her PowerPoint from agencies like the Washington State Department of Ecology and said that bluff failure in this instance would cause a large problem for the City and surrounding properties.

Salerno said that enforcement was the main thing that she wanted to talk about. Salerno said that the City did not have enough enforcement or people power to care for areas in the City. Salerno pointed out four instances where she felt that the City did not adequately respond to development in wetlands. Salerno noted a new road in the Urban Growth Area that was constructed on or near a wetland, a house that was constructed in a wetland, and a wetland that had been slowly degraded near her home. Salerno also noted the historic house dragging through the proposed project site and said that the mitigation had planted 100

trees, of which not one had lived. Salerno said that enforcement was not happening in the City and she questioned how the project could be in the public interest.

Mark Wahl, 416 Sixth Street, read a statement into the record (Exhibit P-25) and said that he wanted to remind the PAB of their role in the application. Wahl said that vesting did not dictate what constituted good development and said that consideration of the proposal was not asking the Board to disown their previous planning efforts. Wahl said that, based on the studies by the Board and what they now know, the Board should realize that the proposed type of development was a dinosaur. Wahl said that the development was not in the public interest.

Wahl said that the Planning Advisory Board was under no obligation to reinforce the City planner's decision or perspective on the application. Wahl said that the Board served the citizens, not the Mayor or the planner and said that more had been brought to light than when City issued a determination and recommendation on the project. Wahl said that the City was liable to maintain things that went wrong with the project and said that if bluff sloughed, the City was on the hook. Wahl encouraged the Board to not worry about lawsuits and said that their responsibility was to city residents.

Marianne Edain, Whidbey Environmental Action Network, distributed a document to the PAB (Exhibit P-26) and said that she wanted several issues addressed by the Board. Edain said that three criteria needed to be met by the project: the project needed to be consistent with Comprehensive Plan and consistent with all of the LMC, not just the zoning and subdivision sections; the project needed to be in the public interest; and the project needed to be based on Best Available Science.

Edain said that the proposed subdivision did not reflect the accurate wetland delineation and said that she wanted to see an accurate wetland delineation and buffer. Edain said that an accurate delineation and buffer would remove at least one and maybe two parcels from the project design.

Edain said that she wanted to see a site plan that displayed existing vegetation and the location of building footprints. Edain said that this site plan was required under the Langle Municipal Code.

Edain said that she wanted to see a restoration plan for the wetland. Edain said that the wetland was not a functional wetland and said the wetland should be restored. Edain said that there was no Homeowner Association draft and said that the Board needed to see that draft. Edain said that she would like to see a requirement in the draft that stated the need to maintain the 2500 square foot impervious surface limit on the lots. Edain also said that there needed to be a requirement that no accessory dwellings or incompatible home businesses were allowed on the site.

Edain questioned where the 30 percent tree canopy was going to occur on the site. Edain said that the canopy cover needed to be maintained in perpetuity because the cover was part of the drainage plan. Edain questioned how this retention could be achieved. Edain said that the trees on the site were not neatly aligned and said that some would need to be cut. Edain also said that there needed to be explicit long-term provisions regarding the rain gardens. Edain said that rain gardens were a good thing in most instances, except when the water from a rain garden would move towards a bluff. Edain questioned who was going to monitor the rain gardens on the site.

Edain said that the project needed long-term monitoring and maintenance of the wetland and its buffer. Edain said that things happened to wetlands and the wetland needed to be maintained. Edain said that a

split rail fence was all that was proposed, and that the fence would not be a meaningful bar to keep people from the wetland.

Edain said that she had not seen a credible drainage plan, or drainage plan that did not infiltrate water into the ground. She said that some other drainage plan should possibly occur.

Edain said that the City had not looked at proper ways of mitigating the water line. Edain said that avoidance of an impact was the initial step in mitigation and said that it should be a condition that the applicant explored other options to place the waterline further east.

Edain said that there had been no baseline studies done on the site and said that, until it was clear what was going on, nobody knew what was occurring. Edain said that there should be an agreement about the use of the outfall with County, and that there should be a contract for upgrading the ditch and the outfall in the event that excess flow in the ditch and outfall was measured.

Edain said that the project should either be denied outright or returned to the applicant for further work.

Steve Erickson, Whidbey Environmental Action Network, passed out two documents related to the proposal, a legal style brief (Exhibit P-27) and a group of exhibits (Exhibit P-28). Erickson said that the Board needed to keep eye on three criteria: if the project was consistent with the Comprehensive Plan and Langley Municipal Code; if the project was in the public interest; and if the project was consistent with Best Available Science. Erickson itemized a number of ways that he saw that the project was not consistent with these requirements.

Erickson said that the project was not consistent with the provision in the LMC that requires home sites to be located outside wetland buffers. Erickson said that the project appeared to locate a house in a buffer due to an error in the mapping of the wetland. Erickson explained that he had done a wetland delineation for the neighboring property and said that, even though he did not continue on to the Langley Passage property, the wetland appeared to follow a topographic break on the site. Erickson said that the proposed plan did not follow this line and that the wetland delineation for the Langley Passage subdivision appeared to follow a surveyor line rather than a property line. Erickson said that this error caused the delineation to be wrong. Erickson said that the west side of the wetland did not match the delineation accepted by the City and said that, if the Board compared Items D and L in his handout, the Board could see that the delineation was incorrect.

Erickson said that he did not think that the project was consistent with the Comprehensive Plan provision that requires development to occur concurrent with the provision of public utilities. Erickson said that any action to improve the ditch would only occur after impacts were detected in the outfall/ drainage system. Erickson said that, at this point, the “horse would already be out of the barn.”

Erickson said that the proposal was inconsistent with the Comprehensive Plan Policy to recognize current Best Available Science. Erickson said that there were three ways that the project was inconsistent with this policy. Erickson said that the conditions omitted gravel surfaces for driveways and he explained that all hardened surfaces were essentially impervious. Erickson also said that the project was inconsistent with the policy because the project did not utilize regulatory requirements to limit lighting, noise, fertilizers or pesticides in a wetland. Erickson lastly said that the project was inconsistent with LMC requirements for when incomplete scientific information was present.

Erickson said that incomplete scientific information was not Best Available Science, and that the LMC stated procedures to follow when incomplete information was used. Erickson said that the project used incomplete information, and said that, because the information was incomplete, the City needed to take a precautionary approach or no risk approach. Erickson also said that adaptive management principles should be utilized for the bluff.

Jim Sundberg asked about the footnote about impervious surfaces on page 8 and questioned if gravel was considered a hardened surface. Larry Cort said that gravel driveways were included in the 2500 square foot maximum for impervious surfaces per lot.

Erickson said that the proposal was inconsistent with the requirement for Best Available Science in the code that sought to protect wetlands from lists, noise, fertilizers and pesticides. Erickson said that City staff was relying on an educational pamphlet for the limitation of lighting and sound near the wetland and Erickson stated that nowhere did the pamphlet mention lighting, pesticides, fertilizers or anything else near wetlands. Erickson said that the use of the pamphlet should not take the place of regulatory requirements.

Erickson said that the proposal was inconsistent with Comprehensive Plan policies and LMC requirements regarding alterations to wetlands, and said that the three standards required for the alteration were not met. Erickson said that alternatives existed for the placement of the water line, and that the City had not adequately explored these alternatives. Erickson further said that the proposal incorrectly mapped western boundary of the wetland and as a result the mitigation proposal was inadequate.

Erickson said that the water lines should go further to the east and that no other property owners east of the project had been asked about an easement. Erickson said that other properties were more appropriate, even if there was a wetland present on those sites. Erickson questioned how many loops were required in engineering terms and asked the maximum distance that they could be apart. Erickson encouraged the City to put water loops in the areas that would have the least impact in terms of critical areas and said that this approach was what the code stipulated.

Erickson said that the trench for the water line would impact subsurface flow in the wetland and said that it would be better to elevate the water line on a series of pilings. Erickson also said that the final long subdivision plat map showed the wetland incorrectly, and it was only necessary to compare western boundary to see the inconsistency between the delineation and the proposal. Erickson said that, because the delineation line was inaccurate, the City did not know what impact would occur to the wetland and whether the proposed mitigation would be accurate. Erickson further said that the mitigation plan for the site was preliminary and that no further mitigation plan had been created.

Erickson said that the proposal was inconsistent with the requirements for mitigation sequencing. Erickson said that it was more appropriate to avoid an impact rather than mitigate an impact. Erickson said that a number of instances in the proposal had failed to avoid the impact of the proposal.

Erickson said that the proposal was inconsistent with the Comprehensive Plan Policy related to stormwater infiltration to and through steep bluffs. Erickson said that infiltrating water was the best solution in most circumstances, but not in this instance. Erickson said that the bluff was designated as unstable and geologically hazardous area and that infiltration of stormwater near the bluff was not an appropriate approach to handling the water. Erickson said that the Langley Passage development would

cause runoff to be slowed over time, occur over a longer period and penetrate into a deeper aquifer, thereby increasing the groundwater flow in the area.

Erickson said that it was not credible that all water that came into the site would exit the site via the sewer. Erickson said that a condition requiring the exportation of the water would be subject to such violation that it would be unenforceable. Erickson said that people change over time and that the use of water for irrigation and other purposes would change on the site.

Erickson said that the proposal was inconsistent with the Comprehensive Plan policy and the code requirements that stated that a development should be beneficial to public safety and not result in a public hazard. Erickson said that the facts on the ground showed that the project had a long watershed funneling water into a narrow bottleneck and that the features in the area would create a landslide hazard that would not be beneficial to public safety.

Erickson said that the project was not in the public interest. Erickson said that staff had concluded that the project was in the public interest, because the development was consistent with Comprehensive Plan and the Zoning Code, and he said that, because there were two separate standards in the Langley Municipal Code, staff was saying that the code was redundant. Erickson stated that the two provisions were separate and should not be considered the same. Erickson said that the framework for determining public interest by staff was wrong and even if it was correct, there were a number of ways that the proposal conflicted with the circumstances on the ground. Erickson said that the public interest did not change and that the City needed to use a wider framework.

Erickson said that the proposal's adverse economic impacts further demonstrated that the proposal was not in the public interest. Erickson said that City taxpayers were likely to incur costs from the proposal and that the benefits from the public facilities provided by the application were minimal. Sundberg questioned what facilities Erickson was referring to, and Erickson responded the water pipeline.

Erickson ended by saying that people had done foolish things over the last hundred years and he encouraged the Board not to make the same mistakes.

Sundberg called on a number of people to present including Carol Kerly, Linda Dunham, Barbara Seitle, Judith Adams, Diane Derring and James \_\_\_\_\_. These individuals either decided to not present or were no longer present in the audience.

Pauline Cruchon, 800 Sandy Point Road said that she appreciated the Board for their work. Cruchon said that she was a previous Planning Advisory Board member and she explained that she sat on the Board during the review and approval of the Cedars Subdivision. Cruchon said that the Cedars Subdivision was originally proposed with fifty or more lots and through the process of going through the plan, working with the developer and working with the community, the Cedars went through a number of changes. Cruchon said that the project took a lot of work and there were a number of hurdles to jump over. Cruchon said that the Langley Passage project was more sensitive, and that she could hear water under the ground at her property near the site. Cruchon said that there was a lot of water moving and going to the bluff and she said that the water needed to be controlled. Cruchon said that she appreciated everything else that was presented.

Bruce Kortebein said that he wanted to make a correction to the record. Kortebein said that there was no underground stream within the drainage basin as mentioned in Rhonda Salerno's presentation. Kortebein

said that the blue line on her presentation represented the natural flow path of water if there was a major storm.

Steve Erickson said that his handout included a typographical error. Erickson said that the last paragraph on page 21 should state Sections 1 and 3, not 2 and 3.

Sundberg closed the hearing to public comment.

The Planning Advisory Board questioned the timeline for rebuttal by the applicant and City staff. Larry Cort said that the City had booked the Methodist Church for the April 28<sup>th</sup> at which time staff and the applicant would have time to rebut the information presented. Cort said that, given the hour and the amount of information presented, staff would like to have time to prepare their information. Roger Gage asked if the meeting would be at 4:00. Larry said that 4:00 was normal time for PAB meetings and Jim said that the time worked for him. The Board agreed to meet at 4:00

Robin Adams asked what having the rebuttal at the next meeting would do to the State Environmental Policy Act (SEPA) appeal timeline. Larry said that the code was short on standards related to SEPA appeals and said that staff would like to bring forward a procedure for considering the appeal at the next meeting. Sundberg asked about a potential fourth session. Robin Adams said expert witnesses would be available on the April 28<sup>th</sup>, but said that, if the applicants and appellants did not know the procedure until the 28<sup>th</sup>, it was not reasonable to have the hearing on that date. Jim deterred to staff for advice about when to hold the appeal. Cort said that the meeting in two weeks would try to articulate the process for the appeal, and that a fourth session would be likely. Cort said that a meeting on May 12<sup>th</sup> would not work for him and said that he would attempt to find a good fourth meeting date. Cort said that he would like the PAB to consider the SEPA appeal procedures at the meeting of the 28<sup>th</sup>, in consultation with the applicant and appellants for the SEPA appeal portion. The Board told Adams they would let him know the date and time of the appeal hearing on April 28<sup>th</sup>.

Carl Magnusson said that he would like Kimmer Morris' sketch entered into the public record.

Julie Buktenica questioned who distributed the exhibit from the Environmental Protection Agency regarding Wastewater Treatment Systems. Rhonda Salerno said that the document was distributed by Rolf Seitle.

## **ADJOURN**

Melanie Shafaat moved to continue the hearing on April 28<sup>th</sup> at 4:00 at the Langley United Methodist Church. Roger Gage seconded. The motion was approved unanimously.

The meeting adjourned at 9:37. The meeting was held at the Brookhaven Community Hall. Minutes were recorded by Fred Evander.