

**Jefferson County Planning Commission
Seawater Intrusion (SWI) Committee**

**Recommendation for MLA03-210
For Consideration by the Full Planning Commission**

With regard to MLA03-210, proposed Comprehensive Plan policy language related to protection of groundwater against seawater intrusion, the Seawater Committee voted unanimously at the October 27, 2003 meeting to suggest that the Planning Commission recommendation to the Board of County Commissioners be the following:

- Hold in abeyance any action on MLA03-210 until the County receives the compliance response expected in the coming weeks from the Western Washington Growth Management Hearings Board.

This recommendation is tendered with the following findings:

1. A Hearings Board response is needed in order to determine if and how the County remains out of compliance with the Growth Management Act (GMA) with regard to groundwater protection against seawater intrusion.
 - a. In particular, the Committee desires to know if the Hearings Board deems a well monitoring program to be an essential component of GMA compliance.
2. The Planning Commission recommended to the Board of County Commissioners in its May 7, 2003 recommendation for Unified Development Code (UDC) amendments related to seawater intrusion that the County establish an intensive two-year well monitoring program on Marrowstone Island and acquire well samples in At Risk and High Risk Seawater Intrusion Protection Zones (SIPZ) in order to update the regulatory SIPZ map.
3. It is the Committee's understanding that no monies have been appropriated to any County departments for this year or for the year 2004 to conduct a well monitoring program and/or acquire well samples in order to update the SIPZ map.
4. It is the Committee's understanding that County staff has not sought outside funding (e.g., grants) to conduct a well monitoring program or update the SIPZ map. It must be noted that a 1996 Jefferson County request for a Centennial Fund water quality grant to conduct well monitoring was rejected by the Department of Ecology on the basis of the Ecology contention that seawater intrusion is a water quantity issue, not a water quality issue.

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5. Public Utility District (PUD) #1 has a memorandum of understanding with the County to conduct a voluntary well monitoring program countywide. The PUD established a list of interested persons, mostly residents of Marrowstone Island, and began acquiring well samples in 2002. The PUD reports that 33 wells are included in the program, with two being added from the sample set of the year 2002. All but one of the wells are located on Marrowstone Island. All but eight of the wells tested in 2002 have been tested again in the late summer and fall of 2003.
 - a. The Committee suggests that the apparent lack of interest in the program, as exemplified by the fact that only two wells have been added to the sample set this year, may be related to the uncertainty of the potential provision of public water on Marrowstone Island and the anticipated conclusion of that decision-making process in the relatively near future.
6. The PUD has scheduled a preliminary assessment hearing for January 2004 for the provision of public water to Marrowstone Island. A decision on whether public water will be provided to the Island is anticipated in early 2004, either at or shortly after the preliminary assessment hearing. The Committee suggests that provision of public water on the Island would influence the level of priority for an intensive well monitoring program on the Island.
7. Because the proposed Comprehensive Plan amendments under case number MLA03-210 are related to a compliance order issued by the Hearings Board, amendments may be able to be adopted outside of an annual Comprehensive Plan amendment process.¹

¹ UDC 9.3 lists Exceptions to the Annual Amendment Process. Subsection 9.3.1.e states as one of these exceptions, "Resolution of a decision by an administrative agency or court of competent jurisdiction..."