



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
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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

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

1. Describe your proposed amendment.

New Sections for 12.48:

> In a Sole Source Aquifer, the Department of Health shall implement a Seawater Intrusion Protection Monitoring system designed to help protect aquifers/drinking water from issues related to seawater intrusion.

> In a sole source aquifer, the County hydrogeologist/Department of Health Administrative Official shall review applications for well approvals before the drilling of any new well.

> If the County hydrogeologist/Department of Health determines that a proposed well in a Sole Source Aquifer is likely to have chlorides higher than 100 ppm, or to cause chlorides higher than 100 ppm on the aquifer and/or neighboring wells, measured in August, the Administrative Officials shall not approve the proposed well.

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

Guemes Island, a designated sole source aquifer, a seawater intrusion area, and a Class 1 Aquifer Recharge Area, has experienced seawater intrusion in its aquifers since the 1990s. In 1994, the WA Department of Ecology wrote to the Skagit Department of Health urging that no new wells be drilled on the north end of the island along the shoreline because of seawater intrusion. Despite this notice, at least 250 new wells have been drilled on Guemes, including along the northern shore, since the mid-1990s, resulting in a total of at least 360 wells now in existence. Guemes homeowners have experienced numerous documented well failures due to seawater intrusion, impacting more than 65 residences on North and West Beaches, South Shore, and the end of Section Avenue. Wells have also failed by going dry. The number of well failures is probably low because the county has never tracked failed wells on Guemes, and there is no official source of well failure information. We need the new proposed code sections to help protect our aquifers from further seawater intrusion.

Our suggested code amendments are modeled on the Island County Code (ICC 8.09.099 – Seawater Intrusion Protection), which was developed by a hydrogeologist a number of years ago and is approved by the Department of Ecology. It is working well there and there is no legal reason why Skagit cannot do the same. In 2020, a Skagit County attorney claimed

Skagit could not legally adopt a similar proposed code amendment, but we never received the reasoning, despite several public records requests.

GIPAC has pointed out repeatedly that it believes the County's existing codes require hydrogeologic impact review of new wells on Guemes Island, and mitigation of any potential impacts to the aquifer. See, in particular, existing code SCC 14.24.380 (which requires an application for County review and approval before the drilling of any new wells in Seawater Intrusion Areas) and SCC 14.24.310 and .330 (which require hydrogeologic impact assessment for any new wells in a Sole Source Aquifer or Seawater Intrusion Area).

We have argued repeatedly over the years that the County should protect Guemes' aquifers by simply enforcing its existing codes, but this has not happened. We feel a code amendment as proposed above is needed to resolve any possible ambiguity that is holding the County back from taking responsibility to protect the island's aquifers.

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

Defer to the Department of Health but suggest placement in SCC 12.48

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).*

N/A

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 #1 above.

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 code amendment is consistent with the Guemes Island Subarea Plan, which is an adopted element of the County's Comprehensive Plan. Guemes Island has been designated as a "sole source aquifer" by the federal Environmental Protection Agency and the entire island falls under the Skagit County Critical Areas Ordinance as a Category I aquifer recharge area. The Guemes Island Subarea Plan identifies protection of the aquifer as a key issue and the proposed well monitoring system would be a major step in protecting the aquifer.

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

unknown

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

unknown

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

A 2018 proposed code amendment, similar in intent and labelled P-2 when it was docketed by Skagit County, was deemed illegal in 2020 by a county attorney assigned to the Planning Department, but the attorney refused to provide a copy of her reasoning, despite several public records requests. Part of her reasoning seemed to be that our proposed amendment would not be acceptable to DoE, but as noted in #2 above, the DoE approves of the monitoring system implemented several years ago by Island County. Further, we were told to look at the Island County seawater intrusion program by a DoE expert when we enquired about how to avoid seawater intrusion in a critical area and Category 1 aquifer recharge area.

## Notices

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**Fees.** No fees are required for a policy or code change suggestion, per Skagit County Fee Schedule, SCC 14.08.030(3).

**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 Facilities at the address above.