



Comprehensive Plan Policy or Development Regulation Amendment Suggestion

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Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

Submitted By

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Proposal Description

RECEIVED

By Stacie Pratschner at 3:53 pm, Jul 30, 2018

Please answer all of the questions below that are applicable to your suggestion.

1. Describe your proposed amendment.

Amend SCC 14.24.300-330, Aquifer Recharge Areas, and SCC 14.24.380, Seawater Intrusion Areas, to require:

- Pre-drilling approval for new wells on Guemes Island;
- Assessment and consideration of hydrogeologic impacts in the well review and approval process; and
- Clarification that, on Guemes Island, rainwater catchment systems can be built without first proving that a drilled well is not feasible.

2. Describe the reasons your proposed amendment is needed or important.

The fragility of groundwater resources on Guemes Island is recognized in numerous sections of the Skagit County Code, and special regulations are established to protect its Federally-designated Sole Source Aquifer. However, the code is not being enforced. Over time, new wells on the island, particularly on the north end, have caused deterioration of water quality and quantity in existing wells in violation of senior water rights. More explicit language regarding review and approval of new wells is needed to ensure that existing code requirements for protection of the aquifer are consistently applied.

-- The Seawater Intrusion Code, SCC 14.24.380, establishes design standards and siting requirements for wells located in Seawater Intrusion Areas, aimed at mitigating impacts on groundwater resources and existing wells in the area, and requires an application to be submitted for review prior to drilling any new well. (See SCC 14.24.380(2), Application Requirements.) However, contrary to code, this requirement is not being applied in cases where a new well is drilled in advance of or unrelated to a development permit. A more explicit permit requirement is needed.

-- The Critical Areas Ordinance, SCC 14.24, requires County review of groundwater impacts associated with drilling in a designated Aquifer Recharge Area such as Guemes Island. (See SCC 14.24.060 and 14.24.330, and note that drilling is not an exempt activity.) However, this requirement is not being enforced, and new wells are being drilled without an assessment of hydrogeologic impact.

-- In 2016, the Guemes Island Planning Advisory Committee (GIPAC) proposed a code amendment for the 2017 code amendment docket to clarify the requirement for pre-drilling review and approval of new wells. The proposal was assigned to the Planning Department work program for further development. Because the Department has not undertaken review of, or action on, this issue during the past 2 years, GIPAC is now proposing specific code amendments to ensure effective review of wells, consistent with both the intent and existing requirements of the Critical Areas Ordinance.

-- Finally, the County's Seawater Intrusion Areas code encourages alternative water systems such as rainwater catchment on Guemes Island. (See 14.24.380 (4)) However, an outdated section of the Public Water Code still says that an applicant for a

catchment system must first document "why either an approved public drinking water system or a drilled well cannot be utilized." In practice, this means a property owner may be required to drill a test well to prove that it is not feasible, which is a costly impediment that actively discourages property owners from considering rainwater catchment. The Seawater Intrusion code needs to be amended to clarify that, in areas vulnerable to seawater intrusion such as all of Guemes Island, applicants don't have to show why a drilled well or a public water system is not feasible.

3. *If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s):*

N/A

4. *If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:*

N/A

5. *If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?*

N/A

6. *If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).*

A new section in the Aquifer Recharge Areas code is proposed: SCC 14.24.335. Amendments to SCC 14.24.380, Seawater Intrusion Areas, are also proposed.

7. *If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:*

N/A

8. *If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.*

See attached.

9. *Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.*

N/A

10. *Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.*

The proposed amendments are needed to address one of the primary concerns identified in the Guemes Island Subarea Plan, which is an adopted element of the Skagit County Comprehensive Plan.

11. *Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented.*

This proposal to require a permit for new wells would apply to Federally-designated Sole Source Aquifer areas, which at present include only Guemes Island. Hydrogeologic impact assessments are already required in Aquifer Recharge Areas, which include Sole Source Aquifers.

12. *Describe how adopted functional plans and Capital Facilities Plans support the change.*

N/A

13. *Describe any public review of the request that has already occurred.*

The proposal to make explicit the requirement for pre-drilling well approval in Seawater Intrusion Areas was previously submitted in 2016 for the 2017 docket. Public comment from Guemes Islanders supported the proposal.

Notices

Fees. No fees are required for a policy or code change suggestion, per SCC 14.08.020(6).

Docketing. SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved. Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

Submission deadline. Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

How to Submit. Submit your suggestion via email (preferred) to pdscomments@co.skagit.wa.us or to Planning & Development Services at the address above.