

**From:** [Roger Mitchell](#)  
**To:** [PDS comments](#)  
**Subject:** Comprehensive Plan - proposed amendment 7  
**Date:** Thursday, July 30, 2015 10:37:26 PM

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PDS:

Please confirm receipt of the attached Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Thanks



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
voice 360-416-1320 · www.skagitcounty.net/planning

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

Name	<u>Roger Mitchell</u>	Organization	<u></u>
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## Proposal Description

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

1. Describe your proposed amendment.

Water usage by humans, be it agricultural, forestry, commercial, or domestic, needs to have a highest priority section in our Comprehensive Plan and relevant derivative plans. The Comprehensive Plan must expressly state that, as a highest priority, the County will take all reasonable measures to protect and ensure equitable distribution of water resources for beneficial use by the citizens of Skagit County. In doing so, the County must rely on best available and true science and must preserve and protect the private property water rights of each of its citizens.

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

We find ourselves in an absurd conundrum. We have the third largest river system in the western U.S. We have significantly more annual precipitation than many other locations. We have an economic base that depends on access to adequate water. We have a population density that is right in the middle for all U.S. states and about 25% lower than the national average so our human use water demands are modest relative to the available water resources. Yet we have a water problem. The problem is not whether enough water exists. The problem is access and control. The problem is who is allowed to use the water and for what purpose. Water rights have been adversely and inequitably distributed, whether by oversight or on purpose. Some with water rights greatly in excess of their true needs are like bullies in a sandbox – they do not play well with others. Others cooperate and share with their neighbors, especially in times of dire need.

We have learned that we cannot rely on state agencies to protect everyone’s water rights in a fair, equitable, and reasonable manner. We have learned that water access and use restrictions implemented by state agencies are not based on accurate and verifiable science as required by law. We have learned that state agencies will not adequately defend our equitable water rights in court. We have learned that access to water, particularly property owners’ rights to use the water from their own private water wells, has been unfairly and unreasonably restricted. We have learned that our Public Utility District wastes one million gallons of water a day – enough to supply almost 3,000 single/ family residences with water. We know that the expense and topographical logistics are prohibitive for extension of Public Utility District piping to supply water to every Skagit County resident. We have learned that water rights issues can no longer be ignored and that we are beginning to see the adverse impacts and consequences of failed policies and regulations. A significant number of Skagit County land parcels are affected. A significant number of land parcels have been devalued by approximately 70% that in turn, greatly decreases property tax revenues from those parcels and increases property taxes on others to make up the shortfall in our County’s budget/ driven tax structure. We have now seen a significant portion of our agricultural economic base threatened by restricted access to water. Farmers cannot grow and prosper without water. Skagit County cannot grow and prosper without water. Skagit County cannot attract good business with good jobs without water.

We do **not** have a shortage of water; we have an inequitable, improperly dictated, and inappropriately restricted control of water access, water rights, and water use. Skagit County cannot sit back and let others control our destiny; the County and its citizens must be proactive in controlling our own destiny.

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

This suggestion does not pertain to any specific section of the Comprehensive Plan.

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:*

This suggestion does not create inconsistencies with existing sections of the Comprehensive Plan.

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

I don't believe this suggestion would necessarily require revision of development regulations. This suggestion is more of a highest priority policy than specific development regulations.

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

No Skagit County Code Title 14 revisions are necessary to implement this suggestion.

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:*

This suggestion is not as a result of any particular project or permit application. That said, the County's denial of a house building permit to Richard and Marnie Fox solely due to the Department of Ecology's Instream Flow Rule prohibiting the Fox's access to their own private water well is certainly a prime example for why this suggested Comprehensive Plan amendment is needed.

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

As a highest priority, the County must take all proactive and reasonable measures to protect and ensure equitable distribution of water resources and water rights for the beneficial use by each and every citizen of Skagit County. In doing so, the County must rely on best available, accurate, and verifiable science and must preserve and protect the private property water rights of each of its citizens.

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

Not applicable to this suggestion.

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

Skagit County can no longer aspire to the community vision statements, goals, objectives, and policy directives stated in the Comprehensive Plan. The Comprehensive Plan community vision statements, goals, objectives, and policy directives cite preserving the high quality of life in Skagit County. Water is fundamental to life and to any level of the quality of life. If a private property owner cannot access and use the water in their private water well then the quality of life for that Skagit County citizen is devastating and certainly not what the Comprehensive Plan's vision statements, goals, objectives, and policy directives aspire to. If a property owner has lost the majority of their property value to the point the property is either unsellable or sellable only at a huge financial loss, solely due to denied access to their own water, then we have failed as a County to protect and preserve a citizen's fundamental right.

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

The anticipated impacts of this suggestion could be, and should be, huge. Prioritizing the protection and preservation of equitable water rights for each and every Skagit County citizen we address one of the most fundamental rights and needs for existence.

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

Currently adopted functional plans do not, per se, support this suggested amendment, however all such functional plans will benefit from it.

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

No public review of this suggested amendment to the Comprehensive Plan has already occurred.

## Notices

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**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](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.