

**Jefferson County
Board of County Commissioners**

AGENDA REQUEST

TO: Board of County Commissioners
David Goldsmith, County Administrator

FROM: David Christensen, Natural Resources Division Manager
Al Scalf, Director of Community Development
Larry Fay, Environmental Health Director

SUBJECT: Overview of recent WWGMHB Order re: Seawater Intrusion

I. Statement of Issue:

The Western Washington Growth Management Hearings Board issued a compliance order in December, 2002 regarding the Shine Community Action Council and Olympic Environmental Council appeal of the Jefferson County UDC. The order included a requirement for Jefferson County to "adopt more stringent protection standards applicable to Marrowstone Island or adopt a moratorium on development proposals that rely on a groundwater well as proof of potable water while that more stringent standard is being developed."

The draft "Ordinance Approving Interim Official Controls (Development Regulations) for Marrowstone Island Pursuant to RCW 36.70A.390" is attached.

II. Analysis:

Staff was directed by the BOCC on February 24, 2003 to codify the following changes for inclusion in an interim ordinance:

- Enact a subdivision moratorium on Marrowstone Island until such time as an off-island source of public water is provided
- Designate Marrowstone Island as a "High Risk" Seawater Intrusion Protection Zone (SIPZ) on December 31, 2004 if an off-island source of public water is not yet available.
- Require that all Marrowstone Island residents immediately begin using 1,000 gallons per day or less of water from their wells

In addition, the BOCC directed staff to include the individual elements in the recommendation from the Jefferson County Planning Commission dated February 19, 2003. These elements include the following requirements:

- Closer cooperation between the PUD and Jefferson County
- Develop an accurate map of wells and chloride
- Jefferson County shall monitor 75 wells on Marrowstone Island, 25 in High Risk SIPZ, 25 in At Risk SIPZ, and 25 others.
- Require the use of a variable speed pump for withdrawals of groundwater for all new development

- Installation of a minimum of 1,000 gallon storage tank
- Jefferson County shall monitor wells used for all new development proposals
- Jefferson County shall require flow meters on wells used for all new development proposals

The attached ordinance codifies the regulatory changes. However, there are several issues that staff would like the BOCC to discuss prior to adoption of the interim ordinance. These issues are for administrative clarification and to address fiscal impacts (discussed below).

Administrative Clarifications:

- The adoption of a date in the future at which point the County would no longer accept wells as proof of potable water could potentially create a “rush to drill” prior to the deadline. What is the intent for those that have drilled a well before December, 2004 but do not build a residence until some point in the future?
- What level of enforcement does the BOCC intend for each of these elements?
- What level of staff effort does the BOCC wish to be put toward monitoring, mapping, and databases?
- Staff understood the Planning Commission recommendation to apply regulations to condition new building permits, even though the recommendations specify new wells. Is the staff interpretation consistent with the intent of the BOCC? Alternatively, the regulations could be focused on new wells that are drilled. Regulations focused around new well construction would be challenging to track and implement.
- Staff assumes that the BOCC intended to require storage tanks that meet Washington Department of Health standards.
- For the variable-speed pumps, staff would like some discussion about the intent of having a variable-speed pump. Does the BOCC intend to have staff rely on the pump installer to set these pumps? Is staff expected to oversee the installation or monitor performance of these pumps? Is staff expected to develop protocols and oversee pump testing of wells?
- What is the expectation if staff cannot obtain 75 volunteer monitors?

III. Fiscal Impact Statement

The fiscal impacts from adopting these development regulations and monitoring programs is likely to be significant. The following costs have been identified:

Monitoring program set-up. Approximately 75 wells. The PUD has provided preliminary indications that monitoring could be done under their existing voluntary monitoring agreement. However, Jefferson County staff support will be needed in the following areas:

- Assistance in finding interested parties (mailings, etc.) to get the 75 volunteers and assistance with database management. 50 hours of staff time.
- Database set up and integration—County permit system, well log database, PUD database. 100 hours of staff time.
- Administration and “better cooperation with the PUD”. 50 hours of staff time

However, the PUD voluntary agreement does not include any water meter reading. If property owners are to submit water readings to the County, the system for receiving and storing this information would have to be developed. Further, this information would have to be integrated into existing databases. Staff would do this work in conjunction with the other database tasks identified above.

Thus, to conduct the monitoring program identified by the Planning Commission, staff estimates approximately 200 hours of staff time, which is a one-time cost of \$10,000. The ongoing chloride monitoring would be funded by the PUD.

Installation of variable speed well pumps. The installation of the specialized well pumps themselves is of no benefit unless the well pumps are set appropriately. In the past, County staff has relied on the professional judgment of well pump installers. However, information that has been obtained by the Planning Commission, and other public testimony provided in meetings, indicates that reliance on well pump installers' best judgment may not adequately protect ground water quality. Since there is no certification of well pump installers, or any specific license required by state law, more oversight by the County may be required. The range of staff demands would be from no additional time to expending 200 hours per year for a strict oversight program of well pump installation. Thus, this cost could range between \$0 and \$10,000 per year, depending on the level of certainty that the BOCC feels is necessary to implement this Planning Commission recommendation.

Finally, the additional inspections for building inspectors include flow meters, variable speed well pumps and approved storage tanks. The extra cost for these inspections is likely to be small, with an incremental cost of maybe \$1,000 extra per year.

Thus, the costs for implementing the Planning Commission recommendations includes a \$10,000 up front cost and up to \$11,000 per year thereafter.

IV. Action

The BOCC is being asked to adopt more restrictive development standards or a moratorium on development, as per the Western Washington Growth Management Hearings Board Order.

V. Department Recommendation:

Natural Resources, Department of Community Development, and Environmental Health staff recommend compliance with the Growth Management Hearings Board order. Furthermore, staff requests that the BOCC make funding available to the Department of Community Development to implement the regulations to be adopted. The funding request is for \$21,000 for this fiscal year.

Reviewed:

David Goldsmith
County Administrator