

From: [Roger Mitchell](#)
To: [PDS comments](#)
Subject: Comprehensive Plan - proposed amendment 6
Date: Thursday, July 30, 2015 10:37:04 PM

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.

The Rural Element of the Comprehensive Plan will expressly state that access to water for Skagit County's rural property owners is fundamental right that needs to be protected and preserved.

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

Water is a fundamental right of every Skagit County citizen. Until overreaching by government agencies, rural property owners had rights and access to water from their own private water wells. Those rural property owners' water rights have now been abrogated. Rural water issues are different from water users served by the Public Utility District (PUD) or other municipal water suppliers. Furthermore, economic and topographical logistics prohibit extension of PUD piping to serve each rural County property. Our Comprehensive Plan, through the Rural Element, must address rural water issues as a highest priority.

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

This suggestion is less a revision of the Rural Element of the Comprehensive Plan, it is an addition to it.

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 section 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?

Amendment to current development regulations may be one mechanism to implement this suggestion. There may be others.

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 was 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, maintain, ensure, and not adversely affect equitable distribution of water resources and water rights for the beneficial use of each and every rural property owner in 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. This is because the County can no longer maintain, protect, preserve, conserve, retain, not adversely affect, plan for, conform with, be consistent with, be in concert with, be compatible with, or not result in a substantial change to the "rural character" cited over 30 times in the Comprehensive Plan. All of the verbs I used are directly from the Plan. "Rural Character" *requires* adequate water resources and for each rural property owner to be able to have beneficial use of their own private water wells, ie. their own private water rights. A key aspect of "rural character" is self/ sufficiency and self/ sufficiency relies heavily on water rights.

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 rural 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 rural property owner has lost the majority of their property value to the point that their 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 rural property owner's fundamental rights.

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 rural property owner we address one of the most fundamental rights and needs for existence.

If the County fails to protect, preserve, maintain, and not adversely affect access to, and equitable distribution of, rural water resources and private water rights the impact will be enormously negative for *everyone* in Skagit County. With 6,000 land parcels affected by Swinomish v. Skagit County, and nearly 1,000 already devalued by 70% by the County Assessor, we may already be at a point that can be considered as failure to protect, preserve, maintain, and not adversely affect our rural water resources and property owners' water rights.

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

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.