

FEB 13 2008

RECEIVED

5683 Section Avenue
Guemes Island, Washington 98221
February 10, 2008

Mr. Kirk Johnson, AICP, Senior Planner - Team Supervisor
Skagit County Planning and Development Service.
1800 Continental Place
Mount Vernon, Washington 98273

Dear Mr. Johnson:

Thanks for taking the time to come out to Guemes Island today. The presentation was most helpful in understanding the environmental review process concerning the Guemes Island ferry schedule extension.

I would like to bring something to your attention in this letter concerning the extended hours of the Guemes Island ferry schedule. Every day for the past 18 months Skagit County has been taking a "survey" of the ferry riders, basically asking each and every rider "what time would they like their ferry departure to operate," i.e. the ferry users have been asked to vote with their feet. The answer to that survey appears on the attached page which shows the relative performance of the extended hours schedule (highlighted) for the past six months compared to other scheduled departures that have been in operation for decades. What it also shows is that the weakest performing ferry departures are not part of the extended service schedule at all and that the extended hours schedule departures are actually performing quite well compared with other departures. Please keep this data in mind when you are bombarded with results from all the different surveys concerning the Guemes Island ferry operation.

Probably the most useless thing a ferry user can have is a departure that leaves at 6:00 p.m. when what they really need is a 10:00 p.m. departure.

Sincerely,



Steven A. Schmokel

Relative Performance July 1, 2007 - December 31, 2007

(First Six Months of Second Year*)

Relative performance of Guemes Island ferry scheduled turns for the time period of July 1, 2007 through December 31, 2007 listed in reverse order i.e. worst performing turns are listed first. Scheduled turns in *italics* are part of the Extended Service schedule.

Passengers

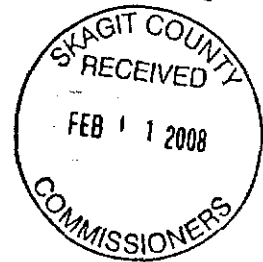
Day	Time	#pax.
Saturday	0630	15.8
Friday	2400	17.5
Saturday	2400	18.2
Saturday	0700	18.9
Sunday	2200	20.8
<i>Mon-Thurs</i>	2200	21.4
<i>Mon-Thurs</i>	2100	21.5
Sunday	2100	23.2
Friday	2300	23.7
Sunday	0700	23.9
Saturday	2300	25.4
Saturday	2100	32.1
<i>Mon-Thurs</i>	1900	34.9
<i>Mon-Thurs</i>	2030	35.7
Saturday	2200	36.4
Sunday	0800	39.3
Friday	2200	41.8
Sunday	2030	45.7
<i>Mon-Thurs</i>	1830	47.2
Friday	2100	59.1
Friday	2030	62.1
Saturday	2030	64.2

Vehicles

Day	Time	#veh.
Friday	2400	6.7
Saturday	2400	6.9
Saturday	0630	8.4(t)
<i>Mon-Thurs</i>	2100	8.4(t)
Sunday	2200	8.8
Saturday	2300	8.9
<i>Mon-Thurs</i>	2200	9.0
Friday	2300	9.7(t)
Saturday	0700	9.7(t)
Sunday	2100	9.9
Saturday	2100	11.5
Sunday	0700	13.2
Saturday	2200	14.5
<i>Mon-Thurs</i>	1900	15.1
<i>Mon-Thurs</i>	2030	15.2
Friday	2200	17.6
Sunday	0800	19.5
Sunday	2030	20.1
<i>Mon-Thurs</i>	1830	21.8
Friday	2030	23.8
Friday	2100	24.1
Saturday	2030	24.3

*compiled from raw data provided by Skagit County Public Works.

cc: Gary Christensen



5683 Section Avenue
Guemes Island, Washington 98221
February 11, 2008

Skagit County Board of County Commissioners
1800 Continental Place
Mount Vernon, Washington 98273

Dear Commissioners:

Some thoughts about the meeting on Guemes Island Sunday, February 10, 2008

There were approximately 130 people at the meeting Sunday. This is almost exactly the total number of people carried on the extended service portion of the schedule each and every day that it operates.

Each year the extended service portion of the schedule carries approximately the equivalent of the entire population of Anacortes each way (northbound and southbound).

Each year the extended service schedule portion of the schedule carries more passengers than the entire schedule during the months of either December, January or February.

Demand for portions of the extended service schedule far exceeds demand for portions of the "old" schedule (see attached) and that demand is increasing (see attached). Why then would Public Works want to consider reducing service on those extended days while at the same time "The current level of service offered on Fridays, Saturdays, Sundays and holidays would remain essentially unchanged?"

Demand in the winter months for portions of the extended service schedule far exceeds demand for portions of the "old" schedule during the winter months. Why then would Public Works want to consider schedule changes reflective of seasonal demand with more runs and later service times offered during summer months and fewer runs and an earlier conclusion to service in winter months?

0365

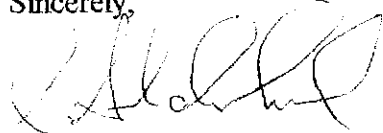
You see all kinds of surveys about the demand for ferry service during certain times of the day (Friends of Guemes Island, Guemes Island Ferry Committee, Guemes Island Property Owners Association, Berk & Associates, etc.). Far and away the best survey is the one that has been operating for the past 18 months. Essentially you are asking each and every ferry user "when would you like ferry service to or from Guemes". The users are voting with their feet.

It is interesting to note the the Ferry Committee which purports to represent the registered voters on Guemes Island when it comes to ferry matters did not have a vote of those registered voters for their last four elections. That means that four of the five current members were voted in by acclamation at a meeting held in the month of January when about half of the residents are not on the island. Generally there are 30 to 50 islanders in attendance at these meetings.

Every member of the Guemes Island Ferry Committee is also a member of the Friends of Guemes Island (FGI). While it is certainly their right to do so it is interesting to note that in a letter sent to the Skagit County Board of County Commissioners on April 22, 2006 the Friends of Guemes Island stated "We would like to be as clear as possible that FGI (read: Ferry Committee) is opposed to any policy that supports extension of operating hours for the Guemes Island Ferry." The Ferry Committee is supposed to be impartially representing all of the ferry users, not just those that they happen to agree with.

Thank you for your consideration of these points as you contemplate any changes to the ferry schedule..

Sincerely,



Steven A. Schmokel
attachment(2)

cc
Jim Voetberg
Ron Panzero
Kirk Johnson
Gary Christensen
Eric Towes (Cascadia Planning)

Relative Performance July 1, 2007 - December 31, 2007

(First Six Months of Second Year*)

Relative performance of Guemes Island ferry scheduled turns for the time period of July 1, 2007 through December 31, 2007 listed in reverse order i.e. worst performing turns are listed first. Scheduled turns in *italics* are part of the Extended Service schedule.

Passengers

Day	Time	#pax.
Saturday	0630	15.8
Friday	2400	17.5
Saturday	2400	18.2
Saturday	0700	18.9
Sunday	2200	20.8
<i>Mon-Thurs</i>	<i>2200</i>	<i>21.4</i>
<i>Mon-Thurs</i>	<i>2100</i>	<i>21.5</i>
Sunday	2100	23.2
Friday	2300	23.7
Sunday	0700	23.9
Saturday	2300	25.4
Saturday	2100	32.1
<i>Mon-Thurs</i>	<i>1900</i>	<i>34.9</i>
<i>Mon-Thurs</i>	<i>2030</i>	<i>35.7</i>
Saturday	2200	36.4
Sunday	0800	39.3
Friday	2200	41.8
Sunday	2030	45.7
<i>Mon-Thurs</i>	<i>1830</i>	<i>47.2</i>
Friday	2100	59.1
Friday	2030	62.1
Saturday	2030	64.2

Vehicles

Day	Time	#veh.
Friday	2400	6.7
Saturday	2400	6.9
Saturday	0630	8.4(t)
<i>Mon-Thurs</i>	<i>2100</i>	<i>8.4(t)</i>
Sunday	2200	8.8
Saturday	2300	8.9
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Friday	2300	9.7(t)
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Friday	2100	24.1
Saturday	2030	24.3

*compiled from raw data provided by Skagit County Public Works.

Guemes Island Ferry First Year Vrs. Second Year*

Passenger Traffic

Month	Total System Traffic		% Change System	% Change "Old" Schedule	% Change Extended Schedule
	First Year	Second Year			
July	45,007	45,963	+2.1	+1.1	+19.7
August	47,966	45,603	-5.2	-14.7	+5.0
September	38,271	39,294	+2.7	-8.7	+22.6
October	34,196	34,736	+1.6	-2.2	+9.8
November	29,215	33,793	+15.7	+4.3	+13.2
December	32,094	30,917	-3.8	+1.7	+12.3
January					
February					
March					
April					
May					
June					

Vehicle Traffic

July	19,835	20,579	+3.8	-0.5	+25.7
August	20,292	19,714	-2.9	+0.5	+10.9
September	17,867	17,949	+0.4	-6.8	+13.5
October	17,147	17,293	+0.8	-4.2	+17.0
November	14,870	15,760	+6.3	+0.1	-15.7
December	16,494	15,275	-8.0	+14.4	+5.9
January					
February					
March					
April					
May					
June					

*Compiled from raw data provided by Skagit County Public Works

G.D. Shannon
5177 Guemes Island Road
Anacortes, WA 98221
Phone 360 293 0183
Fax 360 293 2214
2-13-08

Gary P Christensen, AICP
SEPA Responsible Official
Skagit County Planning and Development
1800 Continental Pl.
Mt. Vernon, WA 98273
Fax 360 336 9416

SKAGIT COUNTY
PERMIT CNTR.

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Ref: Environmental review of proposed changes in Guemes Island ferry schedule

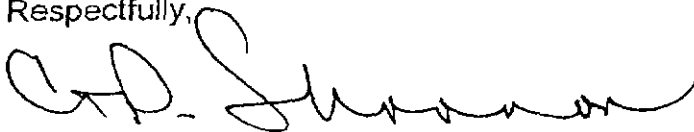
Dear Sir:

I believe unresolved environmental issues dictate a *return* to the schedule in effect prior to the county's arbitrary and illegal extension of service.

Environmental issues were not properly addressed in spite of overwhelming evidence of deteriorating water quality / supply issues impacted by loose development regulations. This development is certainly enhanced by expanded ferry schedules and encouraged by special interest groups such as developers, real estate firms and perhaps even well drilling companies, but . . . opposed by a majority of concerned island residents.

My family has owned and occupied our North Beach property since the early 1920s. My first paying job 60 years ago, was deckhand on the Guemes ferry. . . privately owned and operated then . . . crew of two, my brother, Bob Leatherwood was skipper. Obviously, I'm not a newcomer looking to spike real estate values and move on with a healthy profit, leaving the locals behind with a hefty tax increase and dwindling, contaminated water.

Respectfully,



G.D. Shannon

0366

SKAGIT COUNTY
PERMIT CNTR.

FEB 14 2008

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Maryam & Luther Schutz
18840 Rexville Grange Road
Mount Vernon, WA 98273
(360) 466-0579

February 13, 2008

Dear Gary Christensen,

I, together with my family, own a small house at 5933 Dunthorne Road, and have been a part time Guemes resident for over 55 years. My husband and I have our permanent residence in Skagit County on Pleasant Ridge. Therefore we are involved with the ferry issue both as commuters and as Skagit County taxpayers.

We strongly object to the extended hours and wish to see the ferry return to its original scheduled for the following reasons:

1. It has been documented that extending ferry hours (similarly to building new rural roads) fosters development.
2. Guemes Island is a fragile ecosystem drawing its water from one aquifer whose replenishing capacity depends on protecting collection areas, which are currently unknown. A better knowledge of the aquifer and its replenishing system is needed so that these areas can be protected. Already saltwater intrusion is a problem on the island.
3. We believe that the extended hours do not reflect the will of the majority of islanders and were imposed on the residents without their consent and against sound economic reasoning. We are still puzzled as to the true motivation behind the increase in ferry hours.

We, furthermore, believe that a complete and thorough EIS is needed and that the ferry decision should be based on the county's own comprehensive growth management plan together with well researched scientific and sociologic data.

Thank you for your attention to these matters,



Maryam Schutz
Luther Schutz MD

SKAGIT COUNTY
PERMIT CNTC.

FEB 14 2008

RECEIVED

Reuben Schutz
18840 Rexville Grange Road
Mount Vernon, WA 98273
(360) 466-0579

February 13, 2008

Dear Gary Christensen,

I, together with my family, own a small house at 5933 Dunthorne Road, and have been a part time Guemes resident for over 30 years. I am currently living on the island full time, commuting across the channel nearly every day for work. I object to the extended hours and wish to see the ferry return to its original schedule for the following reasons:

1. It has been documented that extending ferry hours (similarly to building new rural roads) fosters development.
2. Guemes Island is a fragile ecosystem drawing its water from one aquifer whose replenishing capacity depends on protecting collection areas, which are currently unknown. A better knowledge of the aquifer and its replenishing system is needed so that these areas can be protected. Already saltwater intrusion is a problem on the island.
3. We believe that the extended hours do not reflect the will of the majority of islanders and were imposed on the residents without their consent and against sound economic reasoning

We, furthermore, believe that a complete and thorough EIS is needed and that the ferry decision should be based on the county's own comprehensive growth management plan together with well researched scientific and sociologic data.

Thank you for your attention to these matters,

Reuben Schutz

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.



GERALD STEEL, PE
ATTORNEY-AT-LAW
7303 YOUNG ROAD NW
OLYMPIA, WA 98502
Tel/fax (360) 867-1166

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PERMIT CNTR
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FAX TRANSMITTAL MEMO

DATE: February 15, 2008

TOTAL PAGES (including cover sheet): 5

ORIGINALS WILL FOLLOW

TO:

Gary Christensen, SEPA Resp. Official

FAX NUMBER:

360.336.9416

FROM: Gerald Steel

CASE NAME: Guemes Ferry Schedule Change SEPA Review

COMMENTS:

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0369

GERALD STEEL, PE

ATTORNEY-AT-LAW

7303 YOUNG ROAD NW
OLYMPIA, WA 98502
Tel/fax (360) 867-1166

February 15, 2008

Gary Christensen, SEPA Official
Skagit County Planning
1800 Continental Place
Mount Vernon, WA 98273

RE: Guemes Ferry Schedule Change SEPA Review.

Dear Gary:

I write this letter on behalf of my clients, Friends of Guemes Island ("FGI"). The documents that I submitted with my letter dated February 14, 2008 demonstrate that year-around permanent scheduled weeknight Guemes Ferry Service will both change the demographics on Guemes Island so that the persons per household will move from the existing average of 0.95 persons per household to the Countywide average of 2.6 persons per household. This alone will lead to a near tripling of the population on Guemes without drilling any new wells or building any new houses. Further, increased year around access will result in a significantly increased growth rate likely approaching the Countywide average growth rate. According to the 1990 and 2000 census data, the growth rate over this 10 year period on Guemes Island was just three percent (total for ten years) while according to the 2007 Comprehensive Plan the Countywide growth rate during this same period was 10 time higher at 29.5 percent. FGI Opening Brief at 16.¹ With the increased population caused both by changing demographics for existing houses and by new construction, there will be irreversible damage done to the sole source aquifer that Guemes relies upon for its potable water supply. The expected damage is so great that FGI has requested the Growth Board to stop issuance of all new single family building permits. FGI Opening Brief at 14.

The Public Notice suggests that the ferry service extension will not change the land uses allowed by the Comprehensive Plan and that those land uses were already considered in the SEPA documents for that Comprehensive Plan. The truth is that no SEPA documents relied upon to adopt the Comprehensive Plan never estimated the growth rate on Guemes Island that would occur during the planning period given the land uses allowed by the Comprehensive Plan. It is reasonable to estimate the growth on Guemes without extended ferry service to be in the same ratio to the Countywide growth rate as it was between 1990 and 2000. The County projects a Countywide growth rate of 45 percent between 2000 and 2025. 2007 CP Economic

¹ The FGI Opening Brief is attached to FGI's 2/14/08 Letter by Gerald Steel.

Gary Christensen, SEPA Official
February 15, 2008
Page 2

Development Profile, Table 2. Thus, the estimated growth rate on Guemes without extended ferry service should be 4.5 percent total over 25 years which is one tenth of the Countywide growth rate for that period. The Guemes population in 2000 was 563 people. FGI Opening Brief at 13. The 2025 estimated population without extended ferry service would be $(1.045)(563) = 588$ people.

The Countywide rural area growth rate is projected to be 27% between 2000 and 2025. 2007 CP, Economic Development Profile, Table 2. The number of houses in 2000 on Guemes Island was 592. The 2025 estimated population with year-around extended ferry service (for both the 4-run and 5-run alternatives) is $(592)(1.27)(2.6) = 1955$ people taking into account that the persons per household will reach the Countywide average on Guemes by 2025 because of the extended ferry service.

So with the 2007 Comprehensive Plan Land Use Designation and Zoning Map ("Skagit County Comprehensive Plan Designations and Zoning Districts October 10, 2007") and extended ferry service the population in 2025 should be estimated to be 1955 people and without extended ferry service the population in 2025 should be estimated to be 588 people. In addition there will likely continue to be a surge of approximately 1,500 people for three months in the summer. While the growth rate in the rural area Countywide is expected to be 27 percent total between 2000 and 2025, the growth rate on Guemes during the same period with the extended ferry service is expected to be $((1955 - 563)/(563))(100 \text{ percent}) = 247 \text{ percent}$. The growth rate on the Island is projected to increase by more than a factor of nine with extended ferry service. There is nothing in any previous SEPA documents that analyzes the impacts on Guemes Island that would be caused by a growth rate of this magnitude between 2000 and 2025.

The most significant impacts from this increased growth will be impacts to the groundwater. We can assume that the pumping load on the sole source aquifer is 70 gallons per day per person. Ex. 520-34 attached to FGI Opening Brief. The loading in 2000 from people is calculated to be $(70)(563)(365) + (70)(1500)(90) = 23.8$ million gallons per year. The loading in 2025 without extended ferry service would be $(70)(588)(365) + (70)(1500)(90) = 24.5$ million gallons per year, a pumping increase of 2.9 percent. The loading in 2025 with extended ferry service would be $(70)(1955)(365) + (70)(1500)(90) = 59.4$ million gallons per year, which is 250% of the 2000 value.

Ex. 520 sampled 83 wells on Guemes and found 19% of these wells subject to significant saltwater intrusion. Ex. 520-41. Ten of these wells had a greater than 200 ppm (part per million) concentration of chloride. Id. The State Health Department considers water to be polluted when there is a 250 ppm concentration of chloride. Ex. 514-3. Impacted wells were found up to a half mile from the coastline all around the Island where the majority of the existing population resides. Ex. 520-41. Seawater intrusion is "a serious and nearly always irreversible water quality problem." Ex. 522-13. Since 1995 at least 7 more wells or well systems on Guemes have failed because of seawater intrusion with the existing pumping levels.

Gary Christensen, SEPA Official
February 15, 2008
Page 3

Feb. 7, 2007 letter to SEPA Resp. Official from Stephen Orsini at 5. This indicates that the Island is being overpumped at the existing pumping levels because saltwater is moving inland from the coastline. In the Potlatch Beach Hydrogeologic Study, HongWest found that the central part of the Island would be the most likely location to obtain acceptable quality ground water supplies which would not experience seawater intrusion problems in the short term but HongWest could not find that even the center of the Island would be free from salt water intrusion problems in the long term.

Saltwater intrusion will be a significant impact of year-around extended ferry service. The two year trial period may have been sufficient to evaluate the economics of extended ferry service but it could not evaluate the growth impacts because no one is going to rely on a temporary service extension to relocate to the Island.

WAC 197-11-080(1) states that if information essential to choosing between no extension and a extension of ferry service is not known and the costs of obtaining it are not exorbitant, the information must be collected and provided in the environmental documents. Here an additional hydrogeologic study is required to provide updated information and to expand the scope of the IJS Geological Survey study (Ex. 520) to see if saltwater intrusion is worsening at exiting pumping levels and to determine the best location for a new centralized water system that can be used to serve all new development and the expected yield of that centralized system without negatively impacting other existing wells. The cost of such a study should be comparable to the cost of the 1995 study in 1990 dollars and is not exorbitant. WAC 197-11-080(3) provides that the agency should consider not going forward with the project if information can not be obtained but that the environmental documents should include a worst case analysis and if the impact is significant, then there must be an EIS with mitigation proposed.

Another issue that must be addressed is the likely health impacts and the level of the increased health risks of drinking and cooking with water with high sodium content particularly for people with cardiac, circulatory or renal diseases and infants who are fed reconstituted formula.

Another issue that must be addressed is the likely impacts to wetlands and the one stream on the island of the increased water pumping and the impacts that this will have on the priority habitat and priority species that use the island.

Another issue that must be addresses is the likely impacts on existing homes and new homes from future well failure caused by overpumping the aquifer.

Another issue that must be addressed is the environmental impact of large scale desalination use on the Island.

The County has suggested that it can nothing to stop development on existing parcels. This is not true. Many jurisdictions have taken measure to reduce the development potential of

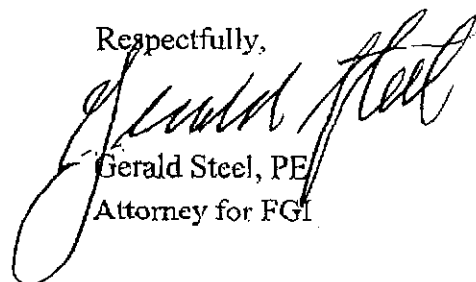
Gary Christensen, SEPA Official

February 15, 2008

Page 4

existing parcels and these measures should be considered as potential mitigation for an extended ferry schedule.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gerald Steel", written over the typed name and title.

Gerald Steel, PE
Attorney for FGI



GERALD STEEL, PE

ATTORNEY-AT-LAW

7303 YOUNG ROAD NW
OLYMPIA, WA 98502
Tel/fax (360) 867-1166

February 14, 2008

Gary Christensen, SEPA Official
Skagit County Planning
1800 Continental Place
Mount Vernon, WA 98273

SKAGIT COUNTY
PERMIT CNTR.

FEB 15 2008

RECEIVED

RE: Guemes Ferry Schedule Change SEPA Review.

Dear Gary:

I write this letter on behalf of my clients, Friends of Guemes Island ("FGI"). Attached hereto are four documents that you should find useful in doing your Environmental Assessment for the Guemes Ferry Schedule Change SEPA Review.

- 1) The FGI Opening Brief in WWGMHB No. 07-2-0023. This Brief asks the Growth Board for a finding of invalidity on the 2007 Land Use Designation and Zoning Map for Guemes Island with a special finding that invalidity extends to all new single family dwelling permits to protect public health and safety. FGI Opening Brief at 14.

Attached to this brief are:

Att. A, the aquifer recharge portion of SCC 14.24

Att. B, SCC 12.48

Ex. 8, the 2000 CPPs

Ex. 501, 6/20/05 FGI Letter Re: Guemes Ferry Schedule Change

Ex. 503, Verified Complaint in Snoh. Cty. Sup. Ct. Cause No. 06-2-09088-6

Ex. 514, Resolution # 15570

Ex. 519, 2000 Land Use Designation and Zoning Map for Guemes Island

Ex. 520, 1995 US Geological Survey, Guemes Island Groundwater

Ex. 522, 1994 Potlatch Beach Hydrogeologic Study for Guemes Island

Ex. 531, 4/20/07 FGI Letter Re: salt water intrusion on Guemes

Ex. 775, Excerpts from Ordinance # O20070009 including 2007 Land Use
Designation and Zoning Map for Guemes Island (775-M)

- 2) The FGI Opposition to Dismissal of Prehearing Order Issue 11. Because the Growth Board found it did not have jurisdiction to hear this issue, the jurisdiction over the

February 14, 2008

Page 2

substance of any new Resolution to extend ferry service is with the Court. This Brief gives useful background facts and provides exhibits cited to in the FGI Opening Brief. Special consideration should be given to Ex. 502 and Ex. 509 that provide SEPA analysis for extended scheduled weeknight service for the Guemes Ferry.

Attached to this brief are:

Ex. 364, Portion of 2000 CP

Ex. 502, 5/23/06 FGI Letter Re: Guemes Ferry Schedule Change - Includes 5/21/06
Environmental Assessment of Guemes Ferry Schedule Changes

Ex. 504, Portion of 1997 DEIS that found impact significant for schedule changes

Ex. 506, Resolution # R20060184

Ex. 508, 1/1/06 Guemes Ferry Schedule

Ex. 509, May, 2007 Environmental Assessment of Guemes Ferry Schedule Changes

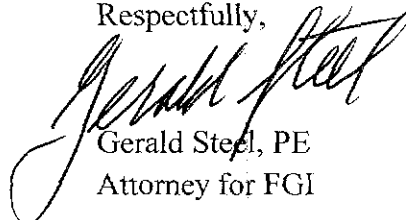
Ex. 513, Addendum to Environmental Checklist for Resolution # R20060184

Ex. 775, Excerpt from 2007 CP

- 3) Ex. 521, Environmental Assessment for Seawater Desalination in California
- 4) Ex. 530, Materials presented by FGI to BOCC Re: Resolution # R20060184

All of the above exhibit numbers are from FGI v. Skagit County, WWGMHB 07-2-0023.

Respectfully,



Gerald Steel, PE
Attorney for FGI

1
2
3
4
5
6
7 BEFORE THE WESTERN WASHINGTON
8 GROWTH MANAGEMENT HEARINGS BOARD

9 FRIENDS OF GUEMES ISLAND,

10 Petitioner,

11 v.

12 SKAGIT COUNTY,

13 Respondent.
14

NO. 07-2-0023

FGI OPENING BRIEF

15 I. INTRODUCTION

16 Friends of Guemes Island ("FGI") represents the majority of residents on Guemes
17 Island. We have filed our petition with this Board to get help from this Board in protecting
18 the rural character on the Island including protecting the quality of drinking water and
19 wildlife on the Island. For the last hundred years, the only public transportation link to the
20 Island has been a small ferry that travels back and forth across the 2/3 mile wide Guemes
21 Channel between Anacortes and Guemes Island. While the ferry runs to midnight on
22 weekend nights it has never had permanent regular scheduled ferry service after 6 pm on
23 weeknights, Monday through Thursday. This has created an intriguing Island culture that
24 the residents would very much like to retain. This culture was described by the learned
25

26 FGI OPENING BRIEF - 1
27
28

GERALD STEEL, PE
ATTORNEY-AT-LAW
7303 YOUNG ROAD NW
OLYMPIA, WA 98502
Tel/fax (360) 867-1166

1 Justice Hale in the Supreme Court decision in Smith v. Skagit County in 1969.

2 Guemes Island is a quiet place. It has no industry or
3 commerce, no hustle of traffic, no crime-and no police. The
4 air above it is pure and sweet, and the waters around it
5 sparkling and clean. It lies at the eastern end of the San Juan
6 archipelago-one of a group of inordinately beautiful islands.
7 Its southern shore running nearly parallel to the mainland
8 about 1 mile south at Anacortes, forms the north shore of
9 Guemes Channel, a deep water body capable of carrying the
10 largest ships afloat. Framed by inviting beaches, highlighted
11 with open fields and wooded uplands, this beautiful island
12 affords the residents there a peaceful pastoral haven for their
13 homes and several beach and park areas for public recreation.
14 When the Skagit County Commissioners, after years of
15 intensive zoning study and planning, reserved Guemes Island
16 for residential and recreational purposes only, they were
17 simply recognizing what was universally accepted as the
18 highest and best purposes for the use of the land.

19 Smith v. Skagit County, 75 Wn.2d 715, 716-17, 453 P.2d 832 (1969).

20 With the limited public transportation system, the people who live on Guemes Island
21 have become more self-sufficient and interdependent with other Islanders. They work
22 together and play together. They have developed an elaborate communication system on the
23 web at linetime.org. In 1997, at the request of Guemes residents, Guemes Island was
24 designated a sole source aquifer by the U.S. Environmental Protection Agency. Opp. Ex. 509
25 at 12. Under Skagit County Code ("SCC") 14.24.310 (Attachment A hereto), such sole
26 source aquifer areas should be designated a Category I aquifer recharge area. Category 1
27 areas actually designated are required to be shown on the County's Aquifer Recharge Area
28 Map. SCC 14.24.310(1)(a). The problem here is, that to the best of our knowledge, Skagit
County has not adopted an Aquifer Recharge Area Map.

1 Even though there are several legislative enactments that require protection of quality
2 and quantity of groundwater for drinking water supply, Skagit County has never done the
3 studies necessary to plan for growth on Guemes Island consistent with the available water
4 supply. The Water Resources Act of 1971 called for local resource planning to ensure
5 protection of water supplies for residential and other uses. RCW 90.54.20(5) ("Adequate and
6 safe supplies of water shall be preserved and protected in potable condition to satisfy human
7 domestic needs.") This statute ordered counties to plan consistent with these objectives.
8 RCW 90.54.090 ("counties and municipal and public corporations, shall, whenever possible,
9 carry out powers vested in them in manners which are consistent with the provisions of this
10 chapter").
11

12 The Department of Ecology implemented the Water Resources Act of 1971 by
13 establishing Water Resource Inventory Areas ("WRIAs") including WRIA 3 for the Lower
14 Skagit/Samish in Skagit County. WAC 173-500-040. Guemes Island is located in WRIA 3.
15 WAC 173-500-990. Skagit County's WRIA 3 work has not given any attention to water
16 resource management planning for Guemes Island. Opp. Ex. 502¹ (Attached May 21, 2006
17 letter at 3). Meanwhile the saltwater intrusion problems on Guemes Island have worsened.
18

19 The Growth Management Act also demands that Skagit County protect water quality
20 and availability.
21

22 Environment. Protect the environment and enhance the state's
23 high quality of life, including air and water quality, and the
24 availability of water.

25 ¹ Opp. Ex. 502 is Ex 502 attached to Petitioner's Opposition to Dismissal of
26 Prehearing Order Issue 11.

1 RCW 36.70A.020(10). RCW 36.70A.070(1) requires:

2 The land use element shall provide for protection of the
3 quality and quantity of groundwater used for public water
4 supplies.

5 Virtually all of the public drinking water supplies on Guemes Island come from its sole
6 source aquifer.²

7 The Growth Management Act also protects groundwater by requiring protection of
8 rural character. "Rural character" is defined, in part, as "patterns of land use and
9 development [that] are consistent with the protection of natural surface water flows and
10 groundwater and surface water recharge and discharge areas." RCW 36.70A.030(15).

11 The Rural Element of the Comprehensive plan requires "a variety of rural densities."
12 RCW 36.70A.070(5)(b). The allowed rural densities on Guemes Island are not compliant
13 with the GMA because they are inadequate to protect the groundwater on Guemes Island.
14 "The rural element shall include measures that apply to rural development and protect the
15 rural character of the area" including "[p]rotecting critical areas, as provided in RCW
16 36.70A.170 and surface water and groundwater resources." RCW 36.70A.070(5)(c) and -
17 (5)(c)(iv). "[A]reas with a critical recharging effect on aquifers used for potable water" are
18 defined as "critical areas." RCW 36.70A.030(5)(b).

19
20 RCW 36.70A.060(2) requires the County to adopt development regulations that
21 actually "protect critical areas that are required to be designated under RCW 36.70A.170."
22 RCW 36.70A.130(1) and (4) required Skagit County to have an updated plan and regulations
23 by December 1, 2005 to ensure compliance with the GMA. RCW 36.70A.130(8)(a) gave
24

25
26 ² There is one desalination plant that serves 34 homes. Opp. Ex. 509 at 12.

1 Skagit County until December 1, 2006 to have updated critical areas regulations.³ RCW
2 36.70A.170 requires critical areas, including aquifer recharge areas, to be designated and
3 RCW 36.70A.172 requires best available science to be used "to protect the function and
4 values of critical areas" including aquifer recharge areas.

5 The Countywide Planning Policies ("CPPs") provide the framework for the
6 Comprehensive Plan. RCW 36.70A.210(1). The Plan must be developed consistent with this
7 framework. Id. Skagit County has incorporated its CPPs into its Comprehensive Plan. Ex.
8 775-95 to 775-96. The June 15, 2000 CPPs are attached hereto as Ex. 8. The September 10,
9 2007 CPP amendments are attached hereto as Ex. 775-72 to 775-77.

11 CPP 2.3 provides that "Rural development shall have access through suitable county
12 roads." Because Guemes Island is not accessible through county roads, allowing new rural
13 development is inconsistent with this policy. Were there a county road accessing the Island,
14 a water line could be extended to the Island along this county road. The Guemes Channel
15 is a deep water channel (supra, this brief at 2) and extending a water line from the mainland
16 is not practical. CPP 2.3 also requires that allowed rural development "must address their
17 drainage and ground water impacts." While SCC 14.24.300 et seq (Attachment A hereto)
18 requires site assessment mitigation reporting for development in Category I aquifer recharge
19 areas, nothing is required that would adequately address the salt water intrusion problems on
20
21
22
23

24 ³ The County has failed to meet the December 1, 2006 deadline to update its
25 critical areas regulations but is currently working on this update. Ex. 775-20, Finding 66.
26 Note that "Ex. 775-20" refers to Ex. 775 attached hereto at page marked "775-20".

1 Guemes Island caused by overdevelopment of the sole source aquifer.⁴ The County simply
2 did not address this problem when it erroneously assigned land use designations and zoning
3 on Guemes Island. A failure to establish land use designations (along with implementing
4 zoning) consistent with the CPPs is a violation of RCW 36.70A.210(1). Because the County
5 incorporated the CPPs into its CP, the failure to establish land use designations (along with
6 implementing zoning) consistent with CP Policies that protect groundwater, aquifers, and
7 rural character creates an internal inconsistency that is a violation of RCW
8 36.70A.070(preamble).

9
10 CPP 4.6 states:

11 Comprehensive Plan provisions for the location of residential
12 development shall be made in a manner consistent with
13 protecting . . . critical areas.

14 But the County's assignments for allowed development on the Land Use Designation and
15 Zoning Map for Guemes have not been made in a manner consistent with protecting the sole
16 source aquifer critical areas. A black and white copy of the 2000 CP Land Use Designation
17 and Zoning Map for Guemes (with designation and zoning labels added by me) is provided
18 in Ex. 519-1. A blow-up version of this Map is provided in Ex. 519-2. A black and white
19

20
21 ⁴ The aquifer protection program in SCC 14.24 primarily seeks to prevent
22 contamination of the aquifer by waste from the proposed project. This is a problem in some
23 areas of Guemes where high nitrate levels are found. Opp. Ex. 509 at 15 to 16. But the more
24 serious problem on Guemes is from distant salt water intrusion, often near the edges of the
25 Island, caused by fresh water pumping anywhere on the Island. *Id.* at 12 to 15 (The U.S.
26 Geological Survey Report 94-4236 referenced in this citation is provided herein as Ex. 520;
27 the Hong West Report referenced in this citation is provided herein as Ex. 522). Nothing in
28 SCC 14.24 addresses the salt water intrusion impacts that new wells will have on distant
existing wells on the Island that use the sole source aquifer.

1 copy of the 2007 CP Land Use Designation and Zoning Map for Guemes is provided in Ex.
2 775-M.

3 CPP 5.6 states:

4 . . . Residential acreage shall be designated to meet future
5 needs without adversely affecting . . . critical areas, and rural
6 character and lifestyles.

7 Again, this CPP is incorporated into the Comprehensive Plan and requires land use
8 designations and zoning on Guemes to be able to be developed without adversely affecting
9 the sole source aquifer (critical areas) or rural character (including pursuant to RCW
10 36.70A.030(15) "the protection of natural surface water flows and groundwater and surface
11 water recharge and discharge areas" and pursuant to RCW 36.70A.070(5)(c)(iv) "[p]rotecting
12 critical areas . . . and groundwater resources").

13
14 CPP 10.1 states:

15 critical areas shall be classified and designated, and
16 regulations adopted to assure their long-term conservation.
17 Land uses and developments which are incompatible with
critical areas shall be prohibited except when impacts from
such uses and developments can be mitigated.

18 The County's regulations do not assure the long-term conservation of the sole source aquifer
19 critical areas on Guemes Island. The County has failed to prohibit land uses and
20 developments which are incompatible with the long range protection of the sole source
21 aquifer critical areas and the County's regulations are inadequate to protect the Island from
22 additional well failures from salt water intrusion.

23
24 CPP 10.2 states:

25 Land use decisions shall take into account the immediate and
26

1 long range cumulative effects of proposed uses on the
2 environment, both on and off-site.

3 In adopting the Land Use Designation and Zoning Map for Guemes Island and the related
4 polices and regulations, Skagit County is allowing over-development of Guemes Island
5 without meeting the requirement of CPP (and CP) Policy 10.2 to take into account the long
6 range cumulative effects of the proposed over-development on the sole source aquifer from
7 salt water intrusion.

8 CPP 10.4 states:

9 ... aquifers are essential components of the hydrologic system
10 and shall be managed to protect surface and groundwater
11 quality.

12 Skagit County has ignored the requirement for protection of groundwater quality from the
13 impacts of salt water intrusion in the Guemes Island sole source aquifer.

14 CPP 10.6 states:

15 Rural character shall be preserved by regulatory mechanisms
16 through which development can occur with minimal
17 environmental impact.

18 Skagit County has failed to adopt regulatory mechanisms to adequately minimize the adverse
19 long range impacts of development on the Guemes Island sole source aquifer.

20 CPP 10.7 states:

21 Development shall be directed away from designated ...
22 critical areas.

23 In the 2000 Comprehensive Plan the County implemented CPP 10.7 for Guemes Island with
24 Policy 9A-8.2 which required that increases in demand for the Guemes Ferry would be met
25 by means other than extending the weekday schedule day which ended at 6 pm. Opp. Ex. 364
26

1 at 9-9. Ending the weekday schedule day at 6 pm directed growth away from Guemes Island
2 and its sole source aquifer because it "discourages many people from year around living on
3 the island." Opp. Ex. 502 (attached May 21, 2006 letter at 3-4). This theme is more fully
4 developed in Opp. Ex. 509.

5 In the 2007 Comprehensive Plan the County took an action to direct development to
6 the Guemes Island sole source aquifer critical area that is inconsistent with CPP 10.7. First,
7 the County renumbered 2000 CP Policy 9A-8.2 to become Policy 8A-5.3 in the 2007 CP (Ex.
8 775-349) and amended this policy with a new option (d) for meeting increases in demand by
9 "adding additional runs outside the current schedule." In light of the evidence in Opp. Ex.
10 502 (May 21, 2006 letter) and Opp. Ex. 509, 2007, CP Policy 8A-5.3(d) is inconsistent with
11 CPP 10.7 which makes it noncompliant with RCW 36.70A.210(1). Because CPP 10.7 has
12 been incorporated into the 2007 CP, 2007 CP Policy 8A-5.3(d) is internally inconsistent with
13 CPP 10.7 as a CP Policy which makes it noncompliant with RCW 36.70A.070(preamble).
14

15 Despite all of the requirements in RCW 90.54 and RCW 36.70A for the County to
16 plan for rural development in a manner that protects groundwater used for drinking water,
17 Skagit County has failed to accept this responsibility for Guemes Island. Skagit County has
18 never done a study of what level of development is sustainable on Guemes Island considering
19 the limited scope of the available potable water supply. Because of the failure of the County
20 to manage growth and development on the Island in a manner consistent with water
21 availability on the Island, a water crisis is eminent.
22

23 The water supply on Guemes is tenuous with the current
24 population and increased population drawing water from the
25 aquifer system is likely to create a crisis situation.
26

1 Opp. Ex. 509 at 12.

2 Under Amended Prehearing Order Issues 4 and 12, this Board should find the Land
3 Use Designation and Zoning Map for Guemes Island non-compliant and invalid. The
4 allowance of any additional growth on the Island beyond that allowed under invalidity will
5 have an irreversible impact on the ability of the County to comply with the Growth
6 Management Act and the ability of the County under Goal 10 to protect "water quality and
7 the availability of water" on Guemes. Before invalidity may be lifted, this Board should
8 require the County to provide a water management plan and a Land Use Designation and
9 Zoning Map based on appropriate policies and regulations that will ensure that with the full
10 development allowed on the Island, the groundwater resource will remain adequate to provide
11 potable water without further degradation from salt water intrusion.
12

13 II. SALT WATER INTRUSION ON GUEMES ISLAND

14 At the end of the 1980's residents on Guemes Island had increased concern about
15 wells on the Island that were failing because of salt water intrusion. Skagit County would
16 not do a water resource management study for the Island so Island residents joined with the
17 Conservation District to fund a study by the U.S. Geological Survey on Hydrogeology and
18 Quality of Ground Water on Guemes Island, Skagit County, Washington. Ex. 520-9. Ex.
19 520-10 shows the location of Guemes Island near the west boundary of Skagit County. Ex.
20 520-17 shows a simplified conceptual model of hydrogeologic conditions on Guemes Island.
21 The rain is the freshwater supply. Id. The fresh water in the aquifer is like a bubble floating
22 on top of seawater. Id. Fresh water is always flowing out into the seawater to prevent the
23 seawater from mixing with the freshest water. Id. Ex. 520-17 is a simplified model and
24

1 actual conditions vary significantly across the Island. When there is increased pumping of
2 fresh water or insufficient recharge, the fresh water/salt water diffuse interface moves
3 landward and wells can start pumping more salty water. Ex. 520-41. Increased pumping
4 is most likely to result in a loss of fresh groundwater storage. Ex. 520-36. Salt water
5 intrusion must be avoided because remedial measures may require years or decades to take
6 effect. Ex. 520-36.

7
8 The U.S. Geological Survey established that a chloride concentration of 100 mg/L
9 represented sea water intrusion on Guemes Island. Ex. 520-41. They observed that
10 numerous wells were documented with seawater intrusion on Guemes Island prior to their
11 study. Id. They field tested 83 wells across Guemes Island in 1991 for chloride concentration
12 and they found 19 percent of these wells were impacted by seawater intrusion. Ex. 520-41
13 to 520-42. Wells experiencing seawater intrusion were up to one half mile inland from the
14 Island's coastline. Ex. 520-42.

15
16 The fundamental problem is that new wells inland can pull the fresh water/salt water
17 interface landward and cause other wells nearer to the coastline to come under the influence
18 of salt water intrusion. When a well reaches a chloride concentration somewhat over 200
19 mg/L, the homeowner may not be able to continue to use well to supply water to the home
20 and the existing coastal home may have to be abandoned. This is, of course, a major blow
21 to the rural character enjoyed by that homeowner. In the 1991 sampling, a full ten percent
22 of the wells sampled had chloride concentrations greater than 200 mg/L.

23
24 Hong West prepared the Potlatch Beach Hydrogeologic Study in April, 1994. Ex.
25 522-1. Hong West reports to his clients that "their analysis indicates that seawater intrusion

1 will preclude or limit additional ground water development in the north end of Guemes Island
2 and only through significant reductions in water usage and pumping can you halt or reverse
3 the increases in chloride concentrations in your existing wells." Ex. 522-2. Hong West
4 states:

5
6 The general hydrogeologic conditions that cause sea water
7 intrusion are fairly simple; the aquifer must be in hydraulic
8 connection with the sea and the withdrawal, called *discharge*,
9 of fresh water must be sufficient to lower water levels with the
10 fresh water aquifer below that of sea level. This induces the
11 sea water to enter the aquifer, and to encroach landward in the
12 direction of the water withdraw. Refer to [Ex. 522-15]. The
13 interface between the encroaching sea water and the fresh
14 water in the aquifer is called *the zone of diffusion*.

15 Ex. 522-14.

16 Hong West found that the central part of the Island would be the most likely location
17 to obtain acceptable quality ground water supplies which would not experience seawater
18 intrusion problems in the short term but Hong West could not find that even the center of the
19 Island would be free from salt water intrusion problems in the long term. Ex. 522-17.

20 Despite these warnings of impending crisis in the mid-1990's, Skagit County has done
21 virtually nothing to prevent new development from causing existing development to suffer
22 from salt water intrusion. The development allowed by the Land Use Designation and
23 Zoning Map for Guemes Island will destroy the sole source aquifer on Guemes with saltwater
24 intrusion.

25 **III. ISSUES 4 AND 12**

26 In the preceding discussion (supra, this brief at 1-12) we have addressed how new
27 development allowed by the Land Use Designation and Zoning Map for Guemes Island will

1 destroy the sole source aquifer on Guemes with saltwater intrusion. All of the argument and
2 evidence introduced in other sections of this brief is incorporated into this section. It is
3 expected that there will be a significant increase in saltwater intrusion happening relatively
4 quickly if the County implements new CP Policy 8A-5.3(d) (supra, this brief at 8 to 9) and
5 makes permanent the temporary extended weeknight ferry schedule adopted by Resolution
6 No. R20060184 (Opp. Ex. 506) with new additional permanent weeknight scheduled runs
7 between 6 pm and 10 pm. This increased impact will occur because the Island demographics
8 will change with the increased access to the Island.
9

10 In 2000, the census data reports there were 592 housing units on Guemes, up 15
11 percent from 514 units in 1990. Opp. Ex. 509 at 18. However, in 2000 only 287 of these
12 units were occupied by full time residents. Id. There were 563 full time residents in 2000,
13 up from 546 full time residents in 1990 (only a 3% increase in full time residents in 10 years).
14 Id. This corresponds to 0.95 full time residents per house on Guemes Island in year 2000.
15 There were an additional 35 housing units built between 2000 and 2006. Id.
16

17 In the 2000 census, Skagit County averaged 2.6 persons per household. With the
18 increased access to the Island allowed by commuter hour ferry service on weeknights, the
19 County should expect the occupancy of the existing $(592 + 35) = 627$ houses to approach the
20 Countywide average of 2.6 persons per household. Id. At 2.6 persons per household, there
21 would be $(627)(2.6) = 1630$ full time residents living on Guemes Island just in the existing
22 houses. Id. Ex. 520-34 used water records to determine that people living on Guemes used
23 70 gallons per day per person. Increasing the water pumped from the aquifer to accommodate
24 1,630 full time residents instead of 563 full time residents is likely to cause a significant
25

1 increase in salt water intrusion. Opp. Ex. 509-21.

2 Permanent weeknight extended ferry service authorized by CP Policy 8A-5.3(d) will
3 also make Guemes Island more attractive to buyers and homebuilders. While there were 627
4 existing homes in 2006, without any further subdivision another 962 homes could be built
5 on existing parcels. Opp. Ex. 509 at 10. With development encouraged by permanent
6 weeknight ferry access, it should be expected that with all other factors being equal, there will
7 also be a significant increase in growth caused by new homebuilding on Guemes Island.
8 Opp. Ex. 509 at 4 to 11 describes how a weeknight ferry schedule extension will increase the
9 demand for property on Guemes Island. All of this growth will quickly overburden the
10 Guemes sole source aquifer.
11

12 In addition to the growth that will occur on existing lots, an increase in subdivision
13 will also fuel growth. A finding of noncompliance and invalidity on the Land Use
14 Designation and Zoning Map would stop new subdivision and reduce the number of permits
15 for single-family residences by limiting spec building of homes. However, because of the
16 potential serious saltwater intrusion impacts of changing the persons per household in the
17 existing houses from 0.95 to 2.6 persons per household, FGI requests that this Board exercise
18 its authority under RCW 36.70A.302(3)(b)(i) to extend its order of invalidity to all new
19 single-family residences to protect the public health and safety and minimize salt water
20 intrusion impacts on existing homes until the County provides a water management plan and
21 a Land Use Designation and Zoning Map based on appropriate policies and regulations that
22 will ensure that with the full development allowed on the Island, the groundwater resource
23 will remain adequate to provide potable water without further degradation from salt water
24
25
26

1 intrusion.

2 IV. ISSUES 5 AND 12

3 Because the County has failed to implement CP Rural Goals A, A2, and A3, and CP
4 Policies 3A-2.1, 3A-3.1 and 3A-3.2 on Guemes Island, this Board should find the Land Use
5 Designation and Zoning Map for Guemes Island not-compliant and invalid and this Board
6 should not lift invalidity until these Goals and Policies have been implemented in a Land Use
7 Designation and Zoning Map with appropriate additional regulations. All of the argument
8 and evidence introduced in other sections of this brief is incorporated into this section.
9

10 Rural Goal A states:

11 Protect the rural landscape, character and lifestyle by:

- 12 (a) Defining and identifying rural lands for long-term use and conservation;
- 13 (b) Providing for a variety of rural densities and housing opportunities;
- 14 (c) Maintaining the character and historic and cultural roles of existing rural communities;
- 15 (d) Allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values;
- 16 (e) Assuring economic prosperity for rural areas; and
- 17 (f) Assuring that appropriate and adequate rural levels of service are provided.

18
19 Because Guemes has developed for 100 years with scheduled weeknight ferry service ending
20 at 6 pm it has developed a rural character and lifestyle that is unique in Skagit County and
21 in Washington State. Goal A demands that this rural character and lifestyle be protected.

22 This rural character and lifestyle is characterized by half of the houses on the island
23 only being used seasonally (Opp. Ex. 509 at 18); by not having police or crime (supra, this
24 brief at 2); by having a median age of residents at 53 years old and 50 percent of the resident
25

1 households collecting Social Security (Opp. Ex. 509 at 18 to 19); by having children only
2 being 12 percent of the population (Opp. Ex. 509 at 18); by having very slow growth of full
3 time residents (only a 3 percent total increase in 10 years) (compare to the 29.5 percent Skagit
4 County increase in the same 10 years, Ex. 775-422 to 775-423) (Opp. Ex. 509 at 18); by
5 living on an Island that is supported by a sole source aquifer (supra, this brief at 2); by having
6 pure and sweet air (Id.); by having a peaceful pastoral haven (Id.); by having substantial
7 summer recreational use by visitors (Opp. Ex. 509 at 11); by having affordable waterfront
8 homes (Id.); and by having substantial priority habitat for a variety of endangered or
9 threatened priority species (Opp. Ex. 502, May 21, 2006 letter at 2).

11 It was to protect this rural character and lifestyle that a supermajority of 75% of the
12 registered voters on the Island voted in 2006 to oppose an extension of weeknight ferry
13 service from 6 pm to 10 pm. Ex. 505. It was in complete disregard of the protection of this
14 unique rural character and lifestyle that the County adopted Resolution # R20060184 in May
15 of 2006 to establish a two year trial period for such an extension of weeknight ferry service.
16 It is in complete disregard of the protection of this unique rural character and lifestyle that the
17 County added CP Policy 8A-5.3(d) in its 2007 CP to support its proposed permanent
18 extension of weeknight ferry service.

20 While Islanders have been somewhat tolerant of the County's lack of groundwater
21 planning on Guemes evidenced in the Land Use Designation and Zoning Map for Guemes
22 and the lack of implementation of CP Rural Goals A, A2, and A3, and CP Policies 3A-2.1,
23 3A-3.1 and 3A-3.2 on Guemes Island, the Islanders must now speak up to protect the Islands
24 unique rural character and lifestyle. The County has failed to adequately implement Rural
25

1 Goal A(a) by not having a Land Use Designation and Zoning Map and other regulations that
2 will protect the Island from saltwater intrusion. The County has failed to adequately
3 implement Rural Goal A(b) by not having a sufficient variety of rural densities to protect
4 from saltwater intrusion. The County has failed to adequately implement Rural Goal A(c)
5 because the current regulations do not maintain the character and historic and cultural roles
6 of the Island community. The County has failed to adequately implement Rural Goal A(d)
7 by allowing uses pursuant to the Land Use Designation and Zoning Map and other
8 regulations which are not compatible with the values of the Islanders and which will not
9 protect the viability of the groundwater resource. The County has failed to adequately
10 implement Rural Goal A(e) because there will be economic disaster each time saltwater
11 intrusion causes the water supply to fail for another house. The County has failed to
12 adequately implement Rural Goal A(f) because the County has not assured that adequate rural
13 water service will be provided to the existing and allowed development on the Island.
14
15

16 Rural Goal A2 states:

17 Provide for a variety of residential densities and business uses
18 that maintain rural character . . .

19 The County has failed to adequately implement this Goal on Guemes because the
20 development allowed by its Land Use Designation and Zoning Map and other regulations will
21 not protect rural character from saltwater intrusion that will destroy existing wells serving
22 existing houses on the Island.

23 Rural Goal A3 states:

24 Assure that public facilities, services, roads and utilities are
25 properly planned for and provided, consistent with rural
26

1 character, needs, and lifestyles.

2 This Goal has not been adequately implemented on Guemes because there is not adequate
3 rural water service planned for to protect the groundwater from saltwater intrusion at the full
4 development levels allowed by the Land Use Designation and Zoning Map and other
5 regulations.
6

7 Rural Policy 3A-2.1 states:

8 Manage development in rural areas through density
9 requirements that protect and maintain existing rural character,
... critical areas ... and water resources.

10 This policy has not been adequately implemented on Guemes because the development levels
11 allowed by the Land Use Designation and Zoning Map and other regulations will not protect
12 and maintain existing rural character because the sole source aquifer critical area which is the
13 water resource will be irreversibly harmed by salt water intrusion.
14

15 Rural Policy 3A-3.2 states:

16 Priorities for funding public investment in rural areas shall be
17 to maintain or upgrade existing ... services ... to serve
existing development at rural service standards.

18 The County ferry is the only public access to Guemes Island. Providing access to Guemes
19 Island is a public service. The County has not implemented this rural policy for the Guemes
20 Ferry first because it has not adopted a rural service standard or level of service for the
21 Guemes Island Ferry and second because it has not implemented regulations to limit public
22 funding for upgraded ferry service to that needed just for existing development.
23

24 As an example of current practice, public works data shows that ferry demand by
25 existing development has decreased since 2003. Ex. 503-9. Yet in 2006, the County began
26

1 a trial period of extended weeknight ferry service. Opp. Ex. 506. The County is using public
2 funding for this extended weeknight ferry service not to serve the demands of existing
3 development but instead to accommodate future development. Opp. Ex. 513 at 12. The
4 County has not implemented Policy 3A-3.2 for the Guemes Island Ferry service.

5 Implementing regulations are required by RCW 36.70A.040(3) ("county shall adopt
6 a comprehensive plan under this chapter and development regulations that are consistent with
7 and implement the comprehensive plan"), by RCW 36.70A.130(1) and (4) (that require an
8 update "to ensure the plan and regulations comply with the requirements of this chapter"),
9 and RCW 36.70A.130(1)(d) that requires amendments to development regulations to be
10 consistent with and implement the comprehensive plan.

11 Rural Policy 3A-3.2 states:

12 Standards and plans for . . . public services . . . shall be
13 consistent with rural densities and uses. Such . . . services
14 shall be . . . provided to minimize . . . the impacts to rural
15 residents and community character, to preserve natural
16 systems, [and] to protect critical areas . . .

17 Providing ferry access to Guemes Island is a public service. The County has not adopted
18 implementing regulations to ensure that Guemes Island ferry service is provided in a manner
19 that minimizes adverse impacts to community character, preserves the natural groundwater
20 system, and protects the sole source aquifer on the Island from excessive development. The
21 hundred year history of having scheduled weeknight ferry service end at 6 pm has protected
22 the community character, preserved the natural groundwater system and protected the sole
23 source aquifer on the Island even with the adoption of the Land Use Designation and Zoning
24 Map and other development regulations that are in effect on the Island.

1 This Board should require the County to implement the above referenced Goals and
2 Policies both in the development of rural service standards and a level of service for the
3 Guemes Island Ferry and also by the revision of the Land Use Designation and Zoning Map
4 for Guemes and other development regulations so that the rural character, groundwater, and
5 sole source aquifer are protected at full build-out of the revised zoning regulations. Because
6 the Land Use Designation and Zoning Map for Guemes allows development at build-out that
7 will destroy the sole source aquifer by saltwater intrusion, this Board should find this Land
8 Use Designation and Zoning Map invalid as requested in Section III of this brief.
9

10 **V. ISSUE 6**

11 RCW 36.70A.020(12) requires public services to be adequate to serve development
12 without decreasing service levels below minimum standards. This GMA Goal requires the
13 County to establish service standards and levels of service for all public services that it
14 provides. Providing ferry access to Guemes Island is a public service. Therefore RCW
15 36.70A.020(12) requires the County to establish a level of service and service standards for
16 the Guemes Island Ferry.
17

18 The County is in violation of RCW 36.70A.020(12) because it has not established
19 service standards and a level of service for the Guemes Island Ferry. CPP 3.8 (Ex. 8-10) also
20 requires that transportation service "[l]evel of service (LOS) standards and safety standards
21 shall be established." The County is in violation of RCW 36.70A.210(1) for not having a
22 comprehensive plan that is consistent with CPP 3.8. Because CPP 3.8 has been adopted into
23 the Comprehensive Plan (supra, this brief at 5) the County also violates RCW
24 36.70A.070(preamble) by failing to have a service level required by CPP 3.8.
25
26

1 Because the County does not have a level of service standard for the Guemes Island
2 Ferry, it cannot comply with RCW 36.70A.020(12) in assuring adequate services, RCW
3 36.70A.020(3) regarding coordinated transportation based on regional priorities, and RCW
4 36.70A.070(6)(a)(iii)(B) which requires service standards for transit routes.

5 Given that the intent of RCW 36.70A.070(6)(a)(iii)(B) is to provide level of service
6 standards for all important locally owned transportation routes, the County fails to comply
7 with the GMA when it limits the definition of transit in its Comprehensive Plan (Ex. 775-
8 473) to bus and rail and does not include ferry service.

10 VI. ISSUE 7

11 Based on the analysis and evidence in this brief, incorporated into this section by
12 reference, this Board should find 2007 CP Policy 8A-5.3(d) which supports extended
13 scheduled weeknight ferry service from 6 pm to 10 pm to violate RCW
14 36.70A.070(preamble) because this extended service allowed by "adding additional runs
15 outside the current schedule" will remove an impediment to access to the Island in a manner
16 that will promote growth (Opp. Ex. 502 and 509). Increased growth on the Island will
17 significantly adversely impact rural character, groundwater, and the sole source aquifer
18 critical area all by increased salt water intrusion. This is internally inconsistent with the
19 protection of rural character, groundwater, and the sole source aquifer critical area required
20 by CP Rural Goals A, A2, and A3, CP Policies 3A-2.1, 3A-3.1, and 3A-3.2, and the
21 following CPPs (which were incorporated as CP Policies): 2.3, 3.3, 4.6, 5.6, 10.1, 10.2, 10.4,
22 10.6, and 10.7.

23 Each of these CPPs have previously been discussed (supra, this brief at 5 to 10)

1 except for CPP 3.3 which states:

2 The development of new transportation routes and
3 improvements to existing routes shall minimize adverse
social, economic and environmental impacts and costs.

The prior version of CP Policy 8A-5.3 was drafted explicitly without a provision for adding scheduled runs outside the current schedule. Supra, this Brief at 9. This was also the recommendation of the Guemes Island Ferry Schedule and Fare Task Force that was adopted by the BOCC to meet demand using “the currently defined schedule day.” Ex. 501. CP Policy 8A-5.3(d) was drafted to support extended scheduled weeknight ferry service from 6 pm to 10 pm to promote development on Guemes Island even though the evidence shows that the increased development that will result in significant adverse social, economic and environmental impacts and costs in conflict with CPP 3.3. CP Policy 8A-5.3(d) is internally inconsistent with all of the goals and policies cited.

15 VII. ISSUE 8

16 This section incorporates the argument and evidence provided in the other sections
17 of this brief. We have demonstrated that the addition of CP Policy 8A-5.3(d) is intended to
18 support permanent extended weeknight scheduled ferry service between 6 pm and 10 pm for
19 the Guemes Ferry. The evidence cited in this brief, particularly in Opp. Ex. 502 and 509,
20 supported by Ex. 520 and 522, demonstrate that there will be a probable significant adverse
21 environmental impact from growth on the island if additional runs outside the current
22 schedule are added and the Land Use Designation and Zoning Map and current development
23 regulations are retained on Guemes Island.
24

25 The SEPA documents adopted by the County for the 2007 CP totally fail to discuss

1 any adverse impacts directly associated with CP Policy 8A-5.3(d) on Guemes Island. The
2 SEPA documents do not address increased growth rates on Guemes that will result from CP
3 Policy 8A-5.3(d) or the adverse environmental impacts that these increased growth rates will
4 have on Guemes Island, on rural character, on groundwater used for rural water supply, and
5 on the sole source aquifer critical area. Because the County knew that it added CP Policy 8A-
6 5.3(d) to justify its proposal for permanent extended weeknight scheduled ferry service
7 between 6 pm and 10 pm for the Guemes Ferry, the County was obligated to address in its
8 SEPA documentation for CP Policy 8A-5.3(d) the indirect impacts from this expansion that
9 would likely arise as a result of adopting CP Policy 8A-5.3(d). WAC 197-11-402; WAC
10 197-11-060(4).
11

12 The adequacy of an EIS is a question of law subject to de novo review. OPAL v.
13 Adams County, 128 Wn.2d 869, 875, 913 P.2d 793 (1996). EIS adequacy involves the legal
14 sufficiency of the data in the EIS. Id. Sufficiency of the data is assessed under the "rule of
15 reason," which requires a "reasonably thorough discussion of the significant aspects of the
16 probable environmental consequences' of the agency's decision." Id. Here the EIS was
17 inadequate because the impacts likely to result from adopting CP Policy 8A-5.3(d) were not
18 even mentioned in the SEPA documents.
19

20 **VIII. ISSUES 9 and 12**

21 This section incorporates the argument and evidence provided in the other sections
22 of this brief. We have demonstrated in this brief that the Land Use Designation and Zoning
23 Map along with CP Policy 8A-5.3(d) and the Development Regulations all fail to protect the
24 water supply, groundwater, and sole source aquifer, all on Guemes Island. The Land Use
25

1 Designation and Zoning Map and CP Policy 8A-5.3(d) and the failure to implement CP Rural
2 Goals, A, A2, and A3, CP Policies 3A-2.1, 3A-3.1, and 3A-3.2, and CPPs 2.3, 3.3, 4.6, 5.6,
3 10.1, 10.2, 10.4, 10.6, and 10.7 (which were all incorporated as CP Policies) for Guemes
4 Island, all together fail to protect the water supply, groundwater, and sole source aquifer on
5 Guemes Island. The failure to implement these Comprehensive Plan goals and policies in
6 development regulations is a violation of RCW 36.70A.040(3) and RCW 36.70A.130. Supra,
7 this brief at 19. This failure along with the adoption of the Land Use Designation and Zoning
8 Map for Guemes and CP Policy 8A-5.3(d) are also violations of RCW 36.70A.020(2)
9 regarding inappropriate conversion, RCW 36.70A.020(10) regarding rural environment and
10 character including water quality and the availability of water, and RCW 36.70A.020(12)
11 regarding adequate services.
12

13 These actions and inactions are in violation of RCW 36.70A.060, -.120, -130, and -
14 172(1) for failing to protect the sole source aquifer critical area in consideration of the best
15 available science in Opp. Ex. 502 and 509, and Ex. 520 and 522. These actions are in
16 violation of RCW 36.70A.070(1) regarding protection of the quality and quantity of
17 groundwater used for public water supplies in a -.130 update. These actions are in violation
18 of RCW 36.70A.070(5) in a -.130 update. Supra, this brief at 4 and 7. These actions are
19 inconsistent with the framework established by the cited CPPs and are therefore in violation
20 of RCW 36.70A.210.
21

22 Because of the egregious impact of the adoption of CP Policy 8A-5.3(d) along with
23 the Land Use Designation and Zoning Map we request a finding of invalidity on the Land Use
24 Designation and Zoning Map for Guemes Island with the invalidity applying to all new single
25

1 family building permits as described on page 14 of this brief.

2
3 **IX. ISSUE 10**

4 This section incorporates the argument and evidence provided in the other sections
5 of this brief. SCC 14.24.350(2) (Attachment A hereto) provides the only Seawater Intrusion
6 Mitigation in effect in Skagit County:
7

8 Seawater Intrusion Mitigation. Mitigation for a single-family
9 residence shall be in conformance with the "Seawater
Intrusion Policy" in effect under Chapter 12.48 SCC.

10 The problem with this mitigation is that a review of Chapter 12.48 SCC (Attachment B
11 hereto) shows no mention of a "Seawater Intrusion Policy" in effect in Skagit County nor a
12 cross-reference to SCC 14.24.350(2). The only mention of seawater in Chapter 12.48 SCC
13 is in SCC 12.48.260(1) which states:
14

15 SCPHD may require more extensive testing if a proposed
16 well, or a well nearby the proposed well, is in an area where
water quantity or quality is poor (e.g. seawater intrusion).

17 Skagit County does have an Interim Seawater Intrusion Policy, Resolution # 15570,
18 that was adopted on December 12, 1994. Ex. 514. The policy notes that the State
19 Department of Health has set a chloride limit of 250 parts per million ("ppm") and above this
20 level the water is considered to be polluted. Ex. 514-3. The policy admits that in 1994, "the
21 cumulative effect of additional wells on seawater intrusion into the aquifer is not yet known."
22 Ex. 514-4. With this cumulative effect still not yet known, Skagit County is seeking to
23 promote growth on Guemes Island by its Land Use Designation and Zoning Map and CP
24 Policy 8A-5.3(d).
25

1 The interim seawater policy allows new wells for new building permits and new
2 subdivisions on the island within one half mile from the coast if they pump water at 5 gallons
3 per minute which allows 7,200 gallons per day. Ex. 514-6 to 514-7. It allows new wells
4 more than one half mile from the coast to pump at 8 gallons per minute for a new building
5 permit. Id. Higher pumping rates are allowed anywhere if there is an approved assessment.
6
7 Id.

8 The Skagit County Health Department was reviewing Chapter 12.48 SCC in early
9 2007 and FGI submitted comments pointing out that there was no "Seawater Intrusion
10 Policy" mentioned in Chapter 12.48 SCC. Ex. 531. More importantly, FGI pointed out that
11 the existing aquifers on Guemes Island "may not even be able to sustain in the long term the
12 current level of pumping." Id. FGI cited to a noted hydrogeologist's report (Ex. 522-17 in
13 this record) that the central part of the island would provide acceptable quality ground water
14 supplies which would not experience seawater intrusion only "in the short term." To the best
15 of our knowledge, Skagit County has not updated its 1994 policy or Chapter 12.48 SCC.
16

17 The US Geological Survey issued its report regarding sea water intrusion in 1995
18 showing that 19 percent of the wells on Guemes Island were experiencing seawater intrusion
19 from overpumping of the sole source aquifer (supra, this brief at 11) and yet Skagit County
20 has not yet done any studies to update its inadequate 1994 Seawater Intrusion Policy and it
21 has now adopted CP Policy 8A-5.3(d) and Resolution # R20060184 in spite of "Task Force"
22 recommendations in Ex. 501 that it previously adopted that rejected expanding the schedule
23 day.
24

25 Since the adoption of the Interim Seawater Intrusion Policy, seven more wells have
26

1 failed on Guemes Island from seawater intrusion. This occurred even though there has only
2 been a tiny increase in the number of permanent residents on the Island. Supra, this brief at
3 16.

4 The requirement in SCC 14.24.350(2) is ineffective at addressing seawater intrusion
5 and ineffective in protecting the Guemes sole source aquifer from seawater intrusion. SCC
6 14.24.350(2) should be found not in compliance with the GMA requirement to protect critical
7 areas in RCW 36.70A.060(2), use best available science in RCW 36.70A.172(1) and update
8 the critical areas ordinance in RCW 36.70A.130.

10 X. CONCLUSIONS

11 This Board should give FGI the relief requested to protect the rural character,
12 groundwater, and sole source aquifer on Guemes Island.

13 Dated this 13th day of February, 2008.

15 Respectfully submitted,

17 By:

18 Gerald Steel, PE
19 WSBA #31084
Attorney for FGI

20 FGI2a12.08

21 ATTACHMENTS

- 22 A. Sections of Chapter 14.24 SCC
23 B. Sections of Chapter 12.48 SCC
24

EXHIBITS

- 8 2000 CPPs
- 501 6/20/05 Letter to BOCC from Gerald Steel on behalf of FGI
- 503 6/13/06 FGI Verified Complaint
- 505 Ferry Committee Election Results
- 514 Resolution # 15570
- 519 2000 Land Use Designation and Zoning Map for Guemes
- 520 Report 94-4236, U.S. Geological Survey
- 522 Potlatch Beach Hydrogeologic Study by HongWest & Assoc., Inc.
- 531 FGI Letter to Corrine Story re: saltwater intrusion policy on Guemes
- 775 Ordinance # O20070009 including 2007 Land Use Designation and Zoning Map for Guemes (775-M)
- Opp. Ex. 364, 502, 506, 509, and 513 are attached to Petitioner's Opposition to Dismissal of Prehearing Order Issue 11.

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FGI OPENING BRIEF - 28

Chapter 14.24

CRITICAL AREAS ORDINANCE

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14.24.180	Incentives.
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14.24.410	Initial project review.
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14.24.440	Public review and record.
14.24.500	Fish and wildlife habitat conservation area designations.
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14.24.520	Site assessment requirements.
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14.24.610	Initial project review.
14.24.620	Site assessment requirements.
14.24.630	Flood hazard area mitigation standards.
14.24.700	Compliance tracking.
14.24.710	Fees.
14.24.720	Administrative Official.
14.24.730	Appeals from the Administrative Official.

14.24.300 Aquifer recharge areas.

- (1) Intent. This Section establishes areas determined to be critical in maintaining both groundwater quantity and quality. This Section specifies regulatory requirements to be enacted when development within these areas is proposed to occur and provides a methodology by which Skagit County will determine the level of review and any mitigations required. The intent of this Section is to:
 - (a) Define minimum regulatory requirements to protect groundwater quality and quantity for existing and future use; and
 - (b) Identify the practices, alternatives, or mitigations that can minimize the adverse impacts of proposed projects; and
 - (c) Insure adequate design, construction, management, and operations to protect groundwater quality and quantity.
- (2) Existing and future beneficial uses of groundwater shall be maintained and protected and degradation of groundwater quality that would interfere with or become injurious to beneficial uses shall be avoided or minimized.
- (3) Wherever groundwaters are determined to be of a higher quality than the criteria established for said waters under this Section, the existing water quality shall be protected, and contaminants that will reduce the existing quality thereof shall not be allowed to enter such waters, except in those instances where it can be demonstrated that:
 - (a) An overriding consideration of the public interest will be served; and
 - (b) All contaminants proposed for entry into said groundwater(s) shall be provided with all known, available, and reasonable methods of prevention, control, and treatment prior to entry.
- (4) It is the intent of this regulation to be consistent with and implement the requirements of Chapters 90.48 and 90.54 RCW, Chapters 173-200, 173-201A, 173-160, 246-290, and 246-291 WAC, as the same may hereafter be amended. (Ord. 17938 Attch. F (part), 2000)

14.24.310 Aquifer recharge area designations.

Skagit County, through this Section, hereby designates 2 categories for aquifer recharge areas. These categories are designated to assist the Administrative Official in determining the level of assessment necessary to evaluate specific land use proposals. The categories are based on the determination that certain areas require additional scrutiny of the potential impacts of a proposed land use with consideration given to hydrogeologic vulnerability. All designated areas are subject to change as data and information are updated or become available.

- (1) Designation Categories.
 - (a) Category I areas are those so designated because of the need to provide them special protection due to a specific pre-existing land use, or because they are identified by the County, State or Federal government as areas in need of special aquifer protection where a proposed land use may pose a potential risk which increases aquifer vulnerability.

Category I includes areas served by groundwater which have been designated as a "Sole Source Aquifer Area" under the Federal Safe Drinking Water Act; areas identified within a "closed" or "low-flow" stream watershed designated by the Department of Ecology pursuant to Chapter 90.22 RCW; areas identified by the County as sea water intrusion areas; and areas designated as "Wellhead Protection Areas" pursuant to WAC 246-290-135(4) and the groundwater contribution area in WAC 246-291-100 (2)(e). Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group A public water supply wells, those Group B wells with a wellhead protection plan filed with the Skagit County Health Department, or plats served by 5 or more individual wells where the average lot size is equal to or less than 2 acres for which a well head protection plan has been completed and filed with the Skagit County Health Department. Category I areas are shown on the Aquifer Recharge Area map.
 - (b) Category II is designated as areas throughout the County not identified as Category I areas.
 - (c) When any portion of the proposed project area lies partly within a Category I area, the proposed project shall be subject to the level of scrutiny provided for Category I area. (Ord. 17938 Attch. F (part), 2000)

14.24.320 Applicability and prohibited activities.

- (1) Applicability. All development projects are subject to the provisions of this Section except for the following:
 - (a) Existing activities that currently and legally exist at the time this Chapter became effective June 13, 1996. However, expansions or changes in use are subject to this Section and the review process contained herein.
 - (b) Single family residential building permits, including accessory building permits, which are outside Category I areas.

- (c) Residential short plats outside Category I areas where each lot is 2.5 acres or greater.
- (d) Single-family residential building permits where a site assessment report was required to be completed for the land division, in which case, to meet the conditions of this exemption, the applicant must comply with the recorded plat notes and the applicable mitigations contained in the site assessment report.
- (2) Prohibited Activities. The following activities are prohibited in Category I areas due to the probability and/or potential magnitude of their adverse effects on groundwater:
 - (a) Landfill activities as defined in Chapters 173-304 and 173-351 WAC.
 - (b) Class V injection wells, including:
 - (i) Agricultural drainage wells;
 - (ii) Untreated sewage waste disposal wells;
 - (iii) Cesspools;
 - (iv) Industrial process water and disposal wells; and
 - (v) Radioactive waste disposal.
 - (c) Radioactive disposal sites. (Ord. 17938 Attch. F (part), 2000)

14.24.330 Initial project review.

- (1) General Procedures. Applicants for all development projects not allowed under SCC 14.24.100 or 14.24.320 shall be required, through a site assessment report prepared pursuant to SCC 14.24.340, to evaluate potential impacts to aquifer recharge areas, and appropriate mitigation measures to reduce or eliminate the potential for adversely impacting aquifer recharge areas shall be identified. The level of study and report detail required will be determined by the Administrative Official based on the type of land use being proposed, the designated aquifer recharge area category, and the vulnerability of the underlying aquifer(s) to contamination.

The goal of this Section is to require applicants to identify and characterize vulnerability only to the level necessary to determine appropriate mitigation measures necessary, to either reduce potential adverse impacts to established parameters or eliminate potential adverse impacts to underlying aquifer(s).

- (2) Scoping. The level of study which will be required of the applicant by the Administrative Official for a given development will be based on an initial project review by Skagit County Planning and Development Services that may include staff from the Planning and Health Departments, and the County Hydrogeologist. Elements for the report that are required at a minimum and other elements that may be required as part of the scope for the study are listed in SCC 14.24.340. Subsequent findings from the study or other information made available after the initial project review may obligate the applicant to additional evaluation, development of a mitigation plan, and/or development of a groundwater monitoring plan. The following outlines the review process:
 - (a) The Administrative Official and Health Officer shall review the project and determine the required scope of the site assessment report. The scope of site assessment required shall be conveyed to the applicant and/or his or her representative in writing. The applicant may present evidence to the Administrative Official and Health Officer to justify reduction in the scope for the site assessment report.
 - (b) Four copies of the site assessment report shall be submitted to Planning and Development Services for review. The Administrative Official and/or Health Officer shall either approve the site assessment report as submitted, require additional evaluation, or require development of a mitigation plan. If additional information is required beyond the initial site assessment report, the applicant and/or his or her representative shall be notified in writing of the specifics of the information required. The applicant may present evidence to the reviewing official to justify modification of the requirement for additional information or present alternative or additional mitigation measures in lieu of further study.
 - (c) When, to the satisfaction of the Administrative Official, all information is provided and mitigation(s) established as being in compliance with this Section, the Administrative Official shall make appropriate recommendations for project permit approval. (Ord. 020070009 (part); Ord. 17938 Attch. F (part), 2000)

14.24.340 Site assessment report.

- (1) The scope of the site assessment report shall be determined based on the initial project review specified in SCC 14.24.330. The scope of the report may be reduced by utilizing appropriate mitigation measures, or if the water quality or quantity issue(s) are already known.
- (2) The site assessment report shall be prepared by, or under the direction of, and signed by a professional engineer, licensed in the State of Washington, trained and qualified to analyze geologic, hydrologic, and groundwater flow

systems; or by a geologist or hydrogeologist who earns his or her livelihood from the field of geology and/or hydrogeology and has received a degree in geological sciences from an accredited 4-year institution of higher education and who has relevant training and experience analyzing geologic, hydrologic, and groundwater flow systems.

- (3) Site Assessment Report Requirements. A site plan shall be prepared in accordance with the requirements of Skagit County Planning and Development Services. In addition, a site assessment report shall include:
 - (a) A description of the project including those activities, practices, materials, or chemicals that have a potential to adversely affect the quantity or quality of underlying aquifer(s).
 - (b) Identification of appropriate mitigation measures and description of how they will prevent degradation of underlying aquifer(s).
 - (c) A site plan or another appropriately scaled map showing the approximate location of known or geologically representative well(s) (abandoned and active), spring(s), and surface watercourses within 1,000 feet of the subject project property. All well logs available through the Health Department for identified wells within 1,000 feet of the project property shall be included.
 - (d) A description of the site-specific hydrogeologic characteristics regarding impact to the quantity or quality of underlying aquifer(s). At a minimum this will include a description of the lithology, depth to and static water level of known underlying aquifer(s), and depiction of groundwater flow direction and patterns on the appropriate map.
 - (e) Identification of the initial receptors of potential adverse impacts located hydraulically down-gradient from the project within 1,000 feet or as otherwise directed by the Administrative Official and/or Health Officer.
- (4) Additional Site Assessment Elements. After the initial project review, 1 or more of the site assessment elements listed below may be required based upon the proposed project activity, aquifer recharge area classification, complexity of underlying hydrogeologic conditions, and/or the perceived potential to adversely impact hydraulically downgradient receptors. One or more of these additional elements may also be required if the applicant chooses to demonstrate that certain mitigation measures are not necessary to protect the quantity or quality of the underlying aquifer(s), or that the project does not pose a detrimental risk to hydraulically downgradient receptors.
 - (a) Lithologic characteristics and stratigraphic relationships of the affected aquifer(s) and overlying geologic units (includes soil types) including thickness, horizontal and vertical extent, permeability, and infiltration rates of surface soils.
 - (b) Delineation of identified structural features such as faults, fractures, and fissures.
 - (c) Aquifer characteristics including determination of recharge and discharge areas, transmissivity, storage, hydraulic conductivity, porosity, and estimate of groundwater flow direction, velocity and patterns for the affected aquifer(s).
 - (d) Estimate of precipitation, evaporation, and evapotranspiration rates for the project area.
 - (e) Preparation of appropriate hydrogeologic cross sections depicting at a minimum underlying lithology and stratigraphy, aquifer(s), and potential or probable contaminant pathways from a chemical release.
 - (f) Contaminant fate and transport including probable migration pathways and travel time of potential contaminant release(s) from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s). Includes consideration of advection, dispersion, and diffusion of contaminants in the groundwater.
 - (g) Delineation of areas potentially affected by contaminant migration on the ground surface and/or through the affected aquifer(s).
 - (h) Determination of background or existing groundwater quality underlying the project area.
 - (i) Development of a groundwater monitoring program to measure potential impacts of the development to underlying aquifer(s).
 - (j) Development of a spill plan and/or contingency plan describing the specific actions, which will be taken if a release of a contaminant(s) occurs, or if groundwater monitoring results indicate a contaminant(s) from the site has entered the underlying aquifer(s).
 - (k) The degree of continuity between groundwater and nearby surface water including potential impact to "closed" or "low-flow" streams (as described in SCC 14.24.350) from proposed groundwater withdrawals, and potential impacts to surface water quality from site runoff or contaminated groundwater discharge.

- (l) In conjunction with the Skagit County Interim Seawater Intrusion Policy and subsequent policies or ordinances, applicable projects shall be required to determine appropriate pumping rates and schedules that maintain dynamic drawdown levels above mean sea level.
- (m) Applicable projects such as special use permits, short plats, or long plats shall test existing and/or test wells for nitrate levels and where appropriate calculate the nitrate loading rate at full build-out of the project. If the calculated nitrate loading in the intended water supply equals or exceeds 5 mg/L nitrate as nitrogen, the proposal will need to develop a mitigation plan. The point of compliance shall be determined based on project specifics. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.24.350 Aquifer Recharge Area mitigation.

Planning and Development Services and the Health Department shall review development proposals to assess aquifer(s) vulnerability and establish needed mitigation. Where determined to be necessary through the site assessment process, development approvals shall include conditions designed to prevent significant degradation of water quality or reduction in water quantity in aquifer recharge areas. The project shall not cause degradation of the groundwater quality below the standards described in Chapter 173-200 WAC or Department of Ecology's seawater intrusion policy.

- (1) Wellhead Protection Mitigation. Where a wellhead protection plan that addresses the project area exists, the Administrative Official and/or Health Officer shall use the recommendations contained in the wellhead protection plan as a basis for formulating mitigations. In the absence of such a mitigation plan, Planning and Development Services and/or the Health Department shall contact the Public Water System Water Purveyor and jointly develop mitigations, a summary of which shall be signed by the applicant and recorded with the applicant's property title. Where the project includes 5 or more lots of 2 acres or less in size and is proposed to be served by individual wells, the applicant shall prepare a Wellhead Protection Plan which must be approved by and kept on file with the Skagit County Health Department.
- (2) Seawater Intrusion Mitigation. Mitigation for a single-family residence shall be in conformance with the "Seawater Intrusion Policy" in effect under Chapter 12.48 SCC.
- (3) "Sole Source Aquifer" Mitigation. There shall be no density bonus for CaRD developments in areas designated as a "Sole Source Aquifer," except where the source of water is from a public water system whose source is outside the designated area.
- (4) Nitrate Loading Mitigation. If the project's calculated nitrate loading concentration at the determined point of compliance (per SCC 14.24.340(2)(m)) is equal to or greater than 5 mg/L nitrate as nitrogen, then the project shall be required to place a notification on the documents of title for the property affected and a monitoring plan shall be developed to track the nitrate level and include a contingency plan to be implemented if the nitrate level exceeds 10 mg/L nitrate as nitrogen. If the plat nitrate loading calculation is equal to or exceeds 5 mg/L nitrate as nitrogen, then the applicant shall develop a mitigation plan to reduce the nitrate loading rate below 5 mg/L nitrate as nitrogen.
- (5) Closed/Low-flow Stream Mitigation.
 - (a) If the project area falls within one-half mile of any of the streams identified in Appendix A as a "closed" or "low-flow" stream designated by the Department of Ecology pursuant to Chapter 90.22 RCW, except for projects outside the watershed of that stream and those areas under intertidal influence, the following mitigation measures shall be required, as applicable:
 - (i) Public Water. If an existing public water supply, whose source is outside the watershed, is available to a project property within a low-flow stream watershed, and where the water provider is willing and able to provide safe and reliable potable water, and where the cost of extension of public water to the project is less than or equal to 150% of the cost of developing an on-site water supply, then the project shall be required to connect to the public water supply as a condition of project approval.
 - (ii) Interim Wells. In low-flow stream watersheds, within one-half mile of the designated waterway, the source of potable and irrigation water for development may be either a public water system with its source outside of the low-flow watershed or, under the following conditions, an interim drilled well. A property may be allowed use of an interim well(s) with the condition that the property shall be subject to mandatory participation in a local utility district (LUD) or special improvement district that will provide potable water service to the property. The property owner shall sign written agreement with the County agreeing not to protest the LUD or special improvement district, and have it recorded on the property title before a County permit or land division is approved. The property owner shall also agree through the above written agreement to connect all water fixtures to this public water system as soon as it is available and to

decommission the well(s) in accordance with applicable State and County rules and regulations immediately upon connection to the public system. The interim well shall be limited to 400 gallons per day (gpd) per connection. Projects that can demonstrate compliance with Subsection (5)(c) of this Section may be exempt from this provision with the exception that a mitigation report referencing the hydrological determination shall be recorded on the plat and/or title.

- (iii) Impervious Surfaces. The total impervious surface of the proposal shall be limited to 5% of the total lot area, unless the proposed development provides mitigation that will collect runoff from the proposed development, will treat that runoff, if necessary to protect groundwater quality and discharge that collected runoff into a groundwater infiltration system on site. If a project is connected to a public water system whose source of water is outside of the watershed and if the project uses an approved septic system for sewage disposal, the County may approve an increase in the impervious surface limits of this Subsection, if it is determined that the septic system is providing acceptable compensating recharge to the aquifer.
 - (iv) Lawn Watering. No lawn watering shall be permitted between June 1st and September 30th, provided if the proposed development connects to an existing public water supply as described in Subsection (1)(a)(i) of this Section, or if the proposed development is drawing water from an aquifer that meets the demonstration standard as specified in Subsection (5)(c) of this Section, then this landscape watering restriction shall not apply.
 - (v) Public Water Lines. Where economically feasible, the County should encourage extension of new public water lines to serve existing legal lots of record in these areas through a utility improvement district or other shared funding mechanism provided any such extension outside a urban growth area is specifically designed at rural level of service standards (including possible alternative fire flow mitigation) and is conditioned only to serve rural densities.
 - (vi) Comprehensive Plan. The County shall consider as part of its Comprehensive Plan limitations on the uses and densities within this designated low flow stream corridor to limit new individual wells as necessary to protect base flows.
- (b) There shall be no density bonus for CaRD developments where the water source is in a low-flow watershed, unless the applicant has demonstrated that there is no continuity between the water source(s) and the low-flow stream per Subsection (5)(c) of this Section.
 - (c) If the applicant demonstrates through an appropriate hydrogeologic characterization, as presented in the site assessment report (SCC 14.24.340), that his or her project most probably does not have hydraulic continuity with either a closed or low-flow stream, then the permanent water source for new development may be a private well(s) or a public water system with its source within a closed or low-flow stream watershed.
- (6) Mitigation Plan Elements. For proposals requiring aquifer recharge mitigations, in addition to adhering to any of required mitigations identified above, the applicant shall develop for approval by the Administrative Official a mitigation plan for the proposed development. All mitigation conditions applied to permits shall be based on known, available, and reasonable methods of prevention, control, and treatment. Compliance with the mitigation plan shall be enforceable by the Administrative Official or Health Officer. The applicant may amend the plan with the approval of the Administrative Official and Health Officer. The Administrative Official and Health Officer may, based on performance criteria and/or monitoring results, require additional amendments to the plan. The mitigation plan shall contain the project's permit conditions and, as applicable:
- (a) A description of the mitigation measures to be taken, how they will be implemented, and performance criteria;
 - (b) An environmental monitoring plan describing the monitoring program, maintenance, and reporting requirements;
 - (c) A contingency plan describing corrective actions to be taken if mitigation proves not to be effective in protecting groundwater resources. This includes corrective actions if monitoring results indicate a chemical release to groundwater that poses a health risk to hydraulically down-gradient receptors, or surface drainage controls prove not to protect wells or springs used for potable water. The Health Officer shall have the authority to impose additional required corrective actions where such measures are necessary to protect groundwater resources or human health. Where appropriate contingencies are not feasible and results in an activity posing unacceptable risk to the groundwater resources or human health, the Administrative Official and/or Health Officer shall deny the proposal;

- (d) Multiple stage (or phased development) must consider the total build-out of the project in terms of critical aquifer recharge areas protection to allow for an assessment of the cumulative impacts of the entire development;
- (e) Conditions that would precipitate ceasing the project operation altogether.
- (7) Recording of mitigation plan summaries: The Administrative Official and/or Health Officer may require that the applicant record a County-approved summary of the mitigation plan on his/her property title. A copy of the recorded summary shall be provided to Skagit County Planning and Development Services. At the request of the property owner, the Administrative Official or Health Officer shall approve removal of any recorded mitigation language that is demonstrated no longer to apply to the subject property. The applicant for a land division shall have the mitigation plan recorded as part of the plat notes. If the mitigation plan is not recorded as or referenced by a plat note, the applicant shall record the mitigation plan on the affected property title(s). (Ord. 020070009 (part); Ord. 17938 Attch. F (part), 2000)

14.24.360 Public notice and review.

In addition to the provisions for public notice provided under SCC 14.24.070, the Administrative Official shall provide official Notice of Decision and make the site assessment report available for public review upon approval of the following projects which have undergone critical areas review pursuant to this Chapter:

- (1) All projects occurring in Category 1 areas, except single-family residence or accessory building permits, short subdivisions and short CaRDs;
- (2) All activities identified under SCC 14.24.320(2), regardless of location; and
- (3) Commercial or industrial projects or subdivisions that have the potential to adversely affect the quality or availability of potable water. (Ord. 17938 Attch. F (part), 2000)

14.24.400 Geologically hazardous area designations.

Geologically hazardous areas include erosion hazards, landslide hazards, mine hazards, volcanic hazards and seismic hazards, and shall be designated consistent with the definitions provided in WAC 365-190-080(4). Geologically hazardous areas shall be classified as "known or suspected risk," or "unknown risk." (Ord. 17938 Attch. F (part), 2000)

14.24.410 Initial project review.

A site visit shall be conducted by the Administrative Official to determine whether: (1) "Areas of Known or Suspected Risk" identified below are or may be present within 200 feet of the project or activity; (2) the proposed project or activity is or may be within a distance from the base of an adjacent landslide hazard area equal to the vertical relief of said hazard area; (3) the proposed activity may result in or contribute to an increase in hazard; and (4) whether the project or hazard areas pose a risk to life, property, or other critical areas on or off the project area sufficient to require a site assessment. Areas of known or suspected risk:

- (1) Erosion Hazard Indicators.
 - (a) Those project areas located within 200 feet of map unit delineations #51 Dystic Xerorthents, #99 Mundt and #117 Saxon or mapped as moderate to severe, severe or very severe erosion hazard or as having severe rill and inter-rill erosion hazard as identified in the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey of Skagit County Area, WA. (1989).
 - (b) Those project areas that fall within any soil sloping greater than or equal to 30%.
 - (c) Those project areas that fall on coastal beaches or marine bluffs.
 - (d) The project area falls within areas designated in the Department of Ecology, Coastal Zone Atlas, Washington, Volume Two Skagit County (1978) as U (Unstable), UB (Unstable Bluff), URS (Unstable Recent Slide), or UOS (Unstable Old Slide);-
 - (e) Those project areas that may be considered to have an erosion hazard as a result of rapid stream incision or stream bank erosion.
- (2) Landslide Hazards Indicators.
 - (a) The project area falls within or 200 feet from areas designated in the Department of Ecology, Coastal Zone Atlas, Washington, Volume Two, Skagit County (1978) as U (Unstable), UB (Unstable Bluff), URS (Unstable Recent Slide), or UOS (Unstable Old Slide);



Chapter 12.48
RULES AND REGULATIONS OF THE SKAGIT COUNTY BOARD OF HEALTH
GOVERNING INDIVIDUAL AND PUBLIC DRINKING WATER SYSTEMS*

Sections:

- 12.48.010 Purpose and intent.
- 12.48.015 Drinking water and well construction standards adopted.
- 12.48.020 Applicability.
- 12.48.030 Definitions.
- 12.48.040 Administration.
- 12.48.050 Coordinated water system plan (CWSP).
- 12.48.060 Flow-sensitive basins—Public water system responsibilities, Health Officer duties and exemptions.
- 12.48.090 Individual well site approval.
- 12.48.100 Water right permits, surface water diversions and groundwater withdrawal limits.
- 12.48.110 Individual water system utilizing drilled wells.
- 12.48.120 Group B public water systems.
- 12.48.210 Group A public water systems.
- 12.48.220 Rental housing individual water system requirements.
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- 12.48.250 Individual water systems utilizing alternative sources.
- 12.48.260 Sensitive areas.
- 12.48.270 Water system status report.
- 12.48.280 Waivers and variances.
- 12.48.290 Appeals.
- 12.48.300 Severability.
- 12.48.310 Liability.
- 12.48.320 Effective date.

*Prior history: Resolution 11111.

12.48.010 Purpose and intent.

These rules and regulations are established by the Skagit County Board of Health pursuant to its authority under RCW 70.05.060 and WAC 246290030 permitting local boards of health to enact local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof. The purpose of these rules is to:

- (1) Define minimum regulatory requirements and to protect the health of consumers whether they drink from an individual or a public water system and to meet the intent of the Growth Management Act; and
- (2) Comply with and implement the requirements of Chapters 173-160, 246-290 and 246-291 WAC, and Chapters 12.05 and 14.24 SCC; and
- (3) Whenever possible, carry out powers in manners which are consistent with Chapter 90.54 RCW and Chapters 173-503 and 173-505 WAC, as the same may hereafter be amended; and
- (4) Direct the public to the best source of drinking water and the best location for that source of water; and
- (5) Apply the best public health development standards and practices for the protection of drinking water sources. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.015 Drinking water and well construction standards adopted.

The following rules and regulations are hereby adopted as minimum requirements. When any part of these rules and regulations conflicts with another part, the more restrictive rule or regulation shall apply.

(1) Chapter 246-290 WAC, Group A Public Water Systems, as the same may hereafter be amended; and

(2) Chapter 246-291 WAC, Group B Public Water Systems, as the same may hereafter be amended; and

(3) Well construction, capping and abandonment shall conform to Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells, as the same may hereafter be amended. (Ord. O2007004 (part))

12.48.020 Applicability.

(1) These regulations shall apply to all public and individual water systems in Skagit County including incorporated cities. Protocol adopted by incorporated cities must comply with this Chapter.

(2) These regulations establish adequate and potable water supply requirements for building permits and land divisions.

(3) Exemptions. The following development proposals are not subject to the provisions of these regulations:

(a) Non-bedroom additions; or

(b) Repair or replacement of existing legal buildings of record with the same square footage or less. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.030 Definitions.

For the purposes of these regulations the following definitions together with those in Chapters 173-160 and 246290 WAC shall apply unless the context thereof clearly indicates to the contrary.

"Adequate water supply" means a water supply which is capable of supplying at least three hundred fifty (350) gallons of water per day, meets siting criteria established by State and local regulations, and meets water quality standards in SCC 12.48.110.

"Affected Indian tribe" means any Indian tribe, band, nation or community that is federally recognized by the United States Secretary of the Interior and that will or may be affected by a development proposal.

"Alternative source" means a drinking water source other than a drilled well constructed in conformance with Chapter 173160 WAC and drilled by a licensed well driller, including a spring, dug well, jetted or driven point, cistern, homeowner-drilled well, or surface source.

"Aquifer assessment" means a SCPHD assessment of the aquifer's ability to serve a land division. This includes, but is not limited to:

(a) Copies of all available well logs within onequarter (1/4) mile of the development;

(b) Approved sewage system site evaluation(s) and/or designs;

(c) Well site approval(s);

(d) U.S.D.A. Soil Conservation Service soil map of the project site; and

(e) Any other pertinent geological or topographical data.

"Board of Health" means the Board of Health of Skagit County pursuant to the provisions of Chapter 70.05 RCW.

"Building permits" means building permits and their related prior land use approvals for which either a connection to, or a determination of, adequate and potable water is required. This includes related land use approvals that could affect future building permits such as: special use permits, variances, "quasijudicial" property rezones, shoreline substantial development/conditional use permits, and boundary line adjustments.

"CWSP" means the Skagit County Coordinated Water System Plan.

"DOH" means the Washington State Department of Health.
 "Ecology" means the Washington State Department of Ecology.
 "Evaluation" means:
 (a) Review of an individual water system by the SCPHD using SCC 12.48.110; or
 (b) Review of a public water system by either the SCPHD or DOH using SCC 12.48.220
 and Chapters 246-290 and 246-291 WAC.
 "Flow-sensitive basin" means a sub-basin management unit as identified in Chapter 173-503 WAC or a stream management unit as identified in Chapter 173-505 WAC.
 "Group B public water system" means a public water system that meets the Group B public water system definition as stated in Chapter 246-291 WAC.
 "Health Officer" means the Health Officer of Skagit County or his authorized representative.
 "Individual water system" means a water system serving or proposed to serve a single-family dwelling unit.
 "Land division" means an application for land development that proposes to create new lots or additional building sites, including long subdivision, short subdivision, planned unit developments, mobile home parks, and binding site plans.
 "MCL" means the maximum contaminant level permissible in water delivered to any individual water system user.
 "PDS" means Skagit County Planning and Development Services.
 "Plot plan" means a project site drawing depicting:
 (a) First and second choice for well location with one hundred (100) foot radius; and
 (b) Within one hundred (100) feet of the well:
 (i) Property dimensions, easements, related zoning and north indicator arrow,
 (ii) Adjoining properties,
 (iii) Existing and proposed septic tanks, drainfields and replacement drainfield areas, privies, and wastewater piping,
 (iv) Existing and proposed buildings and roads (public and private) with distances,
 (v) Lakes, streams, ditches, and swampy areas,
 (vi) Slope with direction and percent, and
 (vii) Other potential sources of contamination (e.g., underground storage tanks, railroad tracks, etc.)
 "Potable" means water suitable for drinking.
 "Public water system" means a system providing water for human consumption that is not an individual water system.
 "RCW" means the Revised Code of Washington.
 "Sanitary survey" means an on-site inspection of an existing public water system, performed by the Health Officer, including, but not limited to, the water source and its suitability for a public water supply, the physical construction of the system, the bacteriological and chemical quality of the water, source and system capacity, and compliance with state and local regulations.
 "SCC" means the Skagit County Code.
 "SCPHD" means the Skagit County Public Health Department.
 "Sensitive area" means an area where drilled wells have been known to have potential quantity or quality problems.
 "Spring" means a source of water percolating laterally through permeable material overlying an impermeable stratum or where the land surface intersects the water table.
 "USGS" means the United States Geological Survey.
 "WAC" means the Washington Administrative Code.
 "Water system status report" means a report filed with the Auditor's Office that provides the status of the water system.
 "Water well report" means a record of the construction or alteration of a well which is completed and filed with Ecology in accordance with Chapter 18.104 RCW.

"Well driller" means a person who is licensed by Ecology.

"Well-protection zone" means an area around a well that protects the well from contamination. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.040 Administration.

- (1) The SCPHD will evaluate individual water systems according to this Chapter.
- (2) These rules and regulations pertaining to public water systems are administered according to the interagency agreement between the DOH and the SCPHD.
- (3) PDS shall not issue any building permit for a structure with plumbing, or land division approvals until the Health Officer has approved the water system.
- (4) Fees shall be charged in accordance with the most recently adopted SCPHD schedule of charges or PDS fee schedule. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.050 Coordinated water system plan (CWSP).

- (1) As required in Chapter 246293 WAC, before a new public system is created, the applicant shall contact existing nearby purveyors to provide service. The service should be both timely and reasonable.
- (2) The Health Officer shall inform applicants for individual water systems of nearby approved public water systems.
- (3) The CWSP will define service areas.
- (4) Design standards in the CWSP shall be compatible with the County's Comprehensive Plans and/or Zoning Map with consideration given to public health. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.060 Flow-sensitive basins—Public water system responsibilities, Health Officer duties and exemptions.

- (1) Public Water System Responsibilities.
 - (a) All new public water systems within flow-sensitive basins shall install and maintain water source meters.
 - (b) All public water systems expanding after April 14, 2001, for areas subject to Chapter 173-503 WAC or after September 26, 2005, for areas subject to Chapter 173-505 WAC shall install and maintain water source meters.
 - (c) Public water systems that provide water service in flow-sensitive basins established in WAC 173-503-074 and 173-505-090 shall provide an annual report of monthly water use data to the Health Officer.
- (2) Health Officer Duties. The Health Officer shall:
 - (a) Estimate the amount of water used or to be used for development activities established after April 14, 2001, that are located within a flow-sensitive basin defined in WAC 173-503-074 and development activities established after September 26, 2005, that are located within a flow-sensitive basin defined in WAC 173-505-090. Water estimates shall be based on actual meter data for new and expanding public water systems, where available. For individual wells and where meter data are otherwise unavailable, the Health Officer shall assume average daily demand of three hundred fifty (350) gallons per day for each new residential connection, reduced by fifty (50) percent of average daily demand to account for return flows, except to the extent sewage is transported outside the flow-sensitive basin for disposal.
 - (b) Provide an annual report to the Administrative Official, Ecology and affected Indian tribes of the amount of water remaining for each reservation quantity established in WAC 173-503-074 or the amount of water available established in WAC 173-505-090.
 - (3) Exemptions. The Health Officer's estimate of water use developed pursuant to Subsection (2)(a) of this Section shall not include water uses that are otherwise exempt from reservation quantity limits pursuant to Chapters 173-503 or 173-505 WAC. (Ord. O2007004

(part))

12.48.090 Individual well site approval.

(1) Well site approval for an individual water system must be performed by the SCPHD or a licensed well driller. The Health Officer has the option to view the well site prior to drilling. The applicant is responsible for advising the inspecting authority regarding the location of all potential sources of contamination.

(2) Lots with Individual Water Systems.

(a) For lots created before January 1, 1992, individual water systems should have one hundred (100) foot minimum well protection zones.

(i) If the well is located on property not owned by the applicant, the applicant will provide proof of easements and/or covenants to the SCPHD; and

(ii) The well must meet Chapter 173-160 WAC.

(b) For lots created after January 1, 1992, applicants for individual water systems must follow the provisions of SCC 12.48.240.

(c) Single-family residences and private roads are not considered a source of contamination for individual systems. Greater setback distances may be required by the Health Officer based on geological and hydrological data or local water quality trends.

(3) Wells located within the sphere of influence of an underground storage tank will comply with Chapter 173-360 WAC. If it is exempted from the underground storage tank regulations, the SCPHD may require appropriate mitigations. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.100 Water right permits, surface water diversions and groundwater withdrawal limits.

(1) Groundwater uses are subject to Chapter 90.44 RCW, and surface water uses are subject to Chapter 90.03 RCW.

(2) When a water right permit is required, a water right permit must be issued by Ecology before SCPHD can proceed with a water system evaluation. Water right permit applications and water well reports are not acceptable substitutes. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.110 Individual water system utilizing drilled wells.

(1) An applicant proposing to rely on an individual water system to provide safe and reliable potable water service shall provide evidence of an adequate water supply by submitting the appropriate documents and meeting the requirements of this section:

(a) Water right permit, if required. Water right permit applications and water well reports are not acceptable substitutes.

(b) If the point of withdrawal for an individual water system is located within a flow-sensitive basin as defined in SCC 12.48.030, the applicant must demonstrate that there are no existing public water systems that are able to provide safe and reliable potable water service in a timely and reasonable manner.

(c) Well site approval document issued by the SCPHD or licensed well driller.

(d) Application with scaled plot plan of the project site.

(e) For properties requiring or containing on-site sewage systems, the SCPHD approved sewage system site evaluation(s) shall be included. Site evaluations or designs shall show location and general boundaries for components of the proposed or existing sewage systems.

(f) A detailed water well report.

(g) The written results of a bailer, air line, or pump test, any of which is performed for a minimum of one hour, verifying a minimum well yield of three hundred fifty (350) gallons per day.

(h) Water quality results, analyzed by a DOH certified laboratory, verifying compliance

with minimum standards, including:

(i) Bacteriological satisfactory analysis result for sample collected within the past six months;

(ii) Inorganic chemicals and physical characteristics as listed in Table 1.

Table 1

Inorganic chemical or physical characteristic	MCL (in mg/L unless otherwise stated)
arsenic	0.05
antimony	0.006
barium	2.0
chromium	0.1
fluoride	4.0
mercury	0.002
nitrate	10.0
selenium	0.05
chloride	250
conductivity	700 μ mhos/cm
iron	*
lead	*
hardness	*
manganese	*
pH	*
sodium	*
total dissolved solids	*
turbidity	*
*no MCL	

(A) Results that are above the maximum contaminant level must be resampled to confirm contamination.

(B) Inorganic testing will be acceptable for five years.

(iii) Such other parameters that the Health Officer deems significant based upon local trends of water quality.

(i) Construction documents or general as-built plans, as required.

(j) Additional information deemed necessary by the Health Officer.

(2) For systems needing water treatment equipment, as determined by the Health Officer, detailed water treatment plans will be reviewed by the SCPHD prior to installation, and raw and finished water will be evaluated for potability.

(3) The SCPHD evaluation will be satisfactorily completed before the applicant connects to the well. If SCPHD finds that a health hazard exists and no remedial treatment is available, an unsatisfactory evaluation will result.

(4) A satisfactory well site evaluation will be valid for five years provided that an updated plot plan demonstrates no potential contamination and that nearby wells drilled after the initial evaluation show adequate quality and quantity.

(5) Connecting an individual water system to another water system or water source without approval is prohibited. (Ord. O2007004 (part); Ord. 15314 (part), 1994; Ord. 14063 (part), 1991)

12.48.120 Group B public water systems.

(1) An applicant proposing to establish a Group B public water system, or alter or expand an existing Group B public water system is subject to the requirements stated in Chapter 246-291 WAC in addition to the conditions listed in this Subsection.

(a) The applicant must submit to the SCPHD for review the complete plans and specifications fully describing the proposed project, together with the appropriate application fee.

(b) Plans must be prepared by a professional engineer licensed in the State of Washington, except as noted in Subsection (c) of this Section.

(c) If a proposed system consists of a simple well and pressure tank with one pressure zone, and does not require treatment or special hydraulic considerations, and will not serve more than six (6) connections, the applicant may design the system if he or she plans to reside at the property to be served by the water system, provided he or she has the expertise to operate the proposed system. If the Health Officer determines that additional engineering expertise is required, a professional engineer shall be required to prepare plans and specifications.

(d) Applicant Requirements. If the applicant prepares the plans and specifications for the water system, the Health Officer must perform a final inspection. It shall be the responsibility of the applicant to schedule one or more inspections so the Health Officer can see the entire completed system, including water lines, valves and any other equipment which is to be buried.

(e) Professional Engineer Requirements. In preparation for final inspection by the Health Officer, the professional engineer designing the water system must complete a final inspection of the system and certify on an SPCHD furnished form that the system conforms to the approved plans and specifications. The Health Officer requires twenty-four (24) hour advance notice for final inspections, and may require the engineer to be present during the inspection.

(2) The Health Officer may inspect any Group B public water system for the purpose of conducting a sanitary survey, determining conformance with plans and specifications or to investigate a complaint about the system.

(3) If after investigation the Health Officer finds that any public water system or person fails to comply with Chapter 246-291 WAC, or with this Chapter, the Health Officer shall send a compliance letter to the purveyor of the Group B public water system or to any individual who connects to an unapproved Group B public water system or one that is not approved for the proper number of connections. This letter shall include the following:

(a) Specification of the areas where the public water system or person fails to meet the requirements of Chapter 246-291 WAC, or of this regulation; and

(b) A compliance schedule, which may include any steps designed to bring the public water system into compliance with Chapter 246-291 WAC, or with this Chapter.

(4) Service of the compliance letter shall be made either personally or by mailing a copy of such compliance letter by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, then a copy of the notice and order shall be mailed to such person at the address of the location of the violation and a copy shall be posted in a conspicuous location on the premises. The failure of any such person to receive such notice shall not affect the validity of any enforcement proceedings. Service by mail in the manner herein provided shall be effective on the date of mailing.

(5) Failure to adhere to the compliance schedule shall be punishable by a fine established in the SCPHD schedule of charges.

(a) Each violation of this Chapter shall be a separate and distinct offense, and in the case of a continuing violation each day's continuance shall be a separate and distinct violation.

(b) The fine shall become due and payable within thirty (30) days after receipt of written notice from the Health Officer describing the violation with reasonable particularity and advising

such person that the penalty is due.

(c) This fine may be appealed pursuant to SCC 12.48.290, Appeals.

(6) If a person continues to violate the provisions of this Chapter after being duly informed in writing by the Health Officer that he or she is in violation of these regulations and that he or she shall cease and desist from such violations, the appropriate law enforcement agency shall enforce these provisions.

(7) The Health Officer may make a written request to the Prosecuting Attorney to bring injunctive action against a violator of this Chapter in order to prevent further violation until such time as the violator's case is processed in the courts through and including any appeals.

(8) If the Health Officer finds evidence indicating that an injunction is violated, the Health Officer shall present evidence to the Prosecuting Attorney and request that contempt proceedings be filed in the court issuing the injunction. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.210 Group A public water systems.

(1) Applicants for a land division or building permit shall obtain from the proposed public water system purveyor a completed water system evaluation application stating the system's ability and intention to provide water for the proposed buildings or use(s). The water system must be in substantial compliance with Chapter 246-290 WAC before the PDS permit is issued.

(2) Prior to final approval by the SCPHD and as an alternative to completing installation of a Group A public water system, a land division applicant may provide a performance bond in favor of the SCPHD and sign an agreement with the SCPHD. The bond and agreement shall meet the following conditions:

(a) Guarantee that construction will be completed, including availability of water to each lot, within one year of the date of the approval of the agreement. If the applicant has not completed the water system within this time limit, the Health Officer may use the bond or escrow account referenced in this Subsection to construct the unfinished portions of the water system in accordance with the approved plans and specifications;

(b) The bond shall be on a satisfactory form and in an amount based on an estimate prepared by a professional engineer in conformance with Chapter 246-290 WAC plus thirty-five (35) percent (twenty (20) percent for a two (2) year inflationary period—ten (10) percent for contract expenditure and five (5) percent for administrative costs);

(c) Be to the satisfaction of DOH or the Health Officer and legal counsel for Skagit County;

(d) Before the SCPHD can accept the bond, the applicant must:

(i) Install the water source and pump, test the source for yield and submit bacteriologic, inorganic chemical and physical parameter test results, which must meet the water quality standards set forth in Chapter 246-290 WAC; and

(ii) Submit an itemized list of materials with the water system plans;

(e) The purveyor must install any water treatment facilities necessary to bring water quality into compliance with applicable standards before the SCPHD can accept the bond, and must document the treated water quality through testing to be determined by the Health Officer;

(f) The applicant may substitute an escrow impound account for completion of the water system in lieu of a bond if confirmed in writing to the satisfaction of the County. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.220 Rental housing individual water system requirements.

(1) Landlords must provide adequate and potable water to their renters pursuant to Chapter 59.18 RCW, Residential Landlord Tenant Act.

(2) The water quality and quantity will meet minimum requirements noted in SCC

12.48.110.

(3) In the event that the water supply ceases, the landlord shall:

- (a) Provide potable drinking water within twenty-four (24) hours; and
 - (b) Repair major plumbing fixtures within seventy-two (72) hours (e.g., chlorinator, filters, or other devices that make the water safe); or
 - (c) Show a documented good faith attempt to meet minimum drinking water standards, subject to approval by the Health Officer.
- (4) In the event of a valid complaint, as confirmed by the SCPHD investigation, the rental is to be kept vacant until the drinking water meets the minimum standards unless otherwise provided under Subsection (3)(c) of this Section. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.230 Water requirements for building permits.

- (1) Each applicant for a building permit shall provide evidence of an adequate water supply for the intended use of the building as provided under this Chapter.
- (2) Unless exempted by SCC 12.48.020(3), a building permit application to PDS for a new building or change of use of an existing building which will require potable water must include a satisfactory evaluation by SCPHD declaring that an individual water system or a public water system will serve the building(s) specified in the permit application.
- (3) Final inspection and occupancy approval for any structure will be withheld until legal connection to the required water system has been demonstrated to, and approved by, the jurisdictional authority.
- (4) Boundary line adjustments for lots served by existing or proposed individual water systems must be reviewed and approved by the SCPHD. Applicant must demonstrate that all well protection zones can be maintained and will not be diminished in size. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.240 Water requirements for land divisions.

- (1) Each applicant for approval of a land division must provide evidence of an adequate water supply for the land division as provided under this Chapter. Land division applications to PDS must include:
 - (a) A satisfactory evaluation by the SCPHD declaring that a public water system will serve the land division; or satisfactory evaluation(s) of the existing individual water system(s) as required in SCC 12.48.110.
 - (b) If the land is not in a sensitive area and the applicant chooses to submit the land division application without the completed individual water system evaluation(s), the applicant is required to follow the following procedure:
 - (i) Step one is a SCPHD aquifer assessment with field visit which is to be completed prior to the submission of the PDS application. The applicant will sign and have notarized a disclaimer which acknowledges that the land division will not be approved until the SCPHD satisfactorily evaluates the individual water system(s). Depending on the aquifer assessment information submitted, the SCPHD will conclude one of the following:
 - (A) The development appears to be within or near a sensitive area and each lot must have a satisfactorily evaluated water system.
 - (B) The development appears to be in an area which has an adequate potable water supply, requiring only one of every four (4) lots in the proposed development to obtain a satisfactorily evaluated individual water system. Well locations must be representative of the geology and topography of the development and approved by the SCPHD. If any of the representative wells result in an unsatisfactory evaluation, SCPHD will declare all lots in the development to be within a sensitive area per SCC 12.48.260.
 - (C) If sufficient hydrogeological information is not available to make an assessment, the PDS shall not approve the land division application. Additional hydrogeological information will be requested by the SCPHD and may include additional wells with pump test data.

(ii) Step two is the appropriate evaluation(s) which is to be completed prior to the land division approval.

(c) Bacteriological tests may be waived at the discretion of the SCPHD.

(2) Requests to the PDS for final land division approval must include:

(a) Evidence that all lots have been stubbed at the property line or that buildings have been connected. Appropriate bonding will also be acceptable.

(b) Evidence that the SCPHD has confirmed compliance with Subsection (4) of this Section.

(3) All final plats will have notes that describe the approved public water system. If the water is to be supplied from individual water systems, the following statement shall be shown on the final plat:

Water will be supplied from individual water systems. Contact Skagit County Health Department to determine if additional water quality or quantity testing will be required for building permit approvals.

(4) All land division applicants proposing lots of less than five (5) acres in size must show well protection zone(s) and approved on-site sewage system area(s) on all preliminary and final plat maps.

(5) The one hundred (100) foot radius well protection zone for individual water systems must be located entirely on the proposed lot owned in fee simple, or the owner must have the right to exercise complete sanitary control of the land within the required well protection zone through other legal provisions, such as recorded covenants or easements. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.250 Individual water systems utilizing alternative sources.

(1) The Skagit County Public Health Department discourages alternative sources. Before an alternative source will be allowed by SCPHD, the applicant will be required to:

(a) Provide written documentation why either an approved public drinking water system or a drilled well cannot be utilized; and

(b) Follow appropriate regulations or guidance documents (DOH, Ecology or U.S. Environmental Protection Agency) and provide construction documents, when required; and

(c) Upgrade substandard sources; and

(d) Obtain the SCPHD plan approval before construction begins; and

(e) Collect the water in a drainable covered structure not vulnerable to contamination by surface water; and

(f) Consider surface sources as the last option; and

(g) Provide evidence of legal rights and utility access for well protection control if the source is off-site.

(2) If an alternative source is approved, the applicant and/or property owner shall:

(a) Submit quarterly quality and quantity data on a schedule determined by the SCPHD throughout the year; and

(b) Provide minimum treatment via disinfection and filtration by a method approved by the Health Officer unless sufficient evidence is submitted to the Health Officer showing that the source does not require such treatment. If treatment is used, raw and finished water quality will be evaluated. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.260 Sensitive areas.

(1) SCPHD may require more extensive testing if a proposed well, or a well nearby the proposed well, is in an area where water quantity or quality is poor (e.g., seawater intrusion).

(2) Following DOH and Ecology protocol, SCPHD may require well head source meters for some water systems. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.270 Water system status report.

- (1) A water system status report will be on a form approved by the Health Officer and properly filed with the Auditor's Office under the following circumstances:
 - (a) Quality. The water source contaminants exceed MCL standards, but can be reduced by treatment to the MCL standard or below; or
 - (b) Quantity. The well produces less than three hundred fifty (350) gallons per day; or
 - (c) An alternative source requiring special treatment is utilized; or
 - (d) The evaluation is unsatisfactory.
- (2) If a water system status report is filed for a water system, the system shall not be used for the creation of new lots. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.280 Waivers and variances.

- (1) The Health Officer may upon written petition by the applicant, and upon concurrence of the BOH, waive such rule or regulation or portion thereof; provided, that the waiver is consistent with the intent of these rules and regulations, Chapters 173-160, 246-290 and 246-291 WAC, and that no public health hazard will result. A written response will be made within ten (10) working days of receipt of the petition.
- (2) In the event the regulation to be waived is also a state law or regulation, the concurrence of the Secretary of the DOH or Department of Ecology must be obtained prior to the granting of the waiver.
- (3) Well site variances for individual water systems will be processed by Ecology following Chapter 173-160 WAC. Copies of their written approval must be submitted as part of the application. (Ord. O2007004 (part); Ord. 14063 (part), 1991)

12.48.290 Appeals.

- (1) Persons aggrieved by a notice of violation, order, fine or assessed costs issued pursuant to this Chapter may request a hearing with the Health Officer for the purpose of disputing or requesting a stay or modification of such notice, order, fine or assessed costs.
- (2) A request for hearing before the Health Officer shall be made in writing and served to the Health Officer within ten (10) working days of the serving of the notice, order, fine or assessed costs. The request shall be made by fully completing and submitting a request for hearing form supplied by SCPHD.
- (3) The Health Officer shall hold a hearing not less than twenty (20) days nor more than thirty (30) days from the serving of the notice, order, fine or assessed costs unless mutually agreed upon in writing by the Health Officer and person requesting the appeal.
- (4) Notice of the hearing shall be given the person requesting the appeal and the property owner, if different from the person requesting the appeal, via personal service at least three (3) days prior to the hearing date or via certified mail at least ten (10) days prior to the hearing date.
- (5) Upon holding the hearing requested, the Health Officer shall provide written notice of intent sustaining the order, fine or assessed costs within five (5) working days of the hearing. Notice shall be served personally or via certified mail to the person requesting the appeal and property owner, if different than the person requesting the appeal.
- (6) The aggrieved party may make a written request to appeal the Health Officer's decision to the BOH within ten (10) working days of the date the decision is issued. The request for appeal must meet the requirements of Subsection (2) of this Section. The BOH will hear the request for appeal within sixty (60) days of receipt of the application to appeal the Health Officer's decision.
 - (a) A fee in the amount listed in the most current Skagit County Health Department schedule of charges is due and payable when an appeal of the Health Officer's decision is made to the BOH.
- (7) Following the issuance of the BOH's written decision, an aggrieved person may file a writ of certiorari in a court of competent jurisdiction to appeal such decision within thirty (30)

days of the issuance of such decision.

(8) The filing of a request for hearing or appeal pursuant to this Section shall operate as a stay from the requirement to perform corrective action ordered by the Health Officer, except when:

- (a) The requirement for immediate compliance is issued as an emergency order; or
- (b) When an imminent public health threat exists. (Ord. O2007004 (part): Ord. 14063 (part), 1991)

12.48.300 Severability.

Provisions of these rules and regulations are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of these rules and regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations. (Ord. O2007004 (part): Ord. 14063 (part), 1991)

12.48.310 Liability.

(1) Nothing in this Chapter or the rules adopted under this Chapter creates or forms the basis for any liability on the part of the State and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of any water system to comply with this Chapter or the rules adopted under this Chapter; or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter or the rules adopted under this Chapter on the part of the State and local health jurisdictions, or by their officers, employees, or agents;

(2) All actions of local Health Officers and the secretary shall be deemed an exercise of the State's police power. The Health Officer's responsibility includes reviewing data provided by the applicant. The applicant bears any liability for compliance with all statutes, codes and regulations. (Ord. O2007004 (part): Ord. 14063 (part), 1991)

12.48.320 Effective date.

This chapter shall be in full force and effect June 14, 2007, after its passage and approval as provided by law. (Ord. O2007004 (part): Ord. 14063 (part), 1991)

SKAGIT COUNTY

COUNTYWIDE PLANNING POLICIES

June 15, 2000

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Skagit County

Countywide Planning Policies

The Role of the Skagit County Countywide Planning Policies and the Comprehensive Plan

- i These countywide planning policies shall be the foundation for the Skagit County Comprehensive Plan.
- ii All Elements of the Comprehensive Plan, including maps and procedures, shall comply with these policies. Amendments to the other components of the comprehensive plan shall conform to these policies.
- iii As required by RCW 36.70A.120, all implementing regulations, including zoning maps and zoning regulations, shall be consistent with and implement these policies. Amendments to the implementing regulations shall conform to these policies.
- iv As required by RCW 36.70A.120, all planning, land use permitting actions and capital budgeting decisions shall be made in conformity with the adopted comprehensive plan.
- v The Skagit County Comprehensive Plan adopts by reference the following functional plans: Shoreline, Drainage, Floodplain, Schools, Special Districts, Parks and Recreation, Transportation, Watershed, the Coordinated Water System Plan and any other functional plans adopted by Skagit County. Each referenced plan shall be coordinated with, and consistent with, the Comprehensive Plan.
- vi All disputes over the proper interpretation of other functional plans and all implementing regulations, including zoning maps and zoning regulations, shall be resolved in favor of the interpretation which most clearly achieves Countywide Planning Policies.
- vii Skagit County shall pursue methods of collecting and displaying statistics, maps and other information necessary for government.
- viii Upon adoption of the county-wide Comprehensive Plan, sub-area plans will be considered to address homogeneous natural features and communities.
- ix A definition section will be incorporated into the final Comprehensive Plan document. Some definitions are clearly articulated in state statutes and local government implementing ordinances or regulations. Other words which are undefined at this time will be clarified through the Element development process.

1. URBAN GROWTH

ENCOURAGE URBAN DEVELOPMENT IN URBAN AREAS WHERE ADEQUATE PUBLIC FACILITIES AND SERVICES EXIST OR CAN BE PROVIDED IN AN EFFICIENT MANNER.

- 1.1 Urban growth shall be allowed only within cities and towns, their designated UGAs and within any non-municipal urban growth areas already characterized by urban growth, identified in the County Comprehensive Plan with a Capital Facilities Plan meeting urban standards. Population and commercial/industrial land allocations for each UGA shall be consistent with those allocations shown in the following table:

URBAN GROWTH AREAS	RESIDENTIAL POPULATION (2015)	COMMERCIAL/INDUSTRIAL LAND ALLOCATIONS (NEW)
Anacortes	18,300	558
Bayview Ridge ¹	3,420	750
Burlington	7,065	242
Concrete	1,561	28
Hamilton	315	60
La Conner	930	2
Lyman	370	0
Mount Vernon	41,725	869
Sedro-Woolley	12,030	243
Swinomish	2,720	0
Reserve ²	909	0
NON-URBAN GROWTH AREAS		
Other Unincorporated County	48,355	584 ³
TOTAL COUNTY	137,700	3,336

¹ The residential population has been placed in a reserve category until the completion of the Bayview Ridge subarea plan. At that time, it will either be accommodated in the proposed Bayview Ridge UGA, reallocated to other

- 1.2 Cities and towns and their urban growth areas, and non-municipal urban growth areas designated pursuant to CPP 1.1, shall include areas and densities sufficient to accommodate as a target 80% of the county's 20 year population projection.
- 1.3 Urban growth areas shall provide for urban densities of mixed uses and shall direct development of neighborhoods which provide adequate and accessible urban governmental services concurrent with development. The GMA defines urban governmental services as those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.
- 1.4 Urban growth areas shall include greenbelt, open space, and encourage the preservation of wildlife habitat areas.
- 1.5 Cities shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.
- 1.6 Annexations beyond urban growth areas are prohibited.

UGAs, or a combination thereof. The Port of Skagit County has 258 acres of the designated commercial / industrial properties. A sub-area plan and implementing regulations are to be adopted for the Bayview Ridge UGA by June 1, 2001; the urban standards set forth in this plan/regulations for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. Police and Fire services shall, at a minimum, meet the requirements of CPP 1.7.

² The former Big Lake Urban Growth Area has been redesignated as a Rural Village. The urban residential population allocated to Big Lake (2,400) from the previous CPP 1.1 has been placed in a reserve category, from which 1,491 has been allocated to Sedro-Woolley's, Concrete's, and LaConner's Urban Growth Area as indicated on this revised table. The remaining balance of urban residential population (909) will be reallocated to the urban growth areas in 2002 as a part of the Comprehensive Plan updates required in RCW 36.70A.130.

³ This 584 acres will consist of rural commercial and industrial development permitted by the Growth Management Act (specifically including RCW 36.70A.070(5)(d) and related provisions) and the 1997 ESB 6094 amendments thereto. This development will not constitute development that is urban in scale or character or that requires the extension of urban services outside of urban growth areas, except where necessary to address an existing public health, safety or environmental problem. Permitted development shall be of a scale and nature consistent and compatible with rural character and rural services, and may include commercial services to serve the rural population, natural resource-related industries, small scale businesses and cottage industries that provide job opportunities for rural residents, and recreation, tourism and resort development that relies on the natural environment unique to the rural area. Furthermore, priority consideration will be given to siting of new rural commercial and industrial uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the rural area, and only lastly to wholly undeveloped sites in the rural area.

- 1.7 Development within established urban growth boundaries shall, as a minimum, conform to those urban development standards in effect within the respective municipality as of April, 1, 1999. Bayview Ridge UGA urban standards for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. UGAs with populations of over 1500 or a Commercial/Industrial land allocation (new) over 100 acres shall have, as a minimum, the following levels of urban law enforcement and fire service levels:

Law Enforcement:

One commissioned law enforcement officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is the higher number.

Fire:

Urban fire level of service standard for Urban Growth Areas are as follows:

1. For Cities and their adjacent Urban Growth Areas, an ISO grading of 5 or better shall be maintained; otherwise
2. Within 5 minutes of being dispatched, the Fire Department shall arrive and be able to deliver up to 200 gallons per minute fire flow in an offensive (interior) attack, with a minimum of 4 firefighters, for responses to: structural fires, vehicle fires, other outside fires, motor vehicle accidents, activated fire alarm systems, or other hazardous conditions. The Fire Department shall also be capable of delivering a minimum of Basic Life Support including defibrillation, with a minimum of one First Responder or Emergency Medical Technician, for medical responses.

Within 10 minutes of being dispatched, the Fire Department shall be able to support the interior structural fire attack with teams which may include: a ventilation team, a search & rescue team, a team for a backup line, and standby firefighters, totaling between 8 and 12 firefighters on-scene. The Fire Department shall also be capable of providing Heavy Rescue capability, including heavy hydraulics, at Motor Vehicle Accidents.

Within 20 minutes of being dispatched, the Fire Department shall be capable of delivering 1500 gallons per minute fire flow in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 square feet, the Fire Department shall be capable of delivering 2000 Gallons per Minute, and shall have an elevated master stream capability.

These requirements shall be met for 90% of all incidents.

Mutual aid requested under the Mutual Aid Contract may be used to provide relief to the initial operating crews, but shall not be used to provide initial attack capability, support functions, or sustained attack capability. This does not preclude automatic aid agreements under separate contract which does provide these capabilities or functions from other agencies.

Times are considered to be "Response Time," which shall be measured by the sum of turnout time (the time from dispatch until the first arriving unit is enroute to the incident), plus travel time. Dispatch time shall be allocated a maximum of 1 additional minute which is measured from the time the 9-1-1 call is received until the fire department is dispatched.

All operations shall be conducted in compliance with state and federal regulations, including training requirements for firefighters, and maintenance requirements for equipment and apparatus.

All commercial and industrial facilities shall be inspected for compliance with the Uniform Fire Code at least annually. Water systems shall be installed in accordance with the Skagit County Coordinated Water System Supply Plan, with a fire flow meeting the requirements of the Uniform Fire Code.

- 1.8 All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services, except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

2. REDUCE SPRAWL

REDUCE THE INAPPROPRIATE CONVERSION OF UNDEVELOPED LAND INTO SPRAWLING, LOW-DENSITY DEVELOPMENT.

- 2.1 Contiguous and orderly development and provision of urban services to such development within urban growth boundaries shall be required.
- 2.2 Development within the urban growth area shall be coordinated and phased through inter-agency agreements.
- 2.3 Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, mineral) and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural resources and must address their drainage and ground water impacts.
- 2.4 Master planned sites designated for industrial and large-scale commercial uses shall be clustered, landscaped, and buffered to alleviate adverse impacts to surrounding areas.
- 2.5 Commercial areas should be aggregated in cluster form, be pedestrian oriented, provide adequate parking and be designed to accommodate public transit. Strip commercial development shall be prohibited.
- 2.6 Urban commercial and urban industrial development, except development directly dependent on local agriculture, forestry, mining, aquatic and resource operations, and major industrial development which meets the criteria contained in RCW 36.70A.365, should be restricted to urban or urban growth areas where adequate transportation networks and appropriate utility services are available.

The process to consider siting of specific major industrial developments outside of urban growth areas shall follow the process included in the Memorandum of Understanding between the County and the cities for adoption of Countywide Planning Policies. Major industrial developments shall mean a master planned location for specific manufacturing, industrial, or commercial business that:

1. Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or
2. Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial

development shall not be for the purpose of retail commercial development or multi-tenant office park.

A major industrial development may be approved outside an urban growth area if the following criteria are met:

1. New infrastructure is provided for and/or applicable impact fees are paid;
2. Transit-oriented site planning and traffic demand management programs are implemented;
3. Buffers are provided between the major industrial development and adjacent non-urban areas;
4. Environmental protection including air and water quality has been addressed and provided for;
5. Development regulations are established to ensure that urban growth will not occur in adjacent non-urban areas;
6. Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
7. The plan for the major industrial development is consistent with the County's development regulations established for the protection of critical areas; and
8. An inventory of developable land has been conducted and the County has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth areas.

Final approval of an application for a major industrial development shall be considered an adopted amendment to the Comprehensive Plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of the application shall not be considered an amendment to the Comprehensive Plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

- 2.7 Establishment or expansion of local improvement districts and special purpose taxing districts, except flood control, diking districts and other districts formed for the purpose of protecting water quality, in designated commercial forest resource lands shall be discouraged.

3. TRANSPORTATION

ENCOURAGE EFFICIENT MULTIMODAL TRANSPORTATION SYSTEMS THAT ARE BASED ON REGIONAL PRIORITIES AND COORDINATED WITH COUNTY AND CITY COMPREHENSIVE PLANS.

- 3.1 Multi-purpose transportation routes and facilities shall be designed to accommodate present and future traffic volumes.
- 3.2 Primary arterial access points shall be designed to ensure maximum safety while minimizing traffic flow disruptions.
- 3.3 The development of new transportation routes and improvements to existing routes shall minimize adverse social, economic and environmental impacts and costs.
- 3.4 The Transportation Element of the Comprehensive Plan shall be designed to; facilitate the flow of people, goods and services so as to strengthen the local and regional economy; conform with the Land Use Element of the Comprehensive Plan; be based upon an inventory of the existing Skagit County transportation network and needs; and encourage the conservation of energy.
- 3.5 Comprehensive Plan provisions for the location and improvement of existing and future transportation networks and public transportation shall be made in a manner consistent with the goals, policies and land use map of the Comprehensive Plan.
- 3.6 The development of a recreational transportation network shall be encouraged and coordinated between state and local governments and private enterprises.
- 3.7 The Senior Citizen and Handicapped transportation system shall be provided with an adequate budget to provide for those who, through age and/or disability, are unable to transport themselves.
- 3.8 Level of service (LOS) standards and safety standards shall be established that coordinate and link with the urban growth and urban areas to optimize land use and traffic compatibility over the long term. New development shall mitigate transportation impacts concurrently with the development and occupancy of the project.
- 3.9 An all-weather arterial road system shall be coordinated with industrial and commercial areas.

- 3.10 Cost effectiveness shall be a consideration in transportation expenditure decisions and balanced for both safety and service improvements.
- 3.11 An integrated regional transportation system shall be designed to minimize air pollution by promoting the use of alternative transportation modes, reducing vehicular traffic, maintaining acceptable traffic flow, and siting of facilities.
- 3.12 All new and expanded transportation facilities shall be sited, constructed and maintained to minimize noise levels.

4. HOUSING

ENCOURAGE THE AVAILABILITY OF AFFORDABLE HOUSING TO ALL ECONOMIC SEGMENTS OF THE POPULATION OF THIS STATE, PROMOTE A VARIETY OF RESIDENTIAL DENSITIES AND HOUSING TYPES, AND ENCOURAGE PRESERVATION OF EXISTING HOUSING STOCK.

- 4.1 Local governments shall allow for an adequate supply of land use options to provide housing for a wide range of incomes, housing types and densities.
- 4.2 Public/private partnerships shall be encouraged to build affordable housing and devise incentives for innovative and environmentally sensitive design to meet the housing needs of people with low and moderate incomes and special needs populations.
- 4.3 The Comprehensive Plan should support innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and the transfer of development rights.
- 4.4 The existing affordable housing stock should be maintained and efforts to rehabilitate older and substandard housing, which are otherwise consistent with comprehensive plan policies, should be encouraged.
- 4.5 The construction of housing that promotes innovative, energy efficient and less expensive building technologies shall be encouraged.
- 4.6 Comprehensive Plan provisions for the location of residential development shall be made in a manner consistent with protecting natural resource lands, aquatic resources, and critical areas.
- 4.7 Manufactured home parks shall be allowed only within urban or urban growth boundary areas.

5. ECONOMIC DEVELOPMENT

ENCOURAGE ECONOMIC DEVELOPMENT THROUGHOUT THE STATE THAT IS CONSISTENT WITH ADOPTED COMPREHENSIVE PLANS, PROMOTE ECONOMIC OPPORTUNITY FOR ALL CITIZENS OF THIS STATE, ESPECIALLY FOR UNEMPLOYED AND FOR DISADVANTAGED PERSONS, AND ENCOURAGE GROWTH IN AREAS EXPERIENCING INSUFFICIENT ECONOMIC GROWTH, ALL WITHIN THE CAPACITIES OF THE STATE'S NATURAL RESOURCES, PUBLIC SERVICES, AND PUBLIC FACILITIES.

- 5.1 The development of environmentally sensitive industries shall be encouraged.
- 5.2 Home occupations that do not significantly change or impact neighborhood character shall be permitted.
- 5.3 Economic diversity should be encouraged in rural communities where special incentives and services can be provided.
- 5.4 Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.
- 5.5 A diversified economic base shall be encouraged to minimize the vulnerability of the local economy to economic fluctuations.
- 5.6 Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.
- 5.7 Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.
- 5.8 Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
- 5.9 The primary land use within designated forest resource lands shall be commercial forestry. Residential development shall be strongly discouraged within designated forest resource lands.

- 5.10 Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production.
- 5.11 Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.
- 5.12 Value added natural resource industries shall be encouraged.
- 5.13 Skagit County shall increase the availability of renewable resources and encourage the maximum attainable recycling of non-renewable resources.
- 5.14 Commercial and industrial activities directly related to or dependent on local aquatic resource areas should be encouraged in shoreline areas provided they are shoreline dependent and/or related.
- 5.15 The Comprehensive Plan shall support and encourage economic development and employment to provide opportunities for prosperity.

6. PROPERTY RIGHTS

PRIVATE PROPERTY SHALL NOT BE TAKEN FOR PUBLIC USE WITHOUT JUST COMPENSATION HAVING BEEN MADE. THE PROPERTY RIGHTS OF LANDOWNERS SHALL BE PROTECTED FROM ARBITRARY AND DISCRIMINATORY ACTIONS.

- 6.1 Proposed regulatory or administrative actions shall not result in an unconstitutional taking of private property.
- 6.2 The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety or welfare purpose is served by more restrictive regulation.
- 6.3 Surface water runoff and drainage facilities shall be designed and utilized in a manner which protects against the destruction of private property and the degradation of water quality.

7. PERMITS

APPLICATIONS FOR BOTH STATE AND LOCAL GOVERNMENT PERMITS SHOULD BE PROCESSED IN A TIMELY AND FAIR MANNER TO ENSURE PREDICTABILITY.

- 7.1 Inter-agency agreements with other agencies to facilitate multi-agency permits shall be pursued to better serve the public.
- 7.2 Upon receipt of a complete application, land use proposals and permits shall be expeditiously reviewed and decisions made in a timely manner.
- 7.3 Variances which would allow for a violation of Comprehensive Plan policies shall not be permitted.
- 7.4 New implementing codes and amendments shall provide clear regulations to reduce the possibility of multiple interpretations by staff and applicants.
- 7.5 Impact fees shall be imposed through established ordinances, procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.
- 7.6 Special purpose districts permitted by statute to request impact fees shall to the extent possible utilize similar formulas to calculate costs of new development.

8. NATURAL RESOURCE INDUSTRIES

MAINTAIN AND ENHANCE NATURAL RESOURCE-BASED INDUSTRIES, INCLUDING PRODUCTIVE TIMBER, AGRICULTURAL, AND FISHERIES INDUSTRIES. ENCOURAGE THE CONSERVATION OF PRODUCTIVE FOREST LANDS AND PRODUCTIVE AGRICULTURAL LANDS, AND DISCOURAGE INCOMPATIBLE USES.

- 8.1 Identified critical areas, shorelands, aquatic resource areas and natural resource lands shall be protected by restricting conversion. Encroachment by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting activities.
- 8.2 Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for the production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals.
- 8.3 Forest and agricultural lands located within urban growth areas shall not be designated as forest or agricultural land of long-term commercial significance unless a program authorizing transfer or purchase of development rights is established.
- 8.4 Mining sites or portions of mining sites shall be reclaimed when they are abandoned, depleted, or when operations are discontinued for long periods.
- 8.5 Long term commercially significant natural resource lands and designated aquatic resource areas shall be protected and conserved. Skagit County shall adopt policies and regulations that encourage and facilitate the retention and enhancement of natural resource areas in perpetuity.
- 8.6 When plats, short plats, building permits and development permits are issued for development activities on or adjacent to natural resource lands and aquatic resource areas, notice shall be provided to those seeking permit approvals that certain activities may occur that are not compatible with residences.
- 8.7 Fishery resources, including the county's river systems inclusive of their tributaries, as well as the area's lakes, associated wetlands, and marine waters, shall be protected and enhanced for continued productivity.
- 8.8 Skagit County shall encourage sustainable use of the natural resources of the County, including but not limited to agriculture, forestry, and aquatic resources.

- 8.9 Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long term commercial resource management.

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9. OPEN SPACE AND RECREATION

ENCOURAGE THE RETENTION OF OPEN SPACE AND DEVELOPMENT OF RECREATIONAL OPPORTUNITIES, CONSERVE FISH AND WILDLIFE HABITAT, INCREASE ACCESS TO NATURAL RESOURCE LANDS AND WATER, AND DEVELOP PARKS.

- 9.1 Open space corridors within and between urban growth areas shall be identified. These areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas.
- 9.2 To preserve open space and create recreational opportunities, innovative regulatory techniques and incentives such as but not limited to, purchase of development rights, transfer of development rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.
- 9.3 The use of Open Space Taxation Laws shall be encouraged as a useful method of land use control and resource preservation.
- 9.4 Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.
- 9.5 Property owners shall be encouraged to site and design new construction to minimize disruption of visual amenities and solar resources of adjacent property owners, public road ways, parks, lakes, waterways and beaches.
- 9.6 Development of new park and recreational facilities shall adhere to the policies set out in this Comprehensive Plan document.
- 9.7 The Skagit Wild and Scenic River System (which includes portions of the Sauk, Suiattle, Cascade and Skagit Rivers) is a resource that should be protected, enhanced and utilized for recreation purposes when there are not potential conflicts with the values (fisheries, wildlife, and scenic quality) of the river system.
- 9.8 Incompatible adjacent uses including industrial and commercial areas shall be adequately buffered by means of landscaping, or by maintaining recreation and open space corridors.
- 9.9 A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.
- 9.10 Indoor and outdoor recreation facilities shall be designed to provide a wide range of opportunities allowing for individual needs of those using these facilities.

- 9.11 School districts, public agencies and private entities should work together to develop joint inter-agency agreements to provide facilities that not only meet the demands of the education for our youth, but also provide for public recreation opportunities that reduce the unnecessary duplication of facilities within Skagit County.
- 9.12 In planning new park and recreation facilities, Skagit County shall take into consideration natural features, topography, floodplains, relationship to population characteristics, types of facilities, various user group needs and standards of access including travel time.

10. ENVIRONMENT

PROTECT THE ENVIRONMENT AND ENHANCE THE STATE'S HIGH QUALITY OF LIFE,
INCLUDING AIR AND WATER QUALITY, AND THE AVAILABILITY OF WATER.

- 10.1 Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.
- 10.2 Land use decisions shall take into account the immediate and long range cumulative effects of proposed uses on the environment, both on and off-site.
- 10.3 The County shall reduce the loss of critical aquatic and terrestrial habitat by minimizing habitat fragmentation.
- 10.4 Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.
- 10.5 Skagit County shall recognize the river systems within the County as pivotal freshwater resources and shall manage development within the greater watershed in a manner consistent with planning practices that enhance the integrity of the aquatic resource, fish and wildlife habitat, and recreational and aesthetic qualities.
- 10.6 Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.
- 10.7 Development shall be directed away from designated natural resource lands, aquatic resource areas and critical areas.
- 10.8 The conversion of tidelands to uplands by means of diking, drainage and filling shall be prohibited, except when carried out by a public body to implement a Comprehensive Plan for flood plain management or to respond to a natural disaster threatening life and property.
- 10.9 Septic systems, disposal of dredge spoils and land excavation, filling and clearing activities shall not have an adverse significant affect on Skagit County waters with respect to public health, fisheries, aquifers, water quality, wetlands, wildlife habitat, natural marine ecology and aquatic based resources.
- 10.10 Usual and accustomed activities on natural resource lands and aquatic resource areas shall be protected from interference when they are conducted in accordance with best

management practices and environmental laws.

- 10.11 When evaluating and conditioning commercial, industrial or residential development, Skagit County shall consider threatened or endangered wildlife.
- 10.12 Skagit County shall enter into inter-agency agreements with appropriate state and local agencies and Native American Tribes for compliance with watershed protection, including but not limited to, the cumulative effects of construction, logging and non-point pollution in watersheds.
- 10.13 Skagit County and Cities and Towns, in cooperation with appropriate local, state and Federal agencies, shall develop and implement flood hazard reduction programs, consistent with and supportive of the Corps Feasibility Study.
- 10.14 The Skagit River Floodway and the Skagit River Floodplain shall be regulated to protect human life, property and the public health and safety of the citizens of Skagit County; minimize the expenditure of public money; and maintain flood insurance eligibility while avoiding regulations which are unnecessary restrictive or difficult to administer.
- 10.15 Skagit County and Cities and Towns shall work together to provide ongoing public education about flooding in a coordinated and consistent program, and shall adopt a flood hazard reduction plan, that works together with the natural and beneficial functions of floodplains.

11. CITIZEN PARTICIPATION

ENCOURAGE THE INVOLVEMENT OF CITIZENS IN THE PLANNING PROCESS AND ENSURE COORDINATION BETWEEN COMMUNITIES AND JURISDICTIONS TO RECONCILE CONFLICTS.

- 11.1 Skagit County shall maintain procedures to provide for the broad dissemination of proposals and alternatives for public inspection; opportunities for written comments; public hearings after effective notice; open discussions; communication programs and information services; consideration of and response to public comments; and the notification of the public for the adoption, implementation and evaluation of the Comprehensive Plan.
- 11.2 Skagit County shall continue to encourage public awareness of the Comprehensive Plan by providing for public participation opportunities and public education programs designed to promote a widespread understanding of the Plan's purpose and intent.
- 11.3 For land use proposals, including those within the marine environment, all applicants shall bear the costs for public notification, by mail, and by posting of signs. Affected neighbors and surrounding shoreline owners shall be notified as prescribed by ordinance.
- 11.4 Skagit County shall provide regular and ongoing opportunities for public review and comment throughout the Comprehensive Plan development process.
- 11.5 Skagit County shall encourage citizen participation throughout the planning process as mandated by state statute and codes for environmental, land use, and development permits.
- 11.6 Skagit County shall utilize broad based Citizen Advisory Committees to participate and assist in the development of the Comprehensive Plan Elements, sub-area plans and functional plans.

12. PUBLIC FACILITIES AND SERVICES

ENSURE THAT THOSE PUBLIC FACILITIES AND SERVICES NECESSARY TO SUPPORT DEVELOPMENT SHALL BE ADEQUATE TO SERVE THE DEVELOPMENT AT THE TIME THE DEVELOPMENT IS AVAILABLE FOR OCCUPANCY AND USE WITHOUT DECREASING CURRENT SERVICE LEVELS BELOW LOCALLY ESTABLISHED MINIMUM STANDARDS.

- 12.1 Public facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.
- 12.2 All communities within a region shall fairly share the burden of regional public facilities. (The GMA defines regional public facilities as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks, recreational facilities and schools.)
- 12.3 A process shall be developed for identifying and siting essential public facilities. The Comprehensive Plan may not preclude the siting of essential public facilities. (The GMA defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local corrections facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes.)
- 12.4 Lands shall be identified for public purposes, such as: utility corridors, transportation corridors, landfill, sewage treatment facilities, recreation, schools, and other public uses. The County shall work with the state, cities, communities and utility providers to identify areas of shared need for public facilities.
- 12.5 Lands designated for urban growth by this Comprehensive Plan shall have an urban level of regional public facilities prior to or concurrent with development.
- 12.6 Development shall be allowed only when and where all public facilities are adequate, and only when and where such development can be adequately served by regional public services without reducing levels of service elsewhere.
- 12.7 Public facilities and services needed to support development shall be available concurrent with the impacts of development.

- 12.8 The financing for system improvements to public facilities to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.
- 12.9 New development shall pay for or provide for its share of new infrastructure through impact fees or as conditions of development through the environmental review process.
- 12.10 Public water supply for new development shall conform to or exceed the Coordinated Water System Plan for public water systems.
- 12.11 Future development of land adjacent to existing and proposed schools and other public facilities shall be compatible with such uses.
- 12.12 Library service within the county should be developed and coordinated to assure the delivery of comprehensive services throughout the County, with the county, cities and towns fairly sharing the burden.
- 12.13 A county-wide recycling program shall be developed.
- 12.14 Public drainage facilities shall be designed to control both stormwater quantity and quality impacts.
- 12.15 Skagit County shall provide results of the required six year capital facilities plan, including a financing plan, and these shall be consistent with land use designations.
- 12.16 Citizens shall have the opportunity to participate in and comment on proposed capital facilities financing.
- 12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted "interlocal agreements" that discuss arrangements for transfer of assets and obligations that may be affected by transference of governance or annexation of the service area consistent with the requirements of applicable RCWs.

13. HISTORIC PRESERVATION

IDENTIFY AND ENCOURAGE THE PRESERVATION OF LANDS, SITES, AND STRUCTURES, THAT HAVE HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE.

- 13.1 Skagit County shall cooperate with local historic preservation groups to ensure coordination of plans and policies by the State Office of Archeology and Historic Preservation.

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